

**MIDDLETOWN TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA  
AUGUST 14, 2023**

Minutes of the Regular Meeting of Township Council held on August 14, 2023, at 7:00 p.m. in the Township Building located at 27 N. Pennell Road.

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Present: David Bialek, PharmD, R.Ph, Jackie Donnelly, Bibianna Dussling, Mark Kirchgasser, Kathleen O'Connell-Bell, Susan Powell, Walter "Bok" Read, John McMullan, Charles Miller, Esq., Eric Janetka, Vince Visoskas.

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1. OPENING: PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Kirchgasser called the meeting to order and led in the recitation of the Pledge of Allegiance to the Flag.

2. APPROVAL OF MINUTES

A) Draft Township Council Minutes: May 8, 2023.

Ms. Donnelly made a motion to approve the May 8, 2023, Council Meeting minutes. Ms. Powell seconded the motion. The motion carried with a vote of 7-0.

B) Draft Township Council Minutes: May 22, 2023.

Ms. Powell made a motion to approve the May 22, 2023, Council Meeting minutes. Ms. Donnelly seconded the motion. The motion carried with a vote of 7-0.

C) Draft Township Council Minutes: June 12, 2023.

Ms. O'Connell-Bell made a motion to approve the June 12, 2023 Council Meeting minutes. Mr. Bialek seconded the motion. The motion carried with a vote of 7-0.

D) Draft Township Council Minutes: June 26, 2023.

Mr. Read made a motion to approve the June 26, 2023 Council Meeting minutes. Ms. O'Connell-Bell seconded the motion. The motion carried with a vote of 4-0. Ms. Donnelly, Ms. Dussling, and Mr. Bialek abstained from the vote.

3. PUBLIC COMMENTS

Mr. Ryan Gifford, 10 N. Bryn Mawr Place, thanked Council for their service to the Township. Mr. Gifford stated he is here tonight to speak about a house at 12 N. Bryn Mawr Place which he brought to the attention of Mr. Read and Mr. McMullan. He stated a property company named Scioto Properties purchased the property back in March. According to their website, they have real estate solutions and healthcare expertise for developmental disabilities, mental health, substance abuse and traumatic brain injury. He stated as a resident, he is concerned and wondered what this will entail. Mr. Gifford stated over the past six months he has been non-stop communicating with the Township as to what is going on with the property. He stated he feels the Township does not really care what is happening with this property. He stated he is constantly told the Township does not know what is going on and he reported there are six construction trucks doing work at the property every day. Mr. Gifford would like a meeting with the Archdiocese for an explanation of what will happen with the property. He stated there has been plumbing and electrical work done on the house. He stated it feels like the Township does not care what is happening with the property as no one has bothered to reach out to him. He is being told by the Archdiocese that the lease of

the property will be for five years for people with intellectual disabilities. He questions what happens after the lease is up in five years. Mr. Gifford explained he has three daughters and he moved to his residence because it is quiet with no traffic, and this is changing the landscape of what his community will look like. He stated this will become a twenty-four-hour business with people coming in and out all day and night. Mr. Gifford brought a copy of an Ordinance from Marple Township that breaks down requirements. As an example; when a company purchases a home there is a written narrative explaining the purpose and general operation of the business, the owner(s) of the property, the operator of the property, and emergency contact information. He stated when he calls the Township no-one has this information. He stated the Broomall ordinance also addresses traffic, parking, and signage.

Mr. McMullan stated he spoken several times with Mr. Gifford and not due to a lack of effort, he explained he is not getting any information from Catholic Social Services. He stated he reached out on several occasions but received no call back. He stated the Director of Planning reached out on any least five occasions to Catholic Social Services and she has not heard back. He stated they heard from the attorney for Catholic Social Services three months ago who stated there has been no agreement but would contact the Township when an agreement was obtained. He stated the attorney wants to have a meeting with residents prior to reaching an agreement. Mr. McMullan stated the Building Inspector has visited the property on several occasions and has not observed any construction on the house. Mr. McMullan stated no permits have been issued for the type of work Mr. Gifford is describing. He stated the Township is doing due diligence but has not received any cooperation from Catholic Social Services. Mr. McMullan stated he did reach out to Marple Township and received a copy of the Ordinance. He stated group homes are protected by the Fair Housing Laws.

Mr. Gifford stated he finds it hard to believe the building inspector could not find work being done when Catholic Social Services admitted they have done thousands of dollars of electrical work and have stated to him the Township has no clue what is going on. Mr. Kirchgasser asked as a follow-up to get the names of people with whom he spoke. Mr. Ryan stated that Catholic Social Services stated they would not be putting this much money into a project if they did not have a signed lease. Mr. McMullan stated he reached out to Ms. Patty Mensak but has not received any callback. Mr. Kirchgasser explained there are multiple care homes throughout the Township. Housing and Urban Development says that there is no distinction between these homes and your residence in terms of service. They have to be provided. Mr. Miller stated they are allowed to live in these homes assuming they are living as one single housekeeping unit, and you have to be able to provide these areas within every municipality. The law considers them to be a family like any other family.

Mr. Kirchgasser stated the right approach would be with contingencies with the applicant. Mr. Griffin stated all he is looking for is transparency and asked for meetings to talk this situation through. Mr. Kirchgasser stated the Township was just waiting for the "next shoe to drop" which seems to be happening. He stated if he has to drive to the location and talk

to the contractors, he will do this. Mr. Kirchgasser stated Mr. McMullan and Meredith Merino have been completely involved but are not getting any feedback. If they are doing work without pulling permits, the Township can stop them.

Mr. Griffin stated he does not mean to come off critical of Mr. McMullan as he has been very forthcoming, and it is very much appreciated. He stated his intentions are to get answers. Mr. McMullan stated it does not make sense to have a meeting until they have all the players in the room, and he has been working on accomplishing this for the past six months. Mr. Kirchgasser stated Council's job is the health, safety, and welfare of the residents. If you don't feel fully informed about what is moving in next to you and you have moved here because it is a quiet safe place to live, Council has to make sure everyone is getting that fulfillment out of their property. Mr. Kirchgasser added there have been little to no issues with the existing group homes in the Township. He asked if Mr. Miller had a chance to look at the Ordinance that Marple Township has, and Mr. Miller stated he has not but some of those regulations have to be rationally related to a governmental interest. He stated there are challenges to some of these regulations because you find that the actual effect of some of these regulations prohibits or precludes people from living in these areas. The Ordinances that are drafted have to be really detailed as to how they are enacted to survive a challenge.

Mr. Griffin stated he discovered the people are now living in the Norristown area, but Catholic Services want them to be closer to programs in the Philadelphia area but in five years when the lease is up what is stopping them from putting a substance abuse facility next to his home. Mr. Miller explained under certain specific instances and facts some of those individuals are considered disabled persons and would fall under fair housing and can live in residential homes. Mr. Kirchgasser stated he will find out this information. Mr. Griffin stated the property in question backs up to a creek and a pool. He stated he is aware there will be five individuals with intellectual disabilities and does the Township have any qualms with the safety issues this could have. Mr. Kirchgasser stated this issue should be part of the contingency that has to be conveyed to Catholic Services. He stated this might include fencing or some other restriction that might prevent an accident occurring.

Mr. Griffin stated he understands the company intends to purchase more properties in the area and what prevents his cul-de-sac from becoming a residential facility community. Could the Township require a residential home to not be within a certain distance of another residential home? Mr. Miller stated there are a lot of municipalities that have regulations related to this but some of them have been challenged. It is dependent on what the governmental interest is and would it be a drain on the municipal resources. The municipality would have to prove this.

Mr. Kirchgasser said the Township will have their attorneys look into this and if feasible will include this in an Ordinance. Mr. Griffin stated the reason he is attending tonight is because he is a father of three girls and moved to the Township because of the schools, he lives on a quiet cul-de-sac street on a hill and loves where he lives. He stated there is no hate in his

heart for people with intellectual disabilities or who are dealing with substance abuse but, he wants protection for his children and in five years does not want to have to deal with a future issue and possibly have to move. Mr. Kirchgasser stated he is a lifetime resident and Council treats these issues as if they are their own. Council will make sure these issues are addressed and do whatever they can if they are going to have this type of group home that there are no issues. He stated they must mitigate any risks such as fencing or if the law allows some type of legislation that controls spacing of these homes.

Ms. Lorraine Hosey, 7 N. Bryn Mawr Place, stated there are four to six trucks daily and one to two people evaluating the work being done. She stated she was told a permit was pulled, and Mr. McMullan stated the only permit pulled was a demo permit. She stated she has lived there 36 years and is concerned about the traffic on her street. She is assuming the individuals will be coming and going all day long. She stated trash and oil delivery trucks as well as landscaping vehicles are an issue. She stated years ago a landscaping vehicle hit her car because they could not navigate the cul-de-sac. She stated the post office is becoming very strict in how they will deliver the mail as they are not permitted to get out of the truck. Ms. Hosey asked if there is an issue who can they report it to and will they listen. Mr. Kirchgasser stated the Township will find information to share with the residents. He asked Mr. Griffin if he would put together a list of neighbors who want to be informed. Mr. Griffin stated he has an e-mail chain and would add Mr. Kirchgasser to the list.

Ms. Joan Davis, Dartmouth Circle, stated this has been a concern for over six months and was originally brought to Mr. Bok Read's attention at the very beginning. She stated she feels like Mr. Read "blew them off." She stated Mr. Read visited once and then just dropped the issue and they never heard back from him. This is why they involved Mr. Kirchgasser and Ms. Powell and tried as neighbors to get to the bottom of the issue. Ms. Davis stated she felt Mr. Read left them hanging and if it weren't for the neighbors voicing concerns, nothing would have been done. She stated they are unable to contact Catholic Social Services or the owner of the property. Ms. Davis listed several concerns including; parking, hours, employee background checks, visitors, smoking, traffic, trash pick-up and noise. She stated where Mr. Read lives, he will not be aware of what is happening on their street. This is a business that is being run out of a house despite what they are being told. She stated this Township has to make sure there are rules in place so that this doesn't come off the rails because it is important. The neighborhood wanted help in the beginning, but now they are behind the eight ball. Mr. Read apologized and stated he understood meetings would be held but a meeting was never called. Ms. Davis asked who was going to set up the meeting, and Mr. Read stated he understood the Township would set up the meeting. He acknowledged he should have pushed a lot harder. Ms. Davis urged Council to put this on the front burner and make changes, so they don't run into problems and have to come to Council all the time or make numerous phone calls to the Township.

Mr. Russell Billbrough, 9 N. Bryn Mawr Place, stated he has lived at Bryn Mawr Place for twenty-five years. He stated his priority is parking as well as mail delivery. He stated the property in question has plenty of driveway parking for approximately six cars, but a visitor

or social worker will probably park in the street which will affect him. He stated it will directly affect mail delivery, which he considers to be the number one priority. Mr. Kirchgasser stated Council will have to take a long hard look at legislation and a meeting like this is how it will get started.

#### 4. REPORTS

##### A. CHAIRMAN:

Mr. Kirchgasser congratulated Media Little League on making the World Series and the Township is sponsoring a bus to Williamsport on Wednesday. It is a one-day trip meeting at the Township parking lot. Mr. McMullan stated tickets are \$60 with pick-up at the Township Building at 2 pm and arriving back at approximately 12:30 that night. He stated it is field seating at the stadium. Mr. Kirchgasser stated it is the third time a team from Delco has taken on the world at Williamsport and he believes Media Little League is selling "Delco vs. the World" tee-shirts. He wished the team a lot of luck. Mr. Kirchgasser reminded the audience this will be the only August meeting due to vacation schedules and lack of agenda items.

##### B. COMMITTEE : NONE

##### C. MANAGER

1) Update: SEPTA - Middletown Township, Aston Township, and Chester Heights Borough. Mr. McMullan reported the municipalities met again and spoke with the contact person at Urban Engineers regarding a timeline. He stated they are still looking at funding options and are in discussions with SEPTA regarding a potential lead for funding opportunity for the feasibility study. Ms. Dussling asked if there are funding possibilities through the state, and Mr. McMullan stated representatives from Aston Township and Chester Heights Borough met with Rep. Krueger and Rep. Borowski to see if there is any assistance at the state level and they are looking into whether an option exists.

Chief Bill Rigby stated they took delivery of a tower ladder which is replacing the existing ladder which was involved in an engine fire at an incident in Concord Township. This ladder was replaced with a 100-foot ladder which was obtained at an exceptional cost. They took delivery on July 28, 2023, and it is currently at Glick Fire Service getting finishing touches and routine maintenance to be put into service. At this point they are still relying on mutual aid to provide ladder service. They are working with Fireline in Lancaster County to get the former Township owned truck back in service.

Chief Rigby stated he has met with the departments' command staff and members to get to know everyone. He meets with the command staff bi-weekly and will meet with company Presidents monthly. He stated at this time he is evaluating everything.

He stated there was a working fire at a residence on Linville Road and the volunteers did an outstanding job. He stated the departments were staffed for the storm on August 7, 2023, but luckily, they missed the worst part of the storms. He reported there were two homes that received damage. Chief Rigby stated there were emergency declarations in some of the surrounding towns. He stated there were approximately 20 calls including assisting Chester Heights Fire Company.

Ms. Dussling asked where things ended up with the insurance adjuster. Mr. McMullan stated they received an estimate which they were not satisfied with and Chief Rigby, Chief Cairns, and himself met with Fireline Service and had a discussion with the adjuster about how he came up with the number which is lower than the Township expected. Chief Rigby arranged for an independent adjuster to give them a second estimate which they are waiting for. Chief Rigby stated they thought it would be in the best interest to get an independent estimate due to the substantial damage to the ladder truck. He stated they expect to get the truck back on the 31st of August.

Mr. McMullan introduced Mr. Derek Lloyd, Library Director, who will provide a quarterly update. Mr. Lloyd stated the community is using the library and the grounds a lot more than he hoped. He stated the library saw results from the storm because anyone who lost power was at the library. He stated it was one of the busier days because people who had not used the library before were there. Throughout the summer, the community has been using the space including the summer camp as well as the many activities they run.

Mr. Lloyd stated the community that uses the library is also giving to the library. A few months ago, they lost a volunteer who was a graduate of the University of Penn who ran the maker space two hours per week teaching how to use the printers and helped seniors with technology. He stated a new graduate from Penn is volunteering her time. She volunteers four hours per week teaching and helping the community. He stated the library board requested a volunteer with experience in finance and running non-profits. He immediately received a response from a dad who has never been in the library, however, his wife brings the kids often. The volunteer stated at the meeting he does not do things like this, however; his kids talk about Mr. Jason all the time and his wife suggested he should help out. The gentleman works for the Brookings Institute. Mr. Lloyd stated this gentleman had already proven his worth with his wealth of knowledge.

Mr. Lloyd stated October 12, 2023, is the annual fundraising event. It is a craft beer festival with five breweries, a winery, music as well as babysitting. He stated tickets are on sale now. Mr. Kirchgasser asked when construction will start on the playground, and Mr. McMullan stated they are close to a final design. Permits need to be submitted to the conservation district and if everything goes well, November or

December of this year is the target date.

D. ENGINEER

**See Attached Engineer's Report - July 2023.**

5. PUBLIC HEARING:

- A. A public hearing on a Conditional Use application for Sunnybrae Farm, LP., (Wolff's Apple House), 81 South Pennell Road, to add the following uses to its farm market operations; the sale of closed containers for consumption off-premises sale of locally produced beer and had cider, wine, and spirits.

Ms. O'Connell-Bell made a motion to open the public hearing. Mr. Bialek seconded the motion. The motion carried with a vote of 7-0.

SEE ATTACHED STENOGRAPHER'S REPORT

Ms. Powell made a motion to close the public hearing. Mr. Bialek seconded the motion. The motion carried with a vote of 7-0.

- 1) Consideration for Approval; Resolution 2023-24, approving a conditional use application for Sunnybrae Farm, LP., to permit the sale of locally produced beer, hard cider, wine, and spirits for off-site consumption.

Mr. Bialek made a motion to approve Resolution 2023-24. Ms. Donnelly seconded the motion. The motion carried with a vote of 6-0. Ms. Dussling abstained from the vote.

- B. A public hearing on amending Chapter 210, Article V, Standards, Section 41, Recreational Facilities and Open Space by introduced Ordinance 854. Public Hearing to be continued to Monday, September 25, 2023.

Ms. Donnelly made a motion to open the public hearing. Ms. O'Connell-Bell seconded the motion. The motion carried with a vote of 7-0.

SEE ATTACHED STENOGRAPHER'S REPORT

Ms. Donnelly made a motion to continue the public hearing to the September 25, 2023 Council meeting. Ms. Dussling seconded the motion. The motion carried with a vote of 7-0.

Mr. Bialek made a motion to close the public hearing. Ms. Donnelly seconded the motion. The motion carried with a vote of 7-0.

6. OLD BUSINESS: NONE

7. NEW BUSINESS

- A. Consideration for Approval: Resolution 2023-25, Delaware County Consortium of

Governments Joint Road Salt Bid Acceptance.

Mr. McMullan stated he is before Council for approval to enter into a joint purchase with seven other municipalities for the bulk purchase of road salt for the incoming winter. The lowest responsible bidder was Eastern Salt Company. He stated the rate is lower than last year which was \$75 a ton and this year it is \$73.73 a ton.

Ms. Donnelly made a motion to approve. Ms. Dussling seconded the motion. The motion carried with a vote of 7-0.

Mr. Bialek asked if there was any salt left over from last year, and Mr. McMullan said there was salt left over from last year. He stated there is a certain amount that has to be purchased as part of the agreement which can then be stored and ready for use.

B. Consideration for Approval: Resolution 2023-26, approving Middletown Township's participation in the Keystone Purchasing Network.

Mr. McMullan stated before Council for approval is the Township's participation in the Keystone Purchasing Network. This is very similar to COSTARS and is an organized cooperative for bidding. He stated COSTARS is for materials and Keystone is for services. There is no fee to join the network. He asked the solicitor to review the procurement requirements in relationship to the Home Rule Charter and it appears the network satisfies all the requirements in the Home Rule Charter. Mr. Bialek asked if this is similar to COSTARS where it eliminates the need to have multiple bids and Mr. McMullan stated yes.

Ms. Donnelly made a motion to approve Resolution 2023-26. Ms. O'Connell-Bell seconded the motion. The motion carried with a vote of 7-0.

C. Authorization to Approve: Roof replacement and roof repair project to Gordian Group (S. Thomas Contractor, Inc.) in the amount of \$217,784.39.

Mr. McMullan stated before Council for approval is a contractor vetted by the Keystone Purchasing Network who submitted a roofing estimate to the Township for replacement of the roof on the east end of the Roosevelt Community Center which is failing in several sections. Upon reviewing the estimate provided by Gordian Group with the contractor being S. J. Thomas, who is local contractor, Mr. McMullan stated this fills the bidding requirements and is a reasonable bid in the amount of \$217,784.39.

Mr. Bialek made a motion to approve the estimate. Ms. Powell seconded the motion. The motion carried with a vote of 7-0.

D. Consideration to Authorize: Waiving Bidding Requirements to Purchase a 2024 Ford F-600 Cab Chassis Dump Truck in the amount of \$67,500 from Brian Hoskins Ford, an approved vendor on the COSTARS Purchase Program.

Mr. McMullan stated before Council for authorization is the purchase of a Ford F-600



chassis from Brian Hoskins Ford who is a COSTARS participating vendor. The Township received three estimates; one from Bergey Ford, Fred Beans Ford and Brian Hoskins Ford. He asked for an estimate on an F-550 and an F-600. The F-600 has a little more capability, allowing it to carry more tonnage. Because of the delays in production, they will not realize this until 2024. Council had previously approved a vehicle in December of 2022 which is just going into production as of August 1st. The F-600 came in under the F-550 estimate in the amount of \$67,500.

Mr. Read made a motion to approve the purchase. Ms. Dussling seconded the motion. The motion carried with a vote of 7-0.

E. Council Review of Zoning Hearing Board Applications:

Application 2023-11: An application of Jason Kelly, 69 Glen Riddle Road, seeking variances to construct a 16' x 35' garage addition that will project within 16' of the side property line and expansion of a non-conforming structure beyond 10%, zoned R-2. Mr. McMullan stated the applicant is seeking two variances to construct a 16' x 35' garage addition that will project within 16' of the side property line. The setback in the R-2 zoning is 20'. Ms. Dussling asked how much expansion of a non-conforming structure this is, and Mr. McMullan stated it is not substantial.

- 1) Application 2023-12: An application of Laurel McCullough, 38 Carriage Drive, seeking variances to construct an addition that will project to within 16' of the side property line and non-conforming with respect to side yard setback requirements, zoned R-1. Mr. McMullan stated the applicant is seeking variances from a side yard setback in the R-1 zoning district in order to construct an addition that will project to within 16' of the side property line. The side yard setback in R-1 is 25 feet.

Council did not feel the need to send representation to the Zoning Hearing Board Meeting.

F. Approval of August 14, 2023 Bill List.

Mr. Kirchgasser read the Bill List aloud.

<b>GENERAL FUND</b>		
Aqua Pennsylvania, Inc.	June Fire Hydrants	\$ 9,459.72
Arthur J. Gallagher Risk Mgmt.	Workers Comp.	\$ 17,544.00
Kelly Engineers & Surveyors	MS4/Stormwater Improvements	\$ 3,742.25
	Professional Services	\$ 16,604.50
		\$ 20,346.75

Keystone Municipal Services	Building Insp. 5/30/23-7/7/23	\$ 23,545.00
PA Municipal Health Ins. Cooperative	August Health Insurance	\$ 31,067.83
Petrikon Wellman Damico Brown	Legal Services	\$ 5,190.00
	Retainer - July 2023	\$ 1,000.00
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		\$ 6,190.00
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Rose Tree Media School District	Bill #2283 Linville Open Space	\$ 7,349.76
West Chester Mechanical	Community Center HVAC	\$ 14,169.00
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	General Fund Total	\$ 129,672.06
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**RECREATION**

PLGIT Credit Card - to G/F	Jr. Summer Rec. Supplies	\$ 10,776.24
	Tickets/Bus Tour/Prog. Fees	\$ 12,281.83
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		\$ 23,058.07
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**CAPITAL RESERVE**

AJM Electric, Inc.	Roosevelt - App. #6	\$ 9,550.28
Hirschberg Mechanical LLC	Roosevelt - App. #6	\$ 41,271.00
Kelly Engineers & Surveyors	Lenni & Franklin Mint Trail	\$ 36,552.92
	Roosevelt	\$ 9,350.96
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		\$ 45,903.88
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	Capital Reserve Total	\$ 96,725.16
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**2019 G.O. BOND - TRID**

GHD Services, Inc.	Roosevelt & Lenni Trail	\$ 9,500.00
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Mr. Read made a motion to approve the bill list. Ms. Donnelly seconded the motion. The motion carried with a vote of 7-0.

Mr. Kirchgasser adjourned the meeting at 8:24 pm.

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

August 14, 2023  
Council Meeting

### **MARINER 2 PIPELINE**

**MT100-Ea**

- Sleighton Park Restoration – Final restoration at Sleighton Park, which includes extension of the athletic field, trail restoration and restoration of pre-construction drainage features is 99% complete. A small portion of the existing pedestrian trail is to be repaved as part of Energy Transfers road restoration obligations that are anticipated to now be completed summer/fall 2023. This work has been added to the Township's Road Program, and cost will be paid by ETP.
- ETP started restoring roadways in the fall of 2022. Restoration scope of work is based on extensive road inspections conducted by the Township Engineer. It had been desired that this work would begin in late June of 2022 but was delayed due to various reasons, including cold weather conditions. Work completed in 2022 included replacement of damaged curb, curb depressions, driveway aprons and sidewalk on Riddlewood Drive, War Trophy Lane, Martins Lane and E. St. Andrews Drive. Remaining restoration work will be completed as part of the Township's 2023 Road program and all costs associated with that work (coordination, specifications, field measurements, inspections, contract administration, etc.) are to be paid by ETP and guaranteed through the Road Use and Excess Maintenance Agreement between the Township and ETP. Residents should be aware that in the summer/fall of 2023, there will be additional restoration activity on the following roads to complete restoration (base paving repair, pavement overlay, line striping, milling, shoulder repairs for drainage): Valley Road, W. Forge Road, Martins Lane, St. Andrews Drive, E. St Andrews Drive, Riddlewood Drive and War Trophy Lane. There will also be a full mill and overlay of the access driveway (from Lenni Road) to Glenwood Elementary School including reinstallation of speed humps and pavement striping.
- Valley Road shoulder restoration/stabilization. ETP will be compensating the Township for all cost related to obtaining a PennDOT Highway Occupancy Permit and construction improvements to stabilize the road shoulders of Valley Road with rock lining from W. Forge Road to New Darlington Road. The Highway Occupancy Permit has been prepared and forwarded to ETP for resubmission to PennDOT. This

restoration work, which is being done due to water erosion along the shoulders, will also include milling and wearing course overlay of the entire cartway of Valley Road along the work area. Restoration scope of work is based on extensive road inspection conducted by the Township Engineer and PennDOT. Cost of this restoration work will be paid by ETP through an amended Road Use and Excess Maintenance Agreement between the Township and ETP.

- Horizontal Direction Drill HDD #591 (Sleighton Park to 143 Valley Road) - "Monitoring Plan" - Sunoco/ETP is in the process of finalizing geologic and geophysical testing at Valley Road/W. Forge Road, pursuant to the "monitoring" plan agreed upon by the Township and Sunoco/ETP. The Township's geophysics consultant has reviewed all previous testing completed as part of the monitoring plan and will review testing reports as they are completed and submitted to the Township. It is estimated that completion of this testing and Township review of testing results should be accomplished in 2023.

### **SEPTA R3-3**

### **MT120-Bwa**

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- SEPTA has completed the R3-3 rail line extension including the parking deck, driveway, station building, and stormwater management facilities. A temporary certificate of occupancy was approved for the station building and the crew quarters. The Township is in the process of reviewing survey as-built plan of the completed improvements.

### **MINT PEDESTRIAN TRAIL**

### **MT100-V1**

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- The first segment of this trail has been completed at the SEPTA Wawa Station.
- Design, permit and construction plans have been submitted to Delaware County Conservation District for an amended NPDES Permit. The application has received administrative approval and is now under "technical" review by PADEP and DCCD. The Township has applied for an expedited review of the amended permit plan. The NPDES permit for the trail was amended to incorporate several value-engineering revisions including incorporation of the portion of the trail recently constructed by SEPTA at the Wawa Station. This segment of trail was originally to be constructed by the Township as part of the NPDES permit for the Mint Trail but the Township was able to coordinate this segment being completed by SEPTA. Other value engineering

revisions that should result in significant savings include: elimination of retaining walls, elimination of thousands of feet of edge drain, relocation of trail to avoid large rock outcroppings, elimination of numerous water quality structures, relocation of existing level spreaders (that cross the trail location from the Toll Project) to below the trail area, revision of trail profile to reduce potential conflict with bedrock, etc.

- Easements for the trail are presently being coordinated with SEPTA, McKee Group, Toll Brothers and MTA.
- It is anticipated this project will be let for bid in the late summer of 2023 with construction to be commenced towards the end of the year and completed early next year.

## **TOWNSHIP GUIDERAIL PROGRAM**

**MT124-E**

- 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.
- 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 now projected for 2021. Significant utility pole relocation and tree removal is required for these projects.
- The Township applied for an A.R.L.E. grant for the completion of guiderail projects in 2020, 2021, and 2022, but was not awarded the grant but received feedback that the application was considered worthy of award but other projects were more highly prioritized. 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. 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.
- Preparation of Draft revisions to Chapter 186 (Soil Erosion and Sedimentation Control), has been completed and reviewed by the Township review committee. The document will be introduced for adoption in the near future.
- Preparation of a new Township Code, Chapter 77 (Building Permit and Occupancy Procedures) has been completed and distributed to Township review committee. The document is in the process of being reviewed by Township Staff and consultants. Chapter 77 is intended to establish requirements and procedures for obtaining building permits and requirements for approval of Certificates of Occupancy for occupiable structures. The draft ordinance has been reviewed by the Township's Land Planning Committee.
- Preparation of a new Township Code, Chapter 204 (Street, Curbs and Sidewalk) has been completed and distributed to Township review committee. The document is in the final phase of being reviewed by Township Staff and consultants. Chapter 204 is to replace the existing Chapter 204, and is intended to establish requirements and procedures for working within the right-of-way of Township streets, including street restoration standards and maintenance and protection of traffic (work zone traffic controls). It is likely this draft ordinance will be presented for review by the Council in spring 2023.
- "Township Standards and Specifications" has been reviewed by Township Staff and revisions to the document, as well as various Township application forms, is in process. This document is to formally update/upgrade and replace numerous construction details and policy documents utilized by the Township over the last many years. It is anticipated that upon review by Township staff, this document will be presented to Council for review. This document can (and should) be updated periodically to include additional construction details, guidance documents, forms, etc. if they become necessary.

**ROOSEVELT COMMUNITY CENTER AND LIBRARY      MT100-O**

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- Construction and permitting plans for site improvements at Roosevelt School are approximately 90% complete. Work will be completed in two phases. Overall improvements will include

construction of a new tot lot, new parking, reconstruction of existing parking facility both in front of and behind the facility, grading of a small field area (next to the tot lot), stormwater management improvements and construction of courtyard improvements. It is anticipated that construction of improvements will begin in the fall of 2023, upon receipt of permits from the County and State.

### **SUNNY BRAE STORMWATER BASIN REVITALIZATION MT100-K**

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- Aside from minor punchlist/repair work, the project is complete. The basin revitalization project will significantly improve localized flooding in the vicinity (and downstream of) 34, 36 and 38 Gallant Fox Drive. Remaining punchlist work includes erosion repairs, seeding touch up, removal of erosion controls (after the site is permanently stabilized), and finalizing the basin outlet structure configuration. A final construction punchlist has been submitted to the contractor.
- The project 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 term of the PRP approval ending in 2025.

### **SMEDLEY PARK**

### **MT100-A.2**

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- Construction of Stage 2 and Stage 3 of the project has been completed and it is anticipated some of the field areas may be open to public use in the fall (in order to allow grass to grow properly).
- The final construction phase is anticipated for the spring of 2024 and will include the following work: conversion of sediment trap nos. 1, 2, 3, 4 and 5 to permanent stormwater basins, installation of approximately 800 feet of pedestrian trail (that was not be completed with the previous stages of construction), asphalt paving of approximately 400 feet of paved trail (that was only completed to stone subbase to permit future construction access for basin conversion), installation of softball and baseball infield areas, and removal of all erosion and sedimentation controls. The Township applied for a grant (in the amount of \$250,000.00) to partially fund completion of the project; however, only a small fraction of the requested funding was



awarded to the Township. The cost estimated in 2021 to complete the final phase of work was approximately \$500,000.00; however, it is likely this cost will increase due to the current economic environment.

- The NPDES Permit for the Park has been extended to December 20, 2027 to allow the project to be completed in 2023. PennDOT Highway Occupancy Permit work is complete and permits are closed.

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## **LENNI PARK**

**MT100-W**

- A kickoff meeting was recently held with DCNR regarding the approved grant for redevelopment of Lenni Park.
- It is anticipated that the park site will be surveyed in early 2024 and design of the first phase of park improvements may begin in late 2024. First phase of improvements may include additional parking, pedestrian trail and stormwater management improvements. Additional site improvements are anticipated in later years.

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## **MS4 NPDES PERMIT/POLLUTANT REDUCTION PLAN**

**MT300-18**

Pollutant Reduction Plan (PRP) for the PADEP NPDES Permit term of 2018-2023 was submitted to PADEP on December 4, 2019 and final approval of the PRP was issued on February 7, 2020. Although the NPDES permit term is 2018 to 2023, the Township has 5 years (from the date of PRP approval) to complete design, permitting, and construction of all of the proposed stormwater facilities (BMPs) described in the PRP. The PRP includes an estimation of cost to complete all stormwater facilities required by the State as part of the approved PRP, prior to the end of the PRP approval term (February 2025). The Sunny Brae Basin revitalization will be the first stormwater BMP project from the PRP, to be completed (in 2022). The Township submitted a PA DCED Watershed Restoration and Protection Program Grant application in the amount of \$296,905.00 for construction of a second stormwater BMP in Township open space north of Highpoint Drive and south of the Franklin Mint, however, only a small portion of the requested funds were awarded.

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## **SUBDIVISIONS/LAND DEVELOPMENTS**

**MT305 SERIES**

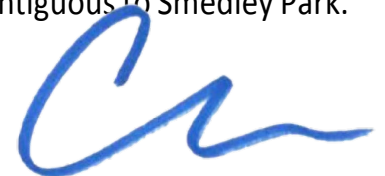
- Aside from demolition of the old hospital building, site work is complete and a final use and occupancy permit has been

- approved. Certificate of Total Completion has not yet been approved.
- Guss Subdivision (Howarth Road) – Conditional final approval granted by Council. Plan has been recorded. Construction of site improvements (not including the dwelling) has been approved by the Township (through issuance of a grading and excavating permit). Some construction activity at the site has commenced, but has been on hold from several weeks.
  - Promenade at Granite Run Land Development - Construction pursuant to the approved final plan is on-going and is approximately 85% complete. Three new amendments to the approved final plan were received in late 2022 and early 2023:
    - ✓ Reconfiguration of Apartment Building 2 and surrounding improvements. This work is approximately 30% complete.
    - ✓ Reconfiguration of Building G (Popeye's). Land Development for this amendment has been recommended for approval by the Planning Commission in April 2023 and granted conditional final approval by Township Council. The plan has not yet been recorded.
  - Darlington Pointe II Subdivision - Construction is complete with all homes occupied, except for Lot 4 which has been purchased to the owner of 420 Matrissa Ridge and it is our understanding there is not intent on their part to build on the lot. Certificate of Total Completion has been filed and it is anticipated that project will be closed in 2023.
  - 312 Lenni Road Subdivision - Conditional final approval granted by Council. Plan has been recorded and construction has commenced by Cornerstone Quality Builders. Three homes are presently under roof and the project is approximately 65% complete.
  - 33 N. Middletown Road Subdivision (Convery) - Conditional final approval granted by Council. The plan has been recorded. Site work construction (excluding the houses) is largely complete. A grading and excavating permit for Lot 3 has been recommended for approval and the first dwelling is under construction.
  - 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 been recorded and construction of the bus facility parking lot is complete. Project has not yet been closed through approval of Certificate of Total Completion.

- 345 Valley Road Subdivision – The plan has been recorded and the new dwelling is nearly complete. The overall project appears to be approximately 95% complete.
- Glenwood Elementary School Parking Lot – The plan has been recorded and a Grading and Excavating Permit has been approved for the construction of the new parking lot and related stormwater facilities. Construction commenced in June of 2023 and is approximately 50% complete.
- Glenwood Elementary School Modular Classrooms – Plan has been reviewed by Township staff and was recommended for final approval by the Planning Commission and approved by Council in May. The plan is in the process of being recorded.
- Williamson College of the Trades Student Activity Center Land Development Phase 5 – The plan has been recorded and construction is complete. Temporary Certificate of Occupancy of the building has been approved and the applicant has now filed for approval of the Certificate of Total Completion.
- Indian Lane Elementary School Parking Lot and Baseball Field Relocation – The plan has been recorded and construction is complete. Project has not yet been closed through approval of Certificate of Total Completion.
- Luongo Reverse Subdivision and Land Development – Zoning Variances and Conditional Use have been approved. The applicant has submitted a land development application which was recommended for approval by the Planning Commission in June. The applicant is revising the plan pursuant to staff and consultant review prior to it being reviewed by Township Council.
- A land development application from Granite Farms Estates for building additions to the nursing care facility and reconfiguration of the parking area surrounding the nursing care facility, was recommended for approval by the Planning Commission on March 8, 2022 and final approval was granted by Council in March 2022. Plan has been recorded.
- A minor subdivision application has been received for 252 W. Forge Road to create one additional residential lot. The Plan has been recorded and a grading and excavating permit has been approved for construction of the driveway entrance to the new lot.
- A minor subdivision application has been received for 51 W. Forge Road to create one additional residential lot. This application was approved by Council in January 2022. Plan has not yet been recorded.
- A minor subdivision application has been received for 552 Old Forge Road to create three residential lots. This application was

recommended for approval by the Planning Commission in May 2022 and was granted conditional preliminary and final approval by Township Council. The plan has not yet been recorded.

- A minor subdivision application has been received for William N. Weirich, Jr. (Highpoint Drive) to create one interior residential building lot. The plan has been recorded and work is approximately 70% complete.
- A land development application has been received from Sunnybrae Farm, L.P. (Wolff's Applehouse) for approval of a permanent pavilion structure (previously constructed under a waiver of land development), building expansion (for on-premises kitchen) and a separate garden center building. This application has been recommended for conditional use approval and preliminary land development approval by the Planning Commission and has received zoning variances to permit the proposed expansion. Township Council recently granted preliminary approval of this plan.
- Williamson College of the Trades 72-Bed Dormitory Land Development (Phase 6) – A land development application has been received to construct a 72-bed dormitory at the campus. This application was recommended for approval by the Planning Commission and approved by Council in August 2022. Plan has been recorded and a grading and excavating permit for the site work has been approved. Work is approximately 15% complete.
- 47 N. Middletown Road Land Development – An application for land development for construction of a meeting room building (religious use) and parking lot has been reviewed by Township Staff and Consultants and was recommended for approval by the Township Planning Commission in May 2023. The plan has received conditional final approval from Township Council. This site is located to the southwest and contiguous to Smedley Park.



MIDDLETOWN TOWNSHIP COUNCIL  
DELAWARE COUNTY, PENNSYLVANIA

- - -

Public Hearing  
Resolution 2023-24  
Sunnybrae Farm, LP (Wolff's Apple House)

- - -

Monday, August 14, 2023  
Commencing at 8:02 p.m.

- - -

Middletown Township Building  
27 North Pennell Road

- - -

MEMBERS PRESENT:  
MARK KIRCHGASSER, COUNCIL CHAIR  
JACKIE DONNELLY  
KATHLEEN O'CONNELL BELL  
SUSAN K. POWELL  
WALTER (BOK) READ  
BIBIANNA DUSSLING  
DAVID BIALEK, PharmD, R.Ph

APPEARANCES:  
CHARLES MILLER, ESQUIRE  
Solicitor  
WILLIAM SULLIVAN, ESQUIRE  
On behalf of the Applicant

ALSO PRESENT:  
  
JOHN MCMULLAN  
Township Manger

LORI A. DIFABIO  
PROFESSIONAL COURT REPORTER-NOTARY PUBLIC  
P.O. BOX 292  
MEDIA, PA 19063  
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610-659-7676

1 THE CHAIRMAN: We'll move on now to our  
2 public hearing, conditional use application for  
3 Sunnybrae Farm, LP, which is Wolff's Apple Orchard.

4 Mr. McMullan?

5 MR. MCMULLAN: Yes. Thank you,  
6 Mr. Chairman. So for council tonight is a public  
7 hearing, like you just mentioned, for Wolff's Apple  
8 House to add the following uses to its farm market  
9 operations: The sale of closed containers for  
10 consumption off-premises sale of locally produced beer,  
11 hard cider, wine and spirits.

12 Representing Wolff's Apple House is  
13 Mr. Timothy Sullivan.

14 MR. SULLIVAN: Good evening.

15 THE CHAIRMAN: That was your cue.

16 MR. SULLIVAN: Do you want to open the  
17 public meeting?

18 THE CHAIRMAN: Yes, I do. Can I have a  
19 motion to open the hearing?

20 MS. O'CONNELL BELL: Motion.

21 MR. BIALEK: Second.

22 THE CHAIRMAN: Thank you, Mr. Bialek.

23 All those in favor?

24 (Whereupon, members presented vote

1 "aye." )

2 Opposed?

3 (No response.)

4 Motion carries. The hearing is now  
5 underway.

6 Mr. Sullivan?

7 MR. SULLIVAN: Good evening.

8 MR. MCMULLAN: Just quickly, Mr.

9 Sullivan, I want to enter into the record the exhibits  
10 for the advertisement. Thank you.

11 MR. SULLIVAN: And in addition to that,  
12 the exhibit that I handed up at the planning commission  
13 for notifications to all abutting property owners. I  
14 want to make sure that's part of the record.

15 MR. MCMULLAN: Thank you.

16 MR. SULLIVAN: So as John introduced it,  
17 this is an application to allow sale of -- in closed  
18 containers -- beers, locally-produced beer, wine and  
19 spirits.

20 With me tonight from Wolff's Apple House  
21 is Ashley Pippin Wolff; from Conshohocken Brewery is  
22 John Remington and from Pennsylvania Distilleries is  
23 Joe Amoroso.

24 So our presentation tonight is -- Wolff's

1 Apple House has been in business for 113 years. It  
2 predates any zoning ordinance in Middletown Township.  
3 The underlying zoning where Wolff's Apple House is  
4 located is R-1 zoning. So we -- because we're so old,  
5 we are a preexisting non-conforming use. We're a  
6 farmers market. We don't currently sell  
7 locally-produced alcoholic beverages. Middletown  
8 Township Zoning Code provides that if we want to change  
9 our use, that is handled by virtue of a conditional use  
10 before township council. Years ago, it used to be a  
11 special exception before the Zoning Hearing Board.  
12 Middletown, as well as a number of other  
13 municipalities, now handle it by conditional use by the  
14 governing body.

15 To give you some further background,  
16 obviously the sale of alcoholic beverages is controlled  
17 by the Liquor Control Board. The Liquor Control Board  
18 allows the sale of locally-produced alcoholic beverages  
19 in farmers markets. So if we had a conforming zoning  
20 district, we wouldn't need to come before council for  
21 conditional use but because we are non-conforming,  
22 we're in an R-1 District, we do need to come before  
23 council.

24 This process will be regulated by the



1 Pennsylvania Liquor Control Board. The specifics of  
2 the application is that Conshohocken Brewery -- which  
3 is Mr. Remington -- they operate a brewery in King of  
4 Prussia. That's where their main brewery is. I guess  
5 you started in Conshohocken and needed a bigger  
6 facility so now it's in King of Prussia. And  
7 Pennsylvania Distilleries, which is Joe Amoroso, they  
8 operate a distillery in Malvern, Pennsylvania. They  
9 came to Wolff's Apple House and asked if they could  
10 sell their product at Wolff's Apple House and we are  
11 happy to offer that if council approves it.

12 The product will be sold on weekends.  
13 It's not a seven-day-a-week operation. We anticipate  
14 it would also be sold on, like, the Tuesday and  
15 Wednesday before Thanksgiving or other major holidays,  
16 but this is basically an offer to the customer of  
17 Wolff's in their busier periods.

18 The products will be offered for sale at  
19 tables that they set up in a space that we provide at  
20 Wolff's Apple House. Our employees are not involved in  
21 the sale transaction. Their employees are involved in  
22 the sale transactions. So their employees will be  
23 giving the product to the customer, their employees  
24 will be doing the necessary age check of anyone

1 purchasing the product. Their employees are collecting  
2 the money and Wolff's gets a percentage of the sales.  
3 That's why it's attractive to Wolff's.

4 One other point I want to cover is that  
5 the -- they will obtain the necessary permits from the  
6 Liquor Control Board for the actual sales that occur.  
7 It's either an exposition permit or it's a storage  
8 license. I think the other -- two types of an LCB  
9 approval that they need and we anticipate it will start  
10 out with the exposition permits.

11 We've included wine in our application.  
12 We have not been approached by a local winery, but we  
13 all know there's plenty of local wineries and we don't  
14 want to have to come back before council if a winery  
15 approaches us and wants to sell their product as well.

16 So again, this is sales of closed  
17 containers for consumption off premises. This is not a  
18 Linvilla Beer Garden type of arrangement. If we ever  
19 got to that type of arrangement, we would need to come  
20 back before council, so that's not what we're asking.

21 THE CHAIRMAN: This is for retail  
22 purchase, not retail consumption?

23 MR. SULLIVAN: That is correct. That is  
24 correct. Middletown Township Planning Commission

1 unanimously recommended approval of our application and  
2 with that, I would ask for any questions.

3           The 27 criteria in the Middletown  
4 Township Code that the township considers in a  
5 conditional use application -- we're not expanding  
6 anything. We're not building anything. So I think the  
7 only one that really applies is whether or not what  
8 we're asking is precarious to the community or to  
9 township and I feel this is not a precarious offer.

10           THE CHAIRMAN: All right. So are you  
11 compelled to bring any witnesses at this time or if we  
12 have questions, we can apply them to witnesses if  
13 necessary?

14           MR. SULLIVAN: Correct. They're here to  
15 answer any questions that you may have that I don't  
16 have the answers for.

17           THE CHAIRMAN: Questions from members?

18           MS. POWELL: Is there a definition of  
19 local?

20           MR. SULLIVAN: What's the definition of  
21 local?

22           AUDIENCE MEMBER: I think Pennsylvania.

23           THE CHAIRMAN: If we're going to do that,  
24 we may need to swear them in.

1 (Whereupon, ASHLEY PIPPIN WOLFF, JOSEPH  
2 AMOROSO AND JOHN REMINGTON were duly sworn.)

3 MR. SULLIVAN: Who wants to take the  
4 question?

5 JOSEPH AMOROSO: The local question?  
6 Yes, I mean, I can answer that. Obviously we're in  
7 Malvern, we're a very local company, everything we do  
8 right now is locally. We're in other farmers markets  
9 that are all local as well and that's our whole  
10 philosophy right now. We're looking for distributors  
11 in other states, but that hasn't happened at this  
12 point. We've been in business for seven years and it's  
13 just local. That's what we do.

14 THE CHAIRMAN: And Tim, your provision  
15 will be "locally produced" in your application?

16 MR. SULLIVAN: Yes. Yes. And by  
17 "locally produced", Pennsylvania Liquor Control Board,  
18 my understanding is it has to be Pennsylvania local,  
19 not Delaware, Maryland or New Jersey.

20 JOSEPH AMOROSO: And to answer that  
21 question about the permits. We only need to get one  
22 permit. The permit is good for one year and it covers  
23 all of the farmers markets. I just need to send in on  
24 a two-week basis ahead of time where we're going to be

1 and what the hours are. So it's pretty much covered  
2 already.

3 MR. BIALEK: Just the clarification of  
4 "locally". We're stating that Pennsylvania  
5 manufactured beverages would be the limitation for sale  
6 within the location?

7 MR. SULLIVAN: Correct.

8 MR. BIALEK: Any changes to the current  
9 hours? I noticed you mentioned a couple times  
10 specifically -- is this a stand that will be on  
11 location at the normal business hours? No change to  
12 the current operation of business hours?

13 ASHLEY PIPPIN WOLFF: No change to the  
14 current operation of business hours. It may occur  
15 within the current hours and probably -- possibly more  
16 limited in scope than that, but not to exceed the  
17 current hours.

18 MR. BIALEK: Any regular frequency or is  
19 it just going to be around holiday times, advance of  
20 holiday times?

21 MR. SULLIVAN: And weekends.

22 MR. BIALEK: Okay.

23 THE CHAIRMAN: Any other questions from  
24 members of council?

1 THE SOLICITOR: If I could have -- Tim,  
2 real quickly, just for clarification, I know you had  
3 indicated this was in the R-1 Zoning District. The  
4 application says R-2. I looked at the prior review  
5 letter from the expansion and it also says R-2. I want  
6 to make sure that clarifies -- I believe, you know, in  
7 a resolution, it would state that.

8 MR. SULLIVAN: It's R-2. My mistake.

9 THE CHAIRMAN: R-2?

10 THE SOLICITOR: It doesn't impact this,  
11 but --

12 MR. SULLIVAN: Understood. But I spoke  
13 in error, it is R-2. My notes are wrong.

14 MS. POWELL: Will there be sampling?

15 MR. SULLIVAN: Well, gentlemen, will  
16 there be sampling?

17 JOHN REMINGTON: No.

18 JOSEPH AMOROSO: On my part, there would  
19 be.

20 JOHN REMINGTON: Maybe.

21 JOSEPH AMOROSO: It's very small.

22 THE CHAIRMAN: Is that a definitely maybe  
23 or is that --

24 JOHN REMINGTON: It's just tricky with

1 opening up cans and, you know, partial, then you have  
2 an open container and depending on how long that it  
3 sits there, then it's either going flat or -- so,  
4 generally speaking, our price point is 12 to 14 on the  
5 high end, 16 dollars a four pack. So it's not, you  
6 know, it's -- we're kind of both. They're vodka, we're  
7 beer, or they're spirits. So it's kind of like,  
8 hopefully you know what you're getting into before you  
9 purchase it. But once we can -- yeah, I think if  
10 there's a future where, you know, there's potentially  
11 on-premises consumption then yes, but for now, as long  
12 as it's all to-go beer, probably not.

13 THE CHAIRMAN: Okay. Any other questions  
14 from the members of council? Staff?

15 MR. MCMULLAN: You did mention the -- is  
16 it -- we don't know yet if it's going to be an  
17 exposition permit or storage?

18 MR. SULLIVAN: Starting out as an  
19 exposition permit.

20 MR. MCMULLAN: Okay. Okay. There's  
21 different -- there's big differences between those two.

22 MR. SULLIVAN: Yes, there are.

23 JOHN REMINGTON: It's considered by LCB  
24 -- termed as a farmers market license permit.

1 THE SOLICITOR: Permit.

2 MR. SULLIVAN: So is that different from  
3 an exposition permit?

4 JOHN REMINGTON: Yes.

5 MR. SULLIVAN: So it's a farmers market  
6 license permit.

7 JOHN REMINGTON: Correct. Still it is  
8 closed -- a closed container and there's no on-site  
9 sale for consumption. If there were on-premise  
10 consumption, then the licensing would fall outside of  
11 farmers market. We would need to come in with a  
12 different license.

13 MR. BIALEK: Will there be any on-site  
14 storage while your representatives are not on site?

15 JOHN REMINGTON: Nope.

16 MR. MCMULLAN: Thank you.

17 THE CHAIRMAN: Any other questions from  
18 staff? Any questions from members of the public?

19 (No response.)

20 THE CHAIRMAN: Okay. Seeing none and  
21 hearing none.

22 MR. SULLIVAN: That concludes my  
23 presentation.

24 THE CHAIRMAN: May I have a motion to



1 close the hearing?

2 MS. POWELL: So moved.

3 MR. BIALEK: Second.

4 THE CHAIRMAN: All those in favor?

5 (Whereupon, members presented vote

6 "aye.")

7 Opposed?

8 (No response.)

9 Motion carries.

10 We now go to Item 5A-1, which  
11 consideration for approval. The conditional use  
12 application by Sunnybrae Farm a/k/a Wolff's Apple  
13 Orchard. May I have a motion?

14 MR. BIALEK: So moved.

15 THE CHAIRMAN: Thank you, Mr. Bialek.

16 Do I have a second?

17 MS. DONNELLY: Second.

18 THE CHAIRMAN: Thank you, Ms. Donnelly.

19 All those in favor?

20 (Whereupon, members presented vote

21 "aye.")

22 THE CHAIRMAN: Opposed?

23 (No response.)

24 Motion carries.

1 MS. DUSSLING: One abstention.

2 THE CHAIRMAN: That's an employee of said  
3 entity.

4 (Public hearing concluded.)

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C E R T I F I C A T E

I hereby certify that the proceedings are  
contained fully and accurately in the notes taken by me  
in the proceedings of the above cause, and that this

copy is a correct transcript of the same.

-----  
Bridget Galloway Owen  
Official Court Reporter

MIDDLETOWN TOWNSHIP COUNCIL  
DELAWARE COUNTY, PENNSYLVANIA

- - -

Public Hearing  
Chapter 210, Article V, Standards, Section 41,  
Recreational Facilities and Open Space

- - -

Monday, August 14, 2023  
Commencing at 8:15 p.m.

- - -

Middletown Township Building  
27 North Pennell Road

- - -

MEMBERS PRESENT:

- MARK KIRCHGASSER, COUNCIL CHAIR
- JACKIE DONNELLY
- KATHLEEN O'CONNELL BELL
- SUSAN K. POWELL
- WALTER (BOK) READ
- BIBIANNA DUSSLING
- DAVID BIALEK, PHARMD, R.PH

APPEARANCES:

- CHARLES MILLER, ESQUIRE  
Solicitor

ALSO PRESENT:

- JOHN MCMULLAN  
Township Manger

LORI A. DIFABIO  
PROFESSIONAL COURT REPORTER-NOTARY PUBLIC  
P.O. BOX 292  
MEDIA, PA 19063  
LORIDM@COMCAST.NET  
610-659-7676

1 THE CHAIRMAN: It's required because of  
2 advertising that we open this hearing for the record  
3 and then postpone the date.

4 If I could have a motion to open the  
5 hearing?

6 MS. DONNELLY: So moved.

7 THE CHAIRMAN: Thank you, Ms. Donnelly.  
8 Do I have a second?

9 MS. O'CONNELL BELL: Second.

10 THE CHAIRMAN: Thank you, Ms. Bell.  
11 All in favor?

12 (Whereupon, members presented vote  
13 "aye.")

14 Opposed?

15 (No response.)

16 Motion carries. Mr. McMullan.

17 MR. MCMULLAN: Yes. Thank you,  
18 Mr. Chairman.

19 Just as you mentioned, as part of the  
20 public hearing, it's just council approving moving this  
21 public hearing or the public hearing related to this  
22 particular amendment to the ordinance to the September  
23 25th meeting and that's just so that planning has an  
24 opportunity to review it at their meeting in early

1 September. That's why they're requesting to move this  
2 to the September 25th meeting.

3 THE CHAIRMAN: So, John, do we need to  
4 vote on that in the context of this hearing?

5 MR. MCMULLAN: You need to vote on just  
6 continuing the hearing.

7 THE CHAIRMAN: Do I have a motion to  
8 continue?

9 MS. DONNELLY: So moved.

10 THE CHAIRMAN: Thank you, Ms. Donnelly.

11 MS. DUSSLING: Second.

12 THE CHAIRMAN: Thank you. All in favor?  
13 (Whereupon, members presented vote  
14 "aye.")

15 Opposed?

16 (No response.)

17 Motion carries.

18 May I have a motion to close the hearing?

19 MR. BIALEK: So moved.

20 THE CHAIRMAN: Thank you, Mr. Bialek.

21 MS. DONNELLY: Second.

22 THE CHAIRMAN: Thank you, Ms. Donnelly.

23 All in favor?

24 (Whereupon, members presented vote

1 "aye." )

2 Opposed?

3 (No response.)

4 Motion carries.

5 (Public hearing concluded.)

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I hereby certify that the proceedings are contained fully and accurately in the notes taken by me in the proceedings of the above cause, and that this copy is a correct transcript of the same.

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Bridget Galloway Owen  
Official Court Reporter