

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

February 25, 2013

Minutes of Regular Meeting of Township Council Held on Monday, February 25, 2013 at 7:00 PM in the Township Building, 27 N. Pennell Road

Present: L. Bradshaw, R. Carlson, S. Galloway, M. Kirchgasser
B. Clark, D. Petrosa, Esq.

1. Chairperson Ms. Bradshaw opened the meeting with the Pledge of Allegiance to the Flag.

Ms. Bradshaw welcomed Donald Petrosa, Esquire who served as Solicitor for the meeting.

2. Approval of Minutes – January 28, 2013 Regular Meeting

Mr. Carlson moved for approval of the Minutes of the January 28, 2013 Regular Meeting. Mr. Galloway seconded the motion, and the Minutes were approved as submitted by unanimous vote 4-0.

3. Comments from the Public

Gary Grove, 275 New Darlington Road, stated that on behalf of the Middletown Free Library he would like to thank the Township for hosting the February 23rd program “Island by Island: The Marines in World War II” commemorating the 68th Anniversary of the Marines raising the American flag on Iwo Jima. He noted that nine WW II veterans were present for the program. More than 100 people attended the program and unfortunately some people had to be turned away due to lack of space.

Mr. Grove expressed special thanks to Ms. Bradshaw for her excellent welcoming remarks. Ms. Bradshaw stated she was pleased to take part in the program and was sorry that she had to leave early. She especially enjoyed Mary Ann Eves reading excerpts from a letter written by her father during the battle of Iwo Jima.

4. Reports

A. Manager: Mr. Clark reported that work has been completed on the first of three phases to replace the roof on the Township building. He noted it is easy to identify the

newer, cleaner section of the roof that has been replaced. He stated that parking was restricted during the roof work and placement of orange cones in the library parking spaces caused some confusion for visitors. Mary Jo Grove pointed out that the cones were placed close to the curb and some people thought they could park in the spaces despite the cones.

5. Public Hearing

- A. Proposed Amendment of Zoning Ordinance to Rezone 2.546 Acres of Ground Located at 386-390 Dutton Mill Road from R-1 Residence District to R-2 Residence District

Ms. Bradshaw stated that Timothy Sullivan, Esquire on behalf of the applicant John DiPasquale, requested a continuance to March 25th of the Public Hearing on the proposed amendment of the Zoning Ordinance to rezone 2.546 acres of ground located at 386-390 Dutton Mill Road from R-1 Residence District to R-2 Residence District.

Mr. Kirchgasser moved to continue the Public Hearing on the proposed Zoning Ordinance amendment to rezone 2.546 acres of the DiPasquale property at 386-390 Dutton Mill Road from the R-1 to the R-2 Residence District to the March 25, 2013 Council meeting. Mr. Galloway seconded the motion, and the motion was approved by unanimous vote 4-0.

7. New Business

- A. Consideration for Adoption – An Ordinance Amending Chapter 275, Zoning, Article III, Districts, Section 275-11, Zoning Maps, the Purpose of This Amendment Being to Rezone 2.546 Acres of Land Located on the North Side of Dutton Mill Road from R-1 Residence District to R-2 Residence District

Ms. Bradshaw stated that consideration for adoption of the ordinance amending the Zoning Ordinance to rezone 2.546 acres of land located on the north side of Dutton Mill Road from the R-1 Residence District to the R-2 Residence District will be continued to the March 25th meeting to follow the Public Hearing.

Mr. Kirchgasser moved that consideration of adoption of the ordinance amending the Zoning Ordinance to rezone 2.546 acres of land located on the north side of Dutton Mill Road from the R-1 Residence District to the R-2 Residence District be continued to the March 25th meeting. Mr. Galloway seconded the motion, and the motion was approved by unanimous vote 4-0.

5. Public Hearing

- B. Proposed Amendment of Zoning Ordinance to Permit a Campus Mixed Use Development as a Conditional Use Within the R-4 Residential District

and Provide Area and Bulk Regulations and Design Standards for Such Development

Ms. Bradshaw explained that Joseph Riper, Esquire representing the applicant KRPM/Pond's Edge, requested that the Public Hearing on the proposed Amendment of the Zoning Ordinance to permit a Campus Mixed Use Development as a Conditional Use in the R-4 Residential District and to provide area and bulk regulations and design standards for such development be continued to the April 22nd Council meeting.

Mr. Kirchgasser moved to continue the Public Hearing on the proposed amendment of the Zoning Ordinance to permit a Campus Mixed Use Development as a Conditional Use within the R-4 Residential District to the Council meeting of April 22, 2013. Mr. Galloway seconded the motion, and the motion was approved by unanimous vote 4-0.

7. New Business

- B. Consideration for Adoption – An Ordinance Amending the Middletown Code of Ordinances of the Township of Middletown, Delaware County, PA, Chapter 275, Zoning, Article II, Entitled Terminology, Section 275-8 by Adding Definitions for Campus Mixed Use Development, Campus Mixed Use Development Tract, Campus-Type Setting, Commercial Section, Community Related Business Uses, Private Alley Line, Private Street Line, Public Improvement Enhancements, Residential Section and Restaurant and Article VIII, Entitled R-4 Residential District, by Adding Section 275-35.C.(8) to Permit a Campus Mixed Use Development with Single Family, Attached Dwelling Units as a Conditional Use and Section 275-38.1 to Provide Area and Bulk Regulations and Design Standards

Ms. Bradshaw stated that consideration of adoption of an ordinance amending the Code of Ordinances to permit a Campus Mixed Use Development with single family, attached dwelling units as a Conditional Use in the R-4 Residential District will be continued to the April 22nd meeting to follow the Public Hearing.

Mr. Kirchgasser moved that consideration for adoption of an ordinance amending the Code of Ordinances to permit a Campus Mixed Use Development as a Conditional Use in the R-4 Residential District be continued to the April 22nd meeting. Mr. Galloway seconded the motion, and the motion was approved by unanimous vote 4-0.

6. Old Business

- A. Consideration for Adoption – An Ordinance Amending and Restating Section 2 of Ordinance 443 by Accepting and Approving an Amended and Restated Land Conservation Easement Restricting the Use of a Portion of

Property in the Township of Middletown located at 1318-1328 W.
Baltimore Pike

Ms. Bradshaw explained that the applicant KRPM/Pond's Edge through their attorney requested that the ordinance amending and restating Section 2 of Ordinance 443 accepting and approving an amended and restated Land Conservation Easement restricting use of a portion of the property at 1318-1328 West Baltimore Pike be continued to the meeting of April 22nd.

Mr. Carlson moved that consideration for adoption of an ordinance amending and restating Section 2 of Ordinance 443 by accepting and approving an amended and restated Land Conservation Easement restricting the use of a portion of the property located at 1318-1328 West Baltimore Pike be continued to the April 22nd Council meeting. Mr. Galloway seconded the motion, and the motion was approved by unanimous vote 4-0.

Mr. Petrosa explained that it is important that these matters be continued to a date certain so that it will not be necessary to re-advertise the hearing dates.

7. New Business

C. Review of Revised Final Land Development Plan –
Granite Farms Estates – 1343 W. Baltimore Pike

Joseph Hanna, project engineer with Chambers Associates, Inc. explained that Granite Farms Estates is proposing a 3,900 sq. ft. addition to the existing central building of the retirement-life care facility located at 1343 West Baltimore Pike for renovation of the dining room and expansion of the casual eating area. In addition, a 1,100 sq. ft. concrete patio will be constructed at the rear of the central facility building that will be available for outdoor dining in nice weather. There will be no increase in the residential capacity of the life care facility, no additional parking will be required and sewage flows will not be impacted.

Mr. Kirchgasser noted that the central facility will be "squared off", and the expansion will provide an improved circulation pattern through the corridors used by residents walking to and from the lobby and dining areas.

Mr. Clark pointed out that the dining room is directly off the main lobby. The existing entrance to the dining room will be closed off and a new entrance will be created. Partition walls will be added that can be adjusted to create smaller private dining areas.

Mr. Hanna explained that the applicant reviewed the Township Engineer's comments and will comply with the recommendations.

Mr. Clark noted that a draft Resolution has been prepared for Council's consideration for approval subject to several conditions.

Mr. Carlson moved that the Revised Final Land Development Plan be approved, subject to the plans being revised to reflect the Township Engineer's and Zoning Officer's review comments transmitted by cover letter of January 30, 2013, approval by the Township's Landscape Consultant of the Landscaping Plan and Lighting Plan, conformance with any requirements of the Middletown Township Sewer Authority relating to the proposed expansion, execution of a required Development Agreement, Improvement Security Agreement and Stormwater Maintenance Agreement in form as approved by the Township Solicitor, and including acceptance of the applicant's offer of a recreation fee in lieu payment based upon the unit rate in effect at the time of fee payment (currently \$5,230 based on 2013 unit rate). Mr. Kirchgasser seconded the motion, and Resolution 2013-32 was approved by unanimous vote 4-0.

D. Approve Sale of Wood Chipper and Generator

Mr. Clark stated that in January Council approved Mr. Rothe's recommendation to advertise the "as is" sale of an old wood chipper with a damaged engine and an emergency generator purchased in 1990 that was later replaced with a larger unit. The equipment was advertised through Municibid, an online auction service similar to Ebay that the Township has used successfully in the past. A copy of the Municibid Auction Report indicated that a number of bids were received. Randall Raser of Pottstown, PA was the high bidder on both items. The wood chipper sold for \$3,675.01 and the generator sold for \$3,100.00, much higher values than anticipated. He noted that Mr. Raser is anxious to pick up the equipment, and it is recommended that the bids be accepted.

Mr. Kirchgasser moved that the sale of a 1997 Gravely Wood Chipper and Kohler 15kw Generator to Randall Raser of Pottstown, PA in the amount of \$3,675.01 for the wood chipper and \$3,100 for the generator through the Municibid online government auction be approved. Mr. Carlson seconded the motion, and Resolution 2013-33 was approved by unanimous vote 4-0.

E. Approval of Bill List

Ms. Bradshaw read aloud the bills presented for Council's consideration for approval for payment.

Mr. Carlson moved that payments under the February 25, 2013 Bill List be authorized for payment by the Finance Department:

<u>General Fund</u>		
Aqua PA	January Hydrant Rental	\$11,280.75
Superior Plus Energy Services	January Fuel	7,316.21
<u>State Aid</u>		
International Salt	Salt Delivery	16,442.46

Mr. Kirchgasser seconded the motion, and Resolution 2013-34 was approved by unanimous vote 4-0.

8. Adjournment

The meeting was adjourned at 7:15 PM.

Respectfully submitted,

Carolyn Doerfler
Carolyn Doerfler, Recorder