

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
JUNE 13, 2016

Minutes of the Regular Meeting of Township Council Held on, June 13, 2016 at 7:00 P.M., in the Township Administration Building located at 27 North Pennell Road

Present: R. Carlson, S. Galloway, D. Helm, M. Kirchgasser, S. Powell, and C. Quinn

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

1. OPENING

Mr. Kirchgasser called the meeting of the Council to order at 6:58 P.M., and led recitation of the Pledge of Allegiance to the Flag.

2. COMMENTS FROM THE PUBLIC

Susan Masters, 6 Laurel Lane, noted the Mr. Shropshire had not been present at any of the meetings thus far regarding Agenda Item 4A and asked what could be done about that. Mr. Kirchgasser explained that Mr. Shropshire is a funeral director and has had a string of deaths he has handled that were close to his family; some of which have been at the same times as Council meetings. His absence at the present meeting was due to a statewide funeral director meeting he had to attend and would conclude his tenure in his role with that organization. He would be present at the next meeting.

3. REPORTS

A. CHAIRMAN

None

B. MANAGER

Mr. Clark announced that Brian Lank, the foreman for the public works department, submitted his notice for retirement. Mr. Clark noted that Mr. Lank worked for the Township since 1988, was a valued staff member, and would be missed. In the upcoming weeks, the job vacancy will be posted. Mr. Kirchgasser commented that Mr. Lank was also a longtime volunteer with the Lenni Fire Company and would often work 24 hours at a time during snow storms in order to keep Township roads safe. He thanked Mr. Lank for his service.

4. OLD BUSINESS

A. Review of Preliminary 3-Lot Subdivision Plan—Mita—272 Oak Avenue

Mr. Clark explained that the testimony was received at the previous meetings and that the application review was still in process in order to get the remaining issues worked out.

The applicant was present at this meeting in case there were any last minute items needing to be addressed.

Mike Gavin, legal representative for the applicant, noted that since the last meeting, Mr. Galloway toured a rain garden location that would be similar to the ones at the Oak Avenue property and that the plan was submitted to the Conservation District for their review. He noted the applicant paid extra to have the review expedited and was hoping to have it back within 15 days. Mr. Gavin stated that he believed the applicant has demonstrated that he has met the requirements stipulated within the Township's engineer review letter. Mr. Galloway asked when the Conservation District's review was due back and Mr. Gavin stated June 15th.

Ms. Masters commented that there is a rain garden close to her Ocean City home and that it smells bad, holds stagnant water and is full of weeds. She stated the city installed the rain garden and it is not being managed. She asked Mr. Galloway if he had a chance to visit a rain garden since the last meeting. Mr. Galloway stated that he went to one in Chester County. He observed that it was well maintained by the developer who is paid by the residents/commercial aspect on a regular basis. The developer stated that there were no issues and that it was doing what it was designed to do. Mr. Galloway did not notice any unfavorable odors but noted that the rain garden was constructed on a different topography than what would be at Oak Avenue. He also reviewed photos of other rain gardens but was not sure how comparable they would be to the proposed rain gardens on Oak Avenue. He noted Ms. Masters' point regarding maintenance could be addressed. Ms. Masters stated she was specifically concerned about the amount of leaves on the property and the possibility they could clog the drainage pipes. She also expressed doubt that the rain gardens could properly grow due to the amount of trees on the property. Mr. Kirchgasser agreed maintenance was an important aspect to the rain gardens.

Maryanne Bennett, 10 Laurel Lane, asked when the property marker would be replaced on her property and by whom. She expressed that she wanted to be present when the marker was replaced. Mr. Kirchgasser stated that was something she would have to discuss with the applicant. Mr. Gavin stated that would be up to the surveyor, which was not scheduled yet. He informed her that notice could be given when it occurs though.

Ms. Bennett asked that if it were possible that explosives could be used if a rock bed was discovered during the excavation. Mr. Gavin did not know the answer to this but Mr. Gryga felt there was only a minor chance that hitting a rock bed would occur. Shale is really the only rock in that area and he stated if it was discovered during construction, it would be drilled out. Mr. Clark also noted that a blasting permit would be required if using explosives was needed and commented that he could not recall that ever happening with individual house construction.

Ms. Bennett then asked if there could be something set up and formally recorded that would mandate the maintenance of the rain gardens. Mr. Kirchgasser commented that rain gardens are becoming more common and the requirements for them are part of the deeds. He stated that the homeowners become responsible for their maintenance. He also expressed that the Township does not typically play the role of "big brother" and

does not police rain gardens. Ms. Bennett asked how the home owners would become aware of their responsibility with the rain gardens. Mr. Damico explained that when the Township adopted the updated Stormwater Management Ordinance, the new requirement was that every new property developer enter into an agreement for stormwater management and escrow funds for it. The engineer is also involved and inspects the stormwater management facility. If a problem is discovered, money from the escrow fund is used to address it. The length of time between inspections is determined by the type of stormwater facility being used on the property. This arrangement is recorded with the Recorder of Deeds and is a public record. It applies to anyone who owns the property.

Ms. Masters commented that she printed 97 pages related to this application and that she sees a lot of red flags. She requested that if the plan is approved that Council explains why they made that decision. Mr. Kirchgasser agreed to the request. Ms. Masters then requested that money be put aside in escrow by the applicant to address any additional water on the Laurel Lane property. She noted that she has recorded all of the Council meetings regarding the matter on her phone so she can come back if there are any issues. Mr. Gavin interjected that recording a meeting without consent is illegal.

Jack Masters, 6 Laurel Lane, asked for Ms. Powell's opinion on the matter since she worked previously on his property. Mr. Galloway felt that was not appropriate for her to answer in the capacity of Councilwoman since the work she did on the property was done via the private sector and she was paid for doing it. Mr. Damico also felt it was a conflict of interest since she received funds for the private work she completed and stated she could not make comments as a public official or vote on the application.

Ms. Bennett asked if Council could describe what steps should be taken if an issue does come up. Mr. Kirchgasser explained that Council is devising a list of conditions for approval, keeping in mind the testimony from witnesses and residents, but it was not yet ready. He stated that once it was ready, it would be made available for residents to view as it is a matter of public record. He stated that if an increase in water is seen and it directly correlates to the work being done, then funds would be applied for the redirection.

Mr. Galloway motioned to table this matter to the June 27, 2016 meeting. Mr. Carlson seconded the motion and Council approved with a vote of 6-0.

5. NEW BUSINESS

A. Award of Contract—2016 Road Improvement Fund

Mr. Clark reported that the Township received bids for the 2016 resurfacing work. The apparent low bidder was Inconn Construction; however, the Engineer noticed that 2 line item costs were not listed. Therefore, this bid was incomplete. The second low bidder was Glasgow, Inc., and this company did fully complete the proposal form. It was his recommendation to accept the Glasgow bid since it was completely filled out as per the document specifications. The bid was for \$388,970.

Mr. Galloway motioned to accept the bid from Glasgow Inc. and Mr. Helm seconded the motion. Council approved Resolution 2016-58 with a vote of 6-0.

B. Review of Zoning Hearing Board Application 2016-6: Pokoy - 448 S. New Middletown Road

Mr. Clark explained the application going before the Zoning Hearing Board is for a single family home. The property owner wants to install a large garage with dimensions of 30 feet by 36 feet, which makes it a Class B Accessory Structure and needs to be within the building envelope. The required rear setback is 35 feet but this would only be 22 feet from the property line. Council did not feel representation was needed for this hearing.

C. Acceptance of Proposal: Flooring Replacement: Meeting Room and Kitchen Area

Mr. Clark explained that replacing the tile flooring in the meeting room and kitchen area was a planned project for this year's budget. He commented that unfortunately, the tile layer below the existing flooring has asbestos and will need to be properly removed in order for the new flooring to be installed in this project. The low quote for the flooring installation was from Pro-Tech in the amount of \$15,500; however, they do not conduct asbestos removal. An estimate of \$4,290 from NBC Environmental LLC of Aston was received for the asbestos removal. A second flooring replacement proposal was received for \$18,297, not including the asbestos removal. Ms. Powell motioned to accept the proposal for Pro-Tech flooring in the amount of \$15,500. Mr. Carlson seconded this motion and Council approved Resolution 2016-59 unanimously with a vote of 6-0.

Mr. Clark then asked for Council's opinion on the wood-paneled wall in the back of the room. RC Titter could replace it with drywall for about \$1,600 and if desired, this work should be done in conjunction with the flooring replacement. General consensus was to leave the wall as-is.

D. Approval of Bill List

Mr. Kirchgasser read aloud the bill list presented for Council's consideration for approval for payment. Mr. Galloway moved that payments under the June 13, 2016 Bill List be authorized for payment by the Finance Department:

GENERAL FUND		
Chili's Inspection Services	April Contracted Services	\$6,710.00
Independence Blue Cross	June Health Insurance	\$10,121.93
	Highway Share	\$9,968.33
	Cobra Share	\$904.40
	Recreation Share	\$3,998.76
		<u>\$24,993.42</u>
	Total General Fund	<u>\$31,703.42</u>

RECREATIONAL ENTERPRISE FUND

Touriffic Travel	Boston Trip	\$12,799.00
PNC Credit Card-To G/F	Community Day Expenses	\$280.64
	Various Trips	\$11,534.77
	Misc. Expenses	<u>\$241.70</u>
		\$12,057.11

Mr. Carlson seconded this motion and Council approved Resolution 2016-60 unanimously with a vote of 6-0.

8. ADJOURNMENT

Mr. Galloway adjourned the meeting at 7:29 PM.

Respectfully submitted,



Amanda Allen, Recorder