

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
February 10, 2014

Minutes of the Regular Meeting of Township Council Held on, February 10, 2014 at 7:00 P.M., in the Township Administration Building located at 27 North Pennell Road

Present: M. Amoroso, L. Bradshaw, 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 7:02 P.M., and led recitation of the Pledge of Allegiance to the Flag.

2. Approval of the Minutes

Mr. Shropshire motioned to approve the minutes for the December 23, 2013 meeting. Ms. Bradshaw seconded this motion and Council approved unanimously.

3. COMMENTS FROM THE PUBLIC

No comments

4. REPORTS

A. CHAIRPERSON

No report

B. MANAGER

No report

Prior to the beginning of the public hearing, Mr. Quinn motioned to amend the agenda to add item number 6C, related to Pennsylvania Society of Professional Engineers. Ms. Bradshaw seconded this motion and Council approved unanimously.

5. PUBLIC HEARING

A. To solicit comment on past performance of Comcast Cable and possible future cable-related needs of the community pursuant to Section 626 of the Federal Cable Act in connection with renewal of a non-exclusive franchise agreement with Comcast Cable to offer cable television within the township

Mr. Clark reported the Township, along with 6 other municipalities, are jointly negotiating a renewal of the non-exclusive franchise agreement with Comcast Cable for the provision of the cable entertainment services. He indicated the solicitor for the negotiations is Dan Cohen, who is based

out of Pittsburgh, Pennsylvania. His firm is well versed and knowledgeable of the cable industry and was used for the previous joint Comcast negotiations in 2003 and the subsequent joint Verizon agreement. The 7 municipalities have chosen to be represented by 1 solicitor instead of their local solicitors because the local solicitors for the municipalities may not have a broad background on cable law.

Mr. Clark explained the Cable Act requires municipalities to hold an advertised, public hearing to allow residents to offer comment on cable services in the municipality and to solicit any suggestions people may have for cable services going forward. He introduced Kevin Broadhurst, Comcast Cable's Director of Governmental Affairs, who was present at the meeting to answer any questions or take comments from residents. Mr. Clark noted there was no turn out for this hearing and that this was no different from the previous hearing held in 2003. He believed this was due to general satisfaction of residents with the cable providers and services.

Since there was no audience to offer comments, Mr. Clark asked Council if they had any comments. Mr. Shropshire asked how many Township residents used Comcast compared to Verizon for the cable service needs. Mr. Clark said this information was not available, but noted Comcast used to provide reports indicating the number of subscribers prior to Verizon being available. He reported that at that time there were approximately 4,200 subscribers out of a possible 5,000. Mr. Broadhurst commented that those numbers are now "closely guarded." Mr. Shropshire expressed he was simply curious and did not need to know this information when Mr. Broadhurst started to go into a little more detail about finding out this information.

Mr. Kirchgasser asked Mr. Broadhurst if he had anything further. Mr. Broadhurst expressed that Comcast is only looking to secure its franchise agreement, which has become fairly routine over the years since there is only so much that can be negotiated. He explained this is due to most of the agreement already being regulated at the federal level. He noted he did not believe anything significantly different would be included in the new agreement and emphasized Comcast has had a favorable relationship with both Mr. Clark and the Township. Lastly, Mr. Broadhurst discussed how the cable industry has changed drastically since the last franchise agreement due to a higher level of competition. He believed these changes were all positive and that Comcast continues to evolve. For instance, he reported Comcast is invested in network television, increasing internet speed, increasing on-demand, and increasing apps.

Mr. Clark noted that the main difference between Comcast and Verizon is that Comcast has the capability to provide cable services to the entire Township, whereas Verizon has not fully completed its system yet.

Mr. Kirchgasser asked if any action was required on the part of Council and Mr. Clark reported Council's obligations at this point were completed at the conclusion of this public hearing. He noted once the new franchise agreement was completed, it would be presented to Council for adoption. Mr. Clark expected this to take place in the next couple of months. Mr. Shropshire asked how long the agreement would be in place for and Mr. Clark noted the length of time is negotiable but that it would likely be 10 years. Mr. Broadhurst interjected, reporting that 10 years is the minimum length of time and 15 years was the average. Mr. Broadhurst added that Comcast Cable prefers 15 year agreements and offers more "perks" to agreements that honor that length of time compared to 10 year agreements. Following this discussion, Mr. Kirchgasser closed the hearing.

6. NEW BUSINESS

C. Pennsylvania Society of Professional Engineering—Proposal for Township to formally recognize Engineers' Week

Mr. Clark reported to Council the Township received a request from the Delaware County Chapter of the Pennsylvania Society of Professional Engineers to formally recognize Engineers' Week, which is the week of February 16, 2014. As part of this event, the Delaware County Chapter recognizes certain engineers from the county at a formal dinner at the Towne House. This year, they intend to recognize the late John Pickett, who was a longtime county planning director and civil engineer, as well as two other engineers. Mr. Clark suggested Council consider adopting a proclamation to recognize Engineers' Week and honor the county's engineers, particularly in light of Mr. Pickett being recognized this year.

Mr. Kirchgasser referred Council to the proposed proclamation provided in the meeting's packet and asked for comment. When no comments were made, Mr. Quinn motioned to adopt a proclamation for the Township to formally recognize Engineers' Week the week of February 16, 2014. Ms. Bradshaw seconded this motion and Council approved the proclamation unanimously.

A. Review of Zoning Hearing Board Application: 2014-02—Grover Jr.—371 S. Old Middletown Road

Mr. Clark identified the abovementioned property as a corner property on South Old Middletown Road and Pine Tree Drive. He explained the property is being purchased by a relative of the current owner, who is planning to do an addition out of the back of the house. Mr. Clark noted the house was already nonconforming with respect to the front yard setback.

According to Mr. Clark, the plan is to construct in-law quarters to the back of the house. In addition, the property owner wants to put a pool and a detached garage in the back of the property. Mr. Clark referred to the map provided in Council's packets to see where these items were proposed to be located.

Mr. Clark explained that because the property is a corner lot, it has two front yards and two side yards and the proposed garage would encroach into the side yard closest to the next property on Pine Tree Road.

Mr. Kirchgasser asked Council if there were any comments or concerns. No comments or concerns were expressed.

B. Approval of Bill List

Mr. Kirchgasser read aloud the bills presented for Council's consideration for approval for payment.

Ms. Amoroso moved that payments under the February 10, 2014 Bill List be authorized for payment by the Finance Department:

<u>General Fund</u>		
Independence Blue Cross	February Health Insurance	\$8,006.22
	Highway Share	\$10,881.71
	Sewer, Cobra & Library Share	\$4,451.82
	Recreation Share	\$4,113.78
		\$27,453.53
<u>Capital Reserve</u>		
Bank of NY Mellon	GOB Series 2010 Interest Payment	\$140,571.25
<u>State Aid</u>		
International Salt	Salt	\$7,339.59

Mr. Quinn seconded the motion, and Council approved Resolution 2014-25 unanimously.

7. ADJOURNMENT

Ms. Amoroso moved to adjourn the meeting, Ms. Bradshaw seconded the motion, and Council approved unanimously. The meeting adjourned at 7:17 PM.

Respectfully submitted,



Amanda Allen, Recorder