

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
NOVEMBER 27, 2023

Minutes of the Regular Meeting of Township Council held on November 27, 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, Mark Kirchgasser, Susan Powell, Walter "Bok" Read, Mark Damico, Esq., John McMullan, Eric Janetka, Andy Parker, Vince Visoskas.

Excused: Kathleen O'Connell-Bell

1. OPENING: PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Kirchgasser called the meeting to order and led in the recitation of the Pledge of Allegiance to the Flag. Mr. Kirchgasser announced Council had an Executive Session prior to the meeting to discuss legal issues facing the Township.

2. APPROVAL OF MINUTES

A) Draft Township Council Minutes: October 9, 2023

Ms. Donnelly made a motion to approve the October 9, 2023 minutes. Mr. Read seconded the motion. The motion carried with a vote of 6-0.

3. PUBLIC COMMENTS - NONE

4. REPORTS

A. CHAIRMAN: NONE

B. COMMITTEE: NONE

C. MANAGER:

1) PA State Trooper - Michele Naab

Trooper Naab reported retail thefts are up due to the holiday and asked residents if they see something to make note of the make, model, and license plate of the vehicle to report to the police. She stated security guards reported Kohl's and Boscov's get hit a lot, but they are not allowed to do anything about it. Any information should be reported to the State Police phone number 484-840-1000, which is the main number. Trooper Naab advised to lock cars as there are numerous thefts. Mr. Kirchgasser stated the state police posted a beautiful young Pit Bull for adoption on Twitter and asked if there was any luck. Trooper Naab reported she spoke to her niece who has several Pit Bulls and through her found a person from Harrisburg to adopt the dog. She stated if the residents find any animal cruelty to report it as her partner Trooper Crowley handles those reports.

2) 4th Annual Holiday Tree Lighting is scheduled for Sunday, December 3, 2023, at 5:30pm at the Middletown Township Building.

Mr. McMullan announced the fourth annual Holiday Tree Lighting is scheduled for Sunday, December 3, 2023, at the Township Building at 5:30pm. There will be a special visitor from the North Pole as well as participation from both fire companies and the Penncrest High School Choral Group. Mr. Kirchgasser stated it is a nice event and if you get a chance to please drop off "Toys For Tots."

3) Update: Middletown Sewer Authority.

Mr. Tim Sullivan stated the Sewer Authority has been coming before Council for rate approvals. He stated they collect and convey the wastewater to DELCORA for treatment. They have been hit with 10% increases which are treatment costs from DELCORA. The Sewer Authority has a 4-million-dollar budget with half of the budget going to DELCORA for conveyance and treatment of wastewater. A quarter of the budget goes toward a debt service for the interceptor that was built in order to convey the wastewater to DELCORA, and the remaining quarter of the budget is the operations of the pump stations and 70 miles of pipe. DELCORA notified the Authority they are projecting a 3% rate increase in the conveyance and treatment costs. The Authority can absorb a 3% increase, therefore, they do not need a rate increase for charges for residential and commercial customers.

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

Mr. McMullan reported in his last update that SEPTA has identified a third part vendor. They are still in the process of working to obtain funds for the feasibility study for the likelihood of establishing a quiet zone at Lenni Road. Ms. Dussling asked if there is a timeline, and Mr. McMullan stated there is not. He stated he has been keeping the other municipalities updated as well.

5) Manager's 2024 Budget Presentation.

Mr. McMullan reported before Council is the presentation of the 2024 budget. The budget has been available to the public since Monday, November 13, 2023. He thanked the administrative leadership team, staff, a special thanks to the Director of Finance, Vince Visoskas, and a special thanks to the Finance and Administration Committee for going through the process of putting together the proposed 2024 budget. Most importantly is the zero increase in taxes and they worked diligently to make this happen. He stated this is a long history in Middletown Township and he is happy to be part of a team to make this happen. He is happy to report and hopes Council adopts at the December 11, 2023, meeting the zero increase in taxes.

In terms of the budget timeline, the Finance and Administration Committee met on August 22, September 26, November 1st. The Draft Budget was sent to Council on November 6 for their review, published for public review on November 13 with tonight being the Draft Budget presentation and adoption on December 11, 2023. 2023 Budget accomplishments: the Township continued to upgrade the electrical system, HVAC system and flooring in the East wing of the Roosevelt Community Center. The community center has become an active gathering place for community members and has become an asset for Middletown Township.

Longview Park has been officially adopted as the name which was formerly known as the Smedley Tract. One of the multi-purpose fields (Field B) at Longview Park has opened as well as the parking area and trail loops on the 80-acre Sleighton School open space. Township Council approved the hiring of Public Safety Director who also serves as the Fire Chief and Emergency Management Coordinator. The Township was

able to replace an out of service aerial truck for Rocky Run fire Company. 2024 budget goals include: no real estate tax increase for property owners. A balanced budget was achieved without dipping into reserves. A Public Safety Director was hired to address emergency response needs by establishing sustainable strategies which will be accomplished when the comprehensive assessment of existing emergency response services that was funded by a FEMA grant is completed by a consultant. Prioritize capital projects funding in order to complete projects that are underway and those with matching grants which include the Township loop road, trail connections at the Mint Site; which is in front of Council tonight for approval of the bid for construction of the first section of the Mint Trail. Additional improvements at the Roosevelt Community Center including Mark Dombrowski's Mark's Park which will be a destination playground which will enhance the services at the Roosevelt Community Center.

Some of the budget challenges include increases in expenses due to inflation at recreation facilities, health care increases at approximately 5%, increases in public safety costs, difficulty in replacing staff due to labor challenges, a County wide ambulance and EMS shortage which will be addressed through the assessment, and several major capital projects ongoing at this time.

Budget revenue breakdown is historically the same in the Township with business and mercantile tax at 30%, real estate tax at 9%, permit and licensing at 22%, recycling fees are a pass through, and small item fees from franchise fees and rents from Township owned facilities. General Revenue Funds proposed are \$6,324,456 with a projected fund balance forward of \$2,000,065. Expense side departmental breakdown; Manager's office at approximately 37% which is a slight increase due to fees associated with recycling, The last three years recycling was \$105 per household which will now increase to \$132.50 per household. The \$132.50 will be set for three years. Additional costs from the Manager's office includes an increase in solicitors' costs due to the number of projects underway in terms of lease agreements with SEPTA, PECO, and The McKee Group as well as open litigation.

Planning and Development, Public Works, Finance and Public Safety have seen a slight increase due to the hiring of a Fire Chief and other associated costs with projects that will begin in 2024. Mr. McMullan highlighted and gave credit to the Finance Committee; the Library came up with a request for \$25,000 additional funds which was possible, increasing their budget to \$275,000, but with a five-year plan that will help both sides budget properly in future years. In two of the meetings of the Finance Committee the Library was involved. Mr. McMullan stated some solutions to the 2024 budget include: no increase in real estate taxes, and noted only six of 49 municipalities in the County have lower millage rates, a balanced budget without using any reserved funds, use of grants for capital projects, increase in funding for Public Safety by the Township by increasing volunteer incentive subsidy, plus taking on some direct costs for the Fire Companies. The Township is increasing the volunteer firefighter incentive program from \$40,000 to \$80,000 for qualifying volunteers. One thing done in 2023 that will be done in 2024 is outsourcing project engineer tasks to the Township

Engineer instead of having a staff person in house completing these tasks.

Mr. John Kolicius, 212 S. Old Middletown Road, asked if the increase in the recycling fee will be absorbed or passed on, and Mr. McMullan stated it will be passed on to the residents. Ms. Driscoll, Chester Heights Borough, asked about the funding for the SEPTA feasibility study, and Mr. Kirchgasser stated the Township is committed as first discussed sharing expense of the study to split \$10,000 from each municipality. If there is a third-party donor who chooses to participate it would be great. Ms. Driscoll asked about the intergovernmental agreement, and Mr. McMullan stated the agreement is still in draft format and will be finalized once the Township gets a solid commitment from the SEPTA third party vendor. It will be a tri-party agreement with the municipalities as the clients. Mr. Kirchgasser stated to Ms. Driscoll as an agent of a neighboring municipality they have no problem sharing this information as a course of business and she can call the Township directly.

Mr. Kirchgasser thanked Mr. McMullan, Mr. Visoskas, and staff for their work on the budget. This is the 14th consecutive year without a tax increase in Middletown Township. There was an increase in 2009 after the economy cratered, had a decrease in 2016, have a AAA bond rating, and the pension is funded at 96%. The financial obligations of the Township are being met by the staff and shares Council's opinion that they are grateful for Mr. McMullan's stewardship.

Mr. Frank Annunziato, 1680 Erb Drive, Aston Township asked if there is a timeline for the feasibility study for the quiet zone, and Mr. McMullan stated he has been on the phone with Joe Connelly of SEPTA trying to finalize matters. Mr. Annunziato asked if there is a time when the study will begin, and Mr. McMullan stated he will have to reengage Urban Engineers once he knows the funds are in place. Mr. Kirchgasser stated Township Council will vote on the budget at the next meeting on December 11, 2023.

D. ENGINEER: NONE

5. PUBLIC HEARING:

- A) A Public Hearing on amending Chapter 275, Zoning, Article II, Entitled Terminology, Section 275-8, by providing a new definition for "Residential Group Home" and amending Article XXXIV, Special Provisions, authorizing group homes as conditional use in all residential zoning districts subject to certain standards and criteria.

Ms. Donnelly made a motion to open the public hearing. Mr. Read seconded the motion. The motion carried with a vote of 6-0.

SEE ATTACHED STENOGRAPHER'S REPORT

Ms. Donnelly made a motion to close the public hearing. Mr. Read seconded the motion. The motion carried with a vote of 6-0.

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

Mr. Read made a motion to adopt Ordinance No. 856. Ms. Donnelly seconded the motion. The motion carried with a vote of 6-0.

6. OLD BUSINESS: N/A

7. NEW BUSINESS

- A. Consideration for Approval: Resolution 2023-36, Final Subdivision and Land Development ("Final Plan") for Philadelphia Meeting Room, Inc. for a 13,535 s.f. church building located at 47 N. Middletown Road.

Mr. McMullan stated before Council for approval is Resolution 2023-36 the Final Land Development ("Final Plan") for Philadelphia Meeting Room, Inc. located at 47 N. Middletown Road. Mr. Timothy Sullivan stated this application was before Council at the May 2023 meeting for approval of a conditional use as this is a religious use which requires approval from Council because it is located in the R-1 Zoning District. The Preliminary Land Development plan was also approved at the May meeting. Tonight, they are looking for approval for Final Land Development. The plans were modified and presented before Council in October 2023. They were before the Planning Commission earlier this month and they recommended approval. He has been provided with a copy of the draft resolution and agrees with all of the terms. There is one open item which is a contribution by the applicant to the Township for landscape buffering to be planted on the Longview Park side of the site. They made an offer of \$10,000 which he believes is acceptable to the Township. Mr. McMullan stated the Township accepts the offer.

This is a contribution in addition to the Recreation Fee-In-Lieu. He asks for Council to approve the resolution which is a conditional approval because they are still waiting for two third-party approvals, one is the PADOT Highway Opening Permit (HOP) in which the application has been made and he believes they will be granted the HOP shortly. The second item is the NPDES which takes some time, but the application is proceeding, and they feel they should be granted as well.

Ms. Dussling asked if the outstanding issues are being resolved. Mr. Janetka stated most issues are resolved except for some minor outstanding issues which are mostly administrative. Mr. Sullivan added that until Council approves they cannot resolve some of the outstanding issues. Mr. Sullivan stated this is a unique site because PADOT has proposed the extension of Penn Charter Drive out to Rt. 352 through this property. The plans had to be adjusted and built so when the road comes they will be ready. Mr. Kirchgasser stated the church has been a good neighbor as they abated what was once a discarded property. He stated the site looks fantastic.

Mr. Bialek made a motion to approve Resolution 2023-36. Mr. Read seconded the

motion. The motion carried with a vote of 6-0.

- B. Consideration for Approval: Resolution 2023-37, Preliminary/Final Land Development Plan ("Final Plan") for Elwyn Media Campus for the construction of a 7,130 sq. ft. kitchen building located at 111 Elwyn Road.
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Mr. McMullan stated the applicant's engineer is present to provide an overview of the development plan. Mr. George Hartman, Bohler Engineers, stated they presented the project to the Planning Commission in October. He presented an aerial view of the Elwyn Campus which consists of 249 acres. He pointed out the area which they are focused on for the kitchen building. There is a kitchen on campus that serves the residents three meals a day. The facility is outdated, and the new facility will be centrally located and updated. The proposed building is 7,130 square feet. There are two smaller buildings that will be demolished. At the rear of the building are parking spaces for staff. Off of the right-hand side of the building will be a loading dock. The overall project is small, less than an acre will be disturbed. There is a slight increase in impervious surface. He presented a color version of the site plan showing plantings around the building.

He stated the Planning Commission asked them to incorporate a drawing of the floor plan as part of their presentation. The elevation of the one-story building was presented. The building is in a wooded area, and they will be placing trees where they can. The Township reviews received are generally will comply. Mr. Janetka stated the primary concern is the stormwater management that was in place in 2012 is adequate to handle the project at that time as well as additional future impervious surface projects. He asked for verification that stormwater management is current and up to date.

Ms. Dussling asked what is happening to the existing building that is currently being utilized for the kitchen. He stated the new building will be a new sanitary needs cafeteria. Over 300 students eat their meals in their own residence. The facility will make and package all the meals. Mr. Read asked if any other building projects are being undertaken at this time and the answer was not at this time but there are future plans they are working on. Ms. Pamela from Elwyn stated the students have been moving off of the campus into the communities. The campus is currently at 1200 and there are no plans to increase enrollment, but they have found that there is a need for on campus placement for children with Autism. They have plans to open another facility in 3-4 years. She stated there are children who come to Elwyn and are there through High School. Residents aged 18-21 are served through the Davidson School. She explained they are focused on training for a vocation.

Ms. Powell made a motion to approve Resolution 2023-37. Mr. Read seconded the motion. The motion carried with a vote of 6-0.

- C. Consideration for Adoption: Ordinance No. 855, creating a new chapter 133, establishing certain standards and regulations for Hotels, Motels, and Inns in Middletown Township.
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Mr. McMullan stated before Council for adoption is Ordinance 855. This ordinance was introduced on October 9, 2023, and has been properly advertised. It creates a new

Chapter 133 in the administrative code that provides for annual licensing for hotels, motels, and inns in the Township. Part of the annual licensing and renewal licensing includes inspections that will be completed by the Township Building Code Official, the Health Officer, and the Fire Chief. The ordinance as part of the inspection's notifications will be provided to the owner if violation issues occur and corrective actions are required by the owners. This ordinance protects the health, safety, and wellbeing of residents of Middletown Township and hopefully decreases the number of nuisance calls first responders are responding to at an existing hotel in the Township.

As requested by a member of Council, this will be shared with any applicant that has received final land development approval for a future hotel. This has been done and he has not heard any feedback from the applicant. Mr. Kirchgasser stated the county is experiencing an EMS crisis and to have a facility that openly harbors citizens that are engaging in illicit activities drains these resources. There have been an inordinate number of Narcan recoveries from this property as well as some other degrading conditions from occupants of this facility that have created an extreme drain on EMS resources that would otherwise be available to residents of this community.

Ms. Donnelly made a motion to adopt Ordinance 855. Mr. Bialek seconded the motion. The motion carried with a vote of 6-0.

D. Consideration to Approve: An agreement with Richard E. Pierson Construction Co., Inc., for the construction of the "Mint Trail" in the amount of \$1,986,373.50.

Mr. McMullan stated for Council's consideration to approve is an agreement with Richard E. Pierson Construction Co., Inc. for the construction of the first section of the "Mint Trail" in the amount of \$1,986,373.50. This segment will be funded entirely by the TRID grant the Township was able to obtain in 2017. The project was put out for public bid on PennBid which is a bidding website and was also advertised in the Delaware County Daily Times. Approximately 20 responses were received on PennBid. The bids were reviewed by the Township Engineer and staff is recommending Council award the project to Richard E. Pierson Construction, being the lowest and most responsible bid. Ms. Powell asked which part of the trail this covers, and Mr. McMullan stated it is from the train station back to the Franklin Station development so the residents will be able to walk down to the station. Phase 2 will connect with Lenni Road, and there will be a Phase 3 with this project to bring trail users across the entire Mint Site complex to Rt. 452. Mr. Kirchgasser acknowledged Mr. Barry Pinkowicz' presence in the audience and thanked him for all he does as President of the "Chester Creek Rails to Trails." Mr. Pinkowicz thanked Council for all they have done.

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

E. Consideration for Approval: Dallas Data Systems, Inc. for Casselle Financial Software and Professional Services Proposal, in the amount of \$76,105.

Mr. McMullan stated for Council's consideration for approval is a proposal from Dallas

Data Systems, Inc. for Casselle Financial Software. This was discussed with the Finance and Administration Committee. This software will replace the existing financial software that is used by the Township that dates back to the early 90's and is becoming increasingly difficult to find support for the software. The plan is to purchase the software, and it will be phased in over the year 2024 so the existing system will run parallel with the new system so that by the end of 2024 heading into 2025 they will say goodbye to the Keystone Management System and have a smooth transition to the new software.

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

F. Council Review of Zoning Hearing Board Applications:

- 1) Application 2023-17: An application of Dennis Mosteller, 351 New Darlington Road, seeking a variance for a minimum 50 ft. depth of rear yard to construct an 897 s.f. addition to the rear of the house, which will project 37.9 ft of the rear property line, Zoned R-1A.

Mr. McMullan stated Application 2023-17 is an application of Dennis Mosteller of 351 New Darlington Road who is seeking a variance for a minimum of 50 ft. depth of rear yard setback in R-1A zoning district. The applicant proposes to construct an 897 s.f. addition to the rear of the house, a portion which will project to 37.9 ft. of the rear property line. Council was not compelled to send representation to the Zoning Hearing Board for this request.

- 2) Application 2023-18: An applicational of Minh Tuan D. Nguyen, 201 Segel Drive, seeking a variance to construct a 4'x4' deck extension and stairs to an existing deck, which will project to within 7 ft. of the rear property line where 10 ft. is permitted, Zoned SU-1A.

Mr. McMullan stated before Council is Application 2023-18 a request by Mr. Nguyen of 201 Segel Drive of the Franklin Station development who is seeking a variance to construct a 4'x4' deck extension and stairs to an existing deck which will project to within 7 ft. of the rear property line where 10 ft. is permitted. Ms. Powell asked if this would be the first in other requests, and Mr. Kirchgasser stated yes. Mr. Read asked if there will be an issue with lighting, and Mr. Kirchgasser requested they send representation to the Zoning Hearing Board. Ms. Dussling asked if the HOA will be attending the Zoning Hearing Board meeting, and Mr. McMullan stated this is usually the case. He stated the Township will require a letter of approval from the HOA. Mr. Damico stated the HOA documents will act along with the Zoning Hearing Board and presumably it is not prohibited by the HOA, or the applicant would not be able to make this request.

- 3) Application 2023-19: Todd and Elanor Woolery, 19 Penn Way, seeks a special exception to allow a 13'x45' pool to project to within 10'1" of the rear property line. Applicant also seeks a special exception to allow a 12'x20' shed to be placed within 5 ft. of the side property. A variance is being retroactively sought for a 10'x34' addition constructed in 2020, which as built, projects to within 32.7 ft. of the rear property line, where 35 ft. is permitted, Zoned R-2.

Mr. McMullan stated before Council is Application 2023-19 of Todd and Elanor Woolery of 19 Penn Way, Zoned R-2, who seek a special exception to allow a 13' x 45' pool to project to within 10'1" of the rear property line. The applicant is also seeking a special exception to allow a 12' x 20' shed to be placed within 5 ft. of the side property line and a variance is being retroactively sought for a 10' x 34' addition constructed in 2020 that projects to within 32.7 ft. of the rear property line where 35 ft. is permitted.

Mr. Bialek asked how an addition was constructed and does not follow current zoning ordinance. Mr. McMullan stated he guesses when the structure was final inspected it did not include a plan of the footprint or may have been signed off before a final inspection. Mr. Bialek asked if it was permitted, and Mr. McMullan stated it was properly permitted but not for the size it currently is so when doing the calculations for the new project it kicked in having the addition retroactively receiving approval.

Ms. Dussling asked if there is no further action required and Mr. McMullan stated other than getting approval for this which will be a cost to the applicant. Mr. Janetka stated he is developing an ordinance that will address this type of thing which will require an as-built plan. He stated previously when a permit was received there were no engineer reviews of the plan just the construction review and there was a gap where some of these would not require any type of survey of the property or an as-built plan. He stated there is an opportunity for someone to over-build and it not necessarily being picked up right away.

Mr. McMullan stated they are requesting an as-built for the shed. Mr. Janetka stated when applicants come back in for various projects they have to submit various application forms to document impervious coverage. When the Engineer's office gets this form, they investigate the impervious coverage, the setbacks and any stormwater concerns using aerials or site visits which will catch these mistakes. Ms. Powell suggested they send representation to the Zoning Hearing Board Meeting.

G. Approval of November 27, 2023 Bill List.

Mr. Kirchgasser read the Bill List aloud.

		GENERAL FUND	
Aqua Pennsylvania, Inc.	Fire Hydrants	\$	9,511.53
Keystone Municipal Services	Building Inspections	\$	8,962.50
Petrikon Wellman Damico Brown	Legal Services	\$	8,382.00
Pa. Municipal Health Insurance Cooperative	Employee Health Insurance	\$	32,938.29
United Inspections Agency	Electrical Inspections	\$	32,375.00
	General Fund Total	\$	92,169.32

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

Mr. Kirchgasser adjourned the meeting at 8:15 pm.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Sharon Browne". The signature is written in a cursive style with a large initial 'S' and a long, sweeping underline.

Sharon Browne

11-27-23

1 TOWNSHIP OF MIDDLETOWN
2 COUNCIL MEETING

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7 PUBLIC HEARING ON AMENDING CHAPTER 275, ZONING, ARTICLE II,
8 ENTITLED TERMINOLOGY, SECTION 275-8, BY PROVIDING A NEW
9 DEFINITION FOR "RESIDENTIAL GROUP HOME" AND AMENDING
10 ARTICLE XXXIV, SPECIAL PROVISIONS, AUTHORIZING GROUP HOMES AS
11 CONDITIONAL USE IN ALL RESIDENTIAL ZONING DISTRICTS SUBJECT
12 TO CERTAIN STANDARDS AND CRITERIA.

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16 NOVEMBER 27, 2023

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19 Township of Middletown council meeting held at the
20 Middletown Township Municipal Building, 27 North Pennell
21 Road, Lima, PA, in the above-referenced matter at 7:33 p.m.
22 before Lori A. DiFabio, Professional Court Reporter-Notary
Public.

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7 LORI A. DiFABIO
8 PROFESSIONAL COURT REPORTER-NOTARY PUBLIC
9 P.O. BOX 292
10 MEDIA, PA 19063
11 610-659-7676
12 loricdm@comcast.net

11-27-23

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1 MEMBERS OF COUNCIL

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3 MARK KIRCHGASSER, CHAIRMAN, AT-LARGE MEMBER

4 JACKIE DONNELLY, AT-LARGE MEMBER

5 SUSAN K. POWELL, FIRST DISTRICT

6 WALTER BOK READ, SECOND DISTRICT

7 BIBIANNA DUSSLING, THIRD DISTRICT

8 DAVID BIALEK, PharmaD, R.Ph, FOURTH DISTRICT

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10 ALSO PRESENT:

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12 JOHN McMULLAN, TOWNSHIP MANAGER

13 SHARON BROWNE, RECORDING SECRETARY

14 VINCE VISOSKAS, FINANCE DIRECTOR

15 MARK D. DAMICO, TOWNSHIP COUNCIL SOLICITOR

16 ERIC JANETKA, TOWNSHIP ENGINEER

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1 MR. KIRCHGASSER: So, we will now move
2 to the public hearing.

3 Mr. McMullan.

4 MR. McMULLAN: Yes. Thank you, Mr.
5 Chairman.

6 A public hearing on amending Chapter
7 275, the Zoning Ordinance, Article II,
8 Entitled Terminology, Section 275-8, by
9 providing a new definition for "Residential
10 Group Home" and amending Article XXXIV,
11 Special Provisions, authoring group homes as
12 conditional use in all residential zoning
13 districts subject to certain standards and

11-27-23

14 criteria.

15 MR. KIRCHGASSER: So, do I have a
16 motion to open the hearing?

17 MS. DONNELLY: So moved.

18 MR. KIRCHGASSER: Thank you, Miss
19 Donnelly.

20 MR. READ: Second.

21 MR. KIRCHGASSER: Thank you, Mr. Read.
22 All those in favor?

23 MS. DUSSLING: Aye.

24 MS. DONNELLY: Aye.

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1 MR. READ: Aye.

2 MR. BIALEK: Aye.

3 MS. POWELL: Aye.

4 MS. BELL: Aye.

5 MR. KIRCHGASSER: Aye.

6 Opposed? That motion carries.

7 Mr. McMullan.

8 MR. McMULLAN: Yes. Thank you, Mr.

11-27-23

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Chairman.

10

I just wanted to read into the record

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Exhibit-1, the advertisement, public

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advertisement of the ordinance that ran on

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both November 8th, 2023, and November 15th,

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2023.

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So, council, what is before you

16

tonight is an amendment to the existing

17

zoning ordinance introducing Ordinance

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Number 856 which was introduced at the

19

council meeting on October 23rd, 2023.

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What this puts into place is a

21

Conditional Use for a group home in all

22

residential zoning districts.

23

It's going to require an entity that is

24

proposing to open a group home gives

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1

notification to the township prior to

2

occupying the property.

3

There is going to be a requirement of

4

a thousand foot separation between group

5 homes.

6 So, if there is an existing, a newer
7 one coming on board, it would have to be
8 within more than a thousand feet separation.

9 And then, it applies to the two new
10 group homes that would be coming into the
11 township.

12 They would also be required to be a
13 thousand feet separation.

14 As you will recall, this ordinance is a
15 result of residents coming before the
16 township at a council meeting in August
17 questioning the township's knowledge or lack
18 thereof of a group home that was moving into
19 12 North Bryn Mawr Place.

20 That council meeting on August 14th
21 resulted in a community meeting in September
22 which was a result of this ordinance, that
23 the township staff and the solicitor were
24 tasked with looking at other communities



1 that have implemented a group home
2 ordinance.

3 The solicitor and I have reached out to
4 several municipalities in Delaware County
5 that have a similar ordinance and borrowed
6 some of that language so it could be more
7 applicable to Middletown Township.

8 So, as required when introducing a
9 zoning amendment to the zoning code, a
10 public hearing must be held.

11 So, we are going through that process
12 now, and that provides a summary of the
13 ordinance.

14 MR. KIRCHGASSER: Okay. Any questions
15 from members of council for Mr. McMullan?

16 MR. READ: No.

17 MS. DONNELLY: No.

18 MS. DUSSLING: No.

19 MR. KIRCHGASSER: Any questions from the
20 public?

21 State your name for the record, please.

22 JOHN KOLICIUS: John Kolicus. 212
23 South Old Middletown Road, Media,

11-27-23

24 I saw on the site that the county had

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1 recommended against proceeding with this
2 ordinance.

3 I know that's not binding, but I was
4 just wondering.

5 I mean apparently the statement from
6 them talked about there were sections that
7 might not be legally defensible.

8 So, that was why they recommended
9 that.

10 MR. KIRCHGASSER: If I may, Charles
11 Miller is also here. He is counsel to the
12 township.

13 This begins to encroach upon family,
14 FHA types of regulations.

15 The intent for the township in adopting
16 this ordinance is to provide lead
17 information to residents in the event that a
18 group home might be moving into the
19 community.

11-27-23

20 You will see wording in this ordinance
21 that requires an applicant to bring
22 information from the township in front of
23 the residents.

24 It's not the intention for the township

7



1 to discriminate against anybody intending to
2 occupy that space, but it also gives us an
3 assurance in this ordinance to a family or
4 family entity that is going to be in these
5 properties and not necessarily
6 rehabilitation or other types of uses that
7 we believe stray from the intent of this
8 ordinance.

9 So, it provides the township residents
10 first off with accessed information, and
11 then, it also provides the township with
12 some enforceability should a use begin to
13 wander away from what the intent is.

14 JOHN KOLICIUS: I noticed that in the

11-27-23

15 ordinance, there was a couple things for
16 additional requirements for like sufficient
17 parking for staff on-site and things like
18 that which I think they are all great
19 ideas.

20 I just wonder if they are defendable if
21 somebody came and said we are not going to
22 have more than three here at a time.

23 We have parking for two of them, and
24 one takes public transportation.

8

↑

1 MR. KIRCHGASSER: I would say that in
2 the discussions that we have had with
3 existing users of similar facilities in the
4 township, all believe these are common sense
5 applications.

6 John, I don't know if you have
7 anything else to add to that?

8 MR. McMULLAN: Yes.

9 The only thing I have to add to that is
10 the question regarding the parking, from a

11-27-23

11 public safety prospective, that is almost
12 applicable to any residential situation.

13 If there's a situation, whether it's a
14 cul-de-sac or a street where parking doesn't
15 make sense, we are concerned with first
16 responders getting to the scene, and we are
17 working with that residential property owner
18 to help us be able to respond quickly.

19 JOHN KOLICIUS: And again, my wife has
20 done homecare nursing at several facilities
21 in all the surrounding communities, and it's
22 something that a lot of times you would not
23 know it's a group home unless you had a
24 reason to, but at the same time, there are

9

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1 needs that should be addressed.

2 MR. KIRCHGASSER: Yes.

3 And as a volunteer fireman, I can tell
4 you once we change, once we get these
5 applications, we actually change the

11-27-23

6 identifier on their dispatch.

7 JOHN KOLICIUS: You need more
8 assistance.

9 MR. KIRCHGASSER: Right. Exactly. You
10 know what you're doing.

11 Any other questions from members of
12 council?

13 Any questions from members of the
14 public?

15 Okay. Seeing none and hearing none,
16 may I have a motion to close the hearing?

17 MS. DONNELLY: So moved.

18 MR. KIRCHGASSER: Thank you, Miss
19 Donnelly.

20 Do I hear a second?

21 MR. READ: Second.

22 MR. KIRCHGASSER: Thank you, Mr. Read.

23 All those in favor signify by saying
24 aye.

10

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1 MS. DUSSLING: Aye.

11-27-23

2 MS. DONNELLY: Aye.

3 MR. READ: Aye.

4 MS. BELL: Aye.

5 MS. POWELL: Aye.

6 MR. BIALEK: Aye.

7 MR. KIRCHGASSER: Aye.

8 Opposed? Motion carries.

9 Mr. McMullan?

10 MR. McMULLAN: So, for council's
11 consideration is the adoption of Ordinance
12 Number 856, which was just reviewed amending
13 Chapter 275, Zoning, by adding certain
14 standards and criteria governing the
15 operation of residential group homes and
16 conditional uses.

17 MR. KIRCHGASSER: Do I have a motion for
18 approval?

19 MR. READ: So moved.

20 MR. KIRCHGASSER: Thank you, Mr. Read.

21 Do I have a second?

22 MS. DUSSLING: Aye. Second.

23 MR. KIRCHGASSER: Thank you, Miss
24 Dussling.



1 Motion has been made and seconded.

2 All those in favor say aye.

3 MS. DUSSLING: Aye.

4 MS. DONNELLY: Aye.

5 MR. READ: Aye.

6 MR. BIALEK: Aye.

7 MS. POWELL: Aye.

8 MS. BELL: Aye.

9 MR. KIRCHGASSER: Aye.

10 Opposed? And that motion carries.

11 - - -

12 (Whereupon, the portion of this meeting
13 recorded by the court reporter ended at 7:39
14 p.m.

15 - - -

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11-27-23

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C E R T I F I C A T E

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LORI A. DIFABIO

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Professional Court Reporter - Notary

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Public

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11-27-23

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