

**MIDDLETOWN TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA**

**AT LARGE:** Norman C. Shropshire, Mark Kirchgasser, Susan K. Powell  
**FIRST DISTRICT:** Scott D. Galloway      **SECOND DISTRICT:** Dean T. Helm, Jr.  
**THIRD DISTRICT:** Russ Carlson      **FOURTH DISTRICT:** Vacant  
**MANAGER:** W. Bruce Clark      **ENGINEER:** Kelly & Close  
**SOLICITOR:** Joseph A. Damico, Jr., Esquire

**A G E N D A**

For the **Regular Meeting** to be held at **7:00 PM on Monday, September 26, 2016**, in the Township Building at 27 N. Pennell Road.

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- 1.) **OPENING** – Pledge of Allegiance to the Flag
- 2.) **COMMENTS FROM THE PUBLIC**
- 3.) **REPORTS**
  - A. Chairman
  - B. Manager
- 4.) **PUBLIC HEARING**
  - A. Proposed amendment of Zoning Ordinance, Article XIXA, SU-1A Mixed Use District, to modify existing sections of the ordinance text as more specifically listed in the ordinance title in item 5E below.
- 5.) **NEW BUSINESS**
  - A. Consideration for Adoption – An Ordinance of the Township of Middletown, Delaware County, Pennsylvania, granting to Sunoco Pipeline, LLP, a Texas Limited Partnership, a non-exclusive fifty-foot-wide (50’) free and unobstructed permanent easement in order to construct, operate and maintain two (2) pipelines and any underground appurtenant facilities and above-ground markers on Township property identified as Tax Parcel No. 27-00-00627-99 (Sleighton Park); Tax Parcel Nos. 27-00-01103-00 and 27-00-01103-01 (Linville Tract Open Space); Tax Parcel No. 27-00-01819-00 (Old Mill Pointe Open Space); and Tax Parcel No. 27-00-01792-01 (Hillcrest Tract Open Space), and a non-exclusive maximum twelve-foot-wide (12’) perpetual right of way and easement for use as an access road on Township property identified as Tax Parcel No. 27-00-01199-01 (Glenwood School Side Open Space); and Tax Parcel Nos. 27-00-00741-00 and 27-00-00744-00 (Tunbridge Open Space – Rear).
  - B. Review of Project Agreements – Sunoco Pipeline
  - C. Consideration for Adoption - An Ordinance granting Middletown Township, Delaware County, PA, authority to purchase ± .3785 acres of land with the improvements thereon in Middletown Township, Delaware County, PA, being Tax Folio No. 27-00-02088-00, and known as 21 S. Pennell Road in Middletown Township, Delaware County, Pennsylvania.
  - D. Consideration for Adoption - An Ordinance of the Council of Middletown Township, Delaware County, PA (the “Council”) (the “Township”) authorizing and approving a project of the Middletown Township, Delaware County, Sewer Authority (the “Authority”) and making certain determinations in relation to said project for purposes of the original lease (hereinafter defined); determining to incur debt in the maximum aggregate principal amount

not to exceed \$10,000,000; determining that such debt shall be incurred as lease rental debt to be evidenced by a series of guaranteed sewer revenue bonds, series of 2016 (the "Bonds"), to be authorized and to be issued by the authority to finance a project of the authority consisting of (1) designing, furnishing, installing, constructing and equipping of improvements and additions to the sewer system and facilities of the authority; (2) funding capitalized interest, if any, on the Bonds; and (3) paying the costs and expenses associated with the issuance of the Bonds in connection with the sewer system owned by the Authority and leased to the Township for operation and use; providing for the incurring of such lease rental debt in connection therewith; authorizing and directing the chairman or vice chairman of the Council and the Township Manager, respectively: (a) to prepare, to certify and to file the debt statement required by the act of the general assembly of the Commonwealth of Pennsylvania known as the Local Government Unit Debt Act, 53 PA. C.s. Chs. 80-82; (b) to prepare and to file any statements required by said act that are necessary to qualify all or any portion of the Debt of the Township for exclusion from the appropriate debt limit as self-liquidating or subsidized debt; and (c) to execute, to attest, to acknowledge and to deliver, as appropriate, a supplement (the "Lease Supplement") to the Agreement of Lease, dated as of October 16, 2014 (the "Original Lease," and together with the Lease Supplement, the "Lease"), each between the Township, as lessee, and the Authority, as lessor, with respect to the sewer system, and the guaranty agreement (the "Guaranty") between the Township, the Authority and the Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee") under a certain trust indenture of the Authority to be supplemented in connection with the issuance of said Bonds, with respect to payment of the principal of and interest on said Bonds; approving the form of said lease supplement and guaranty; consenting to assignment of said Lease Supplement by the Authority to the Trustee, as security; specifying the source of payment of the lease rentals to be paid by the Township pursuant to said sewer system lease; guaranteeing the payment of the principal of and interest on said bonds; providing covenants related to debt service applicable to said bonds and pledging the full faith, credit and taxing power of the Township in support of such guaranty obligations; providing for certain action to be taken by the authority; providing for proper officers of the Township to take all other required, necessary or desirable related action in connection with said sewer system and said Lease and Guaranty; authorizing the execution and delivery of a Continuing Disclosure Agreement; acknowledging that the Authority intends to issue the Bonds as qualified tax-exempt obligations under section 265(b)(3) of the Internal Revenue Code of 1986, as amended; providing for the severability of provisions of this Ordinance; and providing for repeal of all inconsistent ordinances or parts of ordinances.

- E. Consideration for Adoption - An Ordinance of the Township of Middletown, Delaware County, PA, Amending Chapter 275, entitled "Zoning," Article XIXA.SU-1-A Mixed Use District, of the Code of Ordinances of the Township of Middletown: (1) by adding single-family detached dwellings as a residential use permitted as of right in Section 275-117.3.B; (b) by adding stand-alone skilled nursing and/or rehabilitation centers and daycare as non-residential uses permitted as of right in Section 275-117.3.C; (3) by amending the required mix of uses in Section 275-117.4.B from at least 30% but no more than 70% of the total nonresidential gross floor area to at least 10% but no more than 90% of the total nonresidential gross floor area, for retail store, garden center, supermarket or wholesale membership club uses; (4) by amending the required mix of uses in Section 275-117.4.C from at least 30% but no more than 70% of the total nonresidential gross floor area to at least 10% but not more than 90% of the total nonresidential gross floor area, for offices, research and/or testing facilities, medical laboratories, outpatient or training facilities or offices for doctors and other medical personnel health and fitness centers; (5) by amending

the minimum distance of 20 feet between all residential buildings in Section 275-117.7.D.(1) to provide for a minimum distance of 18 feet between single-family detached dwellings; (6) by amending Section 3.A. in Attachment 3, Appendix A to Chapter 275, by providing a revised Land Use Plan for the SU-1-A Mixed Use District; (7) by amending Subsection 10.E.3.A in Attachment 3, Appendix A to Chapter 275, by providing that the buffer yard shall be measured from the right-of-way line; (8) by amending Section 10.E.3.D in Attachment 3, Appendix A to Chapter 275, which precludes, among other things, structures in the buffer yard, with the addition of the words "Except as provided in Subsection E.3.E. of this Section 10;" (9) by amending Section 10.E.3.E in Attachment 3, Appendix A to Chapter 275, to allow additional structures in the buffer yard; (10) by adding a Section concerning sentences, clauses, sections or parts of the Ordinance later determined to be unconstitutional, illegal or invalid, and repealing all ordinances or parts of ordinances inconsistent herewith.

- F. Review of Preliminary Subdivision/Land Development Plan – Franklin Mint Residential Parcel – 1442 W. Baltimore Pike
- G. Review of Final Land Development Plan – Franklin Mint Parcel – Wawa Convenience Store – 1242 W. Baltimore Pike
- H. Authorize Intergovernmental Agreement – PADOT
- I. Acceptance of Proposal – Salt Bin Repair
- J. Acceptance of Certificate of Total Completion – Riddle Hospital Emergency Room – 1068 W. Baltimore Pike
- K. Reauthorization of Final Two-Lot Subdivision – Baravordeh – 107 W. Forge Road
- L. Review of Services Proposal – Trail Planning/Engineering
- M. Presentation of 2017 Pension Plan Minimum Municipal Obligation
- N. Approval of Bill List

6.) **ADJOURNMENT**



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W. BRUCE CLARK  
TOWNSHIP MANAGER