

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
January 27, 2014

Minutes of the Regular Meeting of Township Council Held on, January 27, 2014 at 7:00 P.M., in the Township Administration Building located at 27 North Pennell Road

Present: M. Amoroso, L. Bradshaw, R. Carlson, S. Galloway, M. Kirchgasser, N. Shropshire, and C. Quinn

B. Clark, and M. Damico, Esquire

1. Chairperson Mr. Kirchgasser called the meeting of the Council to order at 7:04 P.M., and led recitation of the Pledge of Allegiance to the Flag.

2. Special Presentation

Mr. Galloway presented Andrew Abrams, a member of the Middletown Lions Baseball Team and son of team coach, Rusty Abrams, to Council and the audience as a representative for the Lions. Mr. Galloway reported the Township has supported the Lions the past three years.

Mr. Abrams provided information about the team, noting they are mostly made up of college-age men; however there are some high school-age players as well. According to Mr. Abrams, the Lions have been around for five or six years and contend in a competitive league. Many of the team members also play on college, semi-pro and minor league teams too. Mr. Galloway commented that the league is highly competitive and he considered it to be high-quality baseball. Following this summary of the Lions program, Mr. Galloway presented a check to Mr. Abrams on behalf of the Township in support of the Lion's 2014 season.

3. Approval of the Minutes

Mr. Shropshire motioned to approve the minutes for the November 15, 2013 meeting. Mr. Galloway seconded this motion and Council approved unanimously.

Mr. Shropshire motioned to approve the minutes for the November 25, 2013 meeting. Mr. Galloway seconded this motion and Council approved unanimously.

Mr. Shropshire motioned to approve the minutes for the December 9, 2013 meeting. Mr. Carlson seconded this motion and Council approved unanimously.

4. COMMENTS FROM THE PUBLIC

Kathleen Smith, 58 South Pennell Road, expressed that she felt the Highway Department did an excellent job on the snow removal and should be commended.

5. REPORTS

A. CHAIRPERSON

Mr. Kirchgasser noted an executive session was held prior to the meeting regarding legal issues associated with agenda items 7A and 6 A, as well as legal actions involving the Township.

B. MANAGER

Mr. Clark reported the first Community Day planning meeting was held on Friday January 24, 2014. Community Day is scheduled for Saturday May 3, 2014 at the Penn State Brandywine campus. He invited audience members who would like to be involved to contact Debbie Timblin or Pat McCoy for more information. Mr. Clark also informed those present that anyone who participated in the past would be receiving a formal invitation by mail.

Following Mr. Clark's report, Mr. Kirchgasser noted that Mr. Ronald Gravina, Chairman of the Board of Supervisors for Edgmont Township, was present as an applicant at the meeting and welcomed him as a fellow-municipal leader.

Mr. Galloway then motioned to change the order of the agenda and to proceed with item 7 (Old Business) prior to item 6 (Public Hearing). Ms. Amoroso seconded this motion and Council approved unanimously.

7. OLD BUSINESS

A. Review of Conditional Use Application 2013-5 Rose Tree Media School District (RTMSD)-134 Barren Road (Penncrest High School)

Mr. Clark reported the public hearing for the abovementioned Conditional Use Application was held on January 13, 2013. At that time, extensive testimony was provided and Council voted to postpone making a decision on the application until the current meeting in order to give all members an opportunity to review the record and various exhibits that were delivered as part of the hearing process. Mr. Clark reported he and Mr. Damico reviewed the transcript of the hearing and drafted possible conditions based on the testimony to be included if the application is considered for approval by Council.

Mr. Kirchgasser noted Mr. Kelly, attorney for RTMSD, had a supplemental item to present. Mr. Kelly informed Council RTMSD received a letter from Mr. Patterson of the Pennsylvania Department of Environmental Protection (PADEP), which indicated that even though the application for the grant referenced exploring the prospects of

expanding the compressed natural gas (CNG) facility to intergovernmental use or other use, not including this in the final project would have no effect whatsoever on the approval of the grant. He believed this letter put to rest the issue of whether or not the State would somehow revoke or modify the grant as awarded if RTMSD did not allow other municipalities to use the facility.

Mr. Galloway commented that he asked for the decision of this hearing to be deferred until this meeting in order to review all exhibits presented. He reported that he had this opportunity since the last meeting. He asked Mr. Kelly if he had an opportunity to review the proposed conditions drafted by Mr. Clark and Mr. Damico. Mr. Kelly confirmed he and Mr. Wigo, RTMSD's Superintendent, did and were satisfied with the conditions.

Mr. Galloway then motioned to approve Conditional Use Application 2013-5 Compressed Natural Gas Fueling Station, Rose Tree Media School District. Ms. Amoroso seconded this motion. Mr. Kirchgasser asked if there was any additional comment prior to Council voting and Mr. Joe Hooker, 157 Barren Road, requested the conditions drafted by Mr. Clark and Mr. Damico to be read aloud for the audience. Mr. Kirchgasser briefly reviewed the Approval Conditions.

Mr. Hooker inquired if it would be possible to draft an ordinance to prohibit non-profit organizations from engaging in commercial activities. Mr. Kirchgasser noted that the conditions set forth for this application did prohibit the school district from engaging in commercial activity related to the CNG fueling facilities. Mr. Hooker commented his request was for future applications; not the current one. Mr. Kirchgasser then asked the Township Solicitor to look into the pros and cons of such an ordinance.

Following this discussion, Council approved Resolution 2014-22, approving Conditional Use Application 2013-5 Compressed Natural Gas Fueling Station, Rose Tree Media School District, subject to the conditions as read with a vote of 6-1 (Mr. Carlson)

6. PUBLIC HEARING

- A. Conditional Use Application of Riddle Memorial Hospital for approval to install oxygen supply tanks within the buffer area where an existing non-conforming concrete area currently containing dumpsters is located adjacent to the medical building at 1118 W. Baltimore Pike, pursuant to Section 275-206 F of the Zoning Ordinance

Mr. Byrne, attorney for Main Line Health/Riddle Memorial Hospital, introduced himself as well as Marc McBride and Ron Gravina from Main Line Health and their engineer, Dave Redash. Mr. Byrne explained they were seeking approval for their proposal to install oxygen supply tanks in place of where dumpsters were currently located by Health Center 4.

Mr. Byrne noted he met with both Mr. Damico and Mr. Rothe and the Township Planning Commission prior to this meeting. He reported the Planning Commission recommended approval subject to certain conditions. Mr. Byrne explained that one of these conditions was to get the tanks lower than the tree line, which he could now report has been completed.

Mr. Byrne reported the oxygen tanks would be used for the wound center and that oxygen tanks are a permitted accessory use as per the I-1 zoning district. Using the 2008 Land Development Plan diagram, Mr. Redash showed Council the area in question where the dumpsters are currently located in the service yard next to Health Center 4. Mr. Redash reported the buffer line in the ordinance for this district is 50 feet along Baltimore Pike until it gets to being 100 feet west of the corner of the hospital. At that point the buffer area increases to 200 feet. He noted the dumpsters are located on the right side of the buffer area that requires 200 feet.

Mr. Redash then showed Council photographs to illustrate the general area for the proposal, which included the helipad to the left of Health Center 4, the block retaining wall that surrounds most of the service area that connects to a metal fence near the dumpsters, and arborvitaes trees that run along the retaining wall. In order to assure the tanks will not be visible from any part of Baltimore Pike, RMH was now proposing horizontal tanks instead of vertical ones, which would be below the retaining wall and metal fence and protected from the helipad.

Mr. Clark commented that the way the photo was taken from the helipad showing the service area gave the impression the distance was closer than it really was. Mr. Redash agreed but noted the distance between the edge of the helipad to where the tanks would be located is 60 feet. Mr. Byrne asked Mr. Redash if the FAA was consulted to assure this would not affect flight plans and Mr. Redash answered in the affirmative. Following this question, Mr. Redash continued to show photographs to Council that illustrated how the tanks would be hidden. Mr. Redash then ended his presentation by showing the site plan to Council, which was completed by Air & Gas Technologies, and indicated where the vaporizers and tanks were located. He also noted where the safety bollards and locked gate would be located and stated the drive would be trimmed back slightly in order to allow tractor trailer access to the area.

Ms. Amoroso questioned where the dumpsters would be located and Mr. Redash reported they would remain in the service are but be closer to Health Center 4. Mr. Byrne noted it would now have a trash compactor so the dumpsters would not be as large as they are now. Mr. Quinn asked if the area was still screened and Mr. Byrne answered in the affirmative.

Mr. Byrne closed by stating Mr. Redash provided a thorough explanation of what was being requested and that by granting this conditional use application, there would be community benefits associated by having oxygen available for a wound care center. Mr. Shropshire asked if a hyperbaric chamber was being put in and Mr. Byrne answered in

the affirmative. Mr. Shropshire then asked if it was to only used for the wound care center. Mr. Byrne stated it would primarily be used for the wound center.

Mr. Kirchgasser asked if there were any further questions or comments from Council or the audience. No comments were made. Mr. Shropshire motioned to close the public hearing and Mr. Quinn seconded the motion. Council approved unanimously.

8. NEW BUSINESS

A. Review of Conditional Use Application 2013-6—Riddle Memorial Hospital 1118 W. Baltimore Pike

Mr. Galloway motioned to approve Conditional Use Application 2013-6 and Ms. Amoroso seconded this motion. Council approved Resolution 2014-23 unanimously by vote of 7-0.

B. Approval of Bill List

Mr. Kirchgasser read aloud the bills presented for Council's consideration for approval for payment. He asked Mr. Clark to elaborate on one payment for Bucks County. Mr. Clark explained that it was a tax bill for Middletown Township Bucks County paid to the Township in error and refunded back to the payer. While it shows up as an expense for the Township, Mr. Clark explained it was really a refund due to an incorrect payment to the Township. Mr. Kirchgasser also noted the reimbursement associated with the Lima Fire Truck Sale was due to the engine having a catastrophic failure on its way back to Michigan following the purchase. The Township thought it was fair to refund a portion of the purchase price.

Mr. Carlson moved that payments under the January 27, 2014 Bill List be authorized for payment by the Finance Department:

	<u>General Fund</u>	
1568 Woodburne Partners LP	Middletown Bucks County Tax Payment	\$14,441.06
Keystone Information Systems	2014 Software Maintenance	\$11,126.00
	2014 Tax Program	\$1,888.00
	2014 Sewer Share Tax Program	\$1,888.00
		<hr/> \$14,902.00
Independence Blue Cross	January Health Insurance	\$6,787.34
	Highway Share	\$9,472.85
	Sewer, Cobra & Library Share	\$4,665.71
	Recreation Share	\$2,377.54
		<hr/>

		<u>\$23,303.44</u>
McCusker & Ogborne	December 2013 Recycling Services	\$17,957.24
Aqua PA Inc.	December Hydrant Rental	\$11,280.75
Petrikon Wellman Damico Brown	Retainer	\$1,000.00
	December 2013 Services	<u>\$4,462.50</u>
		<u>\$5,462.50</u>
	Total General Fund	<u>\$87,346.99</u>
	<u>Capital Reserve</u>	
City of St. Ignace	Lima Fire Truck Sale Reimbursement	\$10,000.00

Mr. Galloway seconded the motion, and Council approved Resolution 2014-24
 unanimously by vote of 7-0.

7. ADJOURNMENT

Mr. Kirchgasser adjourned the meeting at 7:35 P.M.

Respectfully submitted,



Amanda Allen, Recorder