

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
OCTOBER 28, 2019

Minutes of the Regular Meeting of Township Council held on October 28, 2019 at 7:00 p.m. in the Township Administration Building located at 27 North Pennell Road.

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

Absent: Stephen Byrne, Scott Galloway

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 stated Council met in Executive Session to discuss legal issues regarding terms and conditions on the acquisition of the Sleighton property.

Mr. Kirchgasser asked if anyone was videotaping the meeting. Mr. A.G. Ciavarelli, 301 New Darlington Road, stated he is videotaping the meeting.

2. APPROVAL OF MINUTES

Mrs. Powell made a motion to approve the minutes of September 23, 2019 and Mr. Read seconded the motion. Mr. Carlson and Mr. Shropshire abstained from the vote due to their absence from the meeting. The motion carried with a vote of 3-0.

Mr. Kirchgasser announced he has some notes about this morning's subsidence at the Sleighton Park drilling site and asked for comments for this event to be conveyed under Chairman report.

3. PUBLIC COMMENTS

NONE

4. REPORTS

A. CHAIRMAN

Mr. Kirchgasser stated at approximately 2:30 A.M. Sunoco's security staff discovered a subsidence at drill site 591 at Sleighton Park. He stated it was located inside the sound barriers and immediately adjacent to the opening from September 13, 2019. He stated he is relaying the facts as reported by Sunoco. He stated Michels employees utilized mobile gas meters to assess the area and determined no leak was present. He stated the PUC and the DEP were advised in the early morning; however, he does not have an exact time. Mr. Kirchgasser stated a senior inspector, Terry Coopersmith from the PUC, was on site and determined no clear and present danger from this subsidence. He stated the Township staff was notified by Sunoco personnel at 7:55 a.m. and staff was on-site by 8:20 a.m. confirming the presence of DEP and PUC personnel. He stated the opening was approximately 8 feet in diameter and 10 feet in depth and included an exposed 12-inch GRE pipeline with approximately 4-5 feet of exposed unsupported pipe. After 9:00 a.m., Sunoco filled the void with flowable fill under the supervision of DEP and PUC personnel. He stated the Township requested Sunoco's attendance at tonight's meeting, but they

declined. Mr. Kirchgasser stated staff required answers specific to the multiple subsidences at Sleighton Park. Mr. Kirchgasser stated the PUC has ultimate jurisdiction on the easements in these areas.

Mr. Janetka stated Sunoco showed him documents based on a geophysical study they had done. He stated these studies identify areas of higher and lower density ground material. He stated the testing revealed a lower density material adjacent to the sinkhole from two weeks ago. Mr. Kirchgasser asked if the heavy rains had something to do with the subsidence. Mr. Janetka stated this is correct. Mr. Kirchgasser stated these are Sunoco's initial comments and data from the geophysical testing and the Township is waiting on the data from the PUC and at that time the Township will determine if any future action is required.

Ms. Bibbiana Dussling, 76 War Admiral Lane, asked if Mr. Terry Coopersmith is with the bureau of investigation and enforcement. Mr. Kirchgasser answered in the affirmative. Ms. Dussling asked if the testing is being done by the PUC or Sunoco. Mr. Haines stated the testing will be done by Sunoco and overseen and reviewed by the PUC. He stated they will excavate down to exposed pipe at both subsidence events sites and will do their coating and protection analysis. He stated the October 17, 2019 event-inspection was delayed due to its immediate proximity to a Verizon utility pole and the requirement to have Verizon staff on site. He stated they will be doing both sites tomorrow at 9:30 a.m., as reported to the Township.

A.G. Ciavarelli, 301 New Darlington Road, asked what Sunoco has done to remediate the prior sinkholes and what they will do with future sinkholes. Mr. Janetka stated Sunoco has begun using metal casings with new drilling. He stated the casing is drilled and pushed down into the bedrock to close any potential openings. Mr. Janetka stated he believes Sunoco is still evaluating the subsidence that are occurring. Mr. Haines stated each of the events look like they line up with the 16-inch pipe which has already been installed and not the 20-inch pipe which is ongoing. He stated Sunoco did geophysical testing after the September 13, event. He stated Sunoco expanded their area of assessment which demonstrated more low-density material they did not see the first time. Mr. Ciavarelli asked if Township officials will be informed and what is the PUC doing to ensure safety. Mr. Kirchgasser stated safety is the Township's priority.

B. COMMITTEE - FINANCE AND ADMINISTRATION

Mr. Carlson stated the Finance and Administration Committee met earlier this evening to continue discussing the 2020 Draft Budget review.

Mr. Kirchgasser stated he has one more item to address before the Manager's Report. He stated there were a series of accidents on Knowlton Road following the heavy rains due directly to slippery roadways, a combination of rain and leaves, excessive speed and lack of attentiveness. He stated there is no substitute for safe driving. He stated the fire department has been there several times and he asked residents to use caution.

C. MANAGER

Mr. Haines stated that due to continuances by applicants or conflicted schedules, there is nothing scheduled for Monday, November 4, 2019. He recommended canceling the meeting, which received consensus support from Council. The meeting will be canceled.

Mr. Drew Kmetz, Erdy McHenry project manager, gave an update on the Roosevelt School redevelopment into a community center. He stated the project consists of two elements, the older historic building and the newer addition. He stated they are working to update and renovate to make a fully functioning community center. Mr. Kmetz offered renderings of proposed upgrades to the project, and he stated they are in the process of preparing contract documents as there is a specific bidding process that is required as part of the grant funding.

Ms. Kelly Johnson, 711 Iris Lane, asked for a summary of the cost estimates. Mr. Kmetz stated the estimate shows a \$6.0million project. Mr. Haines stated there is \$4.5 million in Township non-electoral debt, a \$750,000 Keystone grant that was awarded to the Library, and the Grant match of \$750,000. Mr. Kirchgasser stated this includes interior and exterior renovations. Mr. Haines stated the project includes upgrades to mechanicals and interior finishings, with the courtyard to be a future project. Ms. Johnson asked how the Roosevelt project is different from the Media Upper Providence Library which cost \$3.5 million. Mr. Kirchgasser stated the square footage is roughly double that of the Media Library and this is an entire community center. He stated the grounds will be used for dog walking and riding bikes. He stated there will be a playground. There will be a community space in the historic building. Mr. Shropshire asked how many acres the parcel is, and Mr. Kirchgasser stated it is approximately 6 acres. He stated it will have multiple uses. Mr. Kirchgasser asked the approximate time of renovations. Mr. Haines stated they are looking to hire a construction manager to oversee the project.

Mr. Charlie Williams, 248 Lenni Road, asked if the asbestos was removed or encapsulated. Mr. Haines stated the asbestos was physically removed from the building. He stated all testing confirmed the removal was successful

D. ENGINEER

Mr. Janetka stated he has no further report.

5. PUBLIC HEARING - N/A

6. OLD BUSINESS N/A

7. NEW BUSINESS

A. Consideration for Approval: Resolution 2019-56, Final Land Development: Artis Senior Living, LLC; 129 N. Middletown Road

Mr. Joseph Riper, representing Artis Senior Living, LLC, stated they are requesting Council to approve the Final Land Development. He stated this proposal is for a 35,000 square foot memory care facility which will have 72 beds. He stated the site is the former Abboud property and is approximately 6 acres. He stated he has gotten Conditional Use approval

and submitted the Final plan in September. He stated he has received review letters from the Township consultants and is in the process of complying with the review comments and conditions. He stated the outstanding items are a Sewage Facilities Planning Exemption, obtaining the PennDOT Highway Permit, which Mr. Riper stated they will build a middle acceleration lane from Van Leer Avenue. They agreed to build part of the trail system from Middletown Road back to the School District's property. If an easement is granted from Main Line Health to continue the sidewalk, they will construct that as well. Mr. Shropshire stated he is uncomfortable with the sidewalk from the Promenade to the High School. He stated it appears as though the Township is encouraging the use of the pathway. Mr. Ciavarelli asked if there are discussions with PennDOT regarding the turning lane and Mr. Riper stated his understanding is that PennDOT is supportive of the lane. Mr. Ciavarelli asked what if PennDOT does not approve the turning lane. Mr. Andy Parker, Middletown Township Traffic Engineer, stated PennDOT has not received a formal submission but is aware of the plan and approve of this design. Mr. Parker stated this is an improvement of an existing safety concern. Mr. Parker stated the access from Van Leer Avenue into the facility is a one-way in and PennDOT may push for the access to be two-way access. Mr. Ciavarelli asked about the possibility of changing the shift hours to lessen the traffic impact. Mr. Riper stated the owner will make the start time earlier to ease the traffic impact. Ms. Kelly Johnson, 711 Iris Lane, stated she thinks connectivity around the Township is critical and some of the students who live in the apartments could walk to school instead of taking a bus. Ms. Johnson asked what the status of the easement of Main Line Health is. Mr. Haines stated staff will meet with them Wednesday.

Mrs. Powell made a motion to approve the Resolution and Mr. Carlson seconded the motion. Resolution 2019-56 carried with a vote of 4-1, with Mr. Shropshire voting no.

B. Consideration for Approval: Resolution 2019-57, Health License Fee Amendments to Fee Schedule.

Mr. Haines stated the contractual Health Officer made recommendations to update the fee schedule. The proposed fees aligned the health and food related permits with actual costs incurred by the Township. Mr. Shropshire made a motion to approve Resolution 2019-57 and Mr. Read seconded the motion. The motion carried with a vote of 5-0.

C. Approval of October 28, 2019 Bill List.

Mr. Kirchgasser read the bill list aloud.

GENERAL FUND

<u>Vendor Name</u>	<u>Description</u>	<u>Amount</u>
Aqua Pennsylvania, Inc.	September Hydrant Bills	\$ 9,375.86
A.J. Blosenski, Inc.	August Recycling/Yard Waste	\$ 25,154.53
Kelly & Close Engineers	Professional Services 8/24/19-9/20/19	\$ 25,723.50
Keystone Municipal Services, Inc.	Contracted Services 9/9/19-9/20/19	\$ 11,981.25
Petrikon Wellman Damico Brown & Petrosa	Twp. Solicitor/Billed Through 9/30/19 October Retainer	\$ 4,372.50 \$ 1,000.00
		\$ 5,372.50
	General Fund Total	<u>\$ 77,607.64</u>

CAPITAL RESERVE FUND

Middletown Fire Company	Fire Truck Upfitting	\$ 10,836.00
Pennoni	Fuel Tank Replacement	\$ 16,093.35
Road Safety Systems, LLC	Guide Rail Improvements	\$ 13,845.00
	Capital Reserve Fund Total	<u>\$ 40,774.35</u>

CAPITAL 2019 G.O. BOND - ROOSEVELT

The Bank Of New York Mellon	GOB Series 2019 - Interest Pmt.	<u>\$ 39,959.99</u>
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CAPITAL 2019 G.O. BOND - TRID

Century Engineering, Inc.	Wawa Recreational Trail	\$	18,643.39
The Bank Of New York Mellon	GOB Series 2019 - Principal	\$	310,000.00
	GOB Series 2019 - Interest	\$	39,424.00
		\$	<u>349,424.00</u>
	Capital 2019 G.O. Bond - TRID Total	\$	<u>368,067.39</u>

Mr. Carlson made a motion to approve the bill list and Mr. Read seconded the motion. The motion carried with a vote of 5-0.

Mr. Kirchgasser adjourned the meeting at 7:47 p. m.

Respectfully Submitted,



Sharon Browne