

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
AUGUST 12, 2019

Minutes of the Regular Meeting of Township Council held on August 12, 2019 at 7:00 p.m. in the Township Administration Building located at 27 North Pennell Road.

Present: Russ Carlson, Scott Galloway, Mark Kirchgasser, Susan Powell, Walter "Bok" Read, Norman Shropshire, Andrew Haines, Joseph Damico, Esq., Eric Janetka

Absent: Stephen Byrne

1. OPENING

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

Mr. Kirchgasser asked if anyone was videotaping the meeting. Mr. A.G. Ciavarelli, 301 New Darlington Road, stated he is videotaping the meeting. Mr. Kirchgasser stated based on the feedback the Township has received, it is very important to use the microphones.

2. APPROVAL OF MINUTES

A. Approval of Draft Council Meeting Minutes - July 8, 2019.

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

3. PUBLIC COMMENTS

Mr. A. G. Ciavarelli, 301 New Darlington Road, thanked Council for putting information about the Comprehensive Plan Task Force information on the website. He asked how the task force composition is decided upon. Mr. Haines stated there is a State guide for the Municipal Planning Code to establish a Comprehensive Plan Task Force and the primary members are the Planning Commissioners. He stated they wanted to expand with a member from the Parks and Recreation Committee and a member from the Historical Society. He stated that if a committee is too big, then it is not as effective. He stated the process includes stakeholder interviews of community organizations and every meeting and related information is posted on-line for public review. He stated the public has as much influence on the dialog and this and all input is welcome. He stated in 2001 there were 16 members on the task force which proved to be an ineffective number. Mr. Ciavarelli stated in 2001 there seemed to be people on the task force that did not hold official positions in the Township and asked if this was considered at the time to include more outsider viewpoints as to how the Comprehensive Plan should be laid out. Mr. Haines stated the Township wanted to follow the MPC guidelines and not to be put in the position to answer why certain people were not picked. He stated there is no perfect answer as each community does it slightly different, but the Township has to draw a line.

Mr. Glen Sides, 219 Hunter Street, stated he recently looked at a plan for the Franklin Mint and could not find where the State Police Barracks will be placed. He stated he understands government use requires zero setback. He asked if he is wrong with this information. Mr.

Haines stated the barracks will be east of the existing barracks along Baltimore Pike. He stated the "H" shaped building will no longer be on the plans.

Mr. Kevin Griffin, 319 W. Forge Road, asked for clarification on the hours of operation on the Mariner East pipeline and is there any idea of the duration of the placement of the drilling equipment at Sleighton Park. Mr. Kirchgasser stated the working hours are from 7:00 a.m. to 9:00 p.m. including Saturday. Mr. Kirchgasser stated Sunoco is expected to complete drilling by September 24, 2019 and begin the pull back on this date. Mr. Janetka stated they are 45% complete on the 16-inch pipeline and once the 16-inch line is completed, Sunoco will come back at a future date to start the 20-inch line.

4. REPORTS

A. CHAIRMAN

Mr. Kirchgasser stated last Thursday's rainstorm was quite heavy. He stated the water table is up and there was localized flooding and the Township may see more of this this week. Mr. Kirchgasser stated Kelly & Close has completed a walking review of the Stormwater Management Systems along the Mariner 2 East pipeline easement. He stated the vast majority of systems are intact and operating properly. He stated they will continue to do inspections of the stormwater management systems.

B. COMMITTEE

Mr. Galloway reported the Land Planning Committee met this evening to discuss three items on their agenda. He stated the first item was a self-storage facility at 1243 W. Baltimore Pike; the next item was a review of draft amendments and recommendations to the inspection and permit fee schedule; and the final review of draft Chapter 198 of the Stormwater Management Code.

C. MANAGER

Mr. Haines reported they are in the middle of completing building renovations and are officially occupying the former conference room for the Park and Recreation Department. Mr. Haines stated he received word on Friday from SEPTA regarding the rail expansion construction. There will be 56 - 60 truckloads of concrete associated with overnight/early morning construction. He stated they will be using state roads and half of the trucks will be coming down Pennell Road, to Lenni Road, and make a right onto their rail line. He stated there are approximately 12 to 17 trucks that could be every 20 to 30 minutes on Lenni Road starting as early as 1:00 a.m. on Thursday. Mr. Haines stated his concern is with the noise that could happen on Lenni Road with use of Jake Brakes as they are making the turn into their rail line.

Mr. A.G. Ciavarelli asked if there are any thoughts on the self-storage facility. Mr. Galloway stated this is the third time Land Planning has heard the proposal but at different locations. He stated they have not finalized the agreement of sale and the Committee asked for them to complete the agreement of sale and come back on September 9, 2019. He stated there

are approximately 9 acres of property of which they will be using 3 acres for the facility. Mr. Ciavarelli asked if the remaining space will remain open. Mr. Galloway stated they talked about adding a trail, but they have to finalize their plans.

D. ENGINEER

SEE ATTACHED JULY ENGINEER'S REPORT

5. OLD BUSINESS

N/A

6. PUBLIC HEARING

N/A

7. NEW BUSINESS

A. Consideration for Approval: Resolution 2019-41, DCED Multimodal Transportation Fund Grant Application for Loop Road Construction Funds.

Mr. Haines stated the Township is applying again for the DCED Multimodal Transportation Fund Grant for the maximum amount of \$3 million dollars for the construction of an approximate \$4.2 million-dollar loop road. He stated they were not successful last year and because of that, McCormick Taylor has offered to complete this grant at no billable hours.

Mr. Galloway made a motion to approve the Resolution and Mr. Carlson seconded the motion. Resolution 2019-41 was approved with a vote of 6-0.

B. Consideration for Approval: Resolution 2019-42, Delaware County Open Space Grant Application for TRID trail development.

Mr. Haines stated the Township is participating in the Delaware County Open Space and Greenways Municipal Grant program. He stated the Township has approximately \$2.2 million available for the required match to complete the project.

Mr. Shropshire made a motion to approve the Resolution and Ms. Powell seconded the motion. Resolution 2019-42 was approved with a vote of 6-0.

C. Consideration for Approval: Resolution 2019-43, Delaware County Consortium of Governments Joint Road Salt Bid Acceptance.

Mr. Haines stated there was a joint bid for the purchase of rock salt and the low bidder is Eastern Salt Company. He stated they were used last year with no problems this Resolution will allow purchase of approximately 500 tons of rock salt at a cost of \$53.00 per ton.

Mr. Carlson made a motion to approve the Resolution and Ms. Powell seconded the motion. Resolution 2019-43 carried with a vote of 6-0.

D. Consideration for Approval: Resolution 2019-44, Post-Issuance Tax Exempt Bonds Policy and Continuing Disclosure Policies and Procedures.

Mr. Haines stated the Township has an obligation to ensure ongoing compliance and this resolution will establish a formal set of policies and procedures for the monitoring of post-issuance compliance in connection with the bonds as required by the Securities Exchange Act of 1934.

Mr. Carlson made a motion to approve the Resolution and Mr. Read seconded the motion. Resolution 2019-44 carried with a vote of 6-0.

E. Consideration for Approval: Resolution 2019-45, Disposition of Records of Township Records.

Mr. Haines stated this Resolution authorizes the disposition of records. Mr. Shropshire asked how far back the records went and Mr. Haines stated the 1990's and added that documents that require retention have been scanned.

Mr. Shropshire made a motion to approve the Resolution and Mr. Read seconded the motion. Resolution 2019-45 was approved with a vote of 6-0.

F. Consideration for Introduction: Ordinance 809, Refinancing of Township 2014 General Obligation Bonds.

Mr. Haines stated the Township's Financial Advisor, Jamie Schlesinger of PFM is continuing to watch the market. He stated it is estimated to be approximately a \$150,000 savings. Mr. Haines stated settlement will happen sometime in November. Mr. Haines stated the full schedule is in Council's packets.

[Regarding Item 7.E] Ms. Kelly Johnson, 711 Iris Lane, stated she noticed that audio files are being destroyed including recent audio files from April. Mr. Haines stated has not retained audio files separate from the adopted minutes, and once the minutes are formally approved by Council, the audio files are not required to be retained. Mr. Kirchgasser stated this is in accordance with state guidelines. Mr. Damico confirmed compliance with the State open records and retention.

Mr. Shropshire made a motion to Introduce the Ordinance and Mr. Carlson seconded the motion. The motion carried with a vote of 6-0.

G. Consideration for Introduction: Ordinance 810, Zoning Text Amendment of Chapter 275, Article 12, I-1 Institutional District.

Mr. James Byrne, Jr., representing Main Line Health, stated this project will provide private patient rooms, a new mother baby unit, and improved radiology units to upgrade the hospital. He stated the building will be 5-feet higher than what exists. He stated they are asking for a height exception as well as amendment from the buffer requirement from 200 feet to 190 feet. Mr. Shropshire asked with the buffer exception where will that be in the perimeter of the property. Mr. Byrne stated it will be in front of the building. Mr. Kirchgasser stated Council has seen preliminary designs of the project. He stated they have asked for architectural softening of the structure as straight lines will have a greater impact. Mr. Byrne stated this is being considered but he does not have an answer yet. Mr.

Kirchgasser stated it is his understanding the building is tapered at the back. Mr. Shropshire stated he hopes the addition to Riddle Hospital to be softer. Mr. Byrne stated he understands, and they are working on this.

Mr. Galloway made a motion to Introduce the Ordinance and Mr. Shropshire seconded the motion. The motion to introduce the Ordinance carried with a vote of 6-0.

Ms. Kelly Johnson asked of any plans for the tract of land near the Smedley tract. Mr. Byrne stated he did not know but would get the information for her.

H. Consideration for Waiver of Preliminary Land Development: Riddle Hospital, 1068
W. Baltimore Pike.

Mr. Haines stated staff believes the preliminary land development process has a reason and staff cannot endorse the request to waive preliminary land development based on the information provided by the applicant. Mr. Byrne stated this is a project that will be before Council several times. He stated they have started providing information to the Township but want to move the project forward. Mr. Shropshire stated he would be more comfortable with a project this size not waiving the Preliminary Land Development. Mr. Byrne stated they are asking to waive the Preliminary Plan and then submit a Final Plan. He stated he would not skip any steps but would like to save money. Mr. Galloway stated if the client would address some of Mr. Shropshire's concerns.

Mr. Galloway made a motion to postpone the item until the September 9, 2019 Council meeting and Mr. Shropshire seconded the motion. The motion carried with a vote of 6-0.

Mr. Shropshire made a motion to amend the agenda to allow for the appointment of Mr. Wayne Wilson to the vacant Planning Commission seat, for a term to expire on January 4, 2021. Mr. Galloway seconded the motion. The motion carried with a vote of 6-0.

I. Consideration for Approval: Rejection of Bids for FY44-25A, E. Old Baltimore Pike, CDBG
Road Resurfacing Project.

Mr. Shropshire made a motion to reject the bids for FY44-25A and Ms. Powell seconded the motion. The motion carried with a vote of 6-0.

J. Council Review of Zoning Hearing Board Application(s):

1) Application 2019-11: Chunjing Yang; 142 Indian Lane.

Mr. Haines stated this is a resubmission of an application for a garage and are making the addition smaller and adding 5-feet to the setback. Council decided not to send representation to the Zoning Hearing Board.

2) SEPTA Landscaping

Mr. Haines stated Mr. Damico's team has helped Ms. Merino and the Planning and Development Department to work with SEPTA on the station land development. He stated they are looking to adjust the landscaping requirements and staff's opinion is the Zoning Hearing Board can handle this matter. Mrs. Powell stated she would

like to see a fee-in-lieu to be used elsewhere. Mr. Haines stated staff will make this known to the Zoning Hearing Board. Mr. Shropshire asked if Mr. Tom Comitta looked at this plan. Ms. Merino stated the firm has reviewed the plan. Council decided not to send representation to the Zoning Hearing Board.

K. Approval of August 12, 2019 Bill List.

Mr. Kirchgasser read the bill list aloud.

GENERAL FUND		
Aqua Pennsylvania, Inc.	June Hydrant Bills	\$ 9,375.86
Arthur J. Gallagher Risk Mgmt.	Workers Comp Installment	\$ 39.54
	Workers Comp Installment	\$ 7,522.40
	Workers Comp Installment	\$ 952.42
	Workers Comp Installment	<u>\$ 118.64</u>
		\$ 8,633.00
Independence Blue Cross	July & August Insurance	\$ 17,262.03
	Highway Share	\$ 18,133.10
	Recreation Share	\$ 6,891.96
		<u>\$ 42,287.09</u>
Kelly & Close Engineers	Prof. Services June	\$ 19,101.21
Keystone Municipal Serv. Inc.	Contracted Serv. June	\$ 18,075.00
Linn Architects	Promenade at GR June	\$ 17,000.00
Petrikin Wellman Damico Brown & Petrosa	Twp. Solicitor through 6/30	\$ 4,605.00
	July Retainer	<u>\$ 1,000.00</u>
		\$ 5,605.00
PFM Solutions LLC	Contracted Services	\$ 11,000.00
Rose Tree Media School Dist.	Tax Pmt. #2276 Linville Rd.	\$ 7,792.86
Yerkes Associates, Inc.	Contracted Serv. March & May	\$ 9,873.54
	General Fund Total	<u><u>\$ 148,743.56</u></u>

RECREATION FUND

PNC Credit Card to G/F	Recreation Supplies	\$	104.87
	Summer Rec Supplies	\$	5,164.29
	Advertising	\$	37.90
	Trips		14,110.00
		\$	19,417.06
Touriffic Travel	Vermont Trip	\$	8,000.00
	Recreation Fund Total	\$	27,417.06

CAPITAL RESERVE FUND

Century Engineering	Wawa Rec. Trail Inv. #2	\$	30,100.00
Eddy McHenry Architecture	Roosevelt Renovations	\$	89,260.00
Ferguson & McCann, Inc.	Tank Removal	\$	16,614.00
McCormick Taylor	PA 452 & SR 1 Improv.	\$	17,353.20
Sargent Enterprises	Asbestos Abatement Roosevelt	\$	46,742.80
The Bank of New York Mellon	Principal GOB Series 2014	\$	315,000.00
	Interest GOB Series 2014	\$	98,631.25
	Interest GOB Series 2011		3,918.75
	Interest GOB Series 2011	\$	2,018.75
		\$	419,568.75

CAPITAL 2019 G.O. BOND - ROOSEVELT

Criterion	Asbestos Project 5/6/19 - 5/18/19	\$	8,194.00
	Capital Reserve Fund Total	\$	627,832.75

STATE AID FUND

Garnet Ford	Truck	\$	45,801.00
Guidemark, Inc.	Twp. Roads - Pavement Markings	\$	10,768.92
	Stater Aid Fund Total	\$	56,569.92

Ms. Powell made a motion to approve the bill list and Mr. Read seconded the motion. The motion carried with a vote of 6-0.

Mr. Kirchgasser adjourned the meeting at 7:52 p.m.

Respectfully Submitted,



Sharon Browne, Recorder