

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
MAY 21, 2025

Minutes of the Regular Meeting of Township Council held on May 21, 2025, at 7:00 p.m. in the Township Building located at 27 N. Pennell Road.

Present: David Bialek, PharmD, R.Ph, Carissa Ciuca, Jackie Donnelly, Susan Powell, Christopher Stump, John McMullan, Mark Damico, Esq., Eric Janetka, Kelly Engineers, Vince Visoskas.

Excused: Bibianna Dussling, Walter "Bok" Read.

1. OPENING: PLEDGE OF ALLEGIANCE TO THE FLAG

Vice-Chairwoman, Ms. Powell, called the meeting of Council to order at 7 p.m. Members of Scout Troop 404 led in the recitation of the Pledge of Allegiance to the flag. The scouts meet at Lima Methodist Church and are attending tonight's meeting to work on their Citizenship in the Community Badge.

2. APPROVAL OF MINUTES:

1) Draft Township Council Minutes: November 20, 2024.

Ms. Donnelly made a motion to approve the November 20, 2024, minutes. Mr. Bialek seconded the motion. The motion carried with a vote of 5-0.

2) Draft Township Council Minutes: December 4, 2024.

Ms. Ciuca made a motion to approve the December 4, 2024, minutes. Mr. Stump seconded the motion. The motion carried with a vote of 5-0.

3. PUBLIC COMMENTS:

Ms. Lori Reynolds, 181 Hunting Hills Lane, stated at two prior Council meetings she spoke about the proposed K-1 school. Both times Council assured the public that no plans have come before the Township. Her clarifying question is before the Township gets the application from the School District what is the Township's relationship and interaction with the School District and the consultants? Mr. McMullan stated the next step would be for the School District to reach out to schedule a Land Planning Committee meeting which is a subset committee of Council which sees most land development applications that comes before the Township. They have not heard from the School District as to when to schedule this meeting. Ms. Reynolds asked what the relationship in the interim is before any application is received. Mr. McMullan stated if the School District reaches out and asks for a meeting with staff, they typically accommodate a meeting with any applicant.

Mr. Bialek stated as an example, this evening there was a Land Planning Committee meeting where Riddle Hospital met with Township staff last week to understand the process of sharing their plans before coming before the committee. Much like any Land Development application, they have the opportunity to meet with Township staff to understand the process and find out when the committee will meet so that they can present their plans. In comparison, the School Board met with Township staff but have not scheduled a meeting with the Land Planning Committee as of yet. Ms. Reynolds stated at the May 8th School Board workshop the consultants presented their plan with a new concept of a circuit road that they

state the Township is looking for. The consultants talk about working with the Township on the impervious surface requirements whether to do two separate projects or one. She doesn't understand why the Township would work a go around from the requirements for impervious surface. She stated it seems as if the consultants are afforded all of this information and the public is getting this information through the School District about what the Township is doing. Mr. McMullan stated the Township affords the public the same information, it is not a work around in terms of stormwater management; it will be what is required by the ordinances.

Mr. Bialek stated he wanted to make one thing certain in regard to hearing one thing from the School Board and deeming it as the truth across the board. This is the opportunity to come before Council and ask the question, is this true? He stated he has heard the comments that this is a done deal which is not true. This may be their plan, but nothing has been shared with Council at this point. Mr. Bialek added the School District has been before Council in the past, so they are familiar with impervious surface requirements and a lot of the expectations the Township has on some of these cases. He just wants care in taking what is heard in one sided conversations as the be-all, end-all.

Mr. Stump stated Ms. Reynolds' concerns are valid and added the process can be confusing, but Township staff may get the phone calls and questions as they are representatives of the ordinances and guidelines. Ms. Reynolds stated the plans for the school are getting enormous. Plans are now for up to 850 students and there is talk of moving the administrative building, adding a parking lot with lights, and a road to connect the school to Barren Road and discussion on how it can be used by the high school. She stated she is discouraged and disheartened by what she is hearing from the School Board.

Mr. Bialek asked Mr. McMullan if there is any way to get ahead of this and bring members of the community and the School Board together to alleviate the miscommunication and misrepresentation. Mr. McMullan stated he can engage the School District to see if they would be interested in this type of meeting. Ms. Reynolds added the School District is looking to link Rose Tree Road with Barren Road to aid with the school buses and assist with student drop-offs. Mr. McMullan explained again the Township has not received any plans and when it does the process will be public. Mr. Bialek stated he is not comfortable with the misrepresentation of the views and comments from Council especially when Council has not taken a position since nothing has been formally presented to Council yet for review.

Mr. Trevor Penning, 614 Hoopes Lane, stated he has two questions regarding Outrigger, Inc. He said there was a Planning Commission meeting last week and at that meeting, Outrigger proposed that they need another extension because they wanted to present a fourth project proposal. His question is, has Outrigger formally requested the extension and because the clock date was meant to expire today what is the new expiration date on the fourth proposal? Mr. McMullan stated Outrigger did present a letter at the end of the Planning Commission meeting last Tuesday granting an extension until July 18, 2025. Outrigger Industrial will be coming to the June 10, 2025, Planning Commission meeting for public comment only. They will not be revising application before that meeting, but they will be coming to the June 10, 2025 Planning Commission meeting at a location still to be determined, and they are still scheduled to be on the July 8, 2025, Planning Commission meeting.

Mr. Penning stated he has one concern about the July 8, 2025 meeting after the July 4th weekend; a number of residents may not be available, and those residents need the opportunity to come after that particular date. Mr. McMullan thanked Mr. Penning and said they will take his concerns into consideration. Mr. Bialek added for clarification, the request for extension is the applicant granting the extension to the Township on the decision that is being made. If they had not allowed for an extension, a decision would have needed to be made today. They basically granted an extension to the Township to submit other paperwork. Mr. Penning stated Outrigger did indicate a fourth version of their plan. He thinks the reason for the extension is two-fold.

Mr. Richard Shaw, 754 Switchman Road, thanked Council and staff for making the arrangements to have the Planning Commission meeting off-site in an auditorium. Two hundred people from the community attended, and it was quite an event. He believes another meeting like that would certainly follow up. He understands there will be a comment only meeting on July 8, 2025.

Mr. McMullan stated June 10, 2025, is a scheduled Planning Commission meeting for public comment only on the Outrigger application and July 8, 2025 is a scheduled Planning Commission meeting where it is likely Outrigger will again present their application. Mr. Shaw stated he sent a letter to the Township on some of his points of concern. He stated there was a very nice letter from Dennis Dunn explaining why this has to be an ongoing process. He stated at the Planning Commission meeting, Outrigger had a number of people presenting and even though there has to be an on-going process, it doesn't seem to him that Outrigger is judiciously working on all the issues that are presented. He knows that there was a February missive that gave several hundred comments from the engineering staff to Outrigger. He stated his impression is Outrigger does not plan to address any of those comments.

Mr. Shaw stated the eighth presenter was speaking about traffic and made it very clear they are not considering looking at redoing the assumptions for the traffic study which would change the traffic volumes. McCormick Taylor had specific requirements that were sent to Outrigger. Specifically comments 37 and 38. He stated speaker number 8 made it very clear she was not looking at anything like that. Another example is speaker number 9 appeared to be a new presenter and spoke about environmental issues and did change the wording in the EIA so that it doesn't say there won't be any impact on environmental issues but did make it very clear in what they wrote, the Township does not have a role in this, it is up to the State. He stated this is unfortunate because McCormick Taylor said specifically that they want a quantification of pollution impacts in what is submitted. Mr. Shaw stated it is clear the process has to be open-ended, but the Township should still prioritize the action items and then manage them to get closure, otherwise it becomes a war of attrition. Mr. Shaw asked the Township to look at this process more formally and push on getting the major issues closed up.

Mr. Paul Lopriatto, 123 Kyle Square, stated he attended the Planning Commission meeting, and he has some quotes to put in the official record. He quoted Scott Henderson who is the Senior Vic-President of Outrigger who said "we met with the head of the State Police Barracks and one of the fire stations, both had indicated to me directly they do not have an issue with the project. We spoke with a manager of the Senior Community across the street and asked

if their residents have any issues or complaints about noise, views etc. with respect to the manufacturing building. This person indicated they did not have any problems and residents enjoy many outdoor activities in and around the facility. He stated he has personally tried to contact the various organizations for confirmation but has been unable to confirm as of yet. He encouraged Council to reach out to see if there are any concerns from these organizations.

Mr. Lopriatto quoted another statement from the meeting, Mr. John Grant from Stantec “ there has been discussions with Sunoco, once we get the plan finalized, they will be provided with a profile to the pipe. There will be a soft dig to identify the elevations of the pipe. There will be work coordination back and forth with Sunoco as we move forward with the project. Just to make sure, nobody wants to have an incident.” Mr. Lopriatto stated this comment alarms him as he lives right next to the proposed project. Any sort of incident with the pipeline would be dramatically adverse affecting everyone in the community. He pointed out in Outrigger’s proposal they have trucks traveling back and forth over the pipeline.

Mr. Lopriatto’s last quote is from Nicole Klein, Traffic Consultant, “it’s a scale level of service, A. it’s the least delay and F is considered a failing condition. Typically, in an urban or suburban area you are looking for a D or better. When we ran our new traffic analysis within our new traffic impact study there are certainly intersections surrounding this area that failed today. We know that Rt. 1 and Rt. 452 are the most notable but when we layered on the traffic from this planned development we did not see significant delay increases. Mr. Lopriatto added there was significant laughter from the audience. “There are some increases but generally there was not any significant impacts of that nature as we distribute traffic through multiple access points, multiply roadways based on comments from the Township Traffic Engineer.” Mr. Lopriatto stated he believes their logic is because we already have failing traffic lights, a hundred trucks a day won’t make it any worse.

4. REPORTS

A. Chair: NONE

B. Committees: Land Planning Committee met on Wednesday, May 21, to discuss a concept plan for a new temporary Urgent Care/Clinic on the grounds of Riddle Hospital.

Ms. Powell reported there was a Land Planning Committee meeting this evening where Riddle Hospital presented a concept plan for an Urgent Care facility on their property to help relieve their Emergency Room strain.

C. Manager: Memorial Day Celebration - Monday, May 26, at 8:00 a.m. at the Middletown Township Building.

Mr. McMullan announced the Memorial Day Celebration will be held at the Township Building on Monday, May 26, 2025, at 8:00 a.m. He stated Mr. Dave Irving who participates in the event is in tonight’s audience. Mr. Bruce Downing, Lima, PA, stated the memorial was dedicated in 1942 and at that point there were 100 scouts in attendance. In the 1950’s they put the memorial in the barn of Larry Weathers where it sat for many years. Finally, a member of the fire company and Mr. Weathers decided to do something. Thanks to Williamson School of the Trades and the Country Press, they resurrected it and placed it where it is today. All the people recognized are from the Lima area. He stated the memorial has stars for the people who passed away. He stated Public Works Foreman, Dan Simcox, twice replaced the roof on the memorial. Mr. McMullan added he replaced the

roof a month ago. Mr. Downing stated he would like to see people come out for the ceremony.

Mr. David Irving, 10 Pembroke Drive, added to Mr. Downing's comments. On D-Day, the 6th of June, 1944, thousands of young soldiers got on landing craft, and they came onto the beaches of Normandy under machine gun fire. Through a lot of difficult combat, they were able to fight the Nazi's. Those young men were at sea at 3 o'clock in the morning. The Township event is at 8 o'clock in the morning. He hopes many can roll out of bed and attend the ceremony. There will be five people from the local VFW post as the honor guard. There will be a two-minute historical comment. Then they will have a gun salute, and the ceremony will conclude with the playing of "Taps." Mr. Irving invited all to attend to honor all who landed at Normandy as well as many other veterans.

D. Engineer: NONE

5. PUBLIC HEARING: NONE

6. OLD BUSINESS:

A. Ordinance 871, renewing the Comcast Franchise Agreement.

Mr. McMullan stated if Council recalls at the May 7, 2025, meeting, they reviewed and introduced Ordinance 871, renewing the Comcast Franchise Agreement. The franchise agreement is being handled by Cohen law firm. The negotiations between the law firm representing the Township were not finished in time for tonight's meeting. Mr. McMullan asked Council to table this item until the first meeting in June, which is June 4, 2025.

Ms. Ciuca made a motion to table Ordinance 871 until the June 4, 2025, meeting. Mr. Stump seconded the motion. The motion carried with a vote of 5-0.

7. COUNCIL WORKSHOP ITEMS:

A. Review: Council Review of Zoning Hearing Board Applications:

1) Application 2025-08: Applicant Paul Carlson, 128 Riper Road, seeking a variance for a maximum 8-foot deck/patio projection into the 15-foot required rear yard to construct a 12'x22' deck and lower patio which will extend an additional 4-feet into the required rear yard beyond the 8-foot allowance, Zoned R-4.

Mr. McMullan stated this item does not require a vote but whether to send representation to the Zoning Hearing Board meeting. Before Council is application 2025-08, Mr. Paul Carlson, 128 Riper Road is seeking a variance for an 8-foot deck/patio projection into the 15' required rear yard to construct a 12'x22' deck, zoned R-4. If Council recalls, this identical zoning application was before them a month ago. At that meeting, Council decided not to send representation.

2) Application 2025-09: Applicant Karen and Peter Toto, 3 N. Bryn Mawr Place, seeking a variance for a minimum and aggregate side yard requirements to construct a 12.5'x27' addition to the existing house which will project to within 11.5 feet from the side property line where 20-feet is required, resulting in an aggregate side yard setback of 39.7-feet where the minimum is 45-feet, Zoned R-2.

Mr. McMullan stated before Council is application 2025-09, Karen and Peter Toto, 3 N. Bryn Mawr Place are seeking a variance for a minimum and aggregate side yard requirement to construct a 12.5'x27' addition to the existing house which will project

to within 11.5' from the side yard property line where 20' is required. This is an R-2 zoning district. The applicant has letters of support from neighbors.

Council did not feel the need to send representation to the Zoning Hearing Board Meeting for either of these applicants.

8. ITEMS FOR APPROVAL:

- A. Consideration for Approval: Resolution 2025-12, Preliminary/Final land development application submitted by Elwyn Schools for a new school building, located at 111 Elwyn Road.

Mr. McMullan stated Council reviewed this application at the May 7, 2025, meeting. Before Council, this evening for their approval is Resolution 2025-12. This was reviewed by Delaware County Planning, and they recommend approval.

Mr. Stump made a motion to approve Resolution 2025-12. Ms. Donnelly seconded the motion. The motion carried with a vote of 5-0.

- B. Consideration for Approval: Resolution 2025-13, authorizing Township Officials as liaisons to Berkheimer Tax Collection.

Mr. McMullan stated this resolution was reviewed by Council at the May 7, 2025 meeting. This is an annual resolution where Council is authorizing the Township Manager and the Finance Director/Tax Collector and the Deputy Tax Collector as authorized representatives for the Township.

Mr. Bialek made a motion to approve Resolution 2025-13. Mr. Stump seconded the motion. The motion carried with a vote of 5-0.

- C. Consideration for Approval: Ordinance 870, installing all-way Stop Signs at the intersection of Howarth Road and Ahrens Lane.

Mr. McMullan stated this ordinance was reviewed and introduced at the May 7, 2025, meeting. The ordinance has been properly advertised. This is a result of a request from the Roads, Highways, and Public Safety Committee to move forward after the Township's Traffic Engineer did a traffic study of Howarth Road. The Traffic Engineer is recommending an all-way stop sign be installed to assist with residents loading and unloading their children on school buses on Howarth Road.

Ms. Ciuca made a motion to approve Ordinance 870. Mr. Bialek seconded the motion. The motion carried with a vote of 5-0.

- D. Consideration to Authorize: Waiving the bidding requirements under Resolution 2025-11, Emergency Declaration, to purchase a 2024 E450 Ambulance in the amount of \$198,950 from Global Emergency Vehicles, Inc.

Mr. McMullan stated as discussed at the May 7, 2025, meeting, as a result of the healthcare crisis in Delaware County as a result of the closure of Crozer Health System which also involves emergency services. They had identified in Middletown Township in order to supplement the efforts to combat the crisis the addition of an ambulance is needed. Under Resolution 2025-11, The Emergency Declaration, this gives the Township the flexibility to waive the bidding process.

Mr. Bialek stated this was a projected purchase within the budget for some time. It was not projected this year but due to the emergency situation within the County it has increased the Township’s emergency needs. This is in full support from the Finance Committee. Mr. Stump noted there have been changes to how volunteers are compensated, but the Township is increasing the ambulance support by 50% but no report on increased personnel. Mr. McMullan stated Rocky Run Fire Company has added personnel due to the closure of Crozer Health System.

Ms. Ciuca asked if the older ambulance would still be in service, and Mr. McMullan stated it would. Mr. Bialek added it will eventually be replaced but due to the urgency it will remain in service.

Mr. Dave O’Donnell, 227 Howarth Road, stated he is at the meeting at the request of his daughter Jen O’Donnell. He thanked Council for approving the stop sign. His daughter is out of town, but her question is what the process is moving forward and how quickly it can be implemented. Mr. McMullan stated they will work on the Howarth Road issue immediately and as with any ordinance, it takes effect 31 days after it is approved

Mr. Chris Vlot , 74 E. Forge Road, asked if public comments could be in written submission. Mr. McMullan stated they can be written, but typically they are specific to an area on the agenda.

Mr. Bialek made a motion to purchase a 2024 E450 Ambulance. Mr. Stump seconded the motion. The motion carried with a vote of 5-0.

E. Approval of the May 21, 2025, Bill List.

Ms. Powell read the Bill List aloud.

ESCROW FUND		
Thomas Comitta Assoc., Inc.	#24560 Outrigger Ind Acq. (FM)	\$ 7,922.30
GENERAL FUND		
American Fire Apparatus	Engine 50	\$ 8,164.82
Arthur J Gallagher Risk Mgmt.	22/23 WC Audit & St. Assessment	\$ 5,780.00
Charles A. Higgins & Sons, Inc.	Traffic Light Maintenance 4/23/25	\$ 10,926.10
Keystone Municipal Services, Inc.	Building Inspections 3/31-4/11/25	\$ 5,550.00
Keystone Municipal Services, Inc.	Building Inspections 3/17-3/28/25	\$ 5,550.00
Opdenaker, Inc	March Recycling	\$ 52,705.20

PA Municipal Health Ins. Co-op	Health Insurance - May	\$ 36,792.27
United Inspection Agency, Inc.	April - Electrical Inspections	\$ 7,207.00
	General Fund Total	<hr/> \$ 132,675.39
	GRAND TOTALS	<hr/> \$ 140,597.69 <hr/>

Mr. Bialek made a motion to approve the bill list. Ms. Donnelly seconded the motion. The motion carried with a vote of 5-0.

Ms. Powell adjourned the meeting at 7:46 pm.

Respectfully Submitted,



Sharon Browne