

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

April 22, 2013

Minutes of Regular Meeting of Township Council Held on Monday, April 22, 2013 at 7:00 PM
in the Township Building, 27 N. Pennell Road

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

B. Clark, J. Damico, Esquire, A. Rothe

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

Ms. Bradshaw announced that Council met in Executive Session prior to tonight's meeting to discuss legal matters and issues relating to items on tonight's agenda.

2. Approval of Minutes – April 8, 2013 Regular Meeting

Mr. Galloway moved for approval of the Minutes of the April 8, 2013 Regular Meeting. Mrs. Amoroso seconded the motion, and the Minutes were approved as submitted by vote of 5-0; Mr. Kirchgasser abstained from voting because he was not present at the meeting.

3. Comments from the Public

There were no comments from the audience.

4. Reports

A. Chairperson – Ms. Bradshaw stated she received an email from Susan Mescanti, President of the Middletown Township Historical Society, advising that MTHS members David and Molly Burk have been selected by the Heritage Commission of Delaware County to receive a Preservation Award for Historic Preservation Planning in recognition of the scale model replica of the Smedley Barn that was made by David Burk and painted by Molly Burk to replicate the stone walls. The award will be presented at the Delaware County Council meeting on May 1. This is the third consecutive year that MTHS has received a Preservation Award. The model of the barn will be on display at the MTHS table on Community Day. Mrs. Mescanti expressed appreciation to Council members for their continuing support of MTHS.

B. Manager: Mr. Clark reminded residents that Middletown Community Day will be held on Saturday, May 11, from 11 AM to 3 PM at Penn State Brandywine. Volunteers are needed to help with the event, and sign-up forms are available on the table at the rear of the meeting room. Additional information and sign-up forms are posted on the Township website.

Mr. Clark stated that on Saturday, April 27th, the Pennsylvania Resource Council will sponsor collection of old or non-working electronic devices including computers, monitors, printers, cell phones, ipads and ipods, etc. Landfills and solid waste disposal facilities in Pennsylvania are no longer permitted to accept electronic equipment. A PRC truck will be parked in the Township parking lot from 9 AM to 3 PM to collect electronic items. Hazardous materials will not be accepted. He noted that the Library will be open during normal Saturday hours.

Mr. Clark stated that April 27th is National Drug Take Back Day. Out-of-date and unused drugs can be dropped off in bins along the driveway of the State Police Barracks in Middletown from 10 AM to 2 PM – no questions asked. Drop-off sites will be available at several other locations in Delaware County. The program provides a safe and proper plan for disposing of drugs rather than flushing them into the sewer system or throwing them in the trash.

Mr. Kirchgasser announced that Eagle Scout Court of Honor ceremonies were held at the Middletown Fire Company on April 6th to honor Michael Starrs, and at St. Thomas the Apostle Church on April 14 honoring Jeffrey Franz, and each received a Commendation from the Township.

5. Public Hearing

- A. 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 stated that Joseph Riper, Esquire representing the applicant for the proposed Pond's Edge/KRPM residential/commercial development, requested that 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 and to provide area and bulk regulations and design standards for such development be continued until the June 24, 2013 Council meeting.

Mr. Galloway 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 June 24, 2013 Council meeting. Mr. Kirchgasser seconded the motion, and the motion was approved by unanimous vote 6-0.

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 stated 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 property in the Township of Middletown located at 1318-1328 West Baltimore Pike will be tabled to the Council meeting of June 24, 2013.

Mr. Galloway moved to table consideration of 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 to the Council meeting of June 24, 2013. Mr. Kirchgasser seconded the motion, which was approved by unanimous vote 6-0.

7. New Business

- A. 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 noted that on behalf of the applicant Mr. Riper also requested that consideration of adoption of proposed Zoning Ordinance Amendment to permit a Campus Mixed Use Development with single family, attached dwelling units as a Conditional Use and to provide area and bulk regulations and design standards be tabled to the June 24, 2012 Council meeting.

Mr. Galloway moved to table consideration for adoption of a Zoning Ordinance Amendment with respect to a Campus Mixed Use Development as a Conditional Use on the Pond's Edge/KRPM property at 1318-1328 West Baltimore Pike be deferred to the June 24, 2013 Council meeting. Mr. Kirchgasser seconded the motion, which was approved by unanimous vote 6-0.

C. Review of Final Land Development Plan – Elwyn/Skycrest-
East Baltimore Pike at School Lane

Ms. Bradshaw stated that during the Executive Session prior to tonight's meeting Council discussed legal issues relating to the Final Land Development Plan for the Elwyn/Skycrest townhouse development on East Baltimore Pike at School Lane. This matter will be tabled to the next Council meeting on May 13, 2013.

Mr. Galloway moved to table review of the Final Land Development Plan for the Elwyn/Skycrest townhouse development to the meeting of May 13, 2013. Mrs. Amoroso seconded the motion, and the motion was approved by unanimous vote 6-0.

6. Old Business

B. 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

Timothy Sullivan, Esquire, representing the applicant, John DiPasquale, stated that the Public Hearing on an ordinance amendment 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 was closed at the last meeting and he had no additional presentation this evening.

Mr. Galloway explained that he requested that the vote on the ordinance amendment be tabled to tonight's meeting to allow time to discuss with Mr. Damico questions raised by Mr. Diorio and Mr. George representing the Delaware County Field and Stream Association. He visited the Gun Club property and talked with Mr. Damico, and he is satisfied that possible health and safety issues have been resolved.

Mr. Rothe stated that according to the most recent plan, one house encroaches 10-20 ft. into the riparian buffer. Construction of a house is not precluded but it must be moved out of the riparian buffer. Mr. Sullivan asked when the Township amended the ordinance to no longer permit reducing the riparian buffer by 25% or 25 ft. He pointed out that depending on when the ordinance was introduced and adopted will determine whether the restriction will apply to this plan. Mr. Rothe explained that the 2-lot subdivision was approved in 2007 prior to revision of the ordinance; however, the 3-lot subdivision plan has not yet been approved and is subject to the current ordinance requirements.

Mr. Shropshire asked Mr. George whether any of the Gun Club property is fenced or is posted. Mr. George replied that a pipe line runs through the property and fencing is not permitted because it could interfere with access to the pipe line. He explained that "Danger" and "No Trespassing" signs are not posted. There have not been any problems with trespassing, and the fact that a full time caretaker lives on the property helps to discourage trespassing.

There were no further comments from Council or members of the audience.

Mr. Galloway moved for adoption of the ordinance amendment rezoning 2.546 acres of land located on the north side of Dutton Mill Road from R-1 Residence District to R-2 Residence District. Mr. Shropshire seconded the motion and Ordinance No. 738 was adopted by vote of 5 in favor (Bradshaw, Galloway, Kirchgasser, Quinn, Shropshire) and 1 opposed (Amoroso).

C. Review of 3 Lot Subdivision –
DiPasquale – 386-390 Dutton Mill Road

Mr. Clark stated that a draft Resolution has been prepared listing the proposed conditions of approval. Mr. Galloway inquired whether Mr. Sullivan and the applicant had an opportunity to review the conditions of approval. Mr. Sullivan replied that the applicant agreed to accept the conditions of approval.

Mr. Kirchgasser moved for approval of the of the Final 3-Lot Subdivision subject to the following conditions:

1. Final plans to be updated in accordance with the Township Engineer's and Zoning Officer's review comments transmitted under cover letter of August 1, 2012, as updated, unless modified by any specific condition included in this resolution.
2. Approval of requested Zoning Map amendment to rezone 2.546 acres of the overall tract from R-1 Residence District to R-2 Residence District.
3. Approval by the Middletown Township Sewer Authority of details and specifications for the proposed connection to the sanitary sewer system to service the development and for the access easement to the MTSA Dutton Mill interceptor.
4. Approval by DEP of any required Sewage Facilities Planning Module or waiver for the sanitary sewer connections.
5. Approval of all required permits from outside agencies, including DEP, PADOT, SCS, etc.
6. Execution of Developer's Agreement, Improvement Security Agreement, Stormwater Maintenance Agreement and any other documents, declarations or easements as deemed necessary and in form approved by the Township Solicitor.
7. Acceptance of developer's offer of Recreation Fee in Lieu payment for two new lots at unit cost in effect at time of payment of fee (\$5,230 based on 2013 unit fee).
8. Parcels A and B to be transferred to Langan and merged with existing Langan lot.

Mr. Galloway seconded the motion, and Resolution 2013-49 was approved by vote of 5 in favor (Bradshaw, Galloway, Kirchgasser, Quinn, Shropshire) and 1 opposed (Amoroso).

7. New Business

B. Status Report – Sewer Authority Projects

Timothy Sullivan, Esquire, Chairman of the Sewer Authority Board of Trustees, introduced Robert Scholz, Vice Chairman and Dean Helm, Secretary. He noted that when he was appointed to the Sewer Authority more than 15 years ago, Mr. Helm was Chairman, and was followed by Mr. Scholz, whom he succeeded.

Mr. Sullivan explained that in 2007 the Southwest Delaware County Municipal Authority (Southwest) informed Middletown Sewer Authority that it would no longer treat Middletown's sewage at the end of their contract. Southwest was facing a significant expenditure to upgrade their treatment plant to meet DEP requirements, and MTSA would have been responsible for a proportionate share of the cost. MTSA had three options: (1) build a new plant; (2) send sewage to the treatment plant in Media; (3) send sewage to the Delaware County Regional Water Quality Control (DELCORA) treatment plant in the City of Chester. The Board agreed that DELCORA was the best option. He noted that DELCORA can treat 50 million gallons of sewage per day compared to 6 million gallons per day treated at the Southwest plant. The Board felt DELCORA could treat Middletown's sewage at a much lower price, and guaranteed they could accept 2 million gallons of sewage per day from Middletown.

Mr. Sullivan pointed out that Southwest's sewage treatment plant in Aston Township has treated Middletown's sewage since 1968. The Southwest plant will be taken off line and decommissioned in 2017.

Mr. Sullivan stated that MTSA signed an agreement with DELCORA in 2011, and recently concluded a Global Agreement with Southwest. DELCORA will construct a pump station and force main that will pump Middletown's sewage to the treatment plant in Chester. Middletown and Aston Township will share in the cost of the pump station and force main.

Mr. Sullivan noted that as part of the agreement MTSA will construct a gravity sewer interceptor along the Chester Creek. It is estimated that the Phase 1 infra structure from Glen Riddle Road to West Knowlton Road will be completed by December 31, 2014. Phase 2 will extend from West Knowlton Road to DELCORA's new pump station with construction expected to be completed in 2017.

Mr. Sullivan pointed out that the most important aspect of the agreement with DELCORA is the guarantee of stability of rates. MTSA serves several large and important customers including Wawa and Riddle Hospital, and wants to be able to guarantee treatment of their sewage at a reasonable rate so they will continue to be headquartered in Middletown.

Mr. Sullivan stated that as a "bonus" for concluding the Global Agreement and in recognition of MTSA's continuing efforts to locate and eliminate inflow and infiltration, DEP approved several sewer connections to the Southwest plant, despite the current connection moratorium. MTSA anticipates that all of the necessary connections to the Southwest plant will be approved over the next two years following DEP approval of the Global Agreement.

Mr. Sullivan went on to say that over the past several years Board members have also been working on a Lateral Inspection Ordinance to eliminate inflow and infiltration, which will require closed circuit television inspection of all laterals in the Township, and the property owner will be responsible for any repairs that may be necessary. Before a property can be sold or ownership is transferred, the lateral must be televised and the property owner must make any necessary repairs prior to settlement. After the initial televising, all laterals will be televised on a 15 year cycle unless the lateral was televised within the preceding 5 years. Over the past 10-11 years most of the mains and interceptors in the Township have been televised.

Mr. Sullivan pointed out that the purpose of the ordinance is to eliminate as much I&I entering the sewer system as possible. Rainwater gets into the sewer system through broken vent pipes or when groundwater rises significantly and seeps into the leaks in sewer system. Under the treatment agreement with DELCORA flows will be metered and Middletown will be charged for rainwater in the sewer system along with the sewage.

Mr. Sullivan explained that where one or two people have lived on a property for some time and the property is sold to a family with several children, the impact on the sewer system doubles or triples. With more usage there is more likelihood of clogs in the line. Roots in the sewer line are the primary source of clogs, and are often found during televising the laterals.

Ms. Bradshaw inquired whether property owners will be charged for the cost of televising the lateral. Mr. Sullivan replied that the Sewer Authority will be hiring a contractor with experience in televising sewer lines. When laterals are inspected in connection with sale of a property, there will be a charge of approximately \$200 for certification that the lateral has been televised and repaired if necessary. If inspection is part of the MTSA lateral inspection program, there will be no charge to the property owner.

Mr. Galloway stated that Mr. Sullivan presented an overview of the proposed Lateral Inspection Ordinance to the Finance Committee at their April meeting. Members of the Sewer Authority have spent a considerable amount of time preparing the proposed Lateral Inspection Ordinance. Middletown is the lead municipality in Delaware County and throughout the state of Pennsylvania in looking ahead to future sewage treatment capacity. The Lateral Inspection Ordinance will serve as a model for other municipalities to follow.

Mr. Galloway went on to say he cannot imagine how many additional hours Sewer Authority Board members spent in negotiations to reach agreement with Southwest on the Global Agreement. Sewer rates will increase but without this agreement the rates would have been considerably higher. The agreement brings stability to maintenance of our sewer system for years to come. On behalf of Council and the Township he expressed appreciation to members of the Sewer Authority for the excellent management of the sewer system.

Mr. Sullivan noted that he and Mr. Scholz began negotiations with Southwest on the Global Agreement in 2011, and met once a month at Southwest with Nelson Shaffer, Jim Stigale and others until agreement was reached in early 2013.

Mr. Sullivan concluded by saying that the Lateral Inspection Ordinance will be presented to Council for consideration for introduction and adoption in the next several months. In addition, the Act 537 Plan is being revised to include Phase 2 of the Chester Creek Interceptor, and will be ready for review by Council shortly.

Ms. Bradshaw thanked Mr. Sullivan for bringing Council up to date on the status of the Sewer Authority's projects.

D. Renewal of Fire Company Insurance Package

Mr. Clark explained that for more than 15 years the Township has provided insurance coverage for the three Township fire companies. A quotation was received from Volunteer Fire Insurance Services for renewal of insurance coverage in the amount of \$34,331, which is slightly less than the \$35,000 budgeted for 2013. The renewal premium represents an overall increase of 3.8% over last year's premium of \$33,082. With finalization of consolidation of the Lima and Lenni Fire Companies it is anticipated that the overall cost of coverage should decrease in the future.

Mr. Clark stated it is recommended that acceptance of the renewal quotation be approved.

Mr. Shropshire moved that the renewal insurance coverage for the Middletown Township Fire Companies for the premium year beginning May 1, 2013 be placed with Volunteer Fire Insurance Services at a total renewal premium cost of \$34,331 in accordance with their quotation received April 16, 2013. Mrs. Amoroso seconded the motion, and Resolution 2013-50 was approved by unanimous vote 6-0.

E. Approval of Bill List

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

Mr. Kirchgasser moved that payments under the April 22, 2013 Bill List be authorized for payment by the Finance Department:

<u>General Fund</u>		
Aqua PA	March Hydrant Rental	\$11,381.75
Longley Insurance Agency, Inc.	Insurance Policy Renewals	17,082.00
Petrikin Wellman Damico Brown & Petrosa	Professional Services	6,702.70
<u>Recreational Enterprise</u>		
TD Bank	Various Trip Deposits	11,817.03
Touriffic Travel	Savannah/Ashville Trips	6,542.00

Mrs. Amoroso seconded the motion, and Resolution 2013-51 was approved by unanimous vote 6-0.

8. Adjournment

The meeting was adjourned at 7:55 PM.

Respectfully submitted,

Carolyn Doerfler
Carolyn Doerfler, Recorder

