

MIDDLETOWN TOWNSHI
DELAWARE COUNTY, PENNSYLVANIA
NOVEMBER 13, 2023

Minutes of the Regular Meeting of Township Council held on November 13, 2023 at 7:00 p.m. in the Township Building located at 27 N. Pennell Road.

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

Excused: Mark Kirchgasser

1. OPENING: PLEDGE OF ALLEGIANCE TO THE FLAG

Ms. O'Connell-Bell 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: September 25, 2023

Ms. Donnelly made a motion to approve the September 25, 2023, minutes. Mr. Bialek seconded the motion. The motion carried with a vote of 6-0.

3. PUBLIC COMMENTS

Mr. Jessie Brundage, 861 Aspen Road, Aston Township, stated he grew up in the Township close to the Sleighton Farms site. The majority of his exercise consists of walks, and he was delighted to learn of the new trail opposite Sleighton Farms on Valley Road. He was even happier when he tried it out on several occasions. He commented on the fields and stands of trees and stated he spotted several foxes on his walk. Mr. Brundage thanked Council for their efforts in preserving the area. Not only does the trail provide a nature experience but it is also a force against development in Middletown Township as well as surrounding areas. He hoped he is not overstepping his suggestions that the other side of Valley Road with the old, abandoned structure might as well be made into a nature preserve and additional trails.

Ms. O'Connell-Bell stated they have already discussed at the last meeting for anyone who has not been out to the new trail to appreciate that it is a unique parcel. She thanked Mr. McMullan for putting a trash can in the parking lot so she no longer has to carry her dog waste home. She thanked Mr. Brundage for his comments.

4. REPORTS

A. CHAIRMAN: NONE

B. COMMITTEE: Finance and Administration Committee met on Wednesday, November 1, 2023, to discuss the 2024 budget. Ms. Dussling stated the committee met on November 1, 2023 along with members of the Library Board to discuss the 2024 budget. The committee was able to come up with a draft that results in no tax increase for Township residents as well as a discussion with members of the Library Board who feel supported with their needs for 2024.

C. MANAGER:

- 1) DRAFT 2024 Budget is available for viewing at the Township Building and on the Township's website starting 11/12/2023.

Mr. McMullan stated the draft 2024 budget is available for review at the Township Building and on the Township website starting today as well as at the Roosevelt Community Center on S. Old Middletown Road. He stated there is no increase in taxes. He thanked staff and the Finance Committee for carefully working through the budget to make sure the Township is delivering a high level of service and not increasing taxes. He will be presenting the full budget at the next Council meeting on November 27, 2023.

- 2) Update on Emergency Management Service: Bill Rigby, Township Fire Chief.

Chief Rigby explained he submitted to Council a 90-day report. He stated the two departments are meeting bi-weekly with their operation leadership teams. They identified new response areas. The new tower ladder at Rocky Run Fire Company is in service. Station 50 is taking delivery of much needed radios as they are waiting for the new radio upgrades from Delaware County. He stated the EOP (Emergency Operations Plan) was upgraded. He is meeting with the departments to discuss the incentive plan to better staff the departments. He stated he is looking to launch a study in 2024 which will develop a strategic plan for the next five years. They have received money from FEMA to fund the study. Chief Rigby reported for the 90-day totals there were 688 calls which included fire and EMS, including 216 fire calls. Mr. Bialek recognized the leadership of Chief Rigby and the library and as part of a follow-up to the budget there is now a three-year plan so Council can budget on a long-term basis.

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

Mr. McMullan reported on the at-grade crossing at Lenni Road involving Middletown Township, Aston Township, and Chester Heights Borough. He is working with SEPTA to identify a third-party vendor who would be willing to pay for the feasibility study. He had several discussions last week and hopes to be closing the loop on this in the next two weeks. Ms. O'Connell-Bell asked how long the feasibility study can last and Mr. McMullan stated he unfortunately does not have an answer today but having met with Urban Engineers who have experience with these studies, it could be approximately seven months. He anticipates having better information for the next Council meeting on November 27, 2023.

D. ENGINEER:

SEE ATTACHED OCTOBER 2023 REPORT

5. PUBLIC HEARING: N/A
6. OLD BUSINESS: N/A
7. NEW BUSINESS

- A. Consideration for Approval: Resolution 2023-34, Final Subdivision and Land Development Plan (Final Plan) for Printers Way Properties LLC, to construct a storage depot at the (Franklin Mint Site), Printers Way and Donovan Drive.
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Ms. Kristen Camp, representing Printers Way Properties, LLC, stated this process started in late 2022 with a proposal to reverse subdivide four parcels that are currently zoned SU1-A. This zoning designation was created when the Franklin Mint property was in the development process. These four parcels will be reversed subdivided with the parcel then subdivided with parcel A being utilized for a self-storage facility. The property is bordered by Donovan Drive and a proposed hotel pad site. Printers Way and Baltimore Pike are located on the north of the parcel. A stormwater basin as well as the Ponds Edge development are located to the rear. A water tower and the Wawa facility is located to the east of the parcel. These parcels are sandwiched between everything zoned SU1-A and Ponds Edge zoned R-4.

The parcels are currently vacant with parcel A being 2.388 acres. The proposal is to build a four story, 47'-6", 100,498 square foot self-storage building. Self-storage is a by right usage in the SU-1-A zoning district. She stated she has reviewed letters from the Township with two outstanding issues; one being a table that shows all of the uses on the development tract met all the requirements to be placed on the plan. They also need a stormwater drainage easement on the other property and Mr. McLaughlin is working with the property owner in regard to the easement. Ms. Camp stated there are two access driveways; a full access driveway on Printers Way, and an exit only off of Donovan Drive. The facility will be climate controlled with 724 individual storage units that will be rented out to tenants. The units range in size from 5'x5' to 10'x30'. The tenants enter a lease agreement with Printers Way Properties, LLC, who will manage the facility.

There will be limits on what can be stored in the facility. You cannot store any hazardous materials. There will not be any working on vehicles or furniture repair, etc. This will be monitored carefully by the two employees who will be on-site. The property is gated, and lessees will have a key fob to use for the hours of 6am to 10pm. The facility is staffed Monday through Saturday from 9am to 5pm, and Sunday from 9am to 2pm. It is not permitted to rent outdoor space to store large vehicles. U-Haul vehicles will be stored at the facility, but there will only be five U-Haul vehicles at a time, and they will come and go as people use them. They have demonstrated to the Traffic Engineer that the traffic circulation around the building can handle fire engines. The plan provides 18 parking spaces; four will be utilized by people coming in to rent units by the office and the remainder will be around the building for renters to drop off materials for storage.

Council granted Preliminary Land Development on May 22, 2023, and all of the conditions of the resolution have been met. There was a draft resolution circulated for Final Plan approval. Ms. Camp stated it was a very clean review and they have no outstanding conditions. They went before the Planning Commission and on September 12 the commission recommended Council grant the Final plan. There were many residents from the Ponds Edge development that attended the Planning Commission meeting that were not familiar with what was proposed. She stated Kevin McLaughlin held a meeting and invited the residents of Ponds Edge to attend and he was able to answer a lot of their

questions. One of the take aways from the meeting was that the residents wanted to know what they will see when they are driving through their community. She stated Lisa Thomas prepared the visuals for tonight's meeting. The plan goes above and beyond what the Landscape Ordinance requires. On the other side of the street is a proposed hotel development which will also have street trees lining Donovan Drive.

Ms. Lisa Thomas, Landscape Architect for the project presented the landscape plan to Council. She explained there are street trees planned along Donovan Drive and on Printers Way there will be trees on both sides. She explained there will be deciduous trees as well as flowering trees along Printers Way. Along with the street trees along Donovan Drive there will be shrubbery and perennials. There will be evergreen buffering along the rear of the property. There will be evergreen shrubs along the water tower property. She stated the residents wanted screening along the rear of the building which will consist of evergreen shrubs. Mr. Bialek asked if the location of the residents are located on the plan. Ms. Thomas stated the plans consist of 40 trees, 104 evergreen shrubs, and 257 additional shrubs. She then presented renderings of the facility showing how it will look in five years' time with the landscape growth. Mr. Read asked if the wall of the building is 47 feet tall and Ms. Camp replied that is the elevation at the tallest side. Mr. Bialek asked for clarification on the number of trees along Donovan Drive in the rendering, and Ms. Thomas stated the number of trees depicted on the plan is the correct number.

Ms. Camp stated the plans went before the design review committee and they were satisfied with the materials. Ms. O'Connell-Bell asked if there are changes in the colors and Ms. Camp stated there are changes from the original design. Mr. Joe Davidson, Architect, presented renderings before Council. He presented the rendering of the office area and entrance of the facility as well as all sides of the facility. He explained there will be condensing units on the roof which will be screened by a parapet. Mr. Bialek asked if the glass is mirrored or see-through, and Mr. Davidson stated it will be see-through glass. Mr. Bialek asked if the blue doors would be visible through the glass, and Mr. Davidson stated yes.

Ms. Dussling asked about the elevation of the facility as compared to the elevation of the proposed hotel and also asked about the line of site of the building upon entering and leaving the site. The hotel sits higher than the storage facility because of the ground elevation. Mr. Davidson presented the material board to Council. Ms. Thomas stated the lights are located around the outside rim of the driveway and face into the site and are approximately 16 feet tall. She stated the ordinance allows the lights to remain on one hour after business hours and remain at 25% for security purposes until 10 pm. Ms. Powell asked if there would be lights on the building, and Ms. Thomas stated there would be lights on the canopy and by the entrances. Ms. O'Connell-Bell clarified the sign will be illuminated from within. Ms. Camp stated she feels they have presented a compliant plan and hope Council sees this and grants final approval.

Ms. O'Connell-Bell asked if anyone from the community is a designated spokesperson to present concerns or any outstanding questions. Mr. Dom DiMerino, 121 Kenneth Lane, stated he has lived in Ponds Edge for a year and a half. He stated a lot of the plans for the Franklin development are new to his community. He stated he is not naive to the fact this

is a zoned commercial site. He stated he is looking forward to development that would produce economic growth for the community and the Township. He stated this multi-million-dollar firm should be able to present accurate plans that dictate what will be going on in the site. He stated it was disappointing that this is the result of all the feedback from the community. He stated the goal of his community is to not have the storage facility at this site.

Mr. DiMerino asked Council to think about and review all the different definitions of a commercial vehicle. For most people 26,000 pounds is the gross weight for a commercial vehicle. The U.S. Department of Transportation has documented it as 10,001 pounds. He stated these changes change the size of vehicles that are permitted to park overnight as McKee Group has stated no commercial vehicles can park overnight. If this is lowered to the U.S. Department of Transportation standards, the entire fleet of U-Haul vehicles should not be permitted to park overnight. This is part of the concerns the community has with this development. He stated they do not expect the parcel to not be developed, they just want appropriate land use. He stated the concern is in 20 years they do not want a storage depot to look like the Sears auto parts store that is still vacant. He stated there is a shift of generations of people who want to store items to generation Z and millennials who do not want to store a lot of stuff. He asked Council to think about the land use and overall goal of this development. A building of this size will be difficult to repurpose in the future unlike a one-story mixed use commercial strip that has multiple tenants that can be flipped in a month. He stated a concern is of the overall ownership of all of the parcels and lack of planning. There are cases of development firms across the tristate area that have taken parcels of land and turned them into mixed use facilities. He is concerned there is not proper planning or expertise from the McKee Group to do this mixed-use development. He stated more residential and 55 plus communities should be considered to help the tax base for the Township. He stated the community is concerned about having a storage facility on the left and a hotel on the right several stories high as they are driving to their homes. He yielded back and thanked Council for their time.

Ms. O'Connell-Bell stated she shares some of his concerns, but these are not the issues before Council this evening. Ms. O'Connell-Bell asked the applicant to address the parking of the U-Haul vehicles, and Ms. Camp stated it was requested the vehicles be parked on the non-Donovan Drive side of the building and the majority of the vehicles will be kept there because this is where the office is located and for ease of renting the vehicles. Ms. O'Connell-Bell reiterated when they are not in use the plan is for the vehicles to be parked by the office.

Mr. Bialek asked for clarification of commercial vehicles, and Ms. Camp stated the facility will not rent out space for commercial vehicles such as vans or boats to park at the facility. There could be up to five U-Haul trucks parked at one time. Mr. DiMerino asked if the five U-Hauls is standard at these facilities, and Ms. Camp stated it depends on the space available. She stated they are committed according to the plan to have no more than five vehicles and will accept this as a condition of approval. She also stated the landscape plan submitted as part of the plan set is the governing document. It has been reviewed by TCA (Thomas Comitta Associates) which shows names of species as well as numerous species which must be complied with according to the review letter. What was presented tonight

was for visual purposes only.

Ms. O'Connell-Bell stated this is often the practice for the developer to show visuals of what the plan would look like to educate Council and others. Ms. Camp stated they are not trying to be deceptive but to try to show visually what type of plantings will be utilized. Mr. Bialek stated the U-Haul vehicles could come from anywhere, however, the site will only allow five at a time.

Ms. Erica Rummell, 113 Kenneth Drive, asked if there would be signage advertising the U-Haul vehicles. She stated at the November meeting the renderings did not show the large sign. She stated this is a four-story building and no matter how much landscaping, a sign on the building will be visible as you drive into the community. In her opinion, if the Township is getting \$20,000 in tax revenue for this facility and there are 200 homes behind this facility what is the impact on the value of the homes. She stated a lot of the owners are young and the Township provided for the purchase of a home but now they are getting a storage facility in the community.

Ms. O'Connell-Bell asked Mr. Damico to explain the land development process and where the Township stands at this point. She also stated a plan for signage was submitted which meets all of the requirements the ordinance provides. Mr. Damico stated before Council is a commercial land development and under Middletown Township ordinances as well as the Pennsylvania Municipalities Planning Code (MPC) those are the rules and regulations that govern land development in Middletown Township and the MPC for every municipality in the Commonwealth of Pennsylvania. It provides for a process that is followed by the applicant. It starts with going to the Zoning Hearing Board if zoning conditions are needed or making an application to amend zoning if needed and then filing a land development plan. This is a series of plans provided by an engineer that are filed with the Township and are reviewed by the Township and by the Delaware County planning commission. In some cases, they are combined as a preliminary/final or in this case the applicant filed a preliminary plan which was reviewed and approved by Township Council on May 22, 2023. Six months ago, this plan was preliminarily approved which is a legal hurdle that embeds the applicant to legally use the property. Along with this there was an amendment to the Middletown Township Zoning Ordinance which permits this use. Mr. Damico stated they are at the end of a long process. The applicant submitted a final plan in September or August which is a refinement of the preliminary plan. The process is the same as it is reviewed by the County planning department with a recommendation to approve. After a review from the Township Planning Commission, they recommended approval as well. During this time, the Township's consultants review the plans. This consists of the Traffic Engineer, Fire Marshall, and TCA, the landscape architect, and the Township's conflict engineer, McCormack Taylor. He stated these reviews resulted in a very few number of outstanding comments which are relatively minor.

Ms. Dussling stated the Zoning which was approved in the Spring did not specifically approve this use but expanded the area to be zoned SU1-A with multiple potential uses. Mr. Damico stated the applicant has a right to this use that the Zoning ordinance was amended earlier this year. Ms. Rummell stated initially there were papers posted outside

of the Ponds Edge community which were either torn down or the weather destroyed them. She stated there was a note on them stating if they were torn down they needed to be fixed in three days, which did not happen. Potentially some of the community had no knowledge of what was happening at the site. She stated she does not think anyone was opposed to the rezoning of the area; they are okay with a commercial unit but want something that is beneficial to the community. She stated there could have been a strip club in this location which abided by every regulation and Council has the right to say no as it is not a good use for the land. She stated she does not feel a storage unit is a good use for the land when there could be a restaurant at this location. So many residents would like a walkable restaurant, or a coffee shop as opposed to a storage facility that brings in individuals to a community with a number of children. How many new communities have a storage unit in front? Storage units are usually put in a location that does not impede on residents.

Ms. Laura Stagossi, 231 Ponds Edge Drive, stated she lives in a development that is slowly getting more residents. They have a homeowner's association which is run by a management company at this time. Being able to communicate with the residents has been a challenge as she only found out about the November meeting two days before it happened. She stated her community is unanimous in not wanting this building. She stated she is not against economic development in this area for something that is appropriate. She stated she was surprised to learn that part of the parcel was zoned residential which gives an indication of what the character of this community has been.

Ms. O'Connell-Bell stated she understands the residents are all collectively stating they do not want the facility and asked if there were any specific questions for the applicant. Mr. Ken Stistucky, 143 Donovan Drive, stated he has lived in the community for a year and a half and had no notice because technically they do not share property with the development. He stated there was no communication regarding this facility. Mr. McMullan explained the public notification procedure. Application is required to be advertised twice prior to the zoning meeting and the property was posted ten days prior to the meeting before the property is rezoned. Ms. Camp stated there were notices sent to property owners prior to the meetings. Ms. Rummell stated there was one posting on the property which was taken down.

Mr. McMullan stated the Township was not notified the posting was removed. Mr. Stistucky stated at the November meeting there was discussion with the colors at the facility being able to blend into the environment and he has not heard anything discussed this evening. Ms. Camp explained the blue is a branding color and they prefer to keep it that color. She added where the doors are will be screened in time with plantings and may not be seen when driving into the community. Mr. Bialek added it will be seen from the window, which is why he asked about the clarity of the windows. Ms. Rummell stated the notice indicates the applicant is responsible for the notice, and Ms. O'Connell-Bell asked if the applicant knew the notice was missing.

Ms. Camp stated they were not notified but the information is available on the Township website. Ms. Dussling asked if they had any information regarding property values in comparable neighborhoods and the impact of a storage facility. Ms. Camp explained by

the Township's landscape requirements and architectural requirements are much more rigorous than most municipalities this is not a typical self-storage facility. Mr. Bialek asked if there are enough parking spaces to support peak usage times in order to avoid a lessor having to park on the street. Ms. Camp stated their traffic engineer presented information and there were no traffic comments generated but assuming that all units are occupied, there are 140 trips daily; 10 in the am peak hour, 15 in the pm peak hour, and 21 on Saturday mid-peak. She believes there are more than enough parking spaces in peak hours

Ms. O'Connell-Bell stated other than what has been voiced are there any other concerns from the November 2nd meeting that are outstanding questions for the applicant. Ms. Dussling asked for anyone to speak to the choice of the development of a storage facility. Ms. Kate McKee Black, McKee Group, stated approximately 40 years ago they got their first storage facilities in Aston and Clifton Heights and the use has not wavered. She stated it is not a U-Haul site and will not have a U-Haul sign. Her company owns and operates all sites. Five years ago, they bought the property to get Printers Way installed. She stated they have other sites where restaurants are zoned and are willing for any restaurant to knock on their door and say they want to be in Middletown Township. She stated for this site we know the use and the demand is there. She is excited to add what she thinks is valuable to the community. She stated there is a storage facility in Williston Township in a residential area.

Ms. Powell asked for the applicant to explain the process in getting a restaurant in the area. Ms. Black stated McKee does not run any restaurants, they run storage facilities. For a restaurant, they have to wait for someone who wants to run a restaurant. She stated they have brokers that advertise the land they have to see if a restaurant is interested. The mall has several restaurants. Mr. DiMerino asked if they would build a facility for a restaurant, and Ms. O'Connell-Bell stated this is a question for the applicant but does not apply to what is before Council this evening. Ms. Black stated February 2006 was when McKee bought the Franklin Mint property and went through many years of working with the Township and the community asking what this development could be and what they could work with as per the zoning.

Ms. Rummell asked if it is confirmed there will never be a U-Haul sign on the facility, and Ms. Black explained the Township has strict signage requirements and they do not have a U-Haul sign proposed. Ms. Rummell stated if there was a U-Haul sign they could report it to the Township, and Ms. O'Connell-Bell stated it could be reported to Ms. Meredith Merino. Ms. O'Connell-Bell stated any applicant must abide by the sign regulations and if not the signage would be removed. Someone from the audience asked if they could see the final plans to make sure the applicant complies, and Ms. O'Connell-Bell stated there will be inspections from the Township to make sure they comply. She stated once any property passes final approval there is still continued oversight dialogue between the Township and the applicant to the point of final inspection and approval. The Township staff keeps track of these projects and would become aware if any changes were made. Mr. McMullan stated any applicant is required to meet all conditions of the resolution of completion and after approval the applicant will be required to apply for permits which require a review by the building inspector and a group of inspectors to walk it through to

final inspection so they can receive a certificate of occupancy.

Mr. DiMerino stated a final word, the community does not want this facility and asked Council to think about this when making their final decision. Ms. Camp stated the law states when you have preliminary approval and meet all conditions in the final plan it must be approved. Ms. Camp stated she has worked with the McKee Group for two years and they listen to the neighbors. She stated they came before Council and stated this is what they will do and there was no bait and switch. This self-storage was always proposed. There are many uses under the SU1-A zoning that the residents would not be happy with as far as traffic and noise impact. She stated before Council is a plan that meets code, and they are asking for approval.

Mr. McMullan stated the applicant is asking for final approval of the plan this evening with preliminary approval on May 22, 2023. The applicant met the conditions from the preliminary approval. Ms. Dussling asked if there is any consideration to continue until the next meeting. This is the first time they have seen the entire plans and heard from the community. Mr. McMullan stated if Council did decide to continue until the next meeting it would require an agreed upon extension from the applicant as per the MPC code otherwise it would be a deemed approval. Mr. Damico explained there is a time clock which requires a governing body to act within a certain period of time in this case 90 days of the submission. The 90 days would expire before the next Council meeting. Council will have to act tonight or request an extension from the applicant. Mr. Read asked if the hotel and the storage facility were reversed what would be the reaction from the community and someone from the audience replied they would want something the community could use. He is not totally against the hotel but does not want a storage facility in his community

Mr. Kevin McLaughlin, McKee Group, stated they are compliant with all requirements and the issue of not doing it is not on the table and are not willing to grant an extension. Ms. Dussling asked if there were any aspects of the plan they would consider changing, and Ms. Black stated there are certain requirements for the sign so she cannot commit at this time but is willing to look into moving the sign. Mr. Bialek stated it would require a continuance for them to address the sign location. Ms. Camp stated they would do their best effort to relocate the sign if it meets code. Mr. Damico stated an additional proposed condition in addition to the conditions set forth in the draft resolution would be no more than 5 U-Haul vehicles on site for rental as an accessory use at any time and parking of which to the extent practicable would occur on the east side of the building. Ms. Camp stated the applicant would make a good faith effort to relocate the sign to the entrance and shall relocate if permitted by code.

Ms. Powell made a motion to approve Resolution 2023-34 with the stated conditions. Mr. Bialek seconded the motion. The motion carried with a vote of 5-1. Ms. Dussling opposed the motion.

- B. Consideration for Approval: Resolution 2023-35, Amended Final Submission and Land Development Plan for Ponds Edge, to construct a daycare on Commercial Parcel "A" located at 1318 W. Baltimore Pike.
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Mr. Matthew Houtmann, representing the applicant, stated he prepared the plans before Council this evening. The Ponds Edge development received preliminary land development and conditional use in December of 2013. The final plan was submitted in October 2017 and final plan approval in 2019. Overall, Ponds Edge consists of 197 townhouses with construction starting in early 2020. There have been 120 townhomes constructed as of this date. Mr. Houtmann presented the plans to Council and showed the location of Baltimore Pike. In the front of the development is the proposed one story 15,600 square foot retail commercial building with access off of Ponds Edge Drive and a secondary access off of Printers Way. The plan proposes 61 parking spaces. The building has been reduced in size to 11,660 square feet. There is an outdoor playground area in the southeast corner of the property. The building occupies the same area as was previously approved. The access drives have not changed. There is a slight reduction in impervious surface. The stormwater management system which has already been installed on the property remains the same and can handle the proposed impervious coverage.

The landscape is the same as the plan previously approved. He stated there are representatives from the Ducklings Early Learning Center present at tonight's meeting. There is no student drop-off area as parents have to park and walk their children into the facility. Generally, the hours of operation are from 7am to 6pm. The plan is very similar to what was previously approved but with a smaller building. He stated before Council there is a rendering of what the building will look like. He has received comments from the Township Engineer, the Township Planning Department, the landscape architect, and the Township Fire Chief. He stated they will comply with one exception being to remove the loading space on Printers Way and to comply with the setback requirements on the southwest corner of the site. Mr. Bialek asked if there were sidewalks, and Mr. Houtmann stated there are interconnecting sidewalks from the community.

Ms. Dussling asked if there is anything added behind the playground besides the fence to buffer noise, and Mr. Houtmann stated there is landscaping in the area. He stated there was a comment in the Township Engineer's review that stated the driveway access shall have a grade not exceeding 2% of the first 25 feet. He stated he needs that at Ponds Edge Drive within the 2% up to 12 feet into the site and starts to grade up to 5 1/2 percent grade. They are asking for a partial waiver to satisfy the ordinance and be ADA compliant. He asked Council that they be granted the partial waiver in terms of the 2% as it relates to Printers Way. Mr. Read asked to point out on the plan where this will take place. Ms. Dussling asked if they had received any feedback from the community and Mr. Houtmann replied no. Mr. DiMarino thanked Ms. Dussling for her no vote on the previous proposal and thanked Council for this project, which is very clear and well received. He stated as a representative of the community they greatly appreciate this kind of development.

Ms. Dussling made a motion to approve Resolution 2023-35. Ms. Donnelly seconded the motion. The motion carried with a vote of 6-0.

C. Consideration for Introduction: Ordinance No. 857, Amending Chapter 60, Alarms and Alarm Devices related to fire service.

Mr. McMullan stated before Council for their consideration for introduction is Ordinance

No. 857 which is amending Chapter 60 of the Alarms and Alarm Devices related to the fire service. This increases the current penalty from \$50 to \$500 dollars if there are more than three false fire alarms within a rolling 12-month calendar year. At the fourth alarm would be a fine of up to \$500. This is in an effort to decrease the number of false alarms the fire companies are responding to as well as the funds that would be generated will help offset the expenses relating to public safety.

Chief Rigby stated in 90 days, 67 of the 216 fire calls were automatic alarms. He stated they get repeat offenders from companies not maintaining their systems. This puts Middletown Township in line with other municipalities. Mr. McMullan stated this is for commercial buildings and not residential. Ms. Donnelly asked if the fire companies respond and if there is something wrong they will advise the property owner. Ms. Dussling commented that this will be for companies negligent in maintaining their equipment.

Mr. Bialek made a motion to introduce Ordinance 857. Ms. Powell seconded the motion. The motion carried with a vote of 6-0.

- D. Consideration for Introduction: Ordinance 858, Creating a new Chapter 108, titled "Emergency Services Reimbursement," authorizing the Township to seek reimbursement related to expenses incurred for emergency services and emergency equipment.

Mr. McMullan stated for Council's consideration for introduction is Ordinance 858 to create a new chapter 108 titled Emergency Services Reimbursement authorizing the Township to seek reimbursement related to expenses incurred for emergency services and equipment primarily related to vehicle accidents. This is putting the Township in the same type of arrangement as other municipalities. If there is a vehicle accident the Township is looking to recover costs for equipment used in responding to the accident. This will be submitted to the insurance companies; not owners. Chief Rigby stated this helps to recover costs. A lot of communities in the Commonwealth are doing this. This will also cover hazardous materials and commercial properties. Ms. Dussling asked if this is typical insurance coverage. Chief Rigby stated the fire companies can bill the insurance company for these services. Ms. Dussling asked if someone does not have insurance will they be billed, and Mr. McMullan answered no. Mr. Bialek stated insurance rates could increase now that they are implementing this Ordinance. He asked of the number of accidents in the past 3 months what percent are Middletown Township residents. Chief Rigby said of the 40 accidents in the past three months he will have to research if any were residents. Mr. Bialek commented insurance companies know which municipalities have this reimbursement program and will pass along to their clients and possibly result in an increase in their premium. Ms. Dussling asked if there is a standard amount that would be billed to the insurance companies, and Chief Rigby stated they bill approximately \$350 per hour and in addition to that will be equipment used. He stated in a course of a year they will bill approximately \$30,000.

Ms. Powell made a motion to introduce Ordinance 858. Mr. Bialek seconded the motion. The motion carried with a vote of 6-0.

- E. Consideration for Approval: Camarda Training and Consulting, LLC, for Fire, EMS Services Study, Review, Recommendations and Strategic Plan Proposal professional services in the amount of \$15,000.
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Mr. McMullan stated before Council for consideration for approval is Camarda Training and Consulting, LLC for a comprehensive study for fire, EMS services is a study, review and recommendations and strategic plan proposal for professional services. The study is fully funded by a FEMA grant the Township was awarded in 2022. This will be a full assessment to evaluate current and future needs of the fire companies. Ms. O'Connell-Bell commented on one of the members of the team is Mr. Bruzunos who is extremely knowledgeable in this field of study, and she was very much impressed. Chief Rigby stated he knows Dave and he has worked with Whitpain Township to improve their emergency services. This service will provide a strategic plan to improve services.

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

- F. Acceptance of Muncibid Bid: Public Works 2011 Ford F-350 pick-up truck and 9 ft. snowplow in the amount of \$18,600.
-

Mr. McMullan stated Council gave approval for Township to list the 2011 Ford F-350 pick-up truck and 9-foot snowplow on Muncibid. Approximately 9 bids were received, and the winning bidder submitted an amount of \$18,600. He is asking Council to approve this bid.

Ms. Donnelly made a motion to approve the bid. Mr. Bialek seconded the motion. The motion carried with a vote of 6-0.

- G. Consideration to Authorize: Up-fit to the Ford F-600 in the amount of \$50,489.
-

Mr. McMullan stated before Council for consideration to approve is the up-fit of the approved Ford F-600 truck. He stated the chassis and cab are almost complete and this is for the up-fit. The Township received four estimates and went with Lancaster Truck Bodies which is a COSTARS approved vendor. The amount is \$50,489.

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

- H. Consideration of approval of a tax appeal settlement, conditioned by the approval of Council for the fair market value of 200 New Darlington Road, Folio 27-00-00384-00
-

Mr. McMullan stated a few meetings ago the Township Solicitor provided a summary of this situation. Mr. Damico stated this was reviewed to avoid arbitration and the matter has been resolved. This is simply authorizing the solicitor to execute the stipulation. He stated the numbers are the same as presented before Council a month ago.

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

- I. Approval of November 13, 2023 Bill List.
-

Ms. O'Connell-Bell read the Bill List aloud.

GENERAL FUND		
Charles A. Higgins & Sons	Traffic Light Maintenance	\$ 15,208.39
Keystone Municipal Services	Monthly Building Inspections	\$ 9,915.00
Kelly Engineers & Surveyors	Professional Services	\$ 13,543.63
Petrikon Wellman Damico Brown	Legal Services	\$ 9,716.50
Pa Municipal Health Ins. Cooperative	Monthly Employee Health Insurance	\$ 29,437.77
Travelers	Liability Insurance	\$ 28,889.75
	General Fund Total	<u>\$ 106,711.04</u>
RECREATION		
PLGIT Credit Card to G/F	Tickets, Bus Tour, Prog Fee	<u>\$ 18,342.13</u>
CAPITAL RESERVE		
Glick Fire Equipment	Fire Apparatus Repairs Ladder 46	\$ 13,352.50
Kelly Engineers & Surveyors	Roosevelt Design	\$ 12,665.39
S.J. Thomas Company, Inc.	Roof-Roosevelt Comm. Center	\$ 67,007.25
		<u>\$ 107,777.59</u>
2019 G.O.BOND – TRID		
Kelly Engineers & Surveyors	Mint & Lenni Trails	<u>\$ 6,865.07</u>

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

Ms. O'Connell-Bell adjourned the meeting at 9:30 pm.

Respectfully Submitted,



Sharon Browne



Middletown Township Engineer's Report

November 13, 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 complete.
- ETP road restoration work (excluding the PennDOT segment of Valley Road) is complete. ETP started restoring roadways in the fall of 2022. Restoration work completed included replacement of damaged curb, curb depressions, driveway aprons and sidewalk on Riddlewood Drive, War Trophy Lane, Martins Lane and E. St. Andrews Drive. It also included pavement base repair, pavement milling, pavement overlay and pavement striping on Valley Road, W. Forge Road, Sleighton Park pedestrian path (near Valley/Forge), Martins Lane, St. Andrews Drive, E. St Andrews Drive, Riddlewood Drive, War Trophy Lane and full mill and overlay of the access driveway (from Lenni Road) to Glenwood Elementary School including reinstallation of speed humps and pavement striping. Work was funded by ETP.
- Valley Road shoulder restoration/stabilization. ETP has agreed to fund the 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 submission 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. Funds for this scope of work have not yet been received from ETP. PennDOT Highway Occupancy Permit has not yet been obtained. This work is anticipated to be completed in 2024.
- 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

- 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 plans of the completed improvements and project close-out documents.

MINT PEDESTRIAN TRAIL

MT100-V1

- The first segment of this trail has been completed at the SEPTA Wawa Station.
- NPDES permit amendment has been approved by Delaware County Conservation District for incorporation of several value-engineering revisions to the design and incorporation of a 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. The project has been let for bid and the following critical dates should be noted: Mandatory pre-bid meeting – November 13, 2023; bid opening – November 22, 2023; and bid award by Council – November 27, 2023. Value engineering revisions 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 Franklin Station) to below the trail area, revision of trail profile to reduce potential conflict with bedrock, etc. It is anticipated that Notice to Proceed will be given and construction will commence in December or early January. A contract term of 180 calendar days has been set to complete work which should allow sufficient time to complete the work by the spring, accounting for potential weather delays.

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

- Construction and permitting plans for site improvements at Roosevelt School have been submitted to DCCD for NPDES Permit approval. Administrative review comments have been received and revised plan and responses will be re-submitted in the near future. 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 late fall of 2023, upon receipt of permits from the County and State.

SUNNY BRAE STORMWATER BASIN REVITALIZATION MT100-K

- Aside from a few minor punchlist/repair work items, the project is complete. Remaining punchlist work primarily includes the finalizing of the basin outlet structure configuration. This work is anticipated to be completed in the fall 2023.
- 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

- 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.

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.

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.

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) – Construction of site improvements (not including the dwellings) has been approved by the Township (through issuance of a grading and excavating permit). Construction activity at the site has commenced.
- Promenade at Granite Run Land Development - Construction pursuant to the approved final plan is on-going and is approximately 85% complete. The following 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 50% 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. Four homes are presently under roof and the project is approximately 90% 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 is 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 95% 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 has been recorded and construction is 95% complete.

- Williamson College of the Trades Student Activity Center Land Development Phase 5 – The plan has been recorded and construction is complete. Certificate of Occupancy of the building has been approved and the Certificate of Total Completion has been approved. Minor landscaping repairs will be completed in the fall 2023.
- 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 has revised the plan pursuant to staff and consultant reviews and will request review by Council in the near future.
- 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 and construction is anticipated to commence in the near future.
- 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 new home, which is approximately 50% complete.
- 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 95% 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 40% 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 approval from Township Council and will be reviewed by the Planning Commission in November for Final approval. This site is located to the southwest and contiguous to Smedley Park.
- Elwyn of Pennsylvania and Delaware – Kitchen Building – A land development application has been received to construct a new kitchen facility at the campus.

