

MIDDLETOWN TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA  
May 13, 2019

Minutes of the Regular Meeting of Township Council held on May 13, 2019 at 7:00 P.M. in the Township Administration Building located at 27 North Pennell Road.

---

Present: Stephen Byrne, Mark Kirchgasser, Susan Powell, Norman Shropshire, Walter Bok Read, Andrew Haines, Joe Damico, Esq., Eric Janetka  
Absent: Russ Carlson, Scott Galloway

---

1. OPENING

Chairman Mark Kirchgasser called the meeting of the Council to order at 7:00 p.m. and led recitation of the Pledge of Allegiance to the Flag.

Mr. Kirchgasser asked the public if anyone was videotaping the meeting. Mr. A.G. Ciavarelli, 301 New Darlington Road, stated he was videotaping the meeting.

2. APPROVAL OF MINUTES

Mrs. Powell made a motion to approve the minutes of April 8, 2019 and Mr. Byrne seconded the motion. The motion carried with a vote of 4-0; Mr. Shropshire abstained due to his absence from that meeting.

3. COMMENTS FROM THE PUBLIC

Ms. Rosemary Fuller, 226 Valley Road, asked why the open space was appraised under the R-1A Zoning and if there is intention to develop the property. Ms. Fuller asked if the ME2 and ME2X pipeline is on the property and if Elwyn plans to build houses on the pipeline. Mr. Kirchgasser stated Elwyn cannot build on the pipeline as there is a setback requirement. Ms. Fuller asked if the Township paid for the appraisal and as it was appraised as an R-1A district, is the purchase price of the land more expensive. He stated the appraisal was required by law for the Township to negotiate with Elwyn. Ms. Fuller asked if the property could have been appraised as open space and Ms. Fuller asked if the Township is purchasing the property for open space but paying for R-1A zoning. Mr. Kirchgasser stated the property had been priced to residential development. He stated this is the appraised value, not the market value and appraised at highest and best use. Ms. Fuller asked when the land was purchased from Elwyn for Sleighton Park. Ms. Fuller asked why the dilapidated buildings have not been torn down. Mr. Kirchgasser stated the property belongs to Elwyn and he has asked why the buildings have not been torn down. Mr. Shropshire stated this is not our municipality, the majority of the buildings are in Edgmont. Ms. Fuller stated some of the buildings such as the conservatory and the administration building are in Middletown. Ms. Fuller asked if there are any plans. Mr. Kirchgasser stated there is a proposed plan to develop the 27 acres in Middletown Township and the area in Edgmont Township to be developed. Mr. Shropshire stated there is an agricultural easement on the property

Mr. Kirchgasser stated Elwyn has a plan and will come to the Township. He stated Elwyn is going to liquidate land. Ms. Fuller stated she finds it extraordinary that Elwyn is leaving the

property in this condition and asking for an inflated price for the land because of the R-1A appraisal. Mr. Kirchgasser stated in 2006 the Township spent \$113,000 per acre to purchase the land at Smedley Park.

Mr. Morris Fansler, 60 Barren Road, asked what plans does the Township have for slowing traffic down on Barren Road. He stated he has been to the School Board and the State Police. Mr. Haines stated he will follow up with Trooper Tobin and talk to PennDOT to add additional speed signs. Mr. Kirchgasser stated the Township needs permission from PennDOT to put up speed signs. Mr. Fansler stated the delayed green light on Barren Road and Pennell Road has helped somewhat.

Mr. William Evans, 5 Foxwood Lane, stated it was interesting to hear Mr. Shropshires' difficulties with discussion about Elwyn. He stated he feels this is the same difficulty the residents have in dealing with Council. Mr. Evans stated the appraiser of the Elwyn property inflated the value of the property. He asked why the Township went along with this appraisal. He asked for the Township to withdraw the referendum because it is unfair and a fraud on the public.

Mr. Bruce Downing, Lima, PA, reminded Council of the short service honoring the Veterans on Monday, Memorial Day. He stated he would like people to attend.

Tony D'Amato, 106 Valley Road, stated open space in theory is a good idea but this acquisition makes no sense. He stated he agrees with Ms. Fuller and Mr. Evans' remarks. He stated on April 28 he requested via right-to-know the Phase 1 Environmental Study referenced in the appraisal. He stated he was denied by the right-to-know officer because Pennsylvania state law states that reports do not need to be provided until a decision has been made by Council to proceed with the land purchase. He stated according to the March 25, 2019 minutes, Mr. Shropshire stated the environmental study is in process and will be posted on the website. Mr. D'Amato stated the minutes stated the Township will not go into a project like this without an environmental study. He asked if the cost of the appraisal is part of the budget. He stated he hand delivered a letter on Friday that has not been acknowledged. Mr. Kirchgasser stated the Phase 1 report came back with identified areas for remediation and the Phase 2 report is underway and whatever the cost of the remediation, it will be net neutral to the agreement and no impact to the residents.

Mr. A.G. Ciavarelli, 301 New Darlington Road, thanked the Township for starting construction on the sidewalk across from the Promenade. He stated this is a great asset to the community. He stated he is glad the Artis project is being delayed so the residents can get more information. He stated he is opposed to the project as it will cause more traffic and it is equivalent to 19 single family homes. He stated putting a commercial enterprise does not fit in the Van Leer area. He stated he put a petition on-line and has received 177 people who are opposed to the development. Mr. Kirchgasser asked if this was Middletown residents only. He stated no, but it lists the city and area of where they are located. Mr. Shropshire stated he has never been in favor of re-zoning. He stated what concerns him

even more is the idea that people are going to park at the Promenade and cross the street to get to Penncrest High School. He stated he is not going to encourage students to park on private property and cross Rt. 352 to Penncrest High School or the park.

Ms. Kelly Johnson, 711 Iris Lane, asked what the time-lime is to update the Township's Master Plan. Mr. Kirchgasser stated it is an on-going process, Mr. Shropshire asked the date of the last Comprehensive Plan. Mr. Haines stated the last update was in 2001. He stated the new planner will outline the Comprehensive Plan update process at the next Planning Commission Meeting. Ms. Johnson asked if there will be public involvement in the process. Mr. Haines answered in the affirmative.

4. REPORTS

A. CHAIRMAN

Mr. Kirchgasser stated he wanted to compliment the 65 volunteers who came out to fight the fire for five houses at Sleighton Farm School. He stated he had the pleasure to spend time at Lima Estates with Mr. Byrne and Mrs. Powell to present a sketch plan to two World War II veterans who pressed hard to get a War Memorial built in front of Roosevelt School. He stated Mr. Ollie Armitage, 95, and Woody Benson, 98, received the presentation from Council and received from Representative Quinn plaques recognizing their involvement in the project.

B. COMMITTEE

No Report.

C. MANAGER

Mr. Haines stated the Comprehensive Plan update process will be presented to the Planning Commission tomorrow night. He stated this is usually an 18-month process with many public meetings.

D. ENGINEER

Report accepted by Council.

5. OLD BUSINESS

- A. Consideration for Approval; Ordinance 804, to Rezone 129 N. Middletown Road from R-1 to R-2 Residential Zoning.

Mr. Shropshire made a motion to table the Ordinance until the June 10, 2019 Council Meeting and Mr. Read seconded the motion. The motion carried with a vote of 5-0.

- B. Consideration for Approval; Ordinance 805, Text Amendments to Chapter 275, Zoning Article VI, R-2.

Mr. Shropshire made a motion to table the Ordinance until the June 10, 2019 Council Meeting and Mr. Read seconded the motion. The motion carried with a vote of 5-0.

- C. Consideration to Authorize a Conditional Use for 129 N. Middletown Road for a Personal Care Facility.

Mr. Shropshire made a motion to table the Conditional Use until June 10, 2019 Council Meeting and Mr. Read seconded the motion. The motion carried with a vote of 5-0.

- D. Consideration for Approval; Resolution 2019-34, Preliminary Land Development, Artis Personal Care Facility, 129 N. Middletown Road.

Mr. Shropshire made a motion to table the Resolution until the June 10, 2019 Council Meeting and Mr. Read seconded the motion. The motion carried with a vote of 5-0.

6. PUBLIC HEARING

N/A

7. NEW BUSINESS

- A. Consideration to Introduce; Ordinance 806, Non-Electoral Debt for TRID and Roosevelt Community Center in a Maximum Aggregate Principal Amount of \$10,775,000.00

---

Mr. Haines stated this is Non-Electoral Debt specifically for the TRID program and Roosevelt Community Center. Mr. Haines stated there was a public presentation at the Land Planning Committee on April 8, 2019 of the scope and redesign of the Roosevelt Community Center. He stated the 1921 eastern wing holds the Middletown Township Historical Society and there are classrooms that are being used for community groups. He stated most of the newer wing will hold the Library. He stated the Roosevelt Center will be a 10-year debt issuance and the TRID will be a 14-year issuance. Mr. Kirchgasser advised current resources will fund the 10-year Roosevelt indebtedness and TRID grant funds will cover the majority of the TRID indebtedness. Ms. Liz Havey, Township Bond Counsel, stated the Ordinance when adopted will comply with the Pennsylvania Debt Act and all applicable regulations. She stated they will supply the Township with all documents that DCED requires and will file with the DCED who has 20 days to review and approve at which point the Township will close the bonds and receive the money. Ms. Melissa Hughes, PFM and Township financial advisor, stated the maximum amount in the Ordinance is \$10,775,000. She stated that number is in excess of the actual amount of bonds the Township intends to issue and is by design. She stated the parameter must be laid out in every single maturity so each year what the maximum principal now is in order to have overall level debt for the Township.

Mr. A.G. Ciavarelli, 301 New Darlington Road, asked what the total amount of debt will be. Ms. Hughes stated it will be 8.9 million. Mr. Ciavarelli asked if 4.5 million will go to Roosevelt School. Mr. Kirchgasser stated the Township will provide the core and shell for the structure and the Library at their own expense will get the interior built out. Mr. Ciavarelli asked if the rest will be for the TRID project and Mr. Kirchgasser confirmed affirmatively.

Mr. Charlie Williams, 248 Lenni Road, asked what is the appraised value of the existing Library. Mr. Kirchgasser stated there is value to the property, but it has not yet been appraised.

Mr. Shropshire made a motion to approve the Ordinance and Mrs. Powell seconded the motion. Ordinance 806 carried with a vote of 5-0.

B. Motion to Appoint Ms. Susan Birkhoff - to vacant Board of Health, expiring January 4, 2022.

---

Mr. Haines stated Ms. Birkhoff submitted a letter to Council outlining her qualifications. Mr. Kirchgasser stated Ms. Birkhoff is Dr. Birkhoff and very qualified to fill the position Mr. Read made a motion to approve the appointment and Mrs. Powell seconded the motion. The motion carried with a vote of 5-0.

C. Council Review of Zoning Hearing Board application(s)

1) Application 2019-07: Congregation Beth Yeshua; 28 S. New Middletown Road.

Mr. Haines stated the applicant requests a Variance from minimum lot area for 38 S. Middletown Road which is under agreement. Council stated this application can be handled by the Zoning Hearing Board.

2) Application 2019-08: Frank and Elizabeth Bilotta; 13 Skylar Circle.

Mr. Haines stated the applicant has the right to develop the rear yard and proposes to build a 20-foot deck. Council stated this application can be handled by the Zoning Hearing Board.

D. Approval of May 13, 2019 Bill List

Mr. Kirchgasser read the bill list aloud.

GENERAL FUND		
CJ Tree Experts, LLC	Remove 6 Large Trees	\$ 11,000.00
G.D. Houtman & Son, Inc.	Sleighton Project	\$ 9,950.00
Independence Blue Cross	May Insurance	\$ 8,972.93
	Highway Share	\$ 9,066.55
	Recreation Share	<u>\$ 4,594.64</u>
		\$ 22,634.12
Keystone Municipal Serv. Inc.	Contracted Serv. 3/2519 - 4/18/19	\$ 12,225.00

Linn Architects & Petrosa	Promenade at GR 2/1/19 - 4/2/19	\$ 5,576.50
	Total General Fund	<u>\$ 61,385.62</u>

RECREATION FUND

PNC Credit Card	Supplies	\$ 250.56
	Trips	<u>\$ 19,688.15</u>
		\$ 19,938.71
Touriffic Travel	Nashville, Cleveland- Pittsburgh Trips	\$ 19,239.00
	Total Recreation Fund	<u>\$ 39,177.71</u>

Mrs. Powell made a motion to approve the bill list and Mr. Byrne seconded the motion. The motion carried with a vote of 5-0.

Mr. Kirchgasser adjourned the meeting at 8:10 P. M.

Respectfully Submitted,



Sharon Browne, Recorder