

MIDDLETOWN TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA  
June 8, 2015

Minutes of the Regular Meeting of Township Council Held on, June 8, 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, and C. Quinn

B. Clark, E. Janetka, Engineer, and D. Petrosa Esquire

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1. OPENING

Chairman Mr. Kirchgasser called the meeting of the Council to order at 7:10 P.M., and led recitation of the Pledge of Allegiance to the Flag.

2. APPROVAL OF MINUTES

Mr. Galloway motioned to approve the April 13, 2015 regular meeting minutes. Ms. Bradshaw seconded the motion and Council approved unanimously, with a vote of 6-0.

Mr. Galloway motioned to approve the April 27, 2015 regular meeting minutes. Ms. Bradshaw seconded the motion and Council approved unanimously, with a vote of 6-0.

Mr. Carlson motioned to approve the May 11, 2015 regular meeting minutes. Ms. Amoroso seconded the motion and Council approved unanimously, with a vote of 6-0.

3. COMMENTS FROM THE PUBLIC

None

4. REPORTS

A. CHAIRMAN

Mr. Kirchgasser announced that the application submitted for the Community Development Block Grant has been approved and that the Township has been awarded \$126,790 for storm water management improvements on East Old Baltimore Pike. He reminded the audience that this potential opportunity was discussed several months ago.

B. LAND PLANNING

Ms. Bradshaw reported that the Land Planning Committee reviewed a proposed zoning change for a Route 352 property.

C. MANAGER

Mr. Clark reported that the Electronic Collection Program collected 29,000 pounds of recycled electronics, most of which were televisions, air condition units, printers and scanners. He noted that the fees paid for this service were offset by the money collected for televisions and printers. Mr. Clark reported that the shredding cost the Township \$250. Overall, he felt this was a successful event. Ms. Bradshaw agreed and recommended more Township residents take advantage of it next time the event is offered.

Mr. Clark also reported that the playground at Sleighton Park has been completed and ready for public use, as of June 5, 2015. He commented that it is very nice looking and located east of the main soccer field. He acknowledged the work the Parks and Recreation and Public Works departments did in seeing this project through and commended their efforts.

5. NEW BUSINESS

A. Update Report—Middletown Township Historical Society

Sue Mescanti, President of the Historical Society, thanked Council for the continued support and reported the major focus for the upcoming year would be the Oak Lawn project. She stated that the first phase of the project is mostly completed by improving the exterior appearance of the house. In addition to those improvements, Ms. Mescanti indicated that the Historical Society hopes to restore electricity to the house in order to allow for the use of power tools and motion sensors, and also secure the windows and door on the back elevation, replace the roof on the back section of the house, and repair the front porch.

Ms. Mescanti expressed that the Historical Society needs a location to store items, provide reference information and display artifacts. She indicated that if the Township acquired a building in the future, the Historical Society would like to be considered for using the space for these purposes.

Ms. Mescanti then went over the plans for the Historical Society for the upcoming months. She informed Council that Middletown Mondays are scheduled to resume in September and would include 3 lectures. There would also be three in the spring. In addition, David Burk was developing an educational program for Glenwood and Indian Lane Elementary Schools to supplement the teaching of Native American History. The Historical Society has also requested the help of Penn State students with digitizing their collection of photographs and documents.

Ms. Mescanti informed Council that the Friends of Chester Creek Rail Trail have requested the Historical Society's assistance in determining where mills once existed along their trail path. The Historical Society will also be meeting with members of

Providence Friends to talk about working together to preserve the Middletown Hicksite Meeting and the stone wall erected around the small burial ground in order to eventually make use of the historic location. Lastly, Ms. Mescanti noted the Historical Society is speaking with representatives of Tyler Arboretum about their collective interest in Township history.

Mr. Kirchgasser thanked Ms. Mescanti for the information and recognized the work the Historical Society does for the Township. Before continuing on with the agenda, Mr. Kirchgasser noted that an executive session took place prior to the meeting to discuss a recent legal issue and potential Township interest. At this executive session, a personnel issue related to the early retirement program discussed last meeting was also reviewed.

B. Review of Final Land Development Plan—McGonigle & Company, 18 N. Pennell Road

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Mr. Clark reviewed the history of this property and reported that Mr. McGonigle recently purchased 18 N. Pennell Road contingent upon approval from the Zoning Hearing Board of variances needed to construct a garage in the back of the property. This approval was granted in December 2014, based on the variances requested. He has since purchased the property and submitted the land development plan, which went through staff review and was reviewed by the Planning Commission in May. Mr. Clark noted that Council previously approved proceeding straight to final land development planning and waiving preliminary land development planning.

Mr. Clark went on to state that issues raised by the Township's engineer have been discussed with the applicant's engineer and that the applicant is also held to certain landscaping requirements imposed by the Township's landscaping consultant and Zoning Hearing Board. Mr. Clark explained that while these plans as drawn do not show all the landscaping, a conditional approval may be considered by Council.

Mr. Galloway asked Mr. McGonigle if he reviewed the changes and found them acceptable. Mr. McGonigle answered in the affirmative. Questions and comments were then opened to the public.

Allen Vaskas, 31 Cabot Court, explained that he lives directly west of the proposed project. He was told the structure would be 1 ½ stories and no higher than 28 feet. According to his calculations, that is 20,000 cubic feet. He felt that would overshadow the front house on the property and the homes behind the proposed garage. Mr. Vaskas also commented that a Planning Commission representative stated the landscape barrier is trees, but right now there is no barrier and it would be visible. While the Planning Commission discussed the use of arborvitae, Mr. Vaskas

felt this was an opportunity for the Township to enhance the property with something more aesthetically pleasing. He recommended forsythia trees.

Mr. Vaskas went on to state that drainage on the property was an issue and that it currently flows from the Township building into Pennell Place, causing standing water on his property. He felt this construction would make the drainage problem worse. He also commented that Pennell Place Office Court could be attractive again if a fence was installed.

Mr. Kirchgasser asked Mr. Vaskas if screening was his main concern. Mr. Vaskas responded that screening and runoff were his main concerns and that the proposed structure is larger than the existing house. Mr. Kirchgasser asked Mr. Janetka to comment on the storm water management concern. Mr. Janetka explained that the applicant is compliant with all storm water management conditions with the exception of certain conditions marked for review. He noted that the improvements to the property have storm water management requirements in place to protect Pennell Place from further storm water concerns. Mr. Vaskas emphasized that a problem with runoff already exists and Mr. Janetka responded that storm water management controls runoff and that additional volume created by the new structure and driveway will be less than what it is currently. He commented that these improvements should actually help improve overall runoff from the property.

Mr. Vaskas asked if the Township could look into whether or not a highway occupancy permit was needed. Mr. Janetka reported that was already a condition of approval.

Mr. Quinn asked if screening was addressed. Mr. Petrosa explained it was discussed at Planning Commission and the Zoning Hearing Board also imposed conditions to have screening along the side and rear property lines. He noted the applicant was also to work with Mr. Comitta on landscaping on the front of the property. Mr. Janetka commented that no specific plant was discussed; only that it had to be something that provided coverage throughout the year.

Mr. Kirchgasser asked the applicant if he would keep the property sufficiently screened. Mr. McGonigle answered in the affirmative, noting that he planned to put a sufficient amount of screening up and would likely use something like arborvitae for this task. Mr. Vaskas commented that type of plant did not seem substantial. Mr. Clark reported that there was already existing brush at the rear of the property. Since it did not make sense to remove the brush, Mr. McGonigle only needed to supplement it. Mr. Vaskas expressed the brush area was not nice looking. Mr. Clark explained

that the area was a natural growth and that typically the Township landscape planner expects property owners to “work with it” and not remove it and then start over.

Mr. Galloway asked how tall the garage would be and Mr. McGonigle stated 1 ½ stories. Ms. Bradshaw asked if the existing structure in the front of the property was also 1 ½ stories and Mr. McGonigle answered in the affirmative. Ms. Bradshaw asked if it would appear the same as the structure in the front, which is one story and roof, and Mr. McGonigle answered in the affirmative. Mr. Clark commented that the property is zoned for special use and the height allowed for special use properties is actually greater than what the applicant is constructing.

Mr. Kirchgasser asked Mr. Janetka if there was anything else that was notable. Mr. Janetka reported the screening was already discussed in length. He noted that a condition for the driveway was that access must provide safe access entering and exiting the property. Lastly, he reported there were a few waivers requested and other minor technical issues being considered at present.

Mr. Vaskas then explained how he calculated 20,000 cubic feet and inquired what would be stored in the garage. Ms. Bradshaw did not agree with his calculation and expressed the structure would be relatively smaller compared to the existing structure. Mr. Kirchgasser agreed and stated that the Zoning Hearing Board and Council would not approve something that was not compatible with what else is along Pennell Road. Mr. Vaskas disagreed, stating the construction would not enhance the area.

Mae Sullivan, 33 Cabot Court, inquired if this would cause more traffic on Pennell Road. Mr. McGonigle explained there were only 2-3 people in the office during the day. Workers may come and go sporadically for supplies and there would be occasional deliveries from UPS/FedEx. He described the traffic situation as “not a heavy scenario.” She then asked what would be in the garage and Mr. McGonigle answered building materials, snow plows, tools, and ladders. No heavy machinery.

Lee Pacioccio, 28 Cabot Court, asked if there would be one way in and one way out. Mr. McGonigle responded that he was still working this out.

Mr. Clark commented that operations at this property would be similar to Baxter Builders, which was already located along the road in question. Kathy Scuderi, 123 Bowater Court, expressed that wasn't a comforting thought as she was not pleased with his operations as a neighbor.

Mr. Galloway asked Mr. McGonigle to confirm the height of garage would not be higher than the existing house. Mr. McGonigle stated that was the idea. Mr. Galloway asked if he'd be willing to make that a condition and Mr. McGonigle stated he would agree, provided the existing house was a true 1 ½ story structure. Ms. Sullivan asked if the garage would be at the back of the property. Mr. McGonigle stated it was 30 feet off the back of the property and the location was approved by the Zoning Hearing Board.

Ms. Bradshaw motioned to approve the resolution contingent upon the conditions discussed, including restricting the height of the garage to a maximum of the height of existing house on property. Ms. Amoroso seconded this motion and Council approved Resolution 2015-52 unanimously with a vote of 6-0.

C. Review of Zoning Hearing Board Applications: 2015-06—Shreve, 20 E. Glen Circle; 2015-07—ACTS Retirement Life Communities, 1343 W. Baltimore Pike (Granite Farms Estates)

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Mr. Clark reported Application 2015-06 was requesting to add a garage with a living area above it at 20 E. Glen Circle. The required side yard setback from this residence is 25 feet and the applicant was requesting a variance to allow 21 feet. No members of Council felt Township representation was needed at this hearing.

Mr. Clark reported Granite Farms was applying to replace signage in Application 2015-07. The existing signage was on a rock and the proposed change would place it higher than permitted. In addition it would be a larger sign due to the sight distance being obscured by brush on the adjacent YMCA property. Council felt no representation was needed for Township at this hearing.

D. Acceptance of Certificate of Total Completion—Mirmont Treatment Center: 100 Yearsley Mill Road

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Mr. Clark reported that a land development plan for Mirmont Treatment Center was approved a few years ago for minor improvements. The Township engineer has signed off of the improvements being completed. Upon acceptance by Council, Mirmont will receive the funds still held in escrow by the Township.

Mr. Galloway motioned to approve acceptance of the Certification of Total Completion for Mirmont Treatment Center. Ms. Bradshaw seconded this motion and Council approved Resolution 2015-53 unanimously with a vote of 6-0.

E. Amendment of Master Fee Schedule—Review Fees for Soil Erosion and Sedimentation Control and Storm Water Management Permits

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Mr. Clark explained the storm water management ordinance was updated by the Township several years ago, but the current fee schedule does not note that time spent by the engineer to review storm water and erosion control permits would be billed to the applicant. Because a consulting engineer is now reviewing the permit and not a Township employee, it is necessary to update the Master Fee Schedule to account for this.

Mr. Carlson motioned to approve the amendment to the Master Fee Schedule. Ms. Bradshaw seconded this motion and Council approved Resolution 2015-54 unanimously with a vote of 6-0.

Ms. Amoroso motioned to amend the agenda to include 397 Convent Road—Tax Claim Bureau as Item 5F and move Approval of the Bill List to Item 5G. Mr. Galloway seconded this motion and Council approved unanimously with a vote of 6-0.

F. 397 Convent Road—Tax Claim Bureau

Mr. Clark explained that the prospective purchaser of 397 Convent Road and the County Tax Claim Bureau requested Township approval of the proposed sale of this repository property held by the Bureau. He stated the Council needed to indicate whether the Township has an objection to the proposed purchase of 397 Convent Road. Ms. Amoroso motioned to approve the sale request for this repository property and Mr. Galloway seconded it. Council approved unanimously with a vote of 6-0.

G. 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 June 8, 2015 Bill List be authorized for payment by the Finance Department:

<b>GENERAL FUND</b>			
A.J. Blosenski, Inc.	April & May Recycling/Yard Waste	\$	35,312.00
Aqua Pennsylvania Inc	April Hydrant Rental	\$	11,432.25
Kelly & Close Engineers	Professional Services	\$	9,229.66
Middletown Fire Company	2015 Ford Command Vehicle	\$	27,206.59

Independence Blue Cross	June Health Insurance	\$ 10,503.40
	Highway Share	\$ 11,486.30
	Cobra Share	\$ 821.40
	Recreation Share	\$ 3,786.72
		<u>\$ 26,597.82</u>
Thomas Comitta Associates	May Services	<u>\$ 6,534.80</u>
	Total General Fund	<u>\$ 116,313.12</u>

**RECREATIONAL ENTERPRISE FUND**

Touriffic Travel	Hudson Valley	\$ 5,000.00
The Travel Authority	Niagara Falls & Cape Cod	\$ 7,668.15
	Nova Scotia	\$ 7,621.20
		<u>\$ 15,289.35</u>
PNC Bank	Community Day Expenses	\$ 159.70
	Supplies	\$ 100.00
	Trips	\$ 5,930.95
		<u>\$ 6,190.65</u>
Celebrity Limo	Various Trips	<u>\$ 9,880.00</u>
	Total Recreation	<u>\$ 36,360.00</u>

**CAPITAL RESERVE**

General Recreation Inc	Sleighton Playground	\$ 5,945.20
Buzz Burger Inc	Sleighton Playground	<u>\$ 18,499.00</u>
	Total Capital Reserve	<u>\$ 24,444.20</u>

Ms. Bradshaw seconded this motion and Council approved Resolution 2015- 55 unanimously with a vote of 6-0.

6. ADJOURNMENT

Mr. Kirchgasser adjourned the meeting at 7:59 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Allen', written in a cursive style.

Amanda Allen, Recorder

