

MIDDLETOWN TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA  
AUGUST 22, 2016

Minutes of the Regular Meeting of Township Council Held on, August 22, 2016 at 7:00 P.M., in the Township Administration Building located at 27 North Pennell Road

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Present: R. Carlson, S. Galloway, D. Helm, N. Shropshire, S. Powell,

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

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1. OPENING

Mr. Shropshire called the meeting of the Council to order at 7:08 P.M., and led recitation of the Pledge of Allegiance to the Flag. He noted an Executive Session took place prior to the meeting to discuss a real estate matter and Item 4A of the Agenda.

2. COMMENTS FROM THE PUBLIC

Mr. Evans shared that he was at the July 25<sup>th</sup> meeting and he did not feel the minutes from that meeting provided an accurate account of the record. He expressed dislike that the audio tapes are not kept and thought not keeping them may be illegal. Mr. Clark noted that there is no legal requirement to keep the tapes once the meeting minutes are approved by Council.

Bibbiana Dussling, 76 War Admiral Lane, stated she has been in front of Council before with concerns about speeding in her neighborhood. Through those meetings, a new stop sign was approved for Riddlewood. She was also asked to find out if her neighbors would be accepting of making the roads into the development one way. She was reporting back that this was not found to be favorable as the neighbors felt the problem would only make the street that would not be one way more congested by cut-through traffic. She stated that when the police monitor the neighborhood, the problem is not as bad but it seems to only last as long as the police are there. Since school is about to start, she and the neighbors are concerned. While the School District has agreed to do some bus pickups at the driveways, that would not be for everyone. With this in mind, Ms. Dussling requested a three-way stop sign at the intersection of Citation Lane and War Admiral Lane, Do Not Enter signs be installed and larger, more pronounced Local Traffic Only signs. Mr. Shropshire stated that Council was willing to consider this if it is truly the general consensus of the Riddlewood community. He wanted to be sure everybody was on board with Do Not Enter signs since that would also mean it would apply to those in the Riddlewood community. Ms. Dussling stated she would ask and reported that recently her community formed a committee to address this matter. Mr. Carlson instructed her to contact him about this situation and Mr. Shropshire instructed Mr. Clark to include the stop sign request on the agenda for the next Road, Highways and Public Safety meeting.

3. REPORTS

A. CHAIRMAN

None

B. LAND PLANNING

Mr. Galloway reported the Land Planning Committee included an informal presentation from Mr. Abboud regarding 129 Middletown Road and possible uses for the property. There was also an informal meeting with Benson Homes regarding land use and possible zoning changes for a property along Rt. 352 near Brookhaven.

C. MANAGER

None

4. NEW BUSINESS

- A. Consideration for Adoption – An Ordinance of the Township of Middletown, Delaware County, Pennsylvania, granting to Sunoco Pipeline, LLP, a Texas Limited Partnership, a non-exclusive fifty-foot-wide (50') free and unobstructed permanent easement in order to construct, operate and maintain two (2) pipelines and any underground appurtenant facilities and above-ground markers on Township property identified as Tax Parcel No. 27-00-00627-99 (Sleighton Park); Tax Parcel Nos. 27-00-01103-00 and 27-00-01103-01 (Linville Tract Open Space); Tax Parcel No. 27-00-01819-00 (Old Mill Pointe Open Space); and Tax Parcel No. 27-00-01792-01 (Hillcrest Tract Open Space), and a non-exclusive maximum twelve-foot-wide (12') perpetual right of way and easement for use as an access road on Township property identified as Tax Parcel No. 27-00-01199-01 (Glenwood School Side Open Space); and Tax Parcel Nos. 27-00-00741-00 and 27-00-00744-00 (Tunbridge Open Space – Rear).
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Mr. Shropshire noted that Jim Flandreau was acting as Special Solicitor for the Township for this matter.

Mr. Flandreau reported that tonight the Ordinance was supposed to be considered for adoption; however, he is recommending no action be taken because some aspects of the four easement documents have not been agreed to by Sunoco yet. This primarily has to do with language revisions regarding the Sleighton fields. He felt Council could not consider this further unless Sunoco agreed to the conditions first. He stated the best approach is to reintroduce the Ordinance and readvertise once the language changes are made. As long as everything moved forward at the pace it has been, he thought it would likely be able to be reintroduced at the September 12<sup>th</sup> meeting.

There were no questions from Council. Mr. Shropshire opened the floor to audience members.

William Evans, 5 Foxwood Lane, noted that the Agreements describe the easements as being permanent and forever. He felt Council did not have the authority to make agreements that had no end date to them. He also stated that the pipelines were not to be used for gas but for other chemicals. Mr. Flandreau responded that easements are commonly granted with the terminology of permanent and forever. He stated it was a

matter of routine and the language used was standard for this type of agreement. Mr. Evans reiterated that he did not feel Council should have the authority to do an agreement with that kind of length and he will contest such a grant.

Eve Miari, 407 Meetinghouse Lane of Upper Providence Township, stated her child will go to a Montessori School in the Township. She went on to report that she put a petition online earlier and quickly got 300 signatures petitioning Council to extend consideration by 30 days in order for residents to become more informed on the matter. Mr. Shropshire invited her to present the petition to Mr. Flandreau, which she did. She also stated she would send him the pdf format that was more detailed.

Paul Sheldon, 443 W. Baltimore Avenue of Media Borough, noted that Sunoco was not at the meeting and expressed that Sunoco's safety record is not sound. He shared some facts about Sunoco's safety record, which included the oil company paying \$2 million in fines and having 262 incident reports since 2006. In addition, according to Mr. Sheldon the DEP cited over 42 violations in the first year of the Mariner East project. He stated that this project could affect the community's children and its purpose is not to serve the community but to ship product to Europe. Mr. Flandreau responded that there was a public meeting in January 2016, which Sunoco was present for. At this meeting, Sunoco came with their Chief Engineer and other representatives to address safety and property issues. He felt that Mr. Sheldon's comments were beyond the jurisdiction of the Township since it is Federal and State regulations and agencies who are charged with assuring safety of the pipeline.

Leslie Campo, 210 Blackhawk Court, asked how well the January meeting was publicized. Mr. Galloway stated it was advertised on the Township television channel, on the website, in both *The Daily Times* and *Town Talk* newspapers, and mentioned at at least one Council meeting. Advertising began at least 3 weeks prior to the meeting and the meeting was well attended by residents. He described the meeting room as a packed house and expressed that he felt the Township did all it could to advertise the meeting. Ms. Campo expressed that she felt there was some type of mix-up because nobody she spoke with seemed to know about the meeting and that PECO told her she did not need to attend the meeting because it did not affect the Township. Mr. Galloway disagreed with the possibility of there being a mix-up since the Township took so many steps in advertising the meeting and its purpose.

Ms. Campo went on to comment that Mr. Flandreau stated that safety was up to Federal and State regulations and agencies. She reported that there are only 13 inspectors for 46,000 miles of pipeline and that Pennsylvania has one of the least amounts of regulations in the country. She asked who was representing the community and questioned if this task was provided to Council. Mr. Flandreau responded that the Township has been taking this matter seriously and has been in negotiations with Sunoco for about a year and a half. Part of these negotiations have included making certain demands of Sunoco. Sunoco's plans have been reviewed and adjusted and, in the process, Council has extracted many concessions from

Sunoco to protect the Township. For instance, one such concession is the Township being allowed to appoint engineers of its choosing to monitor every step of the project and to have this monitoring completely paid for by Sunoco. He emphasized the Township's chosen engineer would be assuring Sunoco is following the plans as per safety regulations. He reported that the deal will not go forward without that guarantee. He noted that this did not mean the engineers will be inspecting every weld of the pipeline as that is covered by other State or Federal agencies. He also noted that the language of the agreement will not be made public until both sides agree to the terms. It would be made public at the time of final approval of the Ordinance.

Ms. Campo expressed that it is important to the residents of the Township that the language for monitoring and supervising is clear in the agreement since there are not a lot of regulations in the State. She wanted to be sure the Township inspections went past just the blue prints and was ongoing during construction. She also asked if it would be regulated forever. Mr. Flandreau stated the Township Engineers will be in the field, eyes on the job, for the length of the project. After work and restoration work is complete, there would be no need for further inspections since work would be finished. Ms. Campo commented that residents planned to live in the Township after their work is completed. Mr. Shropshire commented that he and the other members of Council live in the Township as well. He noted that he personally has 4 pipelines going through his property and has never had a problem. He went on to state that Council is making sure steps are being taken to assure the pipeline is being built properly, which is why Mr. Flandreau has worked to make certain the Township has the right to have competent and qualified professionals to monitor the installation of the project. Ms. Campo then provided Mr. Flandreau a list of other questions she wanted answered.

Tom Smith, 47 Van Leer Avenue, commented that he is aware there are other pipelines going through the Township but that this one was different because it would be moving different material. He also expressed that no real action ever seems to happen unless there is an incident and that he is not willing to risk an incident happening since this pipeline would be going past Glenwood Elementary School. He went on to state that concerns come down to risk and fear and that residents are looking for assurances that this pipeline will be safe. They also want clarification on the particulars of the project and what they can do to stop this project from taking place. Mr. Flandreau responded that the pipeline is an enterprise of Sunoco and that they have obtained right of ways across the State. There have been court cases brought against Sunoco but they have not been successful in stopping the pipeline from being constructed. He went on to report that this pipeline's route comes through the Township and many residents have already granted Sunoco the requested right of way to bring it through the Township. The Township is involved with these negotiations only because Sunoco has requested to construct the pipeline across 4 Township open space parcels. If the Township denies the request, Sunoco would only adjust their plans and go through private property without the concessions the Township has received. Sunoco has been successful at getting Township residents to

grant right of way access to it so it appears even if the Township denied the use of the open space, Sunoco would find a way through the municipality. Mr. Flandreau reiterated that the Township has received substantial considerations from Sunoco through negotiations to protect parks and recreation areas, particularly Sleighton Park. He also noted that the easement by Glenwood School is for road access only. Mr. Smith stated he thought the pipeline was still reasonably close to the school. Mr. Flandreau responded it was reasonably close, but just as close as the other pipelines that are already in place and active. He also commented the new pipeline was to be a higher quality with new technology. Mr. Smith asked for exact distance from pipeline to the school, but Mr. Flandreau stated he would need to get that answer from Sunoco's engineer.

Mr. Clark stepped in and commented that he noted a man was recording the meeting. He stated that it was a Township policy that anybody recording a meeting had to make this fact public by providing name, address, and telephone number. The man identified himself as Chris Dietrich, 360 Kirk Lane of Upper Providence Township; (610) 322-3428. Leslie Krowehenko of *The Daily Time* also noted she was recording the meeting for her reporting.

Rich Calhoun, 36 N. Pennell Road, inquired if the pipeline would only be going through public land in the Township. Mr. Flandreau answered in the negative and explained that while the pipeline is also being installed through private land, the purpose of this meeting is to discuss the public land only. Mr. Calhoun noted that he received a letter from Sunoco about eminent domain and asked if that meant he had to negotiate directly with Sunoco. Mr. Flandreau said that was correct and that he should have already been contacted about the Mariner pipeline. Mr. Calhoun stated that he just got the letter 5 days ago. Mr. Clark interjected and stated that he believed Mr. Calhoun's letter was not about the Mariner pipeline, but a different existing pipeline. He noted that Mr. Calhoun lived down the street from the Township building and the Mariner pipeline was not going down that road. Mr. Calhoun asked what kind of recourse he had with the Township. Mr. Clark stated that if Mr. Calhoun provided him with the letter, he would get clarification from Sunoco for him. Mr. Calhoun stated he would bring it to the Township building the next day.

Seth Kovnat, 75 War Trophy Lane, commented that ongoing safety and inspection was his concern since there was to be 1,500 pounds of flow going through the pipeline. He asked if it would be underground and if it would be made of steel. Mr. Flandreau stated it was an underground pipe but that he would have to defer to Sunoco for what the pipe would be made of since he was not their engineer. He also deferred Mr. Kovnat's question to Sunoco about whether or not a pipe has burst that was made of the same composition. Mr. Kovnat commented that he read that proof testing was completed at 125% pressure and that seemed low. He explained that his experience was in aerospace and that testing should be done at 150% pressure at minimum. Mr. Flandreau responded that he believed Sunoco exceeded minimal testing requirements but that Matthew Gordon, Sunoco's Lead Engineer, would be able to answer the question more accurately. He stated he could get that answer from

Mr. Gordon. Mr. Kovnat asked if routine maintenance is ever done. Mr. Flandreau answered in the affirmative and commented that Mr. Clark receives notices about routine maintenance being completed for their pipelines routinely. Mr. Clark agreed and stated that the property owners where testing would be done are also notified.

Chris Garriga, 416 Meadowhurst Lane, commented that his concern was how the Township notified the residents about what is occurring; noting that he could find only one document online from 2015 on the Township website. Mr. Clark stated that he could include general information and maps on the website. He also reported that residents should also be able to go directly to Sunoco for more information. He emphasized that the Township was not a repository for detailed technical information and could only provide general information. Mr. Garriga explained that the information he was inquiring about was more informational and specifically the documents that Sunoco provides the Township. Mr. Clark stated he could post documents, to the extent of them being in possession of the Township. Mr. Garriga asked where the Township received its information and Mr. Galloway answered from the Solicitor, the meeting in January, and since then, through public comment. He noted that public interest in matters like this unfortunately does not tend to swell until the end; as is the case with this agenda item. He expressed that Mr. Garriga made a good suggestion about posting more information online and that Council would look into that possibility further. Mr. Flandreau noted that posting Mr. Gordon's power point presentation from the January meeting may be helpful if the Township could acquire it. He stated he would work with Mr. Clark to try to get this done.

Mr. Garriga asked who would be doing the inspections that Sunoco was to pay for. Mr. Flandreau stated Township would have its own engineer, a third party contractor (Kelly & Close) conduct these inspections. He stated Eric Janetka has worked on some of the specifications and that the Township would use its own engineering resources. Mr. Garriga asked if this exposed the Township to risk and Mr. Flandreau explained that was why Mr. Kelly is defining the scope of work so that problem is avoided. Township engineers would not be putting themselves in the role of public inspectors and would be primarily concerned with impact to Township during its inspections.

Mr. Garriga asked if Council was only voting on Township-owned areas. Mr. Flandreau stated that was generally correct, noting that there are 4 permanent right of way agreements across open space and 3 permanent agreements for road access that would not be for the pipeline itself.

Tony Ieradi asked if it was only the verbiage that needed to be changed. Mr. Flandreau reported that the terms in all 7 agreements must be satisfactory to all. There were still a few clauses that needed to be worked out that the Township and Sunoco have not agreed upon yet.

Mike Bomstein, 225 S. Pennell Road, stated his daughter also lived in the Township at 21 Rampart East. He noted that he is a lawyer who is involved in litigation to stop

this pipeline from being constructed. Mr. Shropshire inquired if he was able to talk about this if he was involved in litigation. Mr. Bomstein continued, stating that he did not come to the meeting in January and that he was aware that was his fault. He went on to ask if this deal was sealed for the most part and if these last parts were just procedural. Mr. Flandreau stated Council must decide that and that Council will not comment until the deal is completed. Mr. Bomstein asked what decision was made in January. Mr. Flandreau stated no decision was made then and the purpose of that meeting was informational only and provided residents a chance to ask questions.

Mr. Bomstein explained that he did not see a need for this pipeline or a reason for the Township to go along with it. He asked if it was solely because it is better for the pipeline to go through public land instead of private land and Mr. Flandreau answered this was the basic reason. It was also the least disruptive route in the Township.

Mr. Bomstein continued, reporting that Pennsylvania uses 22,000-29,000 barrels of propane a day and that these pipelines could carry up to 75,000 barrels per day. He felt this showed there was not a need for it since it was so much more. He stated that the new pipelines for Mariner 2 are supposed to add 250,000 barrels per day and if all goes through, this would be about 320,000 barrels per day when Pennsylvania is only using a fraction of that amount. He questioned where all this extra product was going and then noted that he won his case in Philadelphia. He stated he was not making a pitch to his cause but didn't see a rush for the Township to make a decision. He did not think there was a need for the pipeline to go anywhere in the Township.

Derrick Schweitzer, 14 War Trophy Lane, noted that Ms. Merino provided him with the easement text but he wanted to see the exhibits also. He also commented that the additional engineering inspections Mr. Flandreau noted was more for quality of life and not the specific details of building the pipeline. Mr. Flandreau stated the Township engineers would not be involved in the technical aspects of manufacturing the pipe and that their number one job was to protect the residents of the Township. He used examples of noise and dirt/soil staging. Mr. Schweitzer asked if there were stormwater permits and if it would only be on public land. Mr. Flandreau stated the stormwater permits would go thru PADEP and that the pipeline was going throughout the Township; not just the open space. The inspections will move from one part of the Township to the other. Neighbors will benefit from these inspections and the Township wants to hear from residents if there are issues. Mr. Clark commented that concerns and inquiries should go through the Township and not the engineering firm in order for the Township to remain aware of what is going on. The Township will refer questions or concerns to the engineers as they come up.

Mr. Schweitzer asked what would be approved with the easements. Mr. Flandreau reported additional documents would be approved with language protections regarding Township roads, legal protection, etc. These protections would be afforded to all Township residents.

Greg Davis, 225 Robin Road of Upper Providence, asked if impact studies were done to determine if the open space this pipeline was proposed to be constructed in were sensitive, and if so, where could he obtain a copy of the report. Mr. Flandreau stated that one property is not part of this scope and that is the Wawa property owned by Natural Lands Trust. Natural Lands Trust negotiated directly with Sunoco but because the Township is the holder of a conservation easement there, Council had to sign off on the agreement. Mr. Clark noted the other Township open space areas included Sleighton Park, Old Mill Pointe, part of the Linvilla tract and the Hillcrest open space tract. An existing pipeline already goes through this area and there may be some stream crossings but not any big wetland areas to his knowledge. Mr. Flandreau noted that Sunoco will have to comply with all necessary DEP and EPA requirements at stream crossings.

Mr. Davis asked if Sunoco has built these types of pipelines before and what types of plans were in place for catastrophes. Mr. Flandreau stated Mr. Davis would have to ask Sunoco these questions. Mr. Galloway noted that while both questions came up at the January meeting, he could not recall the specifics. Mr. Flandreau commented that Sunoco had to keep the Township aware of what is passing through the pipeline at all times so proper measures can be prepared for with municipal emergency personnel.

Mr. Davis asked how the community would be made aware if the pipeline broke. Mr. Clark stated it would be similar to other disaster plans with police and fire response, a radio and email blast and notification on the bulletin board. He noted a lot of notification would depend on how and when a problem happens. If the problem is significant enough, then the County takes over.

Mr. Davis asked if there would be fencing around this underground pipe. Mr. Clark stated it would be treated as any other pipeline running through the Township with clear warning markers and that nothing extra was being done.

Bibbiana Dussling, 76 War Admiral Lane, first commented that she appreciated the effort that the Township and Council are putting toward this matter. She then expressed that her concern is after the pipeline is constructed, when State and Federal regulations are all that are in effect and the Township has less involvement. She asked when Sunoco would be able to access the road by Glenwood School. Mr. Clark stated that the agreement would be permanent in nature but they would normally only access the road for emergency situations or routine maintenance. Mr. Flandreau reiterated the use and commented that it would be an uncommon experience for them to utilize the road. Ms. Dussling asked what type of notification there would be for accessing the road. Mr. Clark responded that the road access is not really on the school's property. The existing driveway access is off of Lenni Road, and the busses use it now. He emphasized that inspections are done aeriually on a regular basis so use of the access roads are infrequent. He noted that Sunoco will only notify the Township when they are conducting tests. Mr. Clark felt that Sunoco using the access road would depend on what is being done. Ms. Dussling expressed

that she felt the Township was taking this part of the agreement for granted. Mr. Clark responded that the Township could really only go off of what historically has happened and their experience with other easements.

Ms. Dussling noted that it appeared that more concessions were happening with this deal because the Township was getting involved. She asked if the private deals would receive such concessions without Township involvement. Mr. Flandreau stated that the Township would lose considerable leverage if there were no negotiations for the public land. He commented that the Township did not invite Sunoco to come through the municipality; Sunoco approached the Township. As a result, this leverage has been able to be used to the advantage of the community.

Ms. Dussling reiterated that the ongoing operations and not just the pipeline is the main concerns of residents and the concessions don't seem to address that issue. She asked that the Council consider this. Mr. Flandreau responded that Council shared her concern and noted that members of Council have pipelines on their properties. The Township is vigilant about this and is dealing with what it is able to. Regulations on flow, however, is the responsibility of other government entities. Ms. Dussling asked what other government entities are involved. Mr. Clark responded that the DEP scheduled a series of hearings across the State; the closest being in West Chester a few weeks ago. Mr. Galloway stated it was advertised in the *The Daily Times*, and Mr. Clark noted that the Township does not control how and where it is advertised. He added that some municipalities in Delaware County are not involved with this because the pipeline is not crossing through them.

Ms. Dussling asked how public land exposure could be reduced, stating she did not want the pipeline near her home. Mr. Flandreau explained that by allowing Sunoco to go through public land, it will not be as close to homes as it would be if the easements are granted to Sunoco via private property. Public lands are the least disruptive place for the pipeline.

Ms. Miari spoke again, stating that both the benefits and risks need to be considered. She expressed she only saw risk and questioned what the benefits were to the Township.

Mr. Shropshire asked Mr. Flandreau if litigation taking place for this issue has generally lost. Mr. Flandreau reported that most cases have been ruled in Sunoco's favor and that only Mr. Bomstein's claim earlier was the first appellate to go against Sunoco. Ms. Miari questioned if the project was right for this community and asked Council to listen the concerns being raised by the residents at this meeting.

Mr. Bomstein asked if the compensation to the Township in this agreement was a one-time fee or continual. Mr. Flandreau confirmed there would be a substantial compensation but no decision was yet to be made as to whether or not it would be a one-time payment or consecutive and he was not at liberty to discuss the amount at this time.

Rachel Davis, 225 Robin Road of Upper Providence, stated she reviewed the Sun Logistics information from the January 29<sup>th</sup> meeting and had a question about page 13 of the presentation. Mr. Shropshire stated he was uncomfortable answering questions about this document without it in front of him. She continued, asking if the workers for the project would be employed from Pennsylvania. Mr. Flandreau stated he did not know but expected they would be highly skilled at installing pipeline and could be from anywhere in the country. Ms. Davis then asked several questions regarding air monitoring testing that has been completed and the results. Mr. Flandreau expressed that she was asking the wrong body these questions and that the Chief Engineer for Sunoco would be better suited to answer this questions. He noted that she was asking questions to Middletown Council and not Sunoco.

Mr. Galloway motioned to continue this matter to the September 12, 2016 Council Meeting. Mr. Carlson seconded the motion. Council approved the continuance unanimously with a vote of 5-0.

**B. Review of Proposed Project Agreements: Sunoco Pipeline**

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This matter was continued to the September 12<sup>th</sup> meeting.

**C. Review of Final 2-Lot Subdivision Plan: Falcone Brothers Builders - 141 Barren Road**

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Gus Houtmann, engineer for the applicant, explained the proposed 2-lot subdivision was located on the North side of Barren Road across from Penncrest High School. The applicant received zoning relief from the Zoning Hearing Board and has been approved for lots to be less than 1 acre each (.949 net acres and .84 net acres). This area is not environmentally sensitive. The applicant wishes to create two building lots with this subdivision, which would be accessed from a private drive on each lot. They would have public water and sewer. There would be a seepage bed on each lot for stormwater management.

Mr. Houtmann reported that he received comments from the Engineer and the majority of them were will comply. The only concern he had was for #6 of the Kelly & Close review letter. He asked for a waiver from the requirement of having an 80 foot Right of Way, stating this was inconsistent with the other residential properties on that road. Mr. Janetka did not have a problem with this and noted that 60 feet was more consistent with the other Barren Road projects. Mr. Clark added that PADOT had no plans of widening that portion of Barren Road and it would be acceptable for Council to grant this waiver. He also stated that the plan as drawn is in compliant form if Council grants this and that the waiver is referenced in the review letter.

Mr. Houtmann said he had no other issues and was just working through the easement and negotiations with Mr. Janetka.

There were no other questions or comments.

Mr. Galloway motioned to approve the Final 2-lot subdivision plan. Mr. Carlson seconded the motion and Council approved Resolution 2016-76 unanimously with a vote of 5-0.

D. Review of Final 4-Lot Subdivision Plan: Convery - 33 N. Middletown Road

Mr. Houtmann was the engineer for this applicant as well and noted Mr. Convery was also present. This property is on the East side of Rt. 352 across from the old Chi Chi's property. It is currently 4.8 acres and zoned R-1. The applicant is proposing subdividing this into 4 lots; 3 new building lots and 1 for the existing house. There would be a common driveway off of Middletown Road that would be 16 feet in width to access all lots. The lots would have public water and on-lot sewer and there would be stormwater seepage beds on Lots 1 through 3. There would also be 2 seepage beds along the common driveway.

Mr. Shropshire asked if all 4 homes would be off of 1 driveway and Mr. Houtmann answered in the affirmative. Mr. Clark asked if the driveway would only be right turn in and right turn out. Mr. Houtmann said that was correct. Mr. Clark then noted the Sewer Authority requested installing a capped sewer line because there will be public sewer access available with the Granite Run Mall project. Installing the capped sewer line now will assure the lots are ready for public sewer when the time comes. Mr. Houtmann stated the applicant was willing to do that.

Mr. Janetka stated his only issue was the monuments and description of lots to the ultimate right of way and not legal right of way. Mr. Houtmann acknowledged this and stated he has always set to the ultimate right of way because lots are defined by code to there. Mr. Janetka stated that legal right of way is typically used to avoid no man's land issues. Mr. Galloway thought it best to follow advice of the Township engineer. Mr. Janetka also stated that the monuments along the common right of way was only a recommendation and that the applicant could pin it. Mr. Shropshire agreed the applicant could use pins instead of monuments.

Mr. Galloway motioned to approve the subdivision plan contingent upon the clarifications expressed. Ms. Powell seconded the motion and Council approved Resolution 2016-77 unanimously with a vote of 5-0.

E. Modification of Final Land Development Plan Conditions: Promenade at Granite Run -1067 W. Baltimore Pike

Joe Riper, legal representative for the applicant, reported that site work is now being completed on the Granite Run property and the next step is obtaining building permits. He reported that the applicant has submitted 3 of the 4 HOPs and then went over the access points of the property, noting that the right in/right out access road to the former Chi Chi's property would be permanently closed, there would be three

entrances on Middletown Road, and all entrances on Baltimore Pike (except for where the 2<sup>nd</sup> apartment building will have new entrances). Since no new entrances are being proposed to be opened at present, Mr. Riper asked to be released from final plan recording requirements so that the applicant can occupy 3 of the buildings before the project is completed and before all HOP permits are approved by PADOT. He stated traffic would not be an issue and listed the 3 buildings to be completed as Apartment Building 1 on the former Chi Chi's property, Building B to the West of the Ale House, and Building D (the CHOP Medical building next to Kohl's). Mr. Riper expressed the applicant's wish to be able to begin building construction before all HOPs are approved by PADOT.

Mr. Riper noted that the Township's traffic engineer reviewed this condition and is comfortable with it. Mr. Clark reported that Mr. Riper's summary was accurate and consistent with what he discussed with Mr. Damico and the traffic consultant.

Mr. Carlson motioned to approve the modification to the Final Land Development Plan Conditions. Mr. Helm seconded the motion and Council approved Resolution 2016-78 unanimously with a vote of 5-0.

F. Authorize Dump Truck Purchase Proposal: COSTARS Contract #25-081

Mr. Clark reported that the Township planned to replace a dump truck this year. Due to an engine fire, a second dump truck is also in need of replacement. The Public Works Department received bids under the COSTARS program and the lowest bid is from Hoskins Ford of Coatesville in the amount of \$73,799 per truck. \$75,000 was budgeted for the one dump truck and the Township received \$68,000 from the insurance settlement to put towards the purchase of the fire damaged dump truck. He recommended accepting the low bid, which is a total of \$147,598 for both trucks.

Mr. Galloway motioned to accept the low bid for the 2 dump trucks. Mr. Helm seconded the motion and Council approved Resolution 2016-79 unanimously with a vote of 5-0.

G. Review of Preliminary Subdivision and Land Development Plan: Franklin Mint Residential Parcel -1420-1450 W. Baltimore Pike

Mr. Clark reported that the applicant requested this matter be removed from the Agenda.

H. 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 August 22, 2016 Bill List be authorized for payment by the Finance Department:

**GENERAL FUND**

<u>Vendor Name</u>	<u>Description</u>	<u>Amount</u>
Aqua Pennsylvania, Inc.	July Hydrant Bills	\$ 11,457.50
Arthur J. Gallagher	W. C. Downpayment & First Installment	\$ 182.03
	W. C. Downpayment & First Installment	\$ 4,287.65
	W. C. Downpayment & First Installment	\$ 5,349.46
	W. C. Downpayment & First Installment	\$ 293.26
		<hr/>
		\$ 10,112.40
	General Fund Total	<u><u>\$ 21,569.90</u></u>

**CAPITAL RESERVE**

The Bank of New York Mellon GOB Series 2011 - Interest Payment	\$ 11,231.25
GOB Series 2011 - Interest Payment	\$ 5,601.25
GOB Series 2011 - Interest Payment	\$ 8,300.00
	<hr/>
	\$ 25,132.50

Mr. Galloway seconded this motion and Council approved Resolution 2016-80 unanimously with a vote of 5-0.

6. ADJOURNMENT

Mr. Kirchgasser adjourned the meeting at 9:30 PM.

Respectfully submitted,



Amanda Allen, Recorder

