

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
JANUARY 25, 2016

Minutes of the Regular Meeting of Township Council Held on, January 25, 2016 at 7:00 P.M., in the Township Administration Building located at 27 North Pennell Road

Present: R. Carlson, S. Galloway, M. Kirchgasser, S. Powell, C. Quinn, N. Shropshire

B. Clark, E. Janetka, Engineer, and J. Damico, Esquire

1. OPENING

Chairman Mr. Kirchgasser called the meeting of the Council to order at 7:08 P.M., and led recitation of the Pledge of Allegiance to the Flag. Mr. Kirchgasser noted that a number of Council members were sworn in at the last meeting but Mr. Carlson was unable to attend due to an illness. Since that time, he was sworn in to service as a Council member.

2. APPROVAL OF MINUTES

Mr. Carlson moved to approve the minutes from the September 28, 2015 regular agenda meeting. Mr. Galloway seconded this motion and Council approved unanimously with a vote of 6-0.

Mr. Carlson moved to approve the minutes from the November 23, 2015 regular agenda meeting. Mr. Galloway seconded this motion and Council approved unanimously with a vote of 6-0.

Mr. Carlson moved to approve the minutes from the December 14, 2015 regular agenda meeting. Mr. Galloway seconded this motion and Council approved unanimously with a vote of 6-0.

3. COMMENTS FROM THE PUBLIC

Chris Garriga, Meadowhurst Lane, identified himself as a neighbor and friend of Ms. Powell's and congratulated her on the recent election to Council. He commented that she has always been involved in the Township and will make a great addition to Council.

4. REPORTS

A. CHAIRMAN

Mr. Kirchgasser acknowledged the hard work of Brian Lank and the entire Roads and Highways team during the blizzard that took place the previous weekend. While there is still some clean up to be completed, the Township's Highway crew's

performance was great by comparison to neighboring municipalities. He also noted that there was a plow truck that “burned up” on Dutton Mill Road; however nobody was injured. He thanked the crew for their work and dedication on a job that at times can be dangerous.

B. MANAGER

Mr. Clark reported that there will be a community meeting on January 28, 2016 at the Township Building. This meeting was set in order for Sun Logistics to conduct a presentation on their proposed new pipeline route, specifically along the west side of the Township. Sun representatives will be available to answer questions and provide details on the project.

5. NEW BUSINESS

A. Review of Final 6-Lot Subdivision—Behrle Construction Company—“Barren Crossing”:
Barren Road at N. Middletown Road

Tim Sullivan, legal representation for the applicant, provided a brief history of the property, noting that it was the original last phase of Country Village and planned to be a 9 lot subdivision with a cul-de-sac. In 2004, a revised plan for the property received NPDES, HOP, and all other necessary approvals to move forward with a 6-lot subdivision and existing 7th home to be structured around a cul-de-sac. It was referred to as the octopus plan. The owner at the time never had a chance to develop it and the property eventually went into foreclosure. Mr. Behrle now has the property under agreement of sale with a bank and came up with a revised, but better plan.

Mr. Sullivan made the plan viewable to those present and explained it was a revised final plan with the same number of lots; however, instead of the original cul-de-sac plan, the revised plan included a shared drive way for 4 lots off of Barren Road including the existing Van Wyck property, a driveway on the corner for a new lot, and then a shared driveway for the remaining two lots off of Rt. 352. The benefits to this revision are that the plan calls for less impervious coverage, a major reduction in disturbance area, and no stream crossings. In addition, the applicant is willing to provide the Township or PADOT with an open offer of dedication of additional right of way to widen the intersection of Rt. 352 and Rt. 452, which may help in getting the intersection improvements completed faster.

Mr. Sullivan noted that Mr. Behrle constructed Overlook Circle and Autumn Woods in the Township prior. He explained that the Autumn Woods subdivision had a 16 foot shared driveway and that they asked PADEP to amend the NPDES permit to allow for a narrower cart way that allowed for no stream crossing. PADEP approved the request. If this current application passes, they will be asking for the same amendment. Mr. Behrle stated that he has already spoken to PADEP. In addition he has received review comments from the Zoning Officer and Engineer and most responses are will comply. Mr. Sullivan stated that 1 waiver will be asked for, allowing for a 25 foot riparian buffer.

Mr. Shropshire asked if PADOT had any problems with the shared driveway coming off of Rt. 352. Mr. Houtman stated that the applicant is in the process of getting this approval from PADOT but noted it is possible the State may restrict movement. The applicant is awaiting PADOT's review.

Mr. Galloway asked if Mr. Van Wyck had any comments. Mr. Van Wyck stated that he likes the plan and that it is nice to see something done with the property. He noted that he supports the plan and felt it would work out well.

Mr. Quinn asked if the dilapidated house is part of this property and Mr. Sullivan answered in the affirmative, commenting that Mr. Behrle plans to clean up that area if the plan is approved.

Ms. Powell stated that this is a wet piece of property and asked if there was any special construction plans to keep the basements dry. She also asked if the houses would have any usable yards. Mr. Sullivan showed the setback on the pipelines and explained this provided yards for several of the homes. He also stated that the applicant will try to build around wet lands to give as much yard as possible.

Mr. Galloway inquired if it was possible to work out an arrangement with the Ohm Chiropractic/Jehovah Witness property to have the shared driveway connect to their drive instead of Rt. 352. Mr. Sullivan responded that this possibility has yet to be considered but noted that if PADOT does not grant the request for a driveway on Rt. 352, then they would be discussing the prospect of this option with that property owner. Mr. Galloway felt Rt. 352 was very busy at this specific location, especially at rush hour, and having a driveway there could complicate the intersection further. Mr. Sullivan commented that PADOT did approve 4 driveways being constructed up the street from this location. Mr. Houtman also explained that using the Jehovah Witness drive would only help Lot 1, not Lot 2. The property line would need to be rotated to make a common driveway work and would run parallel to Rt. 352. That would be the only way due to the existing stream and pond behind the location. Mr. Sullivan noted that the applicant may have to lose one of the lots if a decision on this cannot be decided upon.

Mr. Clark asked if there would be sufficient space for the common driveway off Rt. 352 if PADOT completes the road widening. Mr. Houtman stated the driveway would have to be reconfigured to allow for a larger stacking area. Mr. Sullivan stated that Planning Commission approval was recommended subject to all comments being satisfied, and that the question Mr. Clark posed was one of the comments.

Mr. Janetka expressed the biggest issue for him was the wetland buffer and waiver request for requirement. In addition, trying to keep water out of basements was also an issue. This was discussed at Planning Commission and privately at meetings. He asked for what the waiver specifically asked for. Mr. Sullivan said no less than 25 feet. Mr. Houtman showed a diagram with the plan changes that showed the 25 foot riparian buffer. The original plan used the pond and placed the stormwater management facility

behind the pond. The pond was functioning but the previous owner cut down the dam to decrease the spillway. Mr. Houtman described it as natural but not holding water. He went on to report that the stormwater management would be upstream of the pond and away from the wetland area. The pond would not be used for stormwater management purposes under the revised plan.

Mr. Shropshire asked how Sunrise Assisted Living plays a role in stormwater management. Mr. Clark noted there is a culvert on Barren Road and Mr. Van Wyck reported that the pipe runs across the property, down to existing pond, and then down to Ridley Creek. Mr. Houtman stated the pipes are taking runoff from Barren Road. Mr. Shropshire commented that this would need to be resolved prior to a resolution in order to assure that we don't have runoff from Barren and Rt. 352. Mr. Sullivan reported that there would be 2 underground seepage beds. Mr. Houtman added there would also be 2 aboveground basins for Lots 4, 5, and 6. Lot 3 would have a small basin. There is another basin for the Van Wyck property and off site component to help manage off site water.

Mr. Janetka asked if property owners would be able to regrade the stormwater management areas. Mr. Sullivan stated this would not be permitted. The basins and swales leading to them will be covered by an easement and others are on specific lots. It will be noted in the Declaration and property owners would collectively be responsible if capital improvements are needed. All lots will have a shared responsibility. Township regulations and requirements will be in place as well. Mr. Sullivan stated this would be similar to what was done for the Moretti subdivision at 476 Old Forge Road.

Mr. Kirchgasser asked if the pond would be required to be used for stormwater management in the event it was restored. Mr. Houtman stated it was not part of the system but the applicant could look into restoring it with PADEP approval and through the process of getting NPDES permitting. Regardless, the pond would not be relied on for stormwater management. Mr. Janetka asked if the pond could be fixed with an open berm instead of concrete. Mr. Houtman stated that was a possibility. Mr. Kirchgasser clarified that the Township was not requiring this; only looking into the pond's role in the project. Mr. Behrle stated he had no intention to do anything with the pond.

Mr. Clark asked if the riparian buffer as described would be written into the Declarations and Mr. Sullivan answered in the affirmative, stating it was noted on the plan as well and would be described. Mr. Clark noted that Ms. Merino commented on this and instructed that where the riparian buffer cuts into the building envelope, the building envelope should follow the line of buffer. Mr. Houtman and Mr. Sullivan both agreed.

Mr. Janetka asked for clarification on the measures to prevent water in basements. Mr. Houtman stated first floors would be constructed as high as possible, the basements would be water proofed and they also planned to use sump pumps. Mr. Behrle also noted that if water is hit when digging, they will stop digging further.

There were no other questions. Mr. Galloway motioned to approve the revised subdivision plan subject to the conditions stipulated by Township staff and consultant comments. Mr. Carlson seconded this motion and Council passed Resolution 2016-25 unanimously with a vote of 6-0.

B. Review of Final Land Development Plan—Tyler Arboretum: 515 Painter Road: Barn Patio Expansion and Documentation of Prior Additions of Service Buildings

Mr. Clark noted the applicant wished to table this matter to the last meeting in February.

Mr. Galloway motioned to continue Agenda Item 5B to the February 22, 2016 meeting. Mr. Shropshire seconded this motion and Council approved unanimously with a vote of 6-0.

C. Approval of Temporary Banners—Tyler Arboretum—Barren Road: Annual Plant Sale—April 18 through May 9, 2016 and Pumpkin Day—September 26 through October 18, 2016

Mr. Shropshire noted this application was an annual request by Tyler for the Plant Sale and Pumpkin Day for the time frames listed above. He motioned to approve the temporary banner for the Plant Sale. Mr. Carlson seconded this motion and Council approved Resolution 2016-26 unanimously with a vote of 6-0. Mr. Shropshire then motioned to approve the temporary banner for Pumpkin Day. Mr. Carlson seconded this motion and Council approved Resolution 2016-27 unanimously with a vote of 6-0.

D. Approval of License Agreement—Tax Assistance Program

Mr. Clark stated this program was moved to Aston Township and could come off the agenda.

E. Approval of Bill List

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

Mr. Carlson moved that payments under the January 25, 2016 Bill List be authorized for payment by the Finance Department:

GENERAL FUND		
AJ Blosenski, Inc	December Recycling & Yard Waste	\$17,656.00
Aqua Pennsylvania	December Hydrant Blls	\$11,432.25
Chili's Inspection Services	Contracted Services-December	\$8,030.00

GHD Services	Professional Services through 12/27/15	\$ 5,931.45
Charles A. Higgins & Sons, Inc.	Traffic Light Maintenance	\$ 5,628.00
	Street Light Maintenance	\$ 700.19
		<u>\$ 6,328.19</u>
Independent Blue Cross	January Health Insurance	\$ 9,383.79
	Highway Share	\$ 9,723.27
	Cobra Share	\$ 821.40
	Recreation Share	\$ 3,786.72
		<u>\$23,715.18</u>
Keystone Information Systems	Universe Maintenance 1/1/16-12/31-16	\$ 792.00
	Software Maintenance 1/1/16-12/31-16	\$11,955.00
	Municipal Taxes Maintenance 1/1/16-12/31-16	\$ 4,078.00
		<u>\$16,825.00</u>
Total General Fund		<u><u>\$89,918.07</u></u>

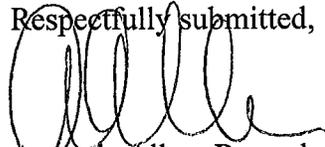
CAPITAL RESERVE

That Bank of New York Mellon	BOG Series-Interest Payment	<u><u>\$107,281.25</u></u>
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Mr. Quinn seconded this motion and Council approved Resolution 2016-28
 unanimously with a vote of 6-0.

8. ADJOURNMENT

Mr. Kirchgasser adjourned the meeting at 7:54 PM.

Respectfully submitted,

 Amanda Allen, Recorder