

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
OCTOBER 23, 2023

Minutes of the Regular Meeting of Township Council held on October 23, 2023, at 7:00 p.m. in the Township Building located at 27 N. Pennell Road.

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

Excused: Jackie Donnelly

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

Mr. Kirchgasser stated there are court reporter minutes that are a part of these minutes that have not yet become available so Council is effectively approving the subject matter and will wait for the court reporter's report at a later date.

A) Draft Township Council Minutes: August 14, 2023

Mr. Read made a motion to approve the August 14, 2023 minutes. Ms. Dussling seconded the motion. The motion carried with a vote of 6-0.

B) Draft Township Council Minutes: September 11, 2023

Mr. Bialek made a motion to approve the September 11, 2023 minutes. Ms. Powell seconded the motion. The motion carried with a vote of 6-0.

3. PUBLIC COMMENTS

Ms. Molly Ertie, 249 Bortondale Road, stated she came to tonight's meeting because she thought there might be discussion, even though it is not Middletown Township's, about the sewer pump at the end of her driveway. Mr. McMullan stated he and the Township Engineer participated in a meeting today regarding a project being done by Upper Providence Township. Township staff found out about the meeting Friday afternoon because a resident called after signage was placed on Knowlton Road about a closure. The project, according to Upper Providence Sewer Authority, is an emergency project. The main pump as well as the back-up pumps are failing. Proposed traffic will be detoured and will flow to Media Station Road to Indian Lane out to South Old Middletown Road. Mr. McMullan stated he was able to reroute with traffic going to South Orange Street to Baltimore Pike and any motorist that needs to get to S. Old Middletown Road can access Elwyn Road to get to Rt. 352, to travel north or south. According to Upper Providence, this will be a one-day project, but they built in two days in case of any miscellaneous haphazard that may happen, and it will hopefully be completed by October 30, 2023. The project will run from 7 a.m. to 3 p.m. Ms. Ertie stated she has had many conversations with the men doing the work, and it has been a very difficult project which started shortly after she purchased the property.

Mr. Kirchgasser stated Ms. Ertie lives immediately adjacent to the project and her driveway comes out right at the pump. Ms. Ertie said she is aware there is an easement on parts of her

property, but she is all about communication and she has received no communication. She attended two of their meetings and they very offensively stated they will e-mail her husband because he is an architect, but they haven't even followed through with that. She stated the reason she is here tonight is she wants on record that she has expressed many concerns. Number one being they are encroaching on her property with massive debris that they assure her is going to go away. She is not confident that this will happen. Ms. Ertie stated they purchased the property in January and since then they have cut into the side of the hill where her driveway is, and she is concerned that in the future when her driveway starts to collapse where is her recourse. She stated at the meeting they stated they are waiting for PECO to disconnect the electricity and she questions if this will affect her electricity. She has had no communication. She stated she has a 96-year-old mother living with her and she cannot have no communication in the case of an emergency.

Mr. Kirchgasser stated the Township does not enjoy the "oh by the way" approach that Upper Providence Sewer Authority has laid on the Township. The Township found out through the public and had to proactively communicate with the Authority just to find out what was going on. Ms. Ertie stated she is not confident they will hold up their end of the deal.

Mr. McMullan stated because Ms. Ertie is expressing her concerns, he will certainly relay the concerns to the Upper Providence Township Manager and the Sewer Manager in Upper Providence. Mr. Kirchgasser asked Ms. Ertie to enumerate the things she thinks the Township can leverage with Upper Providence in their discussions. The Township is trying to help at the level they can help.

4. REPORTS

A. CHAIRMAN:

Mr. Kirchgasser reported the Sleighton Farm trail is open for use and is getting rave reviews. Mr. McMullan stated the trail is getting impressive use which he is happy about and it's nice to get positive feedback on projects the Township is doing. He stated it is a beautiful piece of property.

Ms. O'Connell-Bell stated she was out there twice and encountered different people who voiced rave reviews and remarked on how it is an easier assessable natural park than some of the other parks which are more man made and they would like to see more of the natural setting as they feel transported by the setting.

B. COMMITTEE: NONE

C. MANAGER:

1) Update: SEPTA - Middletown Township, Aston Township, and Chester Heights Borough.

Mr. McMullan stated he is continuing talks about funding for the feasibility study. Unfortunately, it is taking longer than SEPTA had expected.

2) The "Not So Spooky" Haunted Halloween Trail at Sleighton Park on West Forge

Road is scheduled for Saturday, October 28, 2023, 4:00 - 8:00 p.m. No rain date. Mr. McMullan announced the "Not So Spooky" Haunted Halloween Trail at Sleighton Park is scheduled for this Saturday, October 28, 2023, from 4 p.m. to 8 p.m. He stated last year was a huge success and it looks like the weather is cooperating.

D. ENGINEER: - NONE

5. PUBLIC HEARING: - N/A

6. OLD BUSINESS: - N/A

7. NEW BUSINESS

A. Consideration for Introduction: Ordinance No.856, amending Chapter 275, Zoning, by adding certain standards and criteria governing the operation of residential group homes and conditional uses.

Mr. McMullan stated before Council for introduction is Ordinance No 856. This ordinance came to the attention of Council as a result of residents that are neighbors or 12 N. Bryn Mawr Place. A neighbor requested the Township and Solicitor review a similar Ordinance from Marple Township regarding group homes. In taking some of the language from the Marple Township Ordinance and applying to the situation in Middletown Township for the regulation of group homes. Among other things, the Ordinance implements a distance limitation and imposes certain standards upon the owners and operators of the homes. The language of the Ordinance was modeled after Marple Township's Ordinance and was discussed with residents of N. Bryn Mawr Place. Specifically it adds a 1,000 foot spacing between group homes and adds group homes by Conditional Use and more importantly this Ordinance shall provide the Township, in writing, the following prior to commencing occupancy of the home; the location of the home, the individual(s) responsible for operation or maintenance of the home and/or appropriate emergency contact personnel, and a summary of the specialized treatment/care provided to the residents of the homes as may be necessary to aid Township emergency services personnel in the event of an emergency.

The owner of the property or the operator of the home shall update the information required within 5 business days if there are any changes to the submitted information. He stated this ordinance is for introduction and will be moved for adoption at the November 13, 2023, Council meeting after it has been properly advertised. Mr. Kirchgasser stated the important aspect to the ordinance is the public safety components that are critical to the existing neighbors and to new neighbors that would be impacted by these types of uses.

Mr. Read stated to avoid the debacle of the last council meeting, instead of representatives not informing the Township, no progress should occur. Mr. McMullan stated the owners and operators of the group home must contact the Township to provide that type of information. Mr. Read added the information should be in-depth, and Mr. McMullan agreed. Mr. Kirchgasser stated what the Township is asking for is transparency and better communication from the start as it is more difficult to properly react from a public safety perspective without this information. Ms. Dussling asked if there was any communication with Marple Township

to see if there had been anything that was a challenge and if it covered everything they hoped to address. Mr. McMullan stated he had a conversation with Marple Township's Solicitor in terms of creating and drafting the ordinance. The question came up today as to whether or not anyone has challenged the ordinance, but he has not heard back from Marple Township. There may be some provisions in the ordinance because of the Federal Housing Act, some things may be challenged. Ms. O'Connell-Bell commented that Mr. Read wants to make sure that the Township has adequate notice and also there is a lot of regulatory compliance with regard to the ordinance and there is only so much the Township can do. In section J where it comments "following prior to commencing occupancy of the home the owner of the home must update the information required within 5 business days", is there any opportunity for this to be any earlier? If they are bringing this information to the Township in writing prior to occupancy is there any way to get this information earlier?

Ms. O'Connell-Bell stated this might help with the confusion the neighbors had with work being done prior to the Township having any information about the occupancy of the home. Mr. Damico stated he will follow up with Mr. Charles Miller who wrote the draft ordinance. Mr. Damico asked if the owners were doing work based on permits, they received from the Township, but the residents did not know what was going on in terms of the use of the property. Ms. O'Connell-Bell stated the residents thought there was work going on at the site and the Township was not aware permits had been issued. Mr. McMullan stated Catholic Social Services who ended up having a meeting with some Township staff and residents stated they don't usually reach out to residents but if there is earlier notification the Township can hopefully avoid the situation where Mr. Gifford came to a Council meeting and was upset the Township did not have enough information.

Ms. Powell made a motion to introduce Ordinance No. 856. Mr. Bialek seconded the motion. The motion carried with a vote of 6-0.

B. Motion to Authorize: Lease Agreement between SEPTA and Middletown Township.

Mr. McMullan stated before Council for authorization is a lease agreement between SEPTA and Middletown Township. Consistent with the Home Rule Charter when the Township enters into an agreement with another entity, is for Council to approve the agreement so that the Township after a lengthy process by discussions, conversations, and meetings feels this is an agreement they are comfortable with executing with SEPTA for further construction of the Mint Trail as well as the overlook area at the portion already paved off of the parking garage which will be a very beautiful overlook of the Chester Creek and the open space. Mr. Kirchgasser asked what was left, and Mr. McMullan reported the agreement with the Sewer Authority and WV-PP and the last remaining agreement with Toll Brothers. Mr. Janetka added he just found out the Toll Brothers agreement was signed. Mr. Janetka stated the Township has all of the permits for the project and he is putting together the bid specs with the easements as part of the bid specs. He stated it should be advertised for bids in the next couple of weeks. Mr. Janetka added this gets the trail to the top of the hill above the culvert.

Ms. O'Connell-Bell made a motion to authorize the lease agreement. Ms. Dussling seconded the motion. The motion carried with a vote of 6-0.

C. Motion to Authorize: Easement Agreement between WV-PP Towne Center, Middletown Township, and Middletown Sewer Authority for the “Mint Recreation Trail.”

Mr. McMullan stated before Council is the easement agreement between WV-PP Towne Center and Middletown Township Sewer Authority for construction of the Mint Recreational Trail. A portion of the WV-PP property will be used for construction and the trail will primarily go over the top of the Sewer Authority’s easement requiring this tri-party agreement. Mr. Kirchgasser added this trail gets the Township from the Wawa Train Station up to the point above the culvert and back north to connect to the existing trail system that is immediately adjacent to the PA State Police Barracks. Mr. Janetka added it covers most of that but not entirely because the Sewer Authority does not have an easement up to the barracks. Mr. McMullan added that will be a part of a future Phase III. Mr. Kirchgasser noted Mr. Barry Pinkowicz, President of the Chester Creek Rails to Trails, in the audience.

Ms. O’Connell-Bell made a motion to authorize the agreement. Mr. Bialek seconded the motion. The motion carried with a vote of 6-0.

D. Approval of October 23, 2023 Bill List.

Mr. Kirchgasser read the Bill List aloud.

GENERAL FUND		
A. J. Blosenski, Inc.	July-Aug.-Sept. Trash Contract	\$ 134,622.60
Aqua Pennsylvania, Inc.	Fire Hydrants	\$ 9,459.72
Charles A. Higgins & Sons	Traffic Light Maintenance	\$ 1,855.88
	Pole Relocation	<u>\$ 3,696.18</u>
		<u>\$ 5,552.06</u>
Kelly Engineers & Surveyors	Professional Services	\$ 17,615.63
Longley Insurance Agency	Insurance Rocky Run & Middletown	
	Fire Companies	\$ 21,322.00
United Inspections Agency	Electrical Inspections	\$ 5,500.00
General Fund Total		<u>\$ 194,072.01</u>

CAPITAL RESERVE

Heidelberg Materials	Sleighton Track Parking Lot	\$	6,055.76
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		\$	6,055.76

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

Mr. Kirchgasser adjourned the meeting at 7:30 p.m.

Respectfully Submitted,



Sharon Browne