

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
NOVEMBER 23, 2020

Minutes of the Regular Meeting of Township Council held on November 23, 2020 at 7:00 P.M., as a virtual meeting during the COVID-19 Social Distancing.

Present: Stephen Byrne, Bibianna Dussling, Mark Kirchgasser, Kathleen O'Connell-Bell, Susan Powell, Walter "Bok" Read, Norman Shropshire, Donald Petrosa, Esq., John McMullan, Meredith Merino, Vince Visoskas, Eric Janetka

1. OPENING/CONVENE ONLINE MEETING: Review Virtual Meeting Rules.

Chairman, Mr. Kirchgasser, called the meeting of the Council to order at 7:00 P.M. and stated during the COVID 19 crisis, meetings will be held virtually according to the State recommendations. He stated in the fall they attempted to conduct meetings both in person and virtually. Mr. Kirchgasser stated Council met in Executive Session to discuss the budget, specifically health care coverage and legal issues concerning item 5A on tonight's agenda. Mr. McMullan stated tonight's meeting is hosted by Middletown Township via Zoom. He stated residents will be on mute and will be unmuted during Public Comments and for any questions. He asked when addressing Council please state your name and address clearly for the record.

2. APPROVAL OF MINUTES

A. Draft Council Meeting Minutes - October 26,2020.

Mr. Shropshire made a motion to approve the minutes. Ms. O'Connell-Bell seconded the motion. Mr. Kirchgasser polled all members of Council for their vote. The motion carried with a vote of 7-0.

B. Draft Council Meeting Minutes - November 9, 2020.

Mr. Shropshire made a motion to approve the minutes. Ms. O'Connell-Bell seconded the motion. Mr. Kirchgasser polled all members of Council for their vote. The motion carried with a vote of 7-0.

3. PUBLIC COMMENTS

Ms. Nancy Allison, 52 War Trophy Lane, stated it is her understanding the SEPTA project is requesting to be allowed to work until 2:00 AM and she is very concerned. She stated her neighbors are very upset and they are not happy that Council will consider approving the work schedule. She stated a representative from SEPTA was handing out flyers on Saturday and there were questions regarding why the neighbors were not notified earlier. She stated she has been annoyed with the constant noise. She stated her husband spoke with the crew and complained about the crew not wearing masks or social distancing. Mr. Kirchgasser stated Mr. Connolly, representing SEPTA, came before Council at the last meeting asking for permission to extend operations into the evening because of a manual tunneling operation in order to get the conduit through. Mr. Joe Connolly, Manager of Federal Affairs for SEPTA, stated he walked the neighborhood and heard a lot of feedback. He stated the intention is to postpone the waiver request until the December 14, 2020 meeting and next week start working a 12-hour shift from 7 AM to 7 PM. Mr. Connolly stated this is a low impact phase of work using small hand tools inside the culvert to be done on Saturday. December 12th and

come back on Monday the 14th to see if the Township will grant approval for the 2 ten-hour shifts.

Mr. Kirchgasser asked Mr. Connolly to describe the nature of the work. Mr. Connolly stated SEPTA's original intention was to use a tunnel boring machine to bore from the Glen Riddle side of the tracks through to the Swim Club side. He stated the reason they are doing the work is because they were instructed by the DEP to restore the culverts that run underneath the tracks. Mr. Connolly stated they are drilling a new culvert to replace the old one. The original plan was to drill from the Glen Riddle side to the Swim Club side but are now tunneling from the Swim Club side to the Glen Riddle side using small tools and tunneling by hand and most of the work will be done underground. He stated there will be times when an excavator will need to remove the muck from the tunnel and may be used up to 12-15 times an evening. He stated there will be lights but only in the tunnel.

Mr. Kirchgasser stated in the next three weeks Septa will be conducting the manual excavation of the culvert and then to re-present the proposal on the 14th of December. He stated the residents get to sample the work over the next two or three weeks to see if there is an impact on the neighborhood. Ms. Allison stated she understands what they are doing but she has tried to talk with SEPTA and that the intentions may be good, but the project has not gone the way they want due to outside contractors who are not as careful. She stated she is very skeptical about the project. Ms. Allison stated her neighborhood is being hit by the Mariner pipeline as well as Septa and whereas Mariner put up sound barriers and paid compensation, SEPTA has not. Mr. Kirchgasser stated SEPTA will be operating within the allowable hours and stated Mr. Connolly has been fair with the Township. Mr. Shropshire stated he asked Ms. Dussling to reach out to her neighbors to discuss and not to allow any work permitted without the neighbors' feedback. Ms. Allison said they are very aware of Ms. Dussling's efforts in reaching out to the community. Ms. Dussling stated now that Mr. Connolly has received feedback from residents about what has been experienced leading up to today, hopefully the issues can be improved moving forward. Ms. Dussling stated the feedback can be passed on to the subcontractors. Ms. Allison stated she is aware they will be working from 7 AM to 7 PM but as long as there is a two-week trial and SEPTA is willing to listen to the residents, she has no problem with the 12-hour schedule. Ms. Dussling stated if concerns come up during the trial, notify the Township. Mr. Kirchgasser stated Council will meet with SEPTA December 14, 2020 and appreciates Ms. Allison's feedback.

Ms. Michelle Strain, 48 War Trophy Lane, thanked Mr. Connolly for speaking with the residents. She stated 4 days ago there was a delivery in the middle of the night of large equipment without permission. She stated Mr. Connolly said this was a mistake and she questioned the management of the project. She said the ball fields have been torn up and the road is messed up. She would like to see more care and concern for the residents. Ms. Strain stated the trucks speed down the road. Mr. Kirchgasser stated he will sit down with Mr. Connolly and Ms. Dussling to discuss the concerns. Mr. Connolly stated if things slipped through the cracks they will be corrected and stated they will get to the bottom of the late delivery.

Ms. Annie Hollis, 228 Martins Lane, stated she lives fairly far away from the SEPTA project, but she hears the volume of the noise that travels and at first, she thought it was the Sunoco

project. Mr. Kirchgasser asked if there were any more issues with SEPTA then they can discuss the Sunoco project. Ms. Hollis stated there is a bus stop at the end of the street and there are always a lot of trucks parked there in the morning. She wants the drivers to be aware of this.

Ms. Jennifer Shea, 23 Riddlewood Drive, stated she faces the project and agrees with the comments of Ms. Allison and Ms. Strain. She described an incident that happened on Friday as unspeakable. She stated she was feeding her children when they pointed out a man in his underwear changing clothes at his truck. She stated this is extremely upsetting to her and disrespectful. She stated the street is treated like a truck stop. Ms. Shea stated the late-night delivery woke her children up from 12 midnight to early morning. Mr. Kirchgasser asked for a specific location of the undressing. Ms. Shea replied there are 12 pipes lined up on War Trophy and the last pipe which is the entrance to the pool parking lot. Mr. Kirchgasser asked the time of the incident and Ms. Shea stated late morning. Mr. Kirchgasser asked Mr. Connolly to look into this matter.

Ms. Allison asked who gave SEPTA permission to use the pool parking lot and the fields for their staging ground. Ms. Dussling stated the swim club was approached back in 2018 to approve a temporary construction easement that goes along the driveway to use the parking lot. She stated the baseball fields were not included in the agreement and the club is in talks to repair the fields when the project is completed. Mr. Kirchgasser asked Ms. Strain where the paving issue is located, and Ms. Shea stated it is right at the entrance to the pool parking lot. Mr. Janetka stated he has taken pictures before the work was started and will make sure it will be taken care of.

Mr. Ethan Strain, 48 War Trophy Lane, stated the field is littered with trash and the field is rutted by the trucks. Mr. Kirchgasser thanked him for his comments and said that this will be taken care of.

Mr. Will Jonen, 72 War Trophy Lane, thanked Mr. Connolly for explaining what is to take place. He stated he appreciates the two-week trial, but this work will be done during the day and what will it sound like at night. He asked if they would consider a shorter time period especially during the holidays. Ms. Dussling stated with the darker mornings, they should be able to judge what it might sound like during the night.

Mr. Chris Handago, 50 War Trophy Lane, asked what kind and how many generators will be used. Mr. Connolly stated he did not have the information but will get back. Mr. Kirchgasser thanked Mr. Connolly and Mr. Neckerman for their transparency.

Ms. Hollis, 228 Martins Lane, asked what is going on with the Sunoco project at the Tunbridge Apartments and the insane amount of noise. Mr. Kirchgasser stated the fire department was dispatched at approximately 1:40 PM to an unknown emergency. He stated he received a number of phone calls regarding the noise. Mr. Joe Masaro, Energy Transfer Partners, 100 Green Street, Marcus Hook, PA., stated last week a hydro test was completed and then the pipe is dried and cleaned and in order to move the equipment through the pipeline, it is pressured with nitrogen and the noise is the nitrogen blowing down once the tool comes to the end of the line. Mr. Kirchgasser asked how long the work was planned by ETP. Mr.

Massaro stated he notified the Township that the work would be taking place on November 16, 2020. Mr. McMullan stated the Township was notified and the information was posted on the website. Mr. Kirchgasser asked if neighbors were notified and Mr. Massaro stated they were not. Mr. Massaro stated he dropped off notices regarding the work this evening. Ms. Hollis stated she was concerned with the decibel level was very high. She stated she was not informed of the work and why is work being done on her land without a contract. Mr. Massaro stated the work is temporary but when it will be completed, he does not know but will continue to inform the residents. Ms. Hollis asked if there is a rule or regulation regarding the decibel level of the work. Mr. Massaro does not have the information. Mr. Janetka stated the answer will be in the Zoning Ordinance under nuisance. Mr. Kirchgasser stated they will get this information for Ms. Hollis.

Mr. Russell Cobb, 230 Martins Lane, stated the back of his house is 400 feet from the hole in the ground where the nitrogen is released, and he called the Township. He asked why there is not a muffler system to deaden the sound. Mr. Massaro stated he will take this back to the contractor. Ms. Hollis asked if there is a more direct contact number instead of the Township. Mr. Massaro stated he will get the community hotline and his cellphone number to be posted on the website. Ms. Hollis asked where the notification will be placed, and Mr. Massaro stated he cannot place in the mailbox, but it will be placed at their doors. Mr. Kirchgasser asked if Mr. McMullan could send this information out via e-mail blast.

Mr. Travis Battle, 274 Glen Riddle Road, stated he is a new resident to Middletown Township and asked when the excavation is to start. Ms. Dussling asked to be walked through the remainder of the timeline. Mr. Massaro stated they are now doing soft work and fact finding and survey work. He stated until they get the survey work done the exact day is up in the air, but the work should start mid to late December. Mr. Massaro stated there is a fact sheet posted to the website and Mr. McMullan confirmed it is posted. Mr. Massaro stated they are doing potholing and clearing trees. Next week the sound walls will be brought in as well as boring equipment. Ms. Dussling asked if there is a duration of work and Mr. Massaro will ask his contractor and get back to the Township. Mr. Kirchgasser gave Mr. Battle the Township phone number. Ms. Dussling stated there have been issues especially at the school bus stop on the intersection of Riddlewood Drive and War Trophy Lane. Mr. Massaro gave out the community hotline #855-430-4491. Mr. Battle asked how many people will be on the property and is there a way to identify someone in charge. Mr. Massaro stated there is a limit of disturbance where the contractors will be located and will be wearing high visibility vests and will be wearing masks on site. Ms. Dussling asked about security on the site. Mr. Massaro stated there is a roving security force. Mr. Kirchgasser stated in the past they have had well-defined security tents and expects this to continue.

4. REPORTS

CHAIRMAN

Mr. Kirchgasser commented Middletown Township continues to operate under the COVID-19 guidelines.

COMMITTEE

Mr. Byrne stated Council met in Executive Session to discuss the budget and everything is on schedule and looking good.

MANAGER

Mr. McMullan showed the 2021 Draft Budget Presentation. He thanked Vince Visoskas as well as support staff for their work. He stated there will be a 14% shortfall in revenues. He presented the timeline for the 2021 budget with the initial meeting on September 15, 2020 with follow-up meetings on October 22, November 6, and the 2021 Draft Budget published for public review on November 9, and presented tonight, November 23. Mr. McMullan listed the 2020 budget achievements; replaced two underground fuel tanks and replaced with environmentally friendly above ground tanks, secured better than expected asphalt pricing to pave twice as many roads, received a County Grant to fully reconstruct E. Old Baltimore Pike, purchased three mobile radar speed signs for traffic calming, adopted an update to the Comprehensive Plan, redevelopment of Roosevelt School into new Community Center and Library, continued development of Smedley Park with walking trails, parking areas and multi-purpose fields, and purchase 80 acres Sleighton Farms open space from Elwyn, Inc. to prevent development and create future community park as approved by voter referendum. 2021 Budget Goals; no real estate tax increase for property owners, continue essential services to residents and maintain public safety and fire company support, address expected revenue shortfalls due to impact of COVID pandemic, defer large capital projects that have not begun and continue planning and grant applications for medium term (3-5 years in the future) projects.

2021 Budget Challenges: Revenue decreases due to COVID Pandemic, expected 30% decrease in business taxes (\$415,000), expected 36% decrease in real estate transfer taxes (\$200,000), expected 12% decrease in local service taxes (\$45,000), limits on any Real Estate Tax increase due to County reassessment with Real Estate Tax Revenues same as in 2020, increase in required expenses due to additional debt service for Smedley Park and Roosevelt Community Center development (\$112,85). Mr. McMullan reported on the General Funds Revenues with an opening balance of \$1,750,000. Mr. McMullan reported on 2021 Departmental Breakdowns and reduced expenditures by 6.5%. The General Fund Expenses were reported with a total General Fund Expense of \$4,805,944.

The 2021 budget solutions: No Real Estate Tax Increase, reduction in General Fund Expenses by 6.5%, Council and Volunteer Board stipends eliminated, Staff salary increases deferred, no hiring for vacant receptionist position. Change in health care plan to reduce costs, restructure Middletown Free Library Contribution, defer all planned Capital projects that are not underway, and use of \$637,938 of 2020 General Fund Balance to close gap. Mr. McMullan thanked staff and Council for their help and comments so as to not increase taxes. Mr. Kirchgasser thanked Mr. Visoskas, Mr. McMullan and Township staff and members of Council for their hard work and sacrifice.

ENGINEER

NO REPORT

5. OLD BUSINESS

A. Consideration of Ordinance 825: Authorizing Purchase of Easements for Constructing a

Multi-Purpose Paved Trail (Westlake Real Estate Easement on Folios 27-00-01181-00 and 27-00-1180-00). (To be continued to December 14, 2020).

Mrs. Powell made a motion to continue item 5A to the December 14, 2020 meeting. Mr. Shropshire seconded the motion. Mr. Kirchgasser polled all members of Council for their votes. The motion carried with a vote of 7-0.

- B. Consideration of Ordinance 826: Authorizing Purchase of Easement for Constructing Multi-Purpose Paved Trail (Chester Creek Properties Easement on Folio 06-00-00040-00). (To be continued to December 14, 2020).
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Mr. Byrne made a motion to continue item 5B to the December 14, 2020 meeting. Mr. Shropshire seconded the motion. Mr. Kirchgasser polled each member of Council for their votes. The motion carried with a vote of 7-0.

6. NEW BUSINESS

- A. Consideration for Approval: Resolution 20-30, Preliminary/Final Land Development, Williamson College of the Trades, proposed dormitory.
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Mr. McMullan stated there are several members of Williamson to present the Preliminary/Final Land Development Plan. Mr. George Hartman, Bohler Engineer, representing Williamson College of the Trades, gave a brief overview of the project showing the location of the new dormitory. He stated in 2015 there was a dormitory constructed which is similar to the new plan. The dorm will consist of 12 rooms with a room for the dorm manager. Mr. Hartman pointed out the location of the dorm on the plan. Mr. Janetka stated the plan is relatively simple and they addressed all the items in the review letter. He stated there is a decrease in impervious surface. Mr. Kirchgasser stated there have been runoff problems and will this contribute slowing the runoff. Mr. Janetka stated all the runoff will be addressed by the project and additional runoff will be captured with the next project. Mr. Cory Jackson, VP of Operations, thanked the Township. Ms. Merino stated Williamson requested a waiver in fee-in-lieu of the Recreation Fund by assisting with linking future trails.

Mr. Shropshire made a motion to approve Resolution 20-30. Mrs. Powell seconded the motion. Mr. Kirchgasser polled all members of Council for their vote. The motion carried with a vote of 7-0.

- B. Consideration for the approval to award A. F. Damon, Inc., emergency road paving work for Highpoint Drive and Howarth Road in the amount of \$23,320.
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Mr. McMullan stated this is emergency road paving work as they have sustained serious washout due to the rainstorms. He stated the Township received 8 estimates with the lowest being A. F. Damon, Inc.

Mr. Shropshire made a motion to award A. F. Damon, Inc. with emergency paving work. Mrs. Powell seconded the motion. Mr. Kirchgasser polled all members of Council for their votes. The motion carried with a vote of 7-0.

- C. Approval of November 23, 2020 Bill List
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Mr. Kirchgasser read the bill list aloud.

GENERAL FUND

Aqua Pennsylvania, Inc.	October Hydrant Bills	\$	9,375.86
A.J. Blosenski, Inc.	October Recycling & Yard Waste	\$	37,041.75
Kelly & Close Engineering	Professional Serv. 9/26/20-10/23/20	\$	5,363.99
Keystone Municipal Services, Inc.	Cont. Serv. 10/5-10/30/20	\$	20,625.00
Petrikin Wellman Damico	Professional Services. through 10/31/20	\$	4,740.00
Brown & Petrosa	Retainer- November	\$	1,000.00
		<u>\$</u>	<u>5,740.00</u>
	General Fund Total	\$	78,146.60

CAPITAL RESERVE FUND

Envirosure, Inc.	Asbestos - Sleighton Property	\$	262,194.64
Kelly & Close Engineers	Prof. Serv. 9/26/20 - 10/23/20	\$	1,128.28
	Prof. Serv. 9/26/20 - 10/23/20	<u>\$</u>	<u>6,889.48</u>
		\$	8,017.76
MECO Constructors, Inc.	Smedley Park Stage 2 & 3	\$	853,961.03
	Capital Reserve Total	\$	1,124,173.43

CAPITAL RESERVE HIGHWAY IMPROVEMENT FUND

Innovative Const. Services, Inc.	E. Old Balt. Pk. Paving	\$	5,656.69
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CAPITAL RESERVE 2019 G. O. BOND – TRID

Century Engineering	Wawa Recreational Trail – Inv. #12	\$	10,323.15
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Mrs. Powell made a motion to approve the bill list. Mr. Read seconded the motion. Mr. Kirchgasser polled all members of Council for their votes. The motion carried with a vote of 7-0.

Mr. Kirchgasser adjourned the meeting at 8:45 p.m.

Respectfully Submitted,

Sharon Browne