

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

August 12, 2013

Minutes of Regular Meeting of Township Council Held on Monday, August 12, 2013 at 7:00 PM
in the Township Building, 27 N. Pennell Road

Present: M. Amoroso, L. Bradshaw, R. Carlson, S. Galloway, C. Quinn, N. Shropshire
B. Clark, J. Damico, Esquire

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.

2. Approval of Minutes – July 22, 2013 Regular Meeting

Mr. Shropshire moved for approval of the Minutes of the July 22, 2013 Regular Meeting. Mrs. Amoroso seconded the motion, and the Minutes were approved as written by vote of 4-0; Messrs. Carlson and Quinn abstained from voting because they were not present at the meeting.

3. Comments from the Public

Gary Grove, 275 New Darlington Road, inquired about the status of an ordinance to regulate the planting and maintenance of bamboo used in landscaping on residential and commercial properties. He invited Council members to visit his property to see how the bamboo planted in his neighbor's backyard has invaded and taken over his backyard.

Mr. Clark explained that copies of bamboo ordinances have been requested from other municipalities that regulate planting bamboo, and the ordinances will be forwarded to the Solicitor's office as a basis for developing a bamboo ordinance for Middletown Township. He noted that William Evans, 5 Fox Road, has done extensive research on bamboo and discussed the bamboo problem at a Roads & Highways Committee meeting. Mr. Evans volunteered to review the ordinances from other municipalities and to recommend those that would be most effective in dealing with the bamboo problem in Middletown.

Mr. Clark stated that a draft bamboo ordinance should be ready for review shortly.

4. Reports

A. Chairperson: Ms. Bradshaw announced that the Annual Golf Outing and Dinner Social will be held on October 1st at Penn Woods Golf Club.

B. Roads & Highways: Mr. Shropshire stated that the Committee discussed three items at last week's meeting: 1) A request to lower the speed limit on Fox Road from the current 35 mph to 25 mph (Agenda Item 5F); 2) Sunoco Pipe Line's request that the Township grant a Temporary Construction Easement for a pipeline project to reconnect existing pipelines to reverse the destination of the product flowing through the pipe line (Agenda Item 5G); 3) discussion with a resident of Pennell Place regarding parking problems on Bonsall Drive.

5. New Business

A. Consideration for Adoption – An Ordinance of Middletown Township, Delaware County, Pennsylvania, Amending Chapter 235, "Vehicles and Traffic", of the Township Code of Ordinances to Provide for a Three-Way Stop Intersection at Old Forge Road and Yearsley Mill Road

Ms. Bradshaw stated that Mr. Kirchgasser was unable to attend tonight's meeting and wanted to be present for discussion of the proposed three-way stop at the intersection of Old Forge Road and Yearsley Mill Road. This matter will be tabled until the August 26th meeting.

Mr. Quinn moved to table consideration for adoption of the ordinance to provide for a three-way stop intersection at Old Forge Road and Yearsley Mill Road to the Council meeting of August 26, 2013. Mrs. Amoroso seconded the motion, and the motion was approved by unanimous vote 6-0.

B. Award of Contract PW-13-1 – Road Resurfacing

Mr. Clark explained that the road resurfacing contract was deferred last year to allow time for completion of a PECO project on Old Middletown Road and a trench restoration project on Hunting Hills Lane and Deer Run.

Mr. Clark stated that seven bids were received for the road resurfacing contract. Bids were opened August 6th, and Innovative Construction Services, Inc. submitted the lowest responsible bid at an overall contract cost of \$651,578.00. He noted that the Township was pleased with resurfacing work Innovative Construction did in the Township in past years.

Mr. Clark explained that approximately \$48,000 will be reimbursed to the Township by the Sewer Authority for the cost of raising their manholes. He pointed out that the contract includes the final paving of the driveway and parking areas at Sleighton Park at a cost of approximately \$40,000, which is a capital expense and will be paid from the Capital Appropriation for the Park. Some reimbursement is also anticipated from Aqua for trench restoration work in connection with replacement of a water main in a portion of Knowlton Road and Fairview and Woodland Avenues. In addition, under a prior agreement with PECO, the

Township will receive reimbursement for some resurfacing work on Old Middletown Road in connection with replacement of a gas main.

Mr. Clark noted that \$600,000 was budgeted for the road resurfacing program. Based on the various anticipated reimbursements the total cost is estimated to be approximately \$562,000 and is well within the budget appropriation. He stated it is recommended that the contract be awarded to Innovative Construction Services.

Mr. Shropshire moved that Middletown Township accepts the Resurfacing Contract bid of Innovative Construction Services, Inc. of Folcroft, Pennsylvania, in the overall contract amount of \$651,578 to include any road deletions and field adjustments as may be necessary in accordance with the bid documents. Mr. Carlson seconded the motion, and Resolution 2013-70 was approved by unanimous vote 6-0.

C. Award of Contract PW-13-4 – Road Salt

Mr. Clark stated that for the past several years Middletown Township has participated in a joint bid with Haverford, Radnor, Upper Providence, Edgmont, Marple and Thornbury Townships, and Ridley Park and Yeadon Boroughs for the purchase of rock salt. Mr. Rothe coordinated the bidding process again this year. Four bids were received and International Salt was the low bidder at \$53.48 per ton, which is \$1.77 less than last year.

Mr. Clark explained that Middletown participates in the PA State Salt Contract and is obligated to purchase a minimum supply of rock salt each year from a vendor approved by the State. The Township has the flexibility to split the purchase of rock salt between the State contract and the collectively-bid contract. Of the total 500 tons of rock salt to be purchased this year, the first 300 tons will be purchased through the contract with International Salt at \$52.56 per ton. After the initial purchase, the Township will buy any additional salt supply from International Salt at \$53.48 per ton.

Mr. Galloway asked if salt stored outdoors over the hot summer months is still usable. Mr. Clark explained that the Township stores the road salt in two large bins that are under cover and any additional supply of salt is stored outdoors and is covered with a tarp. He stated that Council members may have seen the huge piles of salt in a storage area off on I-95 by the Baltimore Harbor Tunnel that are stored uncovered.

Mr. Clark noted that salt contract prices over the past ten years have gone up and down and are basically driven by supply and demand. He stated it is recommended that the International Salt bid be accepted. He pointed out that the other municipalities participating in the joint bid must also approve their share of the contract cost.

Mr. Shropshire moved that Middletown Township accepts the bid proposed for Contract PW 13-4 for the purchase of rock salt submitted by International Salt Co., LLC at a cost per ton of \$53.48 in accordance with the terms of the bid proposal, subject to acceptance by the other municipalities of their share of the Contract obligation. Mr. Galloway seconded the motion, and Resolution 2013-71 was approved by unanimous vote 6-0.

D. Reauthorization of PADOT Traffic Signal Permit Application –
Elwyn/Skycrest - E. Baltimore Pike at School Lane

Mr. Clark explained that in November 2012 Council authorized submittal of an application for a Traffic Signal Permit for the proposed signalized intersection of East Old Baltimore Pike and School Lane as part of the Skycrest townhouse development. In the meantime PADOT changed their Traffic Signal Permit Application form and requested that the application be reapproved retroactively using the new application form.

Mr. Carlson moved that the Township Council of Middletown Township hereby resolves that the Township Engineer of said municipality is authorized and directed to submit the attached Application for Traffic Signal Approval to the Pennsylvania Department of Transportation and to sign the Application on behalf of the municipality. Mr. Shropshire seconded the motion, and Resolution 2013-72 was approved by unanimous vote 6-0.

E. Review of Zoning Hearing Board Application
2013-1- Pilkauskas – 36 Wyncroft Drive

Mr. Clark stated that Eric Pilkauskas proposes to construct a 24 ft. x 40 ft. detached garage at the end of the driveway on his property at 36 Wyncroft Drive. He noted that when the Zoning Ordinance was adopted in 1986 the property was rezoned and the existing lot size and yard setbacks became non-conforming. The proposed new garage will encroach within 3 ft. of the side yard property line, and Mr. Pilkauskas submitted an application to the Zoning Hearing Board for a variance from the side yard setback. Mr. Pilkauskas spoke with his neighbor about his plans to construct the new garage, and his neighbor stated that he will confirm in a letter that he had no objection to the proposed new garage.

Council members agreed that the Zoning Hearing Board can handle this application.

F. Fox Road – Change of Speed Limit

Mr. Clark explained that William Evans, 5 Fox Road, requested that the current 35 mph speed limit on Fox Road be reduced to 25 mph. The Roads and Highways Committee reviewed the request and agreed that because of the road width, grades and terrain on both sides of Fox Road a 35 mph speed limit is not warranted. The Committee recommended that the speed limit should be reduced to 25 mph, and an ordinance has been prepared for consideration for introduction.

Mr. Shropshire moved for introduction of an ordinance amending the Code of Ordinances, Chapter 235, "Vehicles and Traffic", Article 1, Traffic Regulations, Section 235-3, Maximum Speed Limits, by changing the Speed Limit on Fox Road to twenty-five miles per hour. Mr. Quinn seconded the motion, and the motion was approved by unanimous vote 6-0.

G. Temporary Construction Easement –
Sunoco Pipeline – Sleighton Park Site

Mr. Clark stated that at the Roads & Highways Committee meeting last week Matt Hairell with Percheron Field Service, field agent for Sun Pipeline, reviewed two upcoming pipeline projects that will affect Middletown. Mr. Hairell indicated that Sun Pipeline is updating its facilities to expedite the transfer of ethane and propane from drilling sites in Western Pennsylvania to the Marcus Hook refinery. The project involves cutting and reconnecting two existing pipelines to reverse the destination of product flow. He explained that two pipelines run fairly close to each other near the intersection of West Forge Road and Valley Road, and that would be the most viable location to undertake this work. Mr. Clark noted that Mr. Rothe met with Mr. Hairell at Sleighton Park to identify the area proposed for the excavation to expose the pipelines that are to be cut and reconnected.

Mr. Clark stated that Sun Pipeline requested that the Township grant a Temporary Work Space Easement for a 100 ft. x 100 ft. excavation area. He and Mr. Damico reviewed a standard form of agreement supplied by Sun Pipeline and recommended a number of changes. They also prepared an addendum covering specific conditions for the work within the Sleighton Park site to make certain that park users will be protected and will not be disturbed by the work vehicles. Mr. Hairell stated that the Sun Pipeline solicitor reviewed and approved the changes in the agreement and the addendum.

Mr. Hairell explained that in the next few weeks they will take measurements and conduct a survey of the excavation site, and work is scheduled to begin September 11th. It is estimated the project will be completed in approximately 30 days.

Mr. Shropshire stated it was his understanding that the excavation site will be restored to its original condition upon completion of the project. He noted that Mr. Rothe has taken a number of photographs of the site and surrounding area.

Mr. Hairell explained that the second project involves clearing trees and vegetation along the existing Sun Pipeline right-of-way to provide better access to the pipeline and a clear view for regular aerial inspections along the entire pipeline right-of-way.

Mr. Shropshire moved that the Temporary Construction Easement to complete the pipeline work in Sleighton Park be approved. Mrs. Amoroso seconded the motion, and it was approved by unanimous vote 6-0.

H. Renewal of Insurance Coverage – Worker’s Compensation

Mr. Clark noted that at the July 22nd meeting Council approved renewal of the comprehensive insurance package for liability and property coverage for the Township, and Township and fire vehicles coverages submitted by Montgomery Insurance Services Inc. A decision on Worker’s Compensation coverage was deferred awaiting a renewal quotation from Arthur J. Gallagher Risk Management Services, the current broker for Worker’s Compensation insurance. A quotation for Worker’s Compensation coverage in the amount of \$68,031 was

submitted by Montgomery using Selective Insurance providing coverage for Township employees but placing volunteer firefighters in the State Workers Insurance Fund.

Mr. Clark explained that recent legislation (Act 46) extends Worker's Compensation coverage to include a broad range of cancer-related claims presumed to be work related for both paid and volunteer firefighters. As a result very few insurance companies in Pennsylvania are writing Worker's Compensation insurance for municipalities or have eliminated coverage for firefighters because of concerns about potential future large claims. Mr. Clark went on to say stated that Companion Ins. Co. will continue to write Worker's Compensation insurance coverage for fire companies in Pennsylvania. A. J. Gallagher Risk Management submitted a renewal quotation in the amount of \$41,621 for Worker's Compensation coverage through Companion Insurance. The premium is \$26,410 less than the Montgomery quotation but almost \$16,000 higher than the premium currently in place. The majority of the increased cost is due to the higher cost of coverage for the volunteer fire fighters.

Mr. Clark stated it is recommended that the renewal quotation submitted by A. J. Gallagher Risk Management be accepted retroactive to July 28th.

Mr. Carlson moved that the proposal of Arthur J. Gallagher Risk Management Services, Inc. dated July 25, 2013 be accepted for the Worker's Compensation coverage at an estimated annual premium of \$41,621, for the policy term renewing July 28, 2013. Mr. Shropshire seconded the motion, and Resolution 2013-73 was approved by unanimous vote 6-0.

Ms. Bradshaw stated that the Township is fortunate to have the volunteer fire companies and appreciates their services to protect the residents of Middletown Township.

I. 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 August 12, 2013 Bill List be authorized for payment by the Finance Department:

<u>General Fund</u>		
Oliver Heating & Cooling	HVAC System	\$ 7,110.50
Keystone Health Plan East	August Health Insurance	20,536.57
	Highway Share	
	Sewer Authority & Library Share	
	Recreation Share	
<u>Recreational Enterprise Fund</u>		
On & Off Broadway, Inc.	Newsies	5,361.00
Chester County Travel	Britain & France Trips	5,964.00

TD Bank	Trip Expenses, Transportation, Summer Camp Expenses JFF Softball Picnic	17,647.01
PA Recreation & Park Society	Summer Discount Tickets <u>Capital Reserve</u>	7,009.50
White Rock Construction LLC	Smedley Barn Repairs	9,500.00
BNY Mellon	GOB Series 2010 Principal Payment	230,000.00
	GOB Series 2010 Interest Payment	142,181.25

Mr. Quinn seconded the motion, and Resolution 2013-74 was approved by unanimous vote 6-0.

6. Adjournment

The meeting was adjourned at 7:30 PM.

Respectfully submitted,



Carolyn Doerfler, Recorder

