

MIDDLETOWN TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA  
April 13, 2015

Minutes of the Regular Meeting of Township Council Held on, April 13, 2015 at 7:00 P.M., in the Township Administration Building located at 27 North Pennell Road

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

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

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1. OPENING

Chairman Mr. Kirchgasser called the meeting of the Council to order at 7:01 P.M., and led recitation of the Pledge of Allegiance to the Flag.

2. APPROVAL OF MINUTES

Mr. Galloway motioned to approve the March 9, 2015 minutes. Ms. Amoroso seconded the motion and Council approved unanimously with a vote of 7-0.

Mr. Galloway motioned to approve the March 23, 2015 minutes. Ms. Amoroso seconded the motion and Council approved unanimously with a vote of 7-0.

3. COMMENTS FROM THE PUBLIC

None

4. REPORTS

A. CHAIRPERSON

Mr. Kirchgasser commented that an article in the Delaware County Daily Times on April 12, 2015 discussed how Aston Township's Commissioner, Mike Fulginetti, is currently battling Lou Gehrig's disease and that there is currently a public campaign to get the White House to support the request for getting a trial drug for the disease on the FDA's accelerated approval program. He implored residents to sign this petition and stated a link would be on the Township's website to do so.

Mr. Kirchgasser also commented that the potholes located on township roads have been taken care of, as per Mr. Clark and Mr. Lank. He noted that the State has not repaired all of the potholes on state roads in the Township, but that was out of the Township's control.

Lastly, Mr. Kirchgasser noted that the Middletown Fire Company held its 82<sup>nd</sup> annual banquet two weeks prior and recognized Greg Reitze and Scott Reitze for 50 years of service. He went on to state that Council was proud to announce that the Reitze brothers would be next to receive the Distinguished Citizenship Award for the Township. Mr. Kirchgasser commented that Dave Irving, whom he noted was present in the audience, was the only other resident to receive this award in the past.

B. LAND PLANNING

Ms. Bradshaw reported that the Land Planning Committee met to discuss the Sunoco pipeline project, which was on this evening's agenda. She also stated that updates to the flood plain ordinance and addressing some inconsistencies within the subdivision ordinance were also discussed.

C. ROADS, HIGHWAYS, PUBLIC SAFETY

Mr. Shropshire reported that the Roads, Highways and Public Safety Committee met to review the engineer analysis for the possibility of a stop sign at the intersection of West Forge Road and Stephen Drive. They also discussed the possibility of a stop sign and additional speed limit signs at Arrowhead Trail. Lastly, he noted that the possibility of an electronic recycling event with other municipalities was also reviewed.

D. MANAGER

Mr. Clark announced the passing of Skip Paulley, a former employee in the Public Works Department, who worked for the Township for 42 years.

Mr. Clark also noted that the County proposed action on the Community Development Block Grant program, which was brought to the Township's attention by Kelly & Close. He explained that the Township's proposed drainage project on East Baltimore Pike was included on the list of proposed projects and that a County public hearing on April 22<sup>nd</sup> should finalize the grant approval for the Township.

5. NEW BUSINESS

A. Update Report—Middletown Free Library

Justin Nepo, President of the Library's Board of Trustees, was present to present the 1<sup>st</sup> Quarter report. He noted that the library received a bequest in the amount of \$50,000 and that some of this money would be earmarked for the new development position. Mr. Nepo highlighted several developments for the Library in the 1<sup>st</sup> Quarter. This included meeting its fundraising goal, significant movement for the Library's strategic planning efforts, strengthening the technology education

relationship with Rose Tree Media School District (specifically with Indian Lane), and being recognized for many awards received during the previous year.

Mr. Nepo went on to report that the focus of 2015 would be on fundraising, strategic planning, and continuing to provide excellent programs. He commented that the Library recently received a grant to purchase four 3D printers, which will allow the Library to become a "hub for technological education." Mr. Nepo also shared that the Library received the ILEAD grant, which will focus on encouraging middle school-aged girls to get interested in science and math. Mr. Nepo informed Council that the Library planned to upgrade the furniture and make a slight change to the overall layout within the next month.

Mr. Nepo went on to explain that while libraries have generally seen a decline in circulation and visits, the Township Library has actually seen an increase in these areas. He noted that the Library held 75 outreach programs during the previous year that helped promote community, education, and business in the Township.

Mr. Nepo expressed that because the Library offers more than 800 programs every year, the staff does not have the time necessary to effectively fundraise. Therefore, to increase the Library's efforts in this area, Mr. Nepo announced that a position was established to concentrate on fundraising. He then introduced Julia Fernandez as the Assistant Development Director for the Library, who would be responsible for accomplishing this goal.

Ms. Fernandez described herself as a life-long user of libraries with over 25 years experience in fundraising and marketing. She stated that her goal was to help the Board maximize current relationships and branch out into the business community. Ms. Fernandez expressed that she was looking forward to working with the Library, Township, and community, and thanked Council for the opportunity to introduce herself.

Mr. Kirchgasser thanked Mr. Nepo for the update and welcomed Ms. Fernandez to the Library on behalf of the Township. Mr. Galloway and Ms. Amoroso also expressed similar sentiments.

B. Amendment of Easement Agreement—Sunoco Pipeline: Darlington Trust

Tim Sullivan was present as acting Solicitor for the Township.

Mr. Kirchgasser introduced Joe Riper, legal representation for Sunoco. Mr. Riper provided photographs to Council and noted that Don Zoladkiewicz from Sunoco was also present. Mr. Riper went on to report that an existing pipeline exists on the Darlington Tract and crosses over Baltimore Pike where the proposed SEPTA station would be located. Because of this new train station, it has been requested that Sunoco relocate an existing valve station.

Mr. Riper explained that Sunoco is requesting that the valve station be relocated to the Darlington Tract Easement. He emphasized that this was only a valve station, not a pump station, and would only be used in an emergency situation in order to stop the flow of product. There would be no pumping equipment or any other equipment that could make noises. Because Mr. Sullivan recommended treating this relocation as an amendment to the existing Easement, Mr. Riper explained an ordinance is required.

Mr. Riper went on to report that Mr. Clark made comments to the proposed Amendment, which included having a list of materials documented that would be used for the fence and landscaping. Mr. Riper informed Council that Sunoco would comply with this and went on to report that Tom Comitta's office was assisting with the landscape plan in order to shield the station from public view. It has been decided that a 6 foot, solid wood fence with landscaping around it would be best to reduce visibility. The fence would be 58 feet by 52 feet and include a gate on each side.

Mr. Riper reported that Mr. Clark also commented that the Township needed to be able to access the easement past the proposed valve station enclosure and suggested either narrowing the enclosure or utilizing a double lock. Mr. Riper explained that both of these were not possible. First, narrowing the enclosure would not allow enough space for Sunoco to work on the equipment. Second, a double lock would be a liability. Instead, Mr. Riper reported that Sunoco has agreed to cut space around the enclosure so that Township vehicles could drive around the valve station to access the rear of the easement. Mr. Clark expressed that this option "sound[ed] workable" and emphasized the Township's need to be able to access the Easement behind the valve station.

Mr. Shropshire asked if that meant emergency services would not have access to the valve station. Mr. Zoladkiewicz answered in the negative and explained that an arrangement would be made with the Fire Company and training would be provided.

Mr. Clark asked for information on the pipeline. Mr. Zoladkiewicz explained that it was currently functioning and was considered a liquid pipeline, which moved product from the West to the Marcus Hook plant. He went on to state that two of the lines were natural gas but it is possible that ethane may be added. He emphasized this pipeline was from Mariner 1 only and not Mariner 2.

Mr. Zoladkiewicz went on to explain that Mariner 2 was a new plant project that originates in Ohio and product will be moved to Marcus Hook via pipelines. At this time, he did not know what direction the production would take to get to Marcus

Hook, but stated he would let the Township know as soon as possible. Mr. Sullivan asked if Mariner 2 may be coming through the Township. Mr. Zoladkiewicz stated it was a possibility but that there were multiple options being considered at present. He expressed that the engineering on this plan was not yet complete and that he did not have more information.

Mr. Kirchgasser asked who should be contacted at Sunoco if there was a question regarding the Easement Amendment and Mr. Zoladkiewicz stated he was the main point of contact.

Mr. Galloway motioned to introduce the ordinance for the Easement Amendment subject to agreement to provide access to the Township as proposed and determining the final compensation for the new easement agreement. Mr. Quinn seconded this motion and Council approved the introduction unanimously with a vote of 7-0.

C. Consideration for Adoption—An Ordinance of Middletown Township, Delaware County, Pennsylvania, amending Chapter 235, "Vehicles and Traffic," of the Township Code of Ordinance to provide a three-way stop intersection at War Admiral Lane at Man O' War Drive

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Mr. Kirchgasser reported that a number of residents on War Admiral Drive have expressed a concern about speeding in the neighborhood. He stated that Kelly & Close completed a study and determined that the intersection meets the requirements for a three way stop sign. Mr. Kirchgasser noted this Ordinance was introduced at the previous meeting.

Mr. Carlson motioned to approve the Ordinance for approval of the three-way stop sign at the intersection of Man of War Drive and War Admiral Lane. Ms. Bradshaw seconded this motion and Council approved Ordinance 756 unanimously with a vote of 7-0.

Mr. Galloway recognized the work Mr. Carlson completed in order to bring this action to a close.

D. Review of Zoning Hearing Board Applications: 2015-04—Choudhary:477 S. Old Middletown Road, and 2015-05—Falcone Brothers Builders: 141 Barren Road

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2015-04—Choudhary: 477 S. Old Middletown Road

Mr. Clark explained this property was located at the corner of S. Old Middletown Road and Fox Road. He reported the dwelling was non-conforming already with its

setback and that the current owner hired a contractor for expansion without building permits. The work was stopped and the homeowner now needs to appear in front of the Zoning Hearing Board to request approval for a variance due to encroachment into the required side yard setback. No Council members expressed representation was needed.

2015-05—Falcone Brothers Builders: 141 Barren Road

Mr. Clark explained that this was a residential property across from the auditorium at Penncrest High School. It is slightly less than 2 acres and in the R1 zoning district. Mr. Clark reported that the applicant is requesting to subdivide in order to put two houses on the property; however, both lots would be less than 1 acre, which is the requirement for that zoning district. The applicant is requesting a lot size variance and has referenced a similar approval in 1994 for a different property near the high school.

Mr. Galloway motioned to approve sending the Solicitor to the Zoning Hearing Board to represent the Township. Mr. Shropshire seconded this motion and Council approved it unanimously with a vote of 7-0.

E. Approval of Temporary Banner—Tyler Arboretum, Barren Road

Mr. Galloway motioned to approve the temporary banner to be hung over Barren Road by Tyler Arboretum. Mr. Shropshire seconded this motion and Council approved Resolution 2015-40 unanimously with a vote of 7-0.

F. Grant Application Ratification—Sleighton Park Improvements

Mr. Clark explained that PECO offered a grant referred to as the Green Region Open Space Program. He noted that the grant could be applied to purchasing various improvements for Sleighton Park (i.e. park benches). Mr. Clark reported the total for these improvements is \$12,500 but if the Township was approved for the grant, it could receive \$6,200 toward these expenses.

Ms. Bradshaw motioned to approve ratification of the grant application. Mr. Galloway seconded this motion and Council approved Resolution 2015-41 unanimously with a vote of 7-0.

G. County Liquid Fuels Fund Allocation—2015 Road Resurfacing Contract

Mr. Clark explained that this agenda item was for annual application for a portion of the state liquid fuels fund from the County. The amount requested would be \$20,385.

Mr. Shropshire motioned to approve the application for the County Liquid Fuels Fund allocation. Mr. Carlson seconded this motion and Council approved Resolution 2015-42 unanimously with a vote of 7-0.

H. Request for Waiver of Preliminary Land Development Plan Filing Requirement

Mr. Clark explained that this request for a waiver was filed by the property owner across the street from the Township building, Mike McGonigle, who bought the property for office use. Mr. Clark reported that Mr. McGonigle received approval from the Zoning Hearing Board at the end of 2014 for a variance for a new storage building and is now filing for the land development plan. Mr. Clark explained that because it is a minor project, the applicant is requesting preliminary land development be waived.

Ms. Bradshaw motioned to approve the waiver of preliminary land development filing. Mr. Quinn seconded this motion and Council approved unanimously with a vote of 7-0.

I. 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 April 13, 2015 Bill List be authorized for payment by the Finance Department:

<b>GENERAL FUND</b>		
Independence Blue Cross	April Health Insurance	\$10,319.80
	Highway Share	\$11,486.30
	Cobra Share	\$821.40
	Recreation Share	\$3,786.72
		\$26,414.22
Barbacane Thorton & Co	Township & Pension Plan Audit	\$29,550.00
	<b>Total General Fund</b>	\$55,964.22
<b>RECREATIONAL ENTERPRISE FUND</b>		
Celebrity Limo	Various Trips	\$5,845.00

PNC Credit Card	Various Trips	\$10,176.34
	Criminal Check	\$10.00
	Softball	\$505.58
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		\$10,691.92
	Total Recreation Fund	<hr/> <hr/>
		\$16,536.92

**CAPITAL RESERVE**

Fire Line Equipment	Commission for 2002 E-One Pumper Sale	\$7,800.00
Marion	Balance Rocky Run 2014 Rescue Pumper	\$324,794.00
	Total Capital Reserve	<hr/> <hr/>
		\$332,594.00

Ms. Amoroso seconded this motion and Council approved Resolution 2015-43 unanimously with a vote of 7-0.

6. ADJOURNMENT

Mr. Kirchgasser adjourned the meeting at 7:40 PM.

Respectfully submitted,



Amanda Allen, Recorder