

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
JULY 13, 2020

Minutes of the Regular Meeting of Township Council held on July 13, 2020 at 7:00 P.M., online as a virtual meeting during the COVID-19 Restrictions and/or Stay-At-Home Order.

Present: Stephen Byrne, Mark Kirchgasser, Kathleen O'Connell-Bell, Susan Powell, Walter "Bok" Read, Norman Shropshire, Vince Visoskas, Meredith Merino, Joseph A. Damico, Jr., Esq., Eric Janetka

Absent: Bibbiana Dussling

1. OPENING/CONVENE ONLINE MEETING: Review Virtual Meeting Rules.

Chairman, Mr. Kirchgasser, called the meeting of the Council to order at 7:00 P.M. He stated the Township is continuing to operate the meetings virtually. He stated Council anticipates returning to public meetings starting August 10, 2020. Mr. Visoskas stated Council members are unmuted and when public comments are permitted, they will be unmuted. Mr. Visoskas reminded the public to give their name and address for the record.

2. PUBLIC COMMENTS

Mr. A. G. Ciaverelli, 301 New Darlington Road, asked if all materials relating to the agenda be posted ahead of time to let the public have time to study the materials. He stated he did not see any materials from the last meeting regarding Sunoco willing to construct the pavilion to be located at Sleighton Park. He stated it is very important for the public to be aware in case they have any questions particularly as it pertains to the easement discussed at the last meeting. Mr. Kirchgasser stated Council made everyone aware of the vote well in advance and negotiations were fluid and all of the information regarding the decision was not available prior to the meeting. He stated he wished all information would be available prior to the meetings but that is not always possible. Mr. Ciaverelli stated he understands negotiating with Sunoco but suggests the vote should be taken when all of the information is available to the public. Mr. Ciaverelli asked if the agreement will be posted on the website. Ms. Merino stated staff is working on getting the agreement fully executed and then will post it on the website. Mr. Ciaverelli asked about the report from Applied Geosciences which spoke of an agreement between them and Sunoco regarding the monitoring system. He asked if Middletown Township is a part of this agreement. Mr. Janetka stated there is no legal document signed, but there are proposals shared with written approvals. He stated in regard to the easement extension, there is a legal document.

Mr. Ciaverelli asked what will happen if Sunoco does not follow through with the monitoring system. Mr. Kirchgasser stated he will discuss this with counsel and follow-up with a phone call to Mr. Ciaverelli.

Ms. Laura Snyder, 1443 Gradyville Road, stated she has reviewed the Engineer's report and has questions about the Geosciences study report and stated there were questions for follow-up and are the answers available to the public at this time.

Mr. Janetka stated all of the questions asked by the Township's expert have been answered to the satisfaction of the Township's consultant. He stated there are no formal written reports

that contain the questions and replies. Mr. Janetka stated the Township's expert sent memos in regard to the questions and answers and is completely satisfied with the answers. Ms. Snyder stated there are very specific questions that were asked, and she would like to see the answers. Mr. Janetka stated the reports that were done were largely in response to the sinkholes that were related to the 16" pipeline. He stated the utilization of casing that ETP decided to utilize was a reaction to reports done late last year and early this year. Ms. Snyder asked if she has specific questions could she write them down and present them to the Township can they then be answered. Mr. Kirchgasser stated if Ms. Snyder would get the questions to the Township, they will direct them to the solicitor to see which questions can or cannot be answered.

3. APPROVAL OF MINUTES - N/A

4. REPORTS

A. CHAIRMAN

1) Notification of Executive Sessions

Mr. Kirchgasser stated there are no Executive Sessions to report.

2) New Manager Update

Mr. Kirchgasser reported the new manager search has been successful and will be approving the appointment of Mr. John McMullan this evening.

B. COMMITTEE

1) Land Planning Committee

Mrs. Powell reported there was a Land Planning meeting this evening regarding Wolf's proposing upgrades to their property. She stated they spoke with Plymouth Brethren Christian Church who is proposing a place to congregate in Middletown Township.

2) Finance Committee

Mr. Byrne stated the Finance Committee met briefly last week to discuss finance options for Smedley Park.

C. MANAGER - NO REPORT

D. ENGINEER

1) SEE ATTACHED REPORT

Mr. Kirchgasser asked if there is a start date on the Roosevelt project. Mr. Visoskas stated there is a pre-construction meeting next Monday and if all goes well should start at the end of the month with a tentative move-in date of June 2021 for the Library.

5. OLD BUSINESS

A. Consideration for Approval: Resolution 2020-17, Preliminary/Final Lot Line Change Plan

for property of Gary Westlake, Sr. located at 450 Lenni Road.

Ms. Merino stated Mr. Westlake is proposing to revise the location of a boundary line that exists at 450 Lenni Road which actually cuts through the location of his existing building. She stated the lot line adjustment would slide the lot line over to give him the ability to create a second lot and eliminate the non-conformity on the first lot. She stated he is requesting waivers that are included in the draft Resolution; a waiver of the Preliminary plan review, a waiver of the placement of concrete monuments and waivers from the Stormwater Ordinance, the requirement that the riparian corridor be expanded to the limits of the 100 year flood plain and the requirement to record a riparian stormwater easement.

Mr. Kirchgasser asked if all is in order. Ms. Merino answered in the affirmative. Mr. Westlake stated he appreciated the cooperation from Council, Ms. Merino and her staff and Mr. Janetka and his staff to get the plan across the finish line. He stated the lot line currently bisects the building and they will be making two five acre lots.

Mr. Shropshire made a motion to approve Resolution 2020-17. Ms. Powell seconded the motion. The motion carried with a vote of 6-0.

B. Consideration for Approval: Ordinance 817: Text Amendment to Chapter 275: Zoning, for Interior and Flag Lots, with a Public Hearing. Continued from May 11, 2020.

Ms. Merino stated Mr. Patrick McKenna, Esq. will be representing the Township.

Mr. Read made a motion to open the Public Hearing. Mr. Shropshire seconded the motion. The motion carried with a vote of 6-0.

SEE ATTACHED STENOGRAPHER'S REPORT.

Mr. Byrne made a motion to close the Public Hearing. Mr. Read seconded the motion. The motion carried with a vote of 6-0.

Ms. O'Connell-Bell made a motion to approve Ordinance 817. Mr. Read seconded the motion. The motion carried with a vote of 6-0.

6. NEW BUSINESS

A. Consideration for Introduction: Ordinance 825 Authorizing Purchase of Easements for Constructing a Multi-Purpose Paved Trail (Westlake Real Estate Easement on Folios 27-00-01181-00 and 27-00-01180-00).

Ms. Merino stated Ordinance 825 and 826 will authorize the Township under the Home Rule Charter to purchase easements for the purpose of constructing a multi-purpose paved trail. She stated Ordinance 825 authorizes the easement purchase along the front edge of Mr. Westlake's property at 450 Lenni Road and would allow the continuation of the Chester Creek Rail Trail onto the Township TRID Trail and ultimately to the SEPTA regional rail station which is currently under construction. Mr. Kirchgasser stated it is important to note under item 6A, which is the Westlake Real Estate easement, which is the parcel to the north and west of the map; and item 6B, which is the Chester Creek Properties, which is the parcel

to the south and east on the map. He stated it is important to note there is a separate parcel that is not for consideration of discussion this evening. Mr. Damico stated the Township is interested in acquiring easements on the property for a walking trail. Mr. Damico stated in order to accomplish this under the Home Rule Charter, it is a requirement to advertise the intention to do this by way of passage of an Ordinance and then passing an Ordinance to authorize Council to acquire the easement and pay the cost of the easement. Mr. Kirchgasser asked Mr. Damico if the Township is still in negotiations for the easement. Mr. Damico stated a draft easement agreement has been submitted for staff review and amendments have been made and are not in the position to present the draft to the owners for their review and comment. Mr. Kirchgasser stated negotiations are not completed yet and Mr. Westlake has operated in good faith and thanked him for his cooperation. Ms. Kelly Johnson, 711 Iris Lane, asked if this will be the same width of the Chester Creek Road and would it provide parking. Ms. Merino stated the easement would be the same width. Mr. Kirchgasser stated there is an ongoing discussion between Mr. Westlake and Delaware County to expand parking.

Mr. John Paulson, 372 Mt. Alverno Road, asked if the center section is still in negotiations. Mr. Kirchgasser stated it is still in negotiation. He stated there has been an appraisal of the property and there is no effort to consummate the deal. Mr. Paulson thanked Council on behalf of the Friends of the Chester Creek Trail.

Ms. O'Connell-Bell made a motion to approve Ordinance 825. Mr. Byrne seconded the motion. Mr. Kirchgasser polled all members of Council for their votes. The motion carried with a vote of 6-0.

B. Consideration for Introduction: Ordinance 826 Authorizing Purchase of Easement for Constructing Multi-Purpose Paved Trail (Chester Creek Properties) Easement on Folio 06-00-00040-00).

Mr. Read made a motion to approve Ordinance 826. Mrs. Powell seconded the motion. Mr. Kirchgasser polled each member of Council for their vote. The motion carried with a vote of 6-0.

C. Consideration to Authorize: Acceptance of Low Bidder for the Smedley Park Phase 2 & 3 project.

Mr. Visoskas stated last month bids were opened and as they only received two bids, the Township rebid the project. He stated they received five bids for the re-bid project. He stated the low bidder is MECO Contractors with the base bid of \$1,199,000. He stated there are three alternates to consider 1) the walking trail 2) baseball and softball infield area and alternate 3) the driveway and parking lot.

Mr. Visoskas stated the total bid including the alternates is \$1,430,000. He stated there has been much discussion over the years regarding the softball fields and that alternate is approximately \$65,000. He stated the engineering staff believe this is a well needed project and should start while there is still time to get grass down as it will take approximately two years for the grass to be established. He stated the finance committee met to discuss

funding. Mr. Visoskas stated the next item on the agenda covers a grant in the amount of \$250,000 that the Township desires to apply for, however, the Township cannot apply for the grant for current work bid now. He stated an option is to postpone the fields until the grant is received. Mr. Shropshire asked if in the terms of agreement do the fields fall under the term of passive recreation. Mr. Damico stated the fields were termed playing fields but did not designate what could or could not be on the fields. Mr. Kirchgasser asked if there is time to make a decision on the size of the field used. Mr. Janetka stated the fields cannot be changed in size because they still have to be graded as per the plans. Mr. Janetka stated the cost is for all three fields and to install a special dirt mix. He stated sod has to also be installed to create the infield lines. Mr. Byrne asked when did baseball fields come into the plans. Mr. Janetka stated one of the fields is baseball and softball, one is an adult softball field and the last is baseball and softball field. He stated two of the fields are dual purpose to allow flexibility for youth baseball. He stated this decision was made several years ago. He stated the decision was made to have the infield with the cutouts and utilize the sod to create a baseball and softball field appearance. He stated only two of the fields will have raised mounds. He stated the mounds can be changed on the baseball/ softball fields to flat and they could be utilized for just softball. Mr. Byrne stated anytime you put a mound on a softball field you are interfering with the game.

He stated they are taking away from girls sports by putting mounds on the fields. Mr. Janetka stated the fields were designed for dual purpose and the baseball field has to have a raised mound. He stated if Council does not want raised mounds, he will let the contractor know. Mr. Visoskas suggested Council can award the base bid tonight and Alternates 1 and 3. He stated the grading will be done for the ball and multi-purpose fields for the base bid. the Township can apply for the grant and next year put out a bid for Alternate 2. Ms. O'Connell-Bell stated she would like to have more information for what the community's field needs are. Mr. Byrne stated the assessment of the number of baseball fields to the number of softball fields in the Rose Tree School District is old. Mr. Shropshire stated he did not see a need for a baseball field.

Mr. Shropshire made a motion to approve the base bid and Alternates 1 and 3. Mr. Byrne seconded the motion. Mr. Kirchgasser polled all members of Council for their votes. The motion carried with a vote of 6-0.

D. Consideration for Approval: Resolution 2020-18, Authorization for Greenways, Trails, and Recreation Program Grant application in the amount of \$250,000 for the Smedley Park project.

Mr. Visoskas stated he recommends the grant be applied for as the deadline is later this month and hopefully there will be enough money to take care of the softball issue and finalize the final phase of the park.

Mr. Shropshire made a motion to approve Resolution 2020-18. Mrs. Powell seconded the motion. Mr. Kirchgasser polled each member of Council for their vote. The motion carried with a vote of 6-0.

E. Review of Zoning Hearing Board Applications:

- 1) Review of revised plan of 305 Howarth Road, setback for detached garage, R-1
- 2) Review of new Zoning Hearing Board application for Plymouth Brethren Church located at 47 N. Middletown Road, R-1.

Ms. Merino stated there is a slight change to 305 Howarth Road application. She stated the setback is 8 feet as opposed to the 5-foot setback. Mr. Shropshire stated there are concerns with some neighbors about the setback and the height of the building. Mrs. Powell asked if the garage is in the same location. Ms. Merino stated it is in the same location but slightly back from the property line. Mr. Kirchgasser stated there should be representation to the Zoning Hearing Board.

Ms. Merino stated the application for 47 N. Middletown Road is for Plymouth Brethren to use an existing dwelling for small church group meetings and storage. She stated they will need a variance from minimum lot size for religious use as a conditional use as the requirement is 5 acres and the property is approximately 4 acres. She stated they are also asking for a variance for the width of a two-way driveway. Mr. Shropshire asked if the property is close to the Children's Academy. Ms. Merino stated it is two properties north of the academy. Mr. Shropshire stated the Township needs to proceed cautiously with this application. Mr. Kirchgasser asked if the property is adjacent to Smedley Park. She stated the Land Planning Committee reviewed the plans tonight and phase 2 of the property is to construct a 10,000 square foot church building to the rear of the existing dwelling and for now they only plan to use the existing dwelling for their church services. Council did not see a need to send representation to the Zoning Hearing Board.

F. Consideration for Approval: Resolution 2020-19, Records Disposition.

Mr. Visoskas stated the Township has scanned numerous documents and once they are digitized they do not need to be retained. He stated the Township follows the PHMC manual of records retention. He stated the documents include subdivision plans, worker's compensation files, food establishment inspections, State ethics forms and swimming pool licenses.

Mr. Shropshire made a motion to approve Resolution 2020-19. Mr. Read seconded the motion. Mr. Kirchgasser polled each member of Council for their vote. The motion carried with a vote of 6-0.

G. Appointment of Mr. John McMullan as Township Manager.

Mr. Kirchgasser stated Council accepted the resignation of Andrew Haines as Township Manager in May and left he in late June. He stated Council immediately began a search for his replacement. He stated the Township received the resumes of five applicants and all were qualified. He stated a committee including Mr. Shropshire, Mr. Read and himself narrowed the field to two final candidates. He stated Council was assisted by Mr. Dave Woglom, of The Meyner Center of Lafayette College with the interview process. Mr. Kirchgasser stated Council unanimously selected Mr. John McMullan. He stated Mr. McMullan is the Finance Director of Upper Darby Township and has Manager experience in Upper Chichester Township. He stated Mr. McMullan presented himself as extremely calm

and focused, is well educated and impressed Council. Mr. Byrne stated he was very impressed with Mr. McMullan and felt his demeanor and style fit what Council was looking for. Ms. O’Connell-Bell stated Mr. McMullan indicated his willingness to be open to the public. Mr. Kirchgasser thanked Mr. Read and Mr. Shropshire for their wiliness to serve on the committee.

Mr. Shropshire made a motion to approve the appointment. Mr. Read seconded the motion. Mr. Kirchgasser polled all members of Council for their vote. The motion carried with a vote of 6-0.

Mr. Shropshire stated Ms. Dussling, who is not attending the meeting, also approved of his appointment. Mr. Read thanked Mr. Visoskas and Ms. Merino for providing staff leadership during the transition.

H. Approval of July 13, 2020 Bill List

Mr. Kirchgasser read the bill list aloud.

GENERAL FUND

A. J. Blosenski, Inc.	May Recycling/Yard Waste	\$	25,690.56
Charles A. Higgins & Sons, Inc.	Repairs & Maintenance/Signals	\$	9,721.61
Independence Blue Cross	June Health Insurance	\$	19,145.35
	Recreation Insurance	\$	<u>2,530.97</u>
		\$	21,676.32
Kelly & Close Engineers	Prof. Services 5/23 - 6/26/2020	\$	14,564.13
Keystone Municipal Service	Contracted Services 5/18/20 - 6/12/2020	\$	22,725.00
Middletown Free Library	Q2 2020 - Library Distribution	\$	87,500.00
	General Fund Total	\$	<u>181,877.62</u>

CAPITAL RESERVE

A.F. Damon, Inc.	Paving	\$	196,608.92
Kelly & Close Engineers	2020 Road Program 5/23/20 – 6/26/20	\$	16,323.93
	Capital Reserve Total	\$	<u>212,932.85</u>

STATE AID

A. F. Damon, Inc.	Paving	\$	<u>171,263.38</u>
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Mr. Shropshire made a motion to approve the bill list. Mrs. Powell seconded the motion. Mr. Kirchgasser polled each member of Council for their vote. The motion carried with a vote of 6-0.

Mr. Kirchgasser adjourned the meeting at 8:14 p.m.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Sharon Browne". The signature is written in a cursive style.

Sharon Browne



Middletown Township Engineer's Report

July 13, 2020
Council Meeting

MARINER 2 PIPELINE

MT100-Ea

- Drilling of the 20-inch pipeline (Drill #591) began in early October 2019, but is presently on hold until geologic investigation of Valley Road (in relation to four subsidence in the area) has been reviewed by the PADEP and the drilling process is approved by PADEP/PUC to move forward. The pilot hole for 20-inch pipeline, which was approximately 90% complete was grouted closed and plugged with foam on both ends. Geophysical study information has been reviewed by the Township's Geophysics/Geology consultant, Applied Geosciences and Engineering (AG&E), and found to be satisfactory. A monitoring plan, recommended by AG&E, has been agreed upon by ETP and is presently being coordinated between ETP (Rettew) and AG&E. The monitoring plan will be to monitor the entry point of the 20-inch HDD for earth features and will include both geophysical studies, surface elevation monitoring, and ground water monitoring, on a continuous basis, before, during and for a period of time after completion of the HDD. This monitoring plan will permit early detection of potential earth features, should they arise. The monitoring will begin prior to drilling re-starting. In addition, metal casing has been installed to reduce the possibility of inadvertent returns at the entry point as well as earth features (subsidence). The monitoring plan has been approved by AG&E. Installation of groundwater monitoring wells began on July 8, 2020.
- Major modification of NPDES and other PADEP Permits for #620 Section of Pipeline is under review by PADEP and has been determined "administratively complete" but technical review of the submission has identified "significant" technical deficiencies that have to be addressed (refer correspondence dated May 27, 2020 from PADEP). Estimated approval date for major modification is unknown. Amended Grading and Excavating Permit is required from Middletown Township for the Drill #620 Major Modification work prior to commencement of construction of this portion of the pipeline (both 16-inch and 20-inch).
- 20-Inch diameter Drill #631 (Gun Club) - The installation of the 20-inch pipeline via direction drilling has begun including the installation of metal casing on both sides of the drill (one end of the drill is in Aston Township). Drilling is from both side (intersect drill) and the pilot hole is complete. The drill

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is in the reaming phase and is approximately 20% complete. The overall drill is approximately 50% completed. It is estimated that this drill will be completed with pipe pull-back in November 2020. Metal casing is being utilized to reduce the possibility of inadvertent returns and ground subsidence.

- Drill #610 (Granite Farms Estates thru Franklin Mint) is complete and pipe pull-back is now complete. Both 16-inch diameter and 20-inch diameter pipelines are now complete at this location.
- Blasting on Franklin Mint property is ongoing and no issues reported thus far. Blasting has been approved by PADEP and Sunoco and it is our understanding that representatives from Sunoco are present during blasting.
- This office is in the process of updating the overall project status report and exhibits, which is done quarterly (approximately). These exhibits graphically depict all work that is complete, partially complete, temporarily restored or incomplete, including stormwater controls, permanent stabilization, landscape plantings, and approximate pipe installations. Engineering certifications have been received for all permanent stormwater controls proposed with this project for compliance with Township Code Chapter 198, Stormwater Management. Controls include both structural and non-structural improvements (e.g. plantings, amended soils, brush seeding). Underground infiltration was recently completed near the west side of Valley Road, approximately 1/8th of a mile north of W. Forge Road.

SEPTA R3-2

MT120-Bwa

- Construction activity is ongoing from near the Elwyn Station to just north of the right-of-way intersection with Rt. 1. Work includes the replacement or rehabilitation of numerous stormwater culverts, replacement of bridges, installation of new bridges, widening and reprofiling of tracks, and roadway improvements.

SEPTA R3-3

MT120-Bwa

- A Grading and Excavation Permit has been issued to SEPTA for grading work associated with the R3-3 Land Development, specifically including the parking garage, driveway and station building. None of the work contemplated with the R3-3 Land Development related to the Lenni welfare building site has begun. None of the structures or buildings associated with the land development (including Lenni welfare building, Wawa Station Building and Parking Garage) are approved to

begin construction as the land development plan is not yet recorded.

TOWNSHIP GUIDERAIL PROGRAM

MT124-E

- Maintenance bond for the 2019 Guiderail program expires September 17, 2020. Contract was for installation of approximately 2,000 LF of metal guiderail (Howarth Road, E. Knowlton Road (North) and Darlington Road (East)). Maintenance bond for the complete work expires September 17, 2020.
- Preliminary design plan is complete for E. Knowlton Road (South), Darlington Road (West) and Valley Road. Bid letting for this work has not yet been scheduled and is projected for 2021. Significant utility pole relocation and tree removal is required for these projects.
- The guiderail program is for the installation and/or replacement of guiderail along the following 6 segments of Township roadway (including the segments associated with the recently completed 2019 contract): Howarth Road, E. Knowlton Road (North), E. Knowlton Road (South), Darlington Road (East), Darlington Road (West) and Valley Road.
- The Township has applied for an A.R.L.E. grant for the completion of guiderail projects in 2021. A.R.L.E. is the Automated Red Light Enforcement Transportation Enhancements Grant Program established in 2010 as a PennDOT-administered competitive grant program in accordance with PA Vehicle Code (75 Pa.C.S.) §3116(l)(2) and §3117(m)(2). Funding for the program is generated from the net revenue of fines collected through Automated Red Light Enforcement Systems. The Township's grant application was accepted in June 2020. Grant applications are accepted annually during the month of June.

TOWNSHIP CODE AMENDMENTS

MT110 SERIES

- The following Codes are in the process of being amended prior to the end of 2021: Chapter 186 (Soil Erosion and Sedimentation Control), Chapter 204 (Streets and Sidewalks), Chapter 210 (Subdivision and Land Development) and Township Standards (construction standards, details and specifications).
- Chapter 198 (Stormwater Management Ordinance) – Amended Ordinance was adopted by Council and went into effect starting on January 9, 2020.

- Handicapped accessible ramp near the entrance to the school site was completed in June 2020.
- Design of additional parking (within the island at the entrance of the property) and related stormwater management facilities is 90% complete. The proposed modification will result in the addition of 10 parking spaces, which will include two handicapped accessible spaces. The design will preserve the large tree at the entrance to the site.

SUNNY BRAE STORMWATER BASIN REVITALIZATION MT100-K

- Awarded Mariner East 2 Pipeline Corridor Grant Funds (\$198,472.00).
- The Township has submitted a PA DCED Flood Mitigation Program Grant application for \$275,000.00 and is awaiting review of the application by the State.
- Basin area is located on land owned by the Township to the rear of #38 Gallant Fox Drive.
- Draft construction plan of the basin revitalization is complete and has been reviewed with Township Staff.
- Temporary construction easement plans are being prepared and will be the basis of acquiring permission from three property owners to complete the project. The Township is in the process of negotiating with property owners for access to adjoining properties to complete the work and approval of scope of work on each impacted property.
- It is desired to commence construction in 2020. This project has been delayed due to COVID-19.
- The Township Landscape Architect, Thomas Comitta Associates, has completed a basin planting and seeding plan.
- This basin revitalization work will be submitted to PADEP as a means to reduce sediment (PRP - Pollutant Reduction Plan) in conjunction with the NPDES Permit for the Township's MS4 (permit term from 2018 to 2023). The basin revitalization work will address approximately 90% of the Township sediment reduction requirement within the Chrome Run watershed, for the 5-year term of the Pollutant Reduction Plan which began in early 2020.

SMEDLEY PARK

MT100-A.2

- Stage 1 work (Contract amount is \$445,826.79) is complete. Maintenance bond for the project expired on June 2, 2020, after completion of maintenance punchlist work (repairs) by the Contractor.

- Contract for completion of Stage 2 and Stage 3 of the project has been let for bid and will be opened on July 8, 2020. Stage 2 includes the bulk field and parking lot grading work and Stage 3 includes the installation of parking lots, driveways and trails. Alternate Bid Items are proposed for completion of additional paved walking trail and baseball/softball infields and can be awarded depending on available funds and cost submitted by low bidder.
- Conversion of sediment trap nos. 1, 2, 3, 4 and 5 to permanent condition, is not part of this 2020 Contract and will be completed at a later date, as early as the Spring of 2021.
- The NPDES Permit for the Park project expires on December 19, 2022. PennDOT Highway Occupancy Permits have been extended to September 2020 and will be extended yearly as needed.

2018 CDBG – E. OLD BALTIMORE PIKE

MT102-18

- Work is for the repair and paving overlay of E. Old Baltimore Pike from the Rt. 1 on-ramp to School Lane (approximately 2,200 LF or roadway). Work includes paving base repair, repair of concrete pavement, restoration of road crown, concrete curb, milling and bituminous overlay, signage and pavement striping.
- Work is to be completed under a Delaware County 2018 Community Development Block Grant in the amount of \$130,650.00. Township contribution - \$13,065.00.
- Bids for the project were opened in 2020 and the Township conditionally awarded the project to the low bidder, Innovative Construction Services in the amount \$219,513.00, which includes additional funding in the amount of \$25,818.00 from Delaware County OHCD, which was recently approved. The amount awarded also included reduction or elimination of some of the bid items and completion of some of the work by Public Works.
- A formal Notice of Award was sent to the low bidder on June 2, 2020 and signed Contracts have been received from the low bidder. Work is anticipated to commence around the third week in July.

MS4 NPDES PERMIT/POLLUTANT REDUCTION PLAN

MT300-18

NPDES Permit application and Pollutant Reduction Plan for the 2018-2023 permit term was submitted to PADEP on December 4, 2019 and final approval of the permit has been issued. The permit term is 5 years (from the date of permit approval) during which

time, all stormwater BMPs described in the PRP, must be installed. It is anticipated that Sunny Brae Basin revitalization will be the first stormwater BMP from the PRP, to be completed (in 2020). The Township has submitted a PA DCED Watershed Restoration and Protection Program Grant application for \$296,905.00 for construction of Stormwater BMPs in Township open space north of Highpoint Drive and south of the Franklin Mint, and is awaiting review of the application by the State.

FORGE ROAD/HANSON QUARRY PAVING REPAIRS **MT105-B**

- Temporary repairs made to Forge Road in front of Hanson Quarry in late 2018. Material for the repair was donated by the quarry. Repairs appear to be holding up well.
- Field information has been collected in order to prepare a permanent paving repair design including underdrain to mitigate wet conditions contributing to paving deterioration.
- Hanson Quarry has informally agreed to participate in permanent paving repairs contemplated in front of the Quarry entrance.
- Schedule for completion of permanent repairs has not been determined at this time since the temporary repair completed late last year continues to withstand truck traffic.

MIDDLETOWN TOWNSHIP ROAD PROGRAM **MT105-20**

- Work associated with the 2020 Road Program (paving, milling, pavement repair) is largely complete, with the exception of minor punchlist work which is presently in the process of being completed. The low bidder was A.F. Damon and the bid was approximately 40% less than the budget estimate based on the 2019 Road Program unit prices. Accordingly, the scope of work was expanded to take advantage of excellent unit prices received by the Township. The amount of the 2020 Road Program is \$235,913.50 (liquid fuels portion of the contract). The amount of additional paving work approved by the Township due to excellent pricing is \$309,183.90 (aka Phase 2 – Township funds will be utilized for this portion of the work). Roadways paved and repaired have been added to the Township website.

SUBDIVISIONS/LAND DEVELOPMENTS **MT305 SERIES**

- Riddle Hospital Expansion land development plan has been submitted and reviewed by Township staff/consultants and the final plan was approved by the Middletown Township Planning Commission on December 10, 2019. The applicant appeared before Council on December 9, 2019 and was

- granted waiver of the preliminary plan approval requirements. The applicant obtained conditional final approval from Council on February 10, 2020. A Grading and Excavating Permit has been approved by the Township for utility relocation at the site. The land development plan has not yet been recorded, but it is anticipated the plan will be recorded in the near future, after which construction of the building will commence.
- SEPTA R3-3 Land Development Plan has been submitted and reviewed by Township staff/consultants and has been given final approval by Middletown Township Planning Commission and Council. Zoning variance required for the project were approved in August by the Zoning Hearing Board. It is anticipated that land development plan will be recorded in the near future, with commencement of station building and parking garage commencing soon thereafter.
 - Artis Senior Living Land Development – The final plan, conditional use and zoning map/text amendments have been approved by Council. Anticipated commencement of construction is mid-2020. The land development plan has not yet been recorded.
 - 227 Howarth Road Subdivision and Land Development (Mancil Builders) – Plan was granted final approval by Council on April 22, 2019, and in the process of being recorded. A Grading and Excavating Permit was approved so that the site can be cleared and erosion and sedimentation controls can be installed.
 - Guss Subdivision (Howarth Road) – Conditional final approval granted by Council. The plan is in the process of being recorded and it is assumed that construction may begin in 2020.
 - Promenade at Granite Run Land Development - Amended final approval has been granted by Council and recordation of the plan is complete. Construction pursuant to the approved (and recorded) final plan is on-going.
 - Darlington Pointe II Subdivision - Conditional final approval granted by Council. Plan has been recorded and construction has commenced.
 - 312 Lenni Road Subdivision - Conditional preliminary approval granted by Council.
 - 33 N. Middletown Road Subdivision (Convery) - Conditional final approval granted by Council. Plan has not yet been recorded.
 - Penncrest High School Life Skills Center and Parking Lot Subdivision and Land Development – Conditional final

approval has been granted by the Township Planning Commission and Council. The plan has not yet been recorded.

- 345 Valley Road Subdivision – Conditional final approval has been granted by the Township Planning Commission and Council. The Subdivision plan has not yet been recorded.
- Glenwood Elementary School Parking Lot – Plan has been reviewed by Township staff and was recommended for final approval by the Planning Commission on May 12, 2020 and granted conditional final approval by Township Council in June 2020. The plan is in the process of being recorded and it is our understanding that construction may commence during the summer of 2020.
- Westlake Lot Line Change – Plan has been reviewed by Township staff and was recommended for approval by the Township Planning Commission on March 10, 2020.
- Congregation Beth Yeshua Land Development – Plan has been recommended for final approval by the Planning Commission and granted conditional final plan approval by Township Council. It is our understanding the applicant desire to being construction during the summer of 2020 and has obtained PennDOT Highway Occupancy Permit. The revised plan is presently under review by the Township.



MIDDLETOWN TOWNSHIP
COUNCIL MEETING
July 13, 2020
VIRTUAL ZOOM MEETING

In Re: Consideration for approval, Ordinance 817
Text Amendment to Chapter 275

Transcript of a portion of the MIDDLETOWN
TOWNSHIP COUNCIL MEETING, in the above-captioned
matter, taken via on-line live Zoom meeting, before
Lorraine Evans, Court Reporter-Notary Public, on
Monday, July 13, 2020, commencing approximately at
7:20 p.m.

BOARD MEMBERS

MARK KIRCHGASSER, Chairman
NORMAN SHROPSHIRE
KATHLEEN O'CONNELL BELL
SUSAN K. POWELL
WALTER READ
BIBIANNA DUSSLING
STEPHEN BYRNE

JOSEPH A. DAMICO, JR. ESQUIRE, Solicitor
ERIC J. JANETKA, Township Engineer

LORRAINE EVANS
PROFESSIONAL COURT REPORTER-NOTARY PUBLIC
530 Paxon Hollow Road
Broomall, Pennsylvania 19008
(610)203-7715 7evanslorraine@comcast.net



ORIGINAL

1 CHAIRMAN KIRCHGASSER: Item 5B
2 consideration for approval, Text Amendment
3 Chapter 275, zoning for interior and flag lots.
4 We have a public hearing. May I have a
5 motion -- I'm sorry, first, is there any other
6 comments to this, Ms. Merlino?

7 MS. MERLINO: No. Just that our conflict,
8 solicitor, Patrick McKenna is here with us. He
9 has some exhibits to enter into the record once
10 the hearing is opened, and I can give a brief
11 explanation on the ordinance.

12 CHAIRMAN KIRCHGASSER: Motion to open the
13 hearing.

14 MR. READ: So move.

15 CHAIRMAN KIRCHGASSER: Thank you, Mr.
16 Read. Do we have a second?

17 MR. SHROPSHIRE: Second.

18 CHAIRMAN KIRCHGASSER: Thank you, Mr.
19 Shropshire. All those in favor. Ms. Bell.

20 MS. BELL: Aye.

21 CHAIRMAN KIRCHGASSER: Mr. Shropshire.

22 MR. SHROPSHIRE: Aye.

23 CHAIRMAN KIRCHGASSER: Mr. Byrne.

24 MR. BYRNE: Aye.

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1 CHAIRMAN KIRCHGASSER: Mr. Read.

2 MR. READ: Aye.

3 CHAIRMAN KIRCHGASSER: Ms. Powell.

4 MS. POWELL: Aye.

5 CHAIRMAN KIRCHGASSER: I vote aye as well.

6 We open the meeting, or the hearing.

7 Mr. McKenna, you have some articles you would
8 like to introduce here?

9 MR. MCKENNA: Thank you, Mr. Chairman.

10 Yes, briefly, I have a few board exhibits,
11 township exhibits, for the hearing this
12 evening. Exhibit T-1 is the Proof of
13 Publication of the notice that ran in the paper
14 on June 26 and July 3rd. Exhibit T-2 are the
15 Planning Commission draft minutes of June 9,
16 2020 showing this ordinance was approved and
17 reviewed by your Planning Commission and
18 Exhibit T-3 is the County Planning Commission's
19 review dated June 19, 2020, also evidencing
20 their review of this ordinance.

21 CHAIRMAN KIRCHGASSER: Anything he would
22 to add, Mr. McKenna?

23 MR. MCKENNA: No.

24 CHAIRMAN KIRCHGASSER: Any other comments?

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1 Meredith?

2 MS. MERLINO: Sure, thank you. Just
3 briefly, I can give you an overview of the
4 contents of the ordinance and how it came
5 about. It was initially a request of Council
6 to have staff look at a reduction in the
7 overall density of future subdivisions, as well
8 as improving access in the safety
9 considerations.

10 There were a number of subdivisions that
11 have been approved by right over the years that
12 contained several interior lots on longer
13 common private driveways and it presents
14 potential issues for emergency access as well
15 as neighbor issues for parking overflow.

16 So the amendment deletes the existing
17 Section 275-195D which regulates common
18 driveways that serve multiple interior lots and
19 the new content of the ordinance regulates flag
20 lots and interior lots and how they can be
21 created.

22 The highlights are that one flag lot and
23 one interior lot can be created per parent
24 tract, and this can only be done in the R-1 and

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1 R-1A zoning districts.

2 This ordinance was initially introduced in
3 February. And after some thought it was --
4 there were some additions that were made to the
5 draft. That created a distinction between new
6 interior lots that would be created after the
7 adoption of this ordinance. And existing
8 interior lots which were those that were
9 approved and recorded prior to the adoption of
10 this ordinance.

11 There are several existing undeveloped
12 lots within the township that, under the
13 proposed code amendments, would lose the
14 ability to be developed by right, primarily due
15 to access restrictions.

16 So the amendments in the second draft
17 essentially preserve the right or the ability
18 to develop those lots under the code
19 requirements that were in effect prior to the
20 adoption of this ordinance.

21 CHAIRMAN KIRCHGASSER: But it would
22 preclude any future subdivision of those
23 interior lots for having a right and it would
24 come in front of Council instead of having a by

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1 right it would come in front of Council for
2 approval.

3 MS. MERLINO: That's right.

4 CHAIRMAN KIRCHGASSER: Very clear. Thank
5 you, Ms. Merino. Any questions from members of
6 Council in this matter? Any other comments
7 while we are in hearing? And questions from
8 the public on this matter in hearing? Okay,
9 seeing none and hearing none, may I have a
10 motion to close the hearing?

11 MR. BYRNE: So move.

12 CHAIRMAN KIRCHGASSER: Thank you, Mr.
13 Byrne. May I have a second?

14 MR. READ: Second.

15 CHAIRMAN KIRCHGASSER: All those in favor.
16 Ms. Bell.

17 MS. BELL: Aye.

18 CHAIRMAN KIRCHGASSER: Mr. Shropshire.

19 MR. SHROPSHIRE: Aye.

20 CHAIRMAN KIRCHGASSER: Mr. Byrne.

21 MR. BYRNE: Aye.

22 CHAIRMAN KIRCHGASSER: Mr. Read.

23 MR. READ: Aye.

24 CHAIRMAN KIRCHGASSER: Ms. Powell.

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1 MS. POWELL: Aye.

2 CHAIRMAN KIRCHGASSER: And I vote aye as
3 well. The hearing is closed. May we have a
4 motion to approve?

5 MS. BELL: So move.

6 CHAIRMAN KIRCHGASSER: Meredith, are we
7 moving this to a vote then?

8 MS. MERLINO: Yes.

9 CHAIRMAN KIRCHGASSER: Motion from Ms.
10 Bell. May I have a second?

11 MR. READ: Second.

12 CHAIRMAN KIRCHGASSER: From Mr. Read.
13 Thank you. All in favor. Ms. Bell.

14 MS. BELL: Aye.

15 CHAIRMAN KIRCHGASSER: Mr. Shropshire.

16 MR. SHROPSHIRE: Aye.

17 CHAIRMAN KIRCHGASSER: Mr. Byrne.

18 MR. BYRNE: Aye.

19 CHAIRMAN KIRCHGASSER: Mr. Read.

20 MR. READ: Aye.

21 CHAIRMAN KIRCHGASSER: Ms. Powell.

22 MS. POWELL: Aye.

23 CHAIRMAN KIRCHGASSER: And I vote aye as
24 well. Motion carries.

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(Whereupon, the hearing is
concluded at 7:30 p.m.)

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REPORTER'S CERTIFICATION

I HEREBY CERTIFY that I was present upon the hearing of the above-entitled matter and there reported stenographically the proceedings had and the testimony produced; and I further certify that the foregoing is a true and correct transcript of my said stenographic notes.


Lorraine Evans
Reporter-Notary Public
My Commission Expires
October 25, 2022

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

LORRAINE EVANS