

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
JUNE 27, 2016

Minutes of the Regular Meeting of Township Council Held on, June 27, 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 N. Shropshire

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

1. OPENING

Mr. Kirchgasser called the meeting of the Council to order at 7:02 P.M., and led recitation of the Pledge of Allegiance to the Flag.

2. APPROVAL OF MUNUTES

Mr. Galloway motioned to approve the February 22, 2016 minutes. Mr. Carlson seconded this motion and Council approved unanimously with a vote of 6-0.

3. COMMENTS FROM THE PUBLIC

Bruce Martin, 210 Cherrywood Lane, noted that he has sent emails to Mr. Clark regarding 55 Cherrywood Lane. He stated this property was in foreclosure and nobody has done anything to maintain the property. He said that a neighbor informed him it was partly mowed yesterday, but otherwise the property has been left alone. While the property is not aesthetically pleasing in its current condition, his main concern was safety because there is no sight line with the intersection of Mt. Alverno Road due to the property's shrubs being overgrown.

Mr. Kirchgasser responded that Council was aware of the problem with the property and that it does not officially become the possession of the bank until July 16th. An ordinance violation was prepared for the homeowner though. Mr. Clark added that the Township has been in touch with the bank but because it is still owner-occupied, they cannot enter the property. Mr. Martin explained that he understood there are issues with the owner and that she is not there a lot. He reported a fox has taken up residence on the property and he is concerned about other vermin have as well. Mr. Kirchgasser expressed that the Township is looking for an interim solution now and a permanent solution once the bank takes possession. Mr. Martin asked if anybody could at least cut the shrubs that are interfering with the sight line. Mr. Clark reported this could be done if the brush is in the Township Right of Way and that he would have the roads crew look into this.

4. REPORTS

A. CHAIRMAN

Mr. Kirchgasser noted that Don Petrosa was present as acting Solicitor for the Township due to Mr. Damico's absence for a vacation.

Mr. Kirchgasser also expressed the Township's support of Folcroft Borough due to the recent police officer shooting. He noted he was happy to hear Officer Chris Dorman was discharged from the hospital earlier this day.

B. MANAGER

None

5. OLD BUSINESS

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

Mr. Clark explained that this application has been before Council for several meetings now. Since the last meeting, a lengthy list of conditions for approval has been drafted, which lists 11 conditions and an acknowledgement of waivers. These conditions have been circulated and the applicant has agreed to them. Mike Gavin, legal representative for the applicant, noted he agreed with Mr. Clark's summary. Mr. Clark then stated that the application was now ready for Council's consideration.

Mr. Kirchgasser then reviewed the list of proposed conditions, agreed upon by the Township and Applicant, to the audience:

1. Final plans will be submitted in accordance with the review comments of Township consultants, Zoning officer, Sewer Authority and Conservation District;
2. A Declaration of Restrictions and Stormwater Maintenance Agreement must be approved by the Township prior to final plan approval and then recorded with the final subdivision plan. This will include provisions for maintenance and repair of stormwater facilities and restrictions against any increase in impervious coverage above and beyond what is shown on the approved final plan. There will also be restrictions against any further grading changes from grading shown on the approved final plan and restrictions to preserve the wetland areas;
3. There will be an additional 18 months above and beyond the required 18 month maintenance period for wetland/buffer area plantings and individual lot stormwater facilities. This allows for a total of 36 months;
4. All trees and vegetation that have fallen onto any adjoining property or appears to be in bad health will be removed subject to compliance requirements in the wetland areas. As per the law, wetland areas cannot be disturbed. Mr. Kirchgasser noted there was a difference between wetland area and wetland buffer area;
5. The soil material used for construction and stormwater management facilities must be verified by a qualified professional employed by the builder and must be submitted to the Township prior to work being started for any dwelling;
6. Revegetation and mechanical stabilization of the wetland area and wetland buffer area shall be done as per Township guidelines in order to establish stable permanent ground cover. Work can only be done by hand and not with any heavy equipment. Vegetation must be native to this area;
7. Relocation of some trees and plantings will be done as directed by the Township to the wetland buffer area in order to screen new homes from adjoining properties;

8. Foundation drains to be installed in each home. Sump pumps and foundation drains to be discharged to basins where feasible, unless indicated in writing by a qualified professional.
9. Install Limit of Disturbance fence based on surveyor stake out. If additional disturbance occurs outside the Limit of Disturbance resulting in a total disturbed area exceeding 1 acre, then an NPDES Permit will have to be obtained and accomplished prior to any Certificate of Occupancy being issued by the Township for any dwelling;
10. The Fire Marshall for the Township must review and approve the plan regarding the access of emergency vehicles;
11. Township review and approval will be needed for any deviation from the approved grading plan prior to the issuance of permits; and
12. Waivers/modifications were approved for the following ordinance requirements: Section 210-61(A) and(B); Section 210-26F(3) and (4); Section 186-5C(3); Section 198-14D; Section 198-13A; Section 198-Appendix F—Attachment 7; Section 198-Appendix F—Attachment 7 #9 and #14; and Section 198-Appendix F—Attachment 7 #10.

Ms. Kagarise, 12 Laurel Lane, asked what would guarantee the owner would not alter or add existing pads once the homes are built and sold. Mr. Clark stated that the subdivision application and stormwater management agreement is recorded and these state what must be maintained on a permanent basis. Homeowners are put on notice of these requirements through the Title search when they buy the house. In addition, the Township can spot check if there is a problem. He noted that this is a newer requirement from the PADEP and is only about 2-3 years old. Mr. Clark went on to explain that these rules are different between new developments and older homes in the Township. Lastly, he noted that if an addition was desired, a building permit would need to be issued. At that point, the Township would also review the existing requirements and the homeowner would have to follow the stormwater ordinance provisions.

Jack Masters, 6 Laurel Lane, asked if the Township was still waiting for the review by the Conservation District. Mr. Petrosa explained that a condition listed in the Resolution is for this to be completed prior to final plan approval. Mr. Kirchgasser agreed. Mr. Gavin reported that the review letter was just received by the applicant. While he did not have a chance to review it yet, he has been told the review comments were minor.

Randall Sampson, 14 Laurel Lane, asked if this approval would allow for the waivers, specifically related to grading and cut/fill slopes 3 to 1. Mr. Janetka reported that this agreement does include the waivers but in tradeoff; the applicant is doing other things to stabilize the property in addition to other requirements that are needed for final approval. He explained that it was the Township's belief that the tradeoffs will allow the applicant to achieve an end result similar to what would be achieved if the waivers weren't provided.

Susan Masters, 6 Laurel Lane, asked what would happen if issues occur once building begins. Mr. Kirchgasser stated that he was speaking on behalf of Council and specifically to Ms. Masters' request at the prior meeting to be provided with a reason for voting the way they choose to at this meeting. He stated that the Council members found the hydrologist's testimony beneficial. The sediment area is clear of the construction area

and Council believes additional water will not come on the adjacent properties due to this project. Council is aware of the current water issues with the Laurel Lane properties but does not feel the construction proposed for the Oak Avenue property will add to this problem. That said, there are still conditions in place as per the proposed resolution that allow for corrections to be made if they are necessary. They believe that the water issues on Laurel Lane are due to the type of soil the homes were constructed on. Ms. Masters asked who specifically Mr. Kirchgasser was referring to and he stated the inspectors who conducted inspections on behalf of the Township or in partnership with the Township.

Mr. Sampson noted that his flooding issues are different than his neighbors and that his flooding comes down from Mr. Mita's steep hill. His problem is not spring-related but direct water flow from this hill. Mr. Kirchgasser explained that the impervious surface irrigation by the applicant will remediate water going off the site and that two professional engineers back this opinion. Mr. Sampson felt that climate change could affect the outcome. Mr. Kirchgasser informed Mr. Sampson that this was not the time for further testimony. Mr. Sampson complained that Mr. Galloway stopped him previously at the prior meeting. Mr. Galloway stated that he was not stopped but was informed he had to ask a question and not make a statement. Mr. Sampson stated that not being allowed to make his statements is what made him lose his train of thought for these questions previously. Mr. Kirchgasser expressed that was not the intention of Council and apologized if that is what Mr. Sampson thought. Mr. Sampson reiterated he did not get to his concerns at the previous meetings.

Maryanne Bennett, 10 Laurel Lane, stated the proposed conditions did not address her property boundary marker being replaced. Mr. Kirchgasser stated he thought that was handled. Mr. Clark explained that was not included because it is a private agreement between residents and the applicant but that it could be added. Mr. Gavin stated there was no objection to it being added.

Ms. Bennett then noted that there is a natural swale by the property line between her and the applicant and stated it was getting overgrown. She asked if that was part of the wetland buffer area because water was having a hard time getting by. Mr. Janetka said he was not sure. Ms. Bennett asked if somebody could clean it out and Mr. Kirchgasser stated that would depend on whether or not it was deemed wetland area. Mr. Petrosa reported it looked like some of it may be wetland area. Mr. Gavin noted that Condition #3 and #6 calls for the clearing and maintenance of the area anyway. Mr. Janetka cautioned that clearing the vegetation in this area could make erosion worse and that if there was debris, it would have to be removed by hand. Ms. Masters reported that there was a lot of debris in the ravine behind her house and asked if that couldn't be cleaned up. Mr. Kirchgasser stated that no type of mechanical activity can occur in a wetland area but clean up can be done by hand.

Mr. Masters asked if any council members would be recusing themselves from the vote. Mr. Kirchgasser reported Ms. Powell would be recusing herself due to her involvement in private work completed for residents on Laurel Lane and Mr. Shropshire would be recusing himself due to the inability to review notes for the previous meetings.

Mr. Carlson motioned to approve the preliminary plan contingent upon the conditions listed in the resolution. Mr. Galloway seconded the motion and Council approved Resolution 2016-61 with a vote of 4-0 (Mr. Shropshire and Ms. Powell abstained).

Ms. Kagarise thanked Council and the Planning Commission for taking the time to seriously consider the application and for actually visiting the site. She noted that she saw several public representatives going through the woods and that the residents appreciated those who made this effort. Mr. Masters agreed.

6. NEW BUSINESS

A. Authorized Disposal of Unneeded Records

Mr. Clark reported that Council approval was needed prior to disposing of unneeded public records. The records to be disposed are financial records from 2007-2011. Mr. Carlson motioned to authorize the disposal of these records and Mr. Helm seconded the motion. Council approved Resolution 2016-62 with a vote of 6-0.

B. 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 27, 2016 Bill List be authorized for payment by the Finance Department:

| GENERAL FUND | | |
|--------------------------|------------------------------------|--------------------|
| A.J. Blosenski, Inc. | May Recycling and Waste | \$17,656.00 |
| Aqua Pennsylvania, Inc. | May Hydrant Bills | \$11,432.25 |
| Kelly & Close Engineers | Professional Services 4/23-5/20/16 | \$10,837.56 |
| Oliver Heating & Cooling | Service Call System #4 | \$155.25 |
| | HVAC Install #6 Condenser | \$5,953.00 |
| | Scheduled Maintenance | \$2,521.50 |
| | | <u>\$8,629.75</u> |
| Total General Fund | | <u>\$48,555.56</u> |

RECREATIONAL ENTERPRISE FUND

PNC Credit Card-To G/F Various Trips \$20,353.00

Mr. Helm seconded this motion and Council approved Resolution 2016-63 unanimously with a vote of 6-0.

8. ADJOURNMENT

Mr. Galloway adjourned the meeting at 7:32 PM.

Respectfully submitted,



Amanda Allen, Recorder