

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

June 23, 2014

Minutes of the Regular Meeting of Township Council Held on, June 23, 2014 at 7:00 P.M., in
the Township Administration Building located at 27 North Pennell Road

Present: L. Bradshaw, S. Galloway, M. Kirchgasser, and C. Quinn
B. Clark, and J. 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. SPECIAL PRESENTATION

Mr. Kirchgasser explained that the Penncrest Boy's Lacrosse (PHS) team recently won the State Championship and was the highest ranked public school in the country. He also indicated that the Boy's Lacrosse team is only the second team in Penncrest history to win a State Title for any sport. In honor and recognition of the astounding performance of the team, Mr. Kirchgasser presented each member of the team with a Township Proclamation on behalf of Council and the Township.

Mr. Kirchgasser then turned the presentation over to Mr. Mescanti, who was the coach of the Penncrest Hockey team who won the only other State Championship in PHS history over a decade ago, to present the Proclamation to the coach of the Boy's Lacrosse team, Mr. Matsinger. Mr. Matsinger thanked Council for the recognition of the team's accomplishments. Mr. Kirchgasser then asked Senior Robbie Klodarska on behalf of the team for his impressions of the season and the celebratory parade that took place after the win down State Street in Media. Mr. Klodarska described the win as a "cool feeling" and expressed that he was happy to be part of a team with so many great players with great attitudes. He expressed that he was glad to be a part of the parade and that it was like nothing the team ever experienced before. Mr. Kirchgasser agreed and acknowledged that so many of the Rose Tree Media community were proud of the team and wanted to be a part of the celebration at the parade.

The presentation concluded and Council adjourned briefly in order to take a photograph with the Penncrest Men's Lacrosse Team.

3. COMMENTS FROM THE PUBLIC

None

4. REPORTS

A. CHAIRPERSON

None

B. MANAGER

None

5. NEW BUSINESS

A. TO AUTHORIZE AND DIRECT THE INCURRING OF ELECTORAL INDEBTEDNESS EVIDENCED BY THE ISSUANCE FROM TIME TO TIME, OF ONE OR MORE SERIES (OR SUBSERIES) OF GENERAL OBLIGATION BONDS (THE "BONDS") OF THE TOWNSHIP OF MIDDLETOWN, DELAWARE COUNTY, PENNSYLVANIA (THE "TOWNSHIP") IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF EIGHT MILLION THREE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$8,345,000). PURSUANT TO 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 (THE "ACT"); FINDING THAT A PRIVATE SALE BY NEGOTIATION IS IN THE BEST FINANCIAL INTERESTS OF THIS TOWNSHIP; DETERMINING THAT SUCH BONDS SHALL EVIDENCE ELECTORAL DEBT OF THIS TOWNSHIP; SPECIFYING THAT SUCH INDEBTEDNESS IS TO BE INCURRED TO PROVIDE THE FUNDS NECESSARY TO FINANCE A REFUNDING PROJECT OF THIS TOWNSHIP WHICH CONSISTS OF, AMONG OTHER THINGS: (A) THE ADVANCE REFUNDING OF ALL OF THE PRINCIPAL OF AND INTEREST DUE ON THIS TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES OF 2010 (THE "2010 BONDS"); AND (B) PAYING THE COSTS AND EXPENSES OF ISSUING AND INSURING (IF APPLICABLE) THE BONDS (THE "REFUNDING PROJECT"); MAKING CERTAIN FINDINGS AND DETERMINATIONS IN CONNECTION WITH THE REFUNDING PROJECT; APPOINTING AN ESCROW AGENT; AUTHORIZING THE ESCROW AGENT TO TAKE ALL NECESSARY AND REQUIRED ACTIONS AS REQUIRED BY THE TERMS OF THE 2010 BONDS, TO EFFECT THE ADVANCE REFUNDING OF THE 2010 BONDS; AUTHORIZING OFFICERS OF THIS TOWNSHIP TO EXECUTE NECESSARY DOCUMENTS IN CONNECTION WITH THE REFUNDING PROJECT; ACCEPTING A PROPOSAL FOR THE PURCHASE OF SUCH BONDS AT PRIVATE SALE BY NEGOTIATION; PROVIDING THAT SUCH BONDS, WHEN ISSUED, SHALL CONSTITUTE GENERAL OBLIGATIONS OF THIS TOWNSHIP; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNTS OF EACH MATURITY OF THE BONDS (OR THE MAXIMUM PRINCIPAL AMOUNTS TO BE SUBJECT TO MANDATORY SINKING FUND REDEMPTION) IN EACH YEAR, DATED DATES, INTEREST PAYMENT DATES, MATURITY DATES, MAXIMUM INTEREST RATES, MAXIMUM ANNUAL AMOUNTS TO BE APPROPRIATED FOR DEBT SERVICE, OPTIONAL REDEMPTION PROVISIONS, MANDATORY REDEMPTION PROVISIONS (IF APPLICABLE) AND THE PLACE OF PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH BONDS; AUTHORIZING SPECIFIED OFFICERS OF THIS TOWNSHIP TO CONTRACT WITH THE FISCAL AGENT; SETTING FORTH THE SUBSTANTIAL FORM OF THE BONDS EVIDENCING THE DEBT; AUTHORIZING EXECUTION AND ATTESTATION OF SUCH BONDS;

PROVIDING COVENANTS RELATED TO DEBT SERVICE APPLICABLE TO SUCH BONDS TO THE EXTENT REQUIRED BY THE ACT AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THIS TOWNSHIP IN SUPPORT THEREOF; CREATING A SINKING FUND AND, IF NECESSARY, ACCOUNTS THEREIN IN CONNECTION WITH SUCH BONDS, TO THE EXTENT REQUIRED BY THE ACT; DESIGNATING THE FISCAL AGENT TO BE THE SINKING FUND DEPOSITARY; PROVIDING A COVENANT TO INSURE PROMPT AND FULL PAYMENT FOR SUCH BONDS WHEN DUE; SETTING FORTH PROVISIONS REGARDING THE MECHANICS OF THE PAYMENT OF INTEREST ON THE BONDS AND SETTING FORTH REGISTRATION AND TRANSFER PROVISIONS WITH RESPECT TO SUCH BONDS; AUTHORIZING AND DIRECTING SPECIFIED OFFICERS OF THIS TOWNSHIP TO DO, TO TAKE AND TO PERFORM CERTAIN SPECIFIED, REQUIRED, NECESSARY OR APPROPRIATE ACTS TO EFFECT THE ISSUANCE OF THE BONDS, INCLUDING, WITHOUT LIMITATION, THE PREPARATION OF A DEBT STATEMENT AND BORROWING BASE CERTIFICATE, AND THE FILING OF OTHER SPECIFIED DOCUMENTS WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH OF PENNSYLVANIA, ALL AS REQUIRED BY THE ACT; DECLARING THAT THE DEBT TO BE EVIDENCED BY SUCH BONDS, TOGETHER WITH ALL OTHER INDEBTEDNESS OF THIS TOWNSHIP, WILL NOT BE IN EXCESS OF ANY APPLICABLE LIMITATION IMPOSED BY THE ACT AUTHORIZING PROPER OFFICERS OF THIS TOWNSHIP TO DELIVER THE BONDS UPON THE APPROVAL OF THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH OF PENNSYLVANIA; SETTING FORTH CERTAIN COVENANTS PRECLUDING THIS TOWNSHIP FROM TAKING ACTIONS WHICH WOULD CAUSE THE BONDS TO BECOME "ARBITRAGE BONDS," AS THAT TERM IS USED IN THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND THE APPLICABLE REGULATIONS PROMULGATED THEREUNDER; AUTHORIZING THE PURCHASE OF MUNICIPAL BOND INSURANCE (IF APPLICABLE); APPROVING THE FORM OF A CONTINUING DISCLOSURE AGREEMENT AND AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY THEREOF AND THE UNDERTAKING OF CERTAIN CONTINUING DISCLOSURE; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND RESCINDING ALL ORDINANCES OR PARTS OF ORDINANCES INsofar AS THE SAME SHALL BE INCONSISTENT HERewith.

Mr. Clark indicated representatives for RBC Capital Markets were present. He explained the ordinance was advertised and ready for adoption. He indicated it was a parameter ordinance since the bond rate and savings would not be able to be determined until July 1, 2014. At that time, Mr. Clark stated that following adoption, the Bond Counsel would send the bond refinancing proceedings to the State for approval and 31 days following ordinance adoption, settlement on the bond sale could

be scheduled. At this point, Mr. Clark noted the proposed settlement date would be August 4, 2014.

Mr. Galloway motioned to approve adoption of the ordinance. Ms. Bradshaw seconded the motion and Council approved Ordinance 747 unanimously, 4-0.

A. Amendment of Articles of Incorporation—Middletown Township, Delaware County, Sewer Authority (MTSA)

Mr. Clark reminded Council that MTSA representatives were present at the last regular meeting and discussed with Council their need to extend the life of the Authority in order to be able to issue bonds for financing in order to construct a new sanitary sewer interceptor. He noted MTSA is asking for a life extension of 50 years. Mr. Clark reported that Mr. Damico reviewed the ordinance and indicated it was ready to be moved to introduction.

Ms. Bradshaw motioned to approve introduction of the ordinance. Mr. Galloway seconded this motion and Council approved the motion unanimously, 4-0.

B. Authorize Submittal of Sewage Facilities Planning Module—Baravordeh-107 W. Forge Road

Mr. Clark explained Mr. Baravordeh is presenting a 2-lot subdivision and requesting they be tied into the public sewer. He reported DEP requires a planning module for this and indicated this property has already been accounted for in the Corrective Action Plan previously approved by MTSA, Southwest Authority and DEP. Mr. Clark explained that the project was originally approved for 3 EDUs in the Corrective Action Plan, but only needs 2 for this property. Therefore, 1 EDU is now available for future use. Mr. Clark reported a resolution is required in order for the module to be sent to DEP to approve the use of EDUs.

Ms. Bradshaw moved approval for of the resolution. Mr. Galloway seconded this motion and Council approved Resolution 2014-50 unanimously, 4-0.

D. Approval of Bill List

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

Ms. Bradshaw moved that payments under the June 23, 2014 Bill List be authorized for payment by the Finance Department:

<u>General Fund</u>		
Computer & Network	Server Backup & Maintenance	\$8,950.00

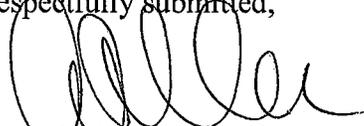
Paramedics		
Aqua Pennsylvania	May Hydrant Rental	\$11,432.25
	Total General Fund	<u>\$20,382.25</u>
	<u>Recreational Enterprise Fund</u>	
The Travel Authority, Inc.	Various Trips	<u>\$5,129.00</u>

Mr. Galloway seconded the motion, and Council approved Resolution 2014-51
unanimously, 4-0.

6. ADJOURNMENT

Mr. Kirchgasser adjourned the meeting at 7:24 PM

Respectfully submitted,



Amanda Allen, Recorder

