

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
July 14, 2014

Minutes of the Regular Meeting of Township Council Held on, July 14, 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, and M. Kirchgasser
B. Clark, and J. Damico, Esquire

1. Chairperson Mr. Kirchgasser called the meeting of the Council to order at 7:07 P.M., and led recitation of the Pledge of Allegiance to the Flag. Mr. Kirchgasser noted that an executive session was held prior to the meeting to discuss Township donations and 2 legal matters.

2. COMMENTS FROM THE PUBLIC
None

3. REPORTS

A. CHAIRPERSON

None

B. MANAGER

Mr. Clark noted that a blood drive was scheduled to take place at the Township building on July 15, 2014. This blood drive is sponsored by the Parks and Recreation Committee and currently has 25 donors signed up. He informed Council and the audience that there are still slots available from 3:00 PM – 4:30 PM and after 6:00 PM. Mr. Clark directed those interested to the signup sheet in the back of the room.

Mr. Clark also reported that the Township is working together with the Philadelphia Horticulture Society and offering a program on October 7th, 9th, and 16th entitled “Become a Tree Tender.” During this program, Mr. Clark noted that participants will learn about tree biology, tree identification, and proper planting and pruning techniques. The goal of this program is for Township residents to become more interested in horticulture and to develop volunteers to help maintain the trees throughout the Township. Mr. Clark indicated the cost of this program is \$25 and directed those interested to either sign up on the signup sheet in the back of the room or online on the Township’s website.

4. NEW BUSINESS

A. Consideration for Adoption—An Ordinance of the Township of Middletown, Delaware County, Pennsylvania, adopting and approving an Amendment to the Articles of Incorporation of Middletown Township Delaware County, Sewer Authority, as proposed by resolution of the Board of said Authority; setting forth the proposed Amendment; authorizing said Authority and proper officers thereof to

execute, verify and file appropriate Articles of Amendment; and rescinding all ordinances or parts of ordinances inconsistent herewith.

Mr. Clark explained that this proposed ordinance was needed by Middletown Sewer Authority (MTSA) for their planned bond issue in order to construct a new sewer interceptor. He reported that the bond issue requires the Authority's life to extend past the length of the bond and that the proposed ordinance's life extension of 50 years would accomplish this. Mr. Clark noted that MTSA adopted a resolution requesting the extension at their June 16, 2014 meeting and that the ordinance was introduced by Council at the June 23, 2014 meeting.

Mr. Kirchgasser asked if Council had any questions. There were none. Mr. Kirchgasser asked the audience if they had any questions. There were none.

Mr. Galloway motioned to approve the Ordinance, which amends the Articles of Incorporation for MTSA and extends its life by 50 years. Mr. Carlson seconded this motion and Council approved Ordinance 748 unanimously, 5-0.

B. Authorization of Tax Appeal Settlement—Granite Run Mall—1067 W. Baltimore Pike

Mr. Clark explained a tax appeal was filed by the owners of the Granite Run Mall property for tax years 2013-2014. He reported that Mr. Damico worked with the attorneys for the other taxing entities, the School District and the County, and met with the property owners regarding this matter. The original proposed assessment changes were rejected by the property owners, but the current proposal has been accepted.

Mr. Damico commented that he and representatives of Council and the School District met with the appraiser for the taxing entities in a very detailed meeting, which discussed the property's values. The appraiser established fair market values for 2013 through 2014, which were tentatively accepted by the taxing entities and the property owners and also included a revised fair market value for 2015. Mr. Damico reported that the School District has approved that proposed assessment and would formally be voting on it during its August meeting.

Mr. Kirchgasser noted that the Township, County, and School District all tax the mall. He asked Mr. Damico to confirm that the new assessment figures were not necessarily strong, but favorable. Mr. Damico responded that the figures were consistent with the appraisal.

Mr. Kirchgasser asked Council if they had any questions. There were none. Mr. Kirchgasser asked the audience if they had any questions. David Irving, Pembroke

Drive, inquired how the reduction in taxes would impact the Township and how important the mall property was to the overall tax base. Mr. Clark noted that the Township's operating budget is about \$4,000,000. He reported the property tax reduction for the mall property would result in a tax loss of approximately \$16,000 for 2013, \$26,000 in 2014 and \$41,000 in 2015. He commented that the tax loss was not for the operating budget alone but spread out to other accounts as well (i.e. the library and fire company support). Mr. Clark described the reduction as "not a catastrophic loss" and emphasized that it would not cripple the operating budget. Mr. Kirchgasser added that Mr. Carlson's committee took into consideration the tax reduction when preparing last year's budget and that the Township has realized other benefits that have bridged this loss (i.e. liquid fuels fund). He also noted that although there is a short-term reduction in property taxes, the revitalization of the mall would increase the mercantile tax, which would also benefit the Township. Mr. Irving commented that he did not consider the benefits from the mercantile tax and thanked Council for the response.

Ms. Bradshaw motioned to approve the Resolution to authorize a tax settlement for Granite Run Mall. Ms. Amoroso seconded this motion and Council approved Resolution 2014-52 unanimously, 5-0.

C. Authorize Dump Truck Purchase Proposal—COSTARS Contract #025—013

Mr. Clark reported the 2014 budget included funds for the replacement of 1 large dump truck and 1 small dump truck with 2 small dump trucks. Mr. Clark noted that Mr. Rothe recommended Council accept the lowest bid received under the COSTARS program, which was from Fred Beans Ford in West Chester, Pennsylvania. The budget allocated \$134,000 for these purchases, and Fred Beans came in only slightly higher at a total cost of \$136,520. Mr. Clark commented that the Township has used Fred Beans and the company who would be installing the plow and salt spreader in the past and the experiences were favorable.

Mr. Carlson motioned to approve the purchase of the two dump trucks at a total cost of \$136,520. Ms. Bradshaw seconded this motion and Council approved Resolution 2014-53 unanimously, 5-0.

D. Authorize PNC Bank Visa Procurement Card Account

Mr. Clark reported that the Township uses a credit card for emergency purposes and miscellaneous purchases and that three Township offices are issued the credit cards. He provided the example of the Parks and Recreation Department, which has occasionally needed to use the credit card for unexpected problems that occur on trips. He explained that the Township's credit card is currently through TD Bank; however, Tim Sander researched other possible credit cards and found a better alternative. Mr. Clark reported that Mr. Sander found that PNC Bank offers a

procurement card, which is provided through the PSDLAF program, and recommended that Township discontinue use of the TD Bank card and apply for PNC's procurement card. Mr. Clark informed Council that the procurement card works like a credit card and would give a credit back to the Township based on the volume usage in the form of cash back.

Ms. Bradshaw asked how this differed from a credit card that offered cash back like Discover. Mr. Clark explained that a procurement card can be programmed so that only a few providers are authorized for payment and not others. He commented that this option could allow greater flexibility to the Township in controlling expenses better in addition to the cash back benefit. Mr. Clark also stated there were no annual fees associated with the card.

Ms. Bradshaw motioned to approve replacing the current credit card through TD Bank with the procurement card offered by PNC Bank. Mr. Galloway seconded this motion and Council approved Resolution 2014-54 unanimously, 5-0.

E. 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 July 14, 2014 Bill List be authorized for payment by the Finance Department:

	<u>General Fund</u>	
Independence Blue Cross	July Health Insurance	\$8,006.22
	Highway Share	\$11,067.17
	Sewer, Cobra, & Library Share	\$5,802.57
	Recreation Share	<u>\$3,476.80</u>
		<u>\$28,352.67</u>
	<u>Recreational Enterprise Fund</u>	
	Various Trips	
Celebrity Limo Service		\$5,975.00
	Tickets	
TD Bank	Fashion Show & Luncheon	\$8,149.33
		<u>\$1,599.81</u>
	Total Recreation	<u>\$15,724.14</u>
	<u>Capital Reserve</u>	
McCormick Taylor Inc	Rte 1 & Rte 452 Phase I Improvement	<u>\$14,175.00</u>

Mr. Carlson seconded the motion, and Council approved Resolution 2014-55 unanimously, 5-0.

6. ADJOURNMENT

Prior to adjournment, an audience member asked to comment on a matter and apologized for not doing it earlier in the meeting. Mr. Kirchgasser encouraged the audience member to continue. Shawn D'Ignazio, Bortondale Road, noted that he has been applying for building permits since May and has not been approved or rejected by Bob Ellis, nor has he been informed what the permits would cost. Mr. D'Ignazio indicated he tried on 3 different times to apply for permits and provided the needed information. He informed Council that because of this situation, he is a displaced homeowner and is currently living in a hotel room. He expressed frustration with the permitting process and commented that he "can't get anywhere" with Mr. Ellis, even after sending a lawyer to speak to him.

Mr. D'Ignazio then read aloud the email he received from his lawyer, Dave Bartholf. In this letter, Mr. Bartholf writes that Mr. Ellis informed him that an architect needed to get involved for the structure and that the HVAC needed to be addressed; however, after he pressed Mr. Ellis on these matters, Mr. Ellis admitted these two requirements he laid out were actually not per code. Mr. D'Ignazio's reading of the email further stated that Mr. Barthold felt Mr. Ellis had a personal issue with Mr. D'Ignazio and that he could not be worked with.

Mr. D'Ignazio then went on to state that even though everyone at the Township building has been nice and friendly, he can't get anywhere with any of them. He provided the example of when he called and learned that Mr. Ellis was out on medical leave and his secretary, Michelle, was away from work for a week. He was told when he called that no one else could help him. He also stated at a different time he called, he asked for the alternate code enforcement officer to review his permit and he was told he could not talk to him. Again, Mr. D'Ignazio expressed his frustrations with not being approved or rejected and for not being made aware of the costs for the permits. He also noted that code requires permit applications to be either approved or rejected within 15 days and that he has been well past 15 days on every attempt he made.

Ms. Bradshaw asked what was in the original email Mr. D'Ignazio sent to Mr. Ellis. Mr. D'Ignazio stated that the email indicated he was waiting for feedback on the permit applications he submitted and acknowledged the house was dilapidated. The email also stated that he was worried about the small children in the neighborhood getting hurt if they were on his property and asked if he could fix the dilapidation while he awaited for permit approval. Mr. D'Ignazio informed Council that Mr. Ellis responded that he could fix that problem but never approved or rejected the permit in question. At a later point, Mr. D'Ignazio learned there were problems with approximately 6 feet of the block foundation and asked Mr. Ellis if he could get an answer on the permit in order to address the block and make it safe. Mr. D'Ignazio stated that Mr. Ellis responded that if he thought the structure was that dangerous, he could come out and condemn it.

Mr. D'Ignazio reiterated his frustration with his experience with Mr. Ellis and the permit process and then requested to use the alternate code enforcer for his permit review. He went on to state that he was a lifetime resident of the Township and wants to finish rehabbing the home he bought to continue to live in the Township. He then informed Council that he is trying to avoid litigation, but that he has already lost \$10,000 due to being held up by the permit process, in addition to the \$2,400 additional cost for the homeowners insurance since the house is now considered vacant.

Mr. Kirchgasser then instructed Mr. Clark to look into the matter and assure everything is in legal order. He then asked Mr. D'Ignazio to provide Mr. Clark with his contact information in order for Mr. Clark to follow up with him.

Mr. Galloway asked Mr. Clark if Mr. Ellis was in work this week and Mr. Clark answered in the affirmative. Mr. Galloway thought it would be helpful for Mr. Clark to sit in on a call between Mr. Ellis and Mr. D'Ignazio on July 15, 2014 or to have Mr. D'Ignazio to come in for a meeting. Mr. D'Ignazio expressed that he would need to have his lawyer involved at this point for such a meeting and that he would prefer not to deal with Mr. Ellis at all at this point. He went on to state that he didn't understand why he was having such difficulty since he was not encroaching on zoning or height limits. He also stated that this type of work is what he does for a living and that he has never had this type of problem in any other township.

Ms. Amoroso asked Mr. Clark for his recommendation on the best way to address this matter. Mr. Clark felt sitting down as a group to discuss each side's concerns would be helpful in reaching a resolution. Mr. D'Ignazio asked why he could not use the alternate code enforcer and Mr. Clark responded that it is the Township's choice for when and if the alternate code enforcer becomes involved. Mr. Galloway commented that if it is the Township's choice then this may be an appropriate time to make that choice and asked what would need to be done to have the alternate code enforcer complete this task. Mr. Clark answered the alternate code enforcer would simply need to be notified. Ms. Amoroso expressed the only reason she was not on board with having the alternate code enforcer look into these permit applications was because she was unsure what the holdup was on Mr. Ellis' part.

Mr. Kirchgasser commented that he wanted to expedite the process for the homeowner and if Mr. D'Ignazio felt using the alternate code enforcer would be beneficial, then he was inclined to agree with Mr. Galloway. Mr. Kirchgasser then instructed Mr. Clark to reach out to the alternate code enforcer and to follow up with Mr. D'Ignazio the following day. Mr. D'Ignazio thanked Council for their time and help with this matter.

Mr. Kirchgasser adjourned the meeting at 7:34 PM.

Respectfully submitted,



Amanda Allen, Recorder