

MIDDLETOWN TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA  
OCTOBER 27, 2014

Minutes of the Regular Meeting of Township Council Held on, October 27, 2014 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, and J. Damico, Esquire

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1. OPENING

Chairperson Mr. Kirchgasser's called the meeting of the Council to order at 7:04 P.M., and led recitation of the Pledge of Allegiance to the Flag.

2. APPROVAL OF MINUTES

Mr. Galloway motioned to approve the minutes for the August 25, 2014 regular meeting. Ms. Amoroso seconded this motion and Council approved unanimously, with a vote of 7-0.

Ms. Amoroso motioned to approve the minutes for the September 8, 2014 regular meeting. Ms. Bradshaw seconded this motion and Council approved unanimously, with a vote of 7-0.

3. COMMENTS FROM THE PUBLIC

Sister Kathleen Parisi of St Francis of Philadelphia stated that she was a resident of the Township and lived in Tunbridge Apartments. She noted that construction has been taking place between the apartment complex and Chester Creek and that she recently learned the construction is being performed by Sunoco. She felt that Sunoco was building a "Mini Marcus Hook" and some of the forest has been removed in the process. Sister Parisi stated that she learned from the Township that the landlord was notified of this activity; however, she expressed that she felt the residents should have been informed of this construction prior to it beginning because she may not have renewed her lease with the apartment complex if she was aware. According to Sister Parisi, none of the residents she spoke with were aware of this project prior to construction beginning.

Sister Parisi went on to state that she felt "public conversation" about environmental issues needed to take place; specifically on what Sunoco was building behind her apartment and the impacts on the environment that may result.

4. REPORTS

A. CHAIRPERSON

Mr. Kirchgasser informed those present that there was a fire resulting in the loss of life at Elwyn Institute on October 8, 2014. He recognized the fatal tragedy and acknowledged the work the volunteer fire fighters did in controlling and

extinguishing the fire. He emphasized that the fire fighters were all “outstanding and professional.”

Mr. Kirchgasser also noted that Boy Scouts Troop 404 was present at the meeting for their merit badge on citizenship.

B. FINANCE AND ADMINISTRATION

Mr. Carlson reported that the Finance and Administration Committee reviewed the 2014 budget and discussed the roof replacement of a building on the Smedley Property.

C. MANAGER

None

5. PUBLIC HEARING

- A. Proposed Intermunicipal Transfer of a Restaurant Liquor License into Middletown Township for 1010 W. Baltimore Pike, Inc. to operate a restaurant at 1010 W. Baltimore Pike pursuant to Sec. 4-461 of the PA Liquor Code
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John McCreesh, attorney for the applicant, introduced himself and explained that liquor licenses are able to be transferred to different municipalities within the County, as long as the receiving municipality approved the transfer. He went on to state that his client bought a liquor license in Upper Darby Township and requested Council approve its transfer to the Township for the use of a new restaurant.

Mr. Damico noted that the notice of public hearing was published. He entered into evidence as Township Exhibit # 1 the proof of publication for the notices that appeared in the Delaware County Times on October 10, 2014 and October 17, 2014.

Mr. McCreesh entered into evidence Applicant Exhibit #1, which was a copy of the menu for the Greek restaurant that his client would be opening at 1010 W. Baltimore Pike. He then introduced the applicant and owner of the restaurant, Argie Nazirides. Ms. Nazirides testified that the restaurant would serve predominantly Greek items and that the hours of operation would be 10 AM – 10 PM during the week and would possibly stay opened until 12 AM on the weekends, depending on business. She went on to state that there would be no bar at the restaurant and that patrons could only order alcoholic drinks with the purchase of food. Ms. Nazirides stated the restaurant would not have any form of entertainment on the premises. She went on to testify that the restaurant should seat between 34 and 36 guests and would feature an open kitchen. Mr. McCreesh entered a copy of the restaurant plans into evidence as Applicant Exhibit #2.

Council did not have any further questions. Jim Bushy asked where the restaurant would be located and Mr. Kirchgasser responded with the location of the restaurant (Southbound Rt. 1, next to the Cloverleaf).

Mr. Shropshire motioned to close the hearing. Mr. Galloway seconded this motion and Council approved unanimously with a vote of 7-0.

6. NEW BUSINESS

A. Review of Intermunicipal Restaurant Liquor License Transfer—1010 W. Baltimore Pike, Inc.—1010 W. Baltimore Pike

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Mr. Shropshire motioned to approve the intermunicipal liquor license transfer into the Township for 1010 W. Baltimore Pike, Inc. Mr. Galloway seconded this motion and Council approved Resolution 2014-75 unanimously with a vote of 7-0.

B. BET Investments—Granite Run Mall Redevelopment—1067 W. Baltimore Pike

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Joe Riper, attorney for BET Investments, reported that he met with Mr. Clark and Mr. Damico twice since the last presentation before Council on August 4, 2014 in order to discuss the zoning ordinance for the “de-malling.” He explained that he originally requested to have Council formally introduce the ordinance at the present meeting; however, questions have developed related to storm water at the County and DEP level. Since this is the case, he requested that the decision to introduce the ordinance be deferred until after he has met with Mr. Damico and Mr. Clark about the developments. As a result, this presentation would be an update on the redevelopment plans.

Keith Lieberman, Project Engineer, used a diagram to show the revised layout of the redevelopment project and commented that it was returning to “the symmetry” it originally had in the first plan. He reported that this was still considered a preliminary plan; however, it was close to what the final plan should look like.

Mr. Lieberman went on to state that a connection was added for the center area between the lower and upper levels. Mr. Lieberman reported that there would be 863,000 square feet of retail; 544,000 square feet of that is existing retail space that will remain post-development. In addition, Mr. Lieberman reported that there would be 2 apartment buildings on the property with a total of 388 units. The apartment building next to Oriole Avenue (Apartment 2) would have fully contained parking and the apartment building next to Rt. 352 (Apartment 1) would be fully provided also. The ratio for parking is between 1.5 to 2 spaces per unit. Ms. Amoroso asked where the parking was located. Mr. Lieberman stated the parking for Apartment 2 would not be visible, as it was located in the center of the building. He indicated where the parking was for the Apartment 1 and commented that the majority of the parking lot would not be viewable from the street.

Mr. Lieberman then noted on the diagram that Apartment 2 would have 20,000 square feet of retail as well. Ms. Amoroso asked if it would be the same building and Mr. Liebermann stated the retail would be connected to Apartment 2 but would function separately with its own parking. In addition, Mr. Liebermann reported that Apartment 2 was now designed to be further away from Oriole Avenue and Apartment 1 was now designed to be further away from Middletown Road than previously shown in order to include dedicated fire lanes.

Mr. Carlson asked what the heights of the apartments would be and Mr. Lieberman responded less than 65 feet. He expected them to be closer to 55 feet high but emphasized the plans were not finalized yet. Michael Markman, BET Investments, commented that the height was necessitated by the planned 9 foot ceilings in order to make the apartments appear more luxurious looking. He noted that they were looking into a flat roof to keep the scale reasonable.

Dave Babbit, Fiscal/Demographic Planning Consultant for the project, then went on to report the demographics for the proposed apartment complexes. He reported that of the 388 total units, 225 would be one-bedroom units and 163 would be two-bedroom units. Based on this breakdown, he expected 591 total projected residents with only 20 public school students. Mr. Babbit explained that his data was based off of research conducted by Rutgers University, which conducted a study on the Pennsylvania census and all apartment units built the ten years prior to the census.

According to Mr. Babbit, BET Investments is planning to charge an average monthly rent of \$1600 and require the minimum household income to be \$77,000. He compared the planned apartments to The Pointe at West Chester since it has similar features and level of luxury. He believed that the demographics at The Pointe indicated that his projections for the proposed Granite Run apartments were accurate. The average monthly rent at The Pointe is \$1500 and the average annual income is \$77,240. He noted that 4% of The Pointe residents earned more than \$40,000 and were mostly retirees. 25% of The Pointe residents earned between \$40,000 and \$70,000; 24% earned between \$70,000 and \$100,000 and 47% made over \$100,000. Mr. Babbit emphasized that nearly 75% of The Pointe's population earned higher than the projected household income minimum established for the Granite Run project. He also noted that the ages of the renters at The Pointe were similar to what was planned for Granite Run, with the majority being between 25 and 44 or over the age of 65.

Mr. Babbit informed Council that rentals have increased nationwide and that this was expected to continue into the future. He went on to explain that a ULI study asked renters what they wanted in a community. He reported that Granite Run was planning to provide most of what renters are looking for, based off of this study. For instance, the study highlighted a short distance to work/school, increased level of neighborhood safety, short distance to medical care, and the ability to walk to nearby retail and entertainment; all of which the Granite Run apartments would be able to offer.

Mr. Babbit went on to report that the assessed value of the mall is down. For instance, in 2000, the assessed value was \$101,000,000, but it is only assessed at \$22,000,000 for 2015. He emphasized that this impacts tax revenue greatly and provided figures that indicated this. For example, Mr. Babbit stated that the impact on Township tax revenue was a decrease of \$127,000. This does not include the loss of mercantile tax, which declined nearly \$48,000 from 2012 and 2013 and is expected to continue into the future in the mall's present state.

Mr. Babbit expressed that these figures show that the future of the mall needs to be different than what it is today. He projected that if the property was developed into a vibrant mixed-use development as BET Investments plans, the assessed value would be

\$110,000,000 (higher than 2000), the Township real estate tax revenue would be \$142,000 more than it is at present (5 times the current amount), and the mercantile tax would be 2 ½ times what it is today at \$700,000. In addition, there would be an additional \$1,500,000 in school district tax created by this project.

Council did not have any questions for Mr. Babbit.

Michael Markman, co-owner of the Granite Run property, then went on to show photographs of another apartment complex owned by BET Investments called The Mark at Dulles Station. This was a 4-story building with attractive architecture that would be similar to the Granite Run apartments. He explained that The Mark also had the 4 story parking garage that would allow renters to park on the floor they live on. Mr. Markman noted that The Mark had a parking ratio of 1.6 spaces per unit. In addition, The Mark included two courtyards (one with a fire pit, the other with a pool). He then showed other photographs of what the interior of the building looked like in order to illustrate what is meant by "luxury" living (namely, high ceilings, granite countertops and premium flooring).

Mr. Markman stressed that he and his partner would have \$100,000,000 invested into this project and needed to make Granite Run a vibrant area in order to succeed. He reported that BET Investments owns 4,000 apartments in this area alone and that he "knows this market." Mr. Markman expressed that he is confident that he can achieve the rent levels he has indicated and that he wouldn't be building this type of project if he didn't think it could work. Mr. Markman informed Council that the Granite Run apartments would be the nicest apartments in BET's fleet for this part of Pennsylvania. He referenced The Pointe at West Chester, which has done well even though it is not situated with favorable views or "walkable" in any way and emphasized that if The Pointe could succeed without such things, then he was confident that his apartments at Granite Run would thrive as long as the mixed use was permitted.

Mr. Kirchgasser asked Mr. Markman to explain where certain stores were located on the diagram. Mr. Markman went over where the anchor stores would be located, as well as the movie theatre, entertainment center, restaurants and various retailers. He noted that he is at different stages of negotiations with 20 different apparel retailers at present and that he was trying to achieve a nice mix of services, entertainment, apparel and restaurants for this property.

Ms. Amoroso asked if BET had the same type of set up for any of the other 4,000 apartments. Mr. Markman responded that the apartment complexes that do the best have these types of amenities nearby.

Mr. Kirchgasser asked if Boscov's, Sears, and JC Penny were cooperating and Mr. Markman indicated that he was working with them now and ultimately expected cooperation.

Ms. Amoroso asked if there would ever be condominiums on the property and Mr. Markman answered in the negative, noting that BET does not compete against Toll Brothers.

Mr. Kirchgasser inquired if the apartment building would be built simultaneously and Mr. Markman explained that Apartment 1 by Middletown Road would be built first (175 units) in order to allow the space where AMC Theatres is currently located to be available during interior demolition of the mall for existing tenants who are staying once the project is completed.

Ms. Amoroso asked if he was planning to build a restaurant by Kohls and Mr. Markman answered in the affirmative. Mr. Clark asked what the free-standing building by the intersection of Oriole Avenue and Middletown Road was meant to be and Mr. Markman stated it was proposed for Franklin Mint Federal Credit Union but negotiations were not yet completed.

Mr. Kirchgasser asked when the project was scheduled to begin and Mr. Markman stated he was hoping for sometime in 2015, as he was planning to do the demolition as soon as he received all the necessary approvals. Mr. Kirchgasser then inquired about a SEPTA branch being located on the property. Mr. Markman responded that passive recreation brings in business.

Sister Kathleen Parisi asked what the plan was for transportation since this plan would have more cars in the area. Mr. Markman responded that the current mall has parking for a similar amount of cars. She went on to express that the local road ways were already extended. Mr. Kirchgasser commented that the Township is working to improve transportation in the area and stated that SEPTA was extending the train line to the border of the Township and Chester Heights. Sister Parisi asked if there were any environmentally-friendly considerations for the property and Mr. Markman noted the appliances would all be high-efficiency and that he was planning on adding landscape to "green up" the parking lots. Mr. Shropshire expressed to Sister Parisi that Council was sensitive to environmental issues and has been promoting open space and walking areas for years. He went on to say that landscape architects work with the Township for land development projects, such as this one, to assure developers help contribute to the environment.

Mr. Dresden inquired how the tax assessment for the mall declined. Mr. Babbit stated that assessments for commercial properties are based on an income model. Because the mall is doing less business, the value of the real estate goes down. Mr. Dresden then asked where the projected new assessment figures came from and Mr. Babbit stated it was based on comparatives, primarily with Concord Township.

Ann Klodarska commented that the current anchor stores were not very appealing. Mr. Markman explained that the leases for the 3 anchor stores were still in effect and noted that if he could terminate the relationship with Sears or JC Penny he would because those retailers are not doing well. He commented that if either of those retailers left on their own accord, he would bring in better anchors.

Bill Black inquired if any of this project was being funded through taxes. Mr. Markman answered in the negative and stated he has not applied for any grants.

Kelly Johnson inquired about transit links and Mr. Kirchgasser stated that the Township was exploring ways to get connectivity to new train line and through the Rails to Trails project.

Tony Ieradi asked what the average apartment lease time is and Mr. Markman stated that 65% tend to renew, with the average lease lasting about 3 years.

Tim Sullivan, 300 Valley Road, asked if there would be a pedestrian walk between the Granite Run Property and Riddle Hospital. Mr. Markman stated that was not part of the plan. Mr. Kirchgasser noted that part of the Township's TIP application was to have a pedestrian/bike overpass included with the Cloverleaf improvements and perhaps that may help get pedestrians to the hospital.

Evelyn Bond, 37 Oriole Avenue, asked where the entrances/exits would be for the proposed Franklin Mint Federal Credit Union site. Mr. Markman stated it would only be what was existing. Ms. Bond asked what he was planning to do with Oriole Avenue and Mr. Markman stated he was not planning on doing anything with the lots owned by the mall on Oriole Avenue. Ms. Bond then noted that the landscaping between the mall property and Oriole Avenue was "in bad shape." Mr. Markman stated that he could look into improving the landscape at the border along Oriole Avenue. Ms. Bond commented that when the mall originally started, there was an exemption for the residents along Oriole Avenue that as long as residents were on that road, "you acted as residents" and special permits were not required for work within the house. In addition, if the house sold, it sold as a residence. She noted that this exemption was somehow removed from the Township ordinance. She requested Mr. Markman have this language put back into the ordinance. Mr. Markman stated that he recently became aware of this issue and that he needed to have a discussion with Mr. Riper about including this language in the ordinance that as long as that is a residential area, it receives residential treatment. He noted that it would be up to Council to approve but that BET Investments was supportive of this condition as well. Ms. Bond went on to note that her neighbors recently had \$700 in permitting applications because of this exemption being removed and that it would be "good will" for BET Investments to reimburse them.

Mr. Riper requested to be able to continue to meet with Mr. Clark and Mr. Damico about the proposed amendment and to be on the agenda in November. Mr. Kirchgasser stated that was acceptable and that November 24, 2014 would be the best date for the Council agenda.

- C. Consideration for Adoption—An ordinance of the Township of Middletown, Delaware County, Pennsylvania for granting an easement to Sunoco Pipeline, L.P. , a Texas Limited Partnership, for the purpose of installing electric, CATV and communication facilities, either underground or aboveground, on Township property known as 236-E and 236-F Glen Riddle Road

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Tim Sullivan joined Council as acting Township solicitor for this agenda item.

Mr. Riper explained that Council introduced an ordinance to approve an Easement by the Township for Sunoco Pipeline to construct an electric line across Township ground near Martins Lane during the September meeting. He noted that he and Mr. Sullivan negotiated the price for the easement and determined it by a common level ratio assessment and the square footage involved with no discount. Mr. Riper went on to state that he and Mr. Sullivan also worked out the terms of the Easement Agreement and that he is completely satisfied with the price and Easement as a whole. He was now requesting Council approve adoption of the ordinance.

Mr. Sullivan confirmed that Mr. Riper's summary was correct and that he was also satisfied with the price and Easement Agreement. He commented that the area in question is a 25 foot wide electrical easement that is paralleling the existing access easement and existing driveway. Mr. Sullivan reported the price for this easement was just short of \$8,100.

Mr. Shropshire reported that this money would be used for open space and that the Township was essentially allowing this easement on land that could not be used so that the money could be utilized on land that was able to be used.

Mr. Shropshire motioned to approve the Easement Agreement. Mr. Galloway seconded the motion and Council approved Ordinance 751 unanimously with a vote of 7-0.

D. Review of Preliminary Land Development Plan—Tyler Arboretum—515 Painter Road

Matt Houtman, engineer for the applicant, introduced himself and the members of the Tyler Arboretum Board who were present—Guy Messick and Shipley Allison.

Mr. Houtman went on to explain that he was presenting the preliminary land development plan for Tyler Arboretum. He emphasized that these improvements would be phased over the course of 10-15 years and that the Arboretum was seeking land development approval for this conceptual plan with final engineering for grading and storm water occurring at a later date, at which point the Arboretum would come back in front of the Township for further related approvals.

Mr. Houtman then went on to explain the goals of Tyler Arboretum's master plan and contemplated improvements. He identified these goals as establishing the Arboretum as a premier regional attraction by creating new and enhanced exhibits and expanding visitor services, preserving the land and historic legacy for future generations, strengthening the connection between people and nature through learning and inspiration, and restoring and protecting the natural resources of the Arboretum through best management practices.

Mr. Houtman described the property as 650 acres and identified its zoning as OR-1. He commented that Tyler Arboretum Board members have spoken informally to Township officials about the master plan and that he has submitted the preliminary land

development plan for review. Using a diagram, Mr. Houtman showed where existing facilities were located and where property improvements were proposed to be located; all of which are along the far west corner of the property (Forge Road to the North and West, and along Painter Road to approximately Carriage Lane). He identified the improvements to include the following:

- Educational pavilion that would be an open space floor plan and include restrooms, a small catering kitchen, and storage area;
- Edible Garden area with paved pathways that would link improvements within this space;
- Butterfly House;
- Pavilion with restrooms and a seating area near the Edible Garden;
- "Nature Play" with maze, willow huts, sunflower house, etc., North of Pavilion;
- Children's vegetable area
- Event Garden, South of Pavilion;
- Home Yard (home demonstration area, edible flower display, etc.);
- Open Meadows Area;
- 2 production areas (A & B), East and West of Pavilion;
- Fruit and Nut production area;
- Children's garden and vegetable area;
- Proposed planting screens on North, West and South side of Edible Garden area;
- Expanded overflow parking for approximately 200 vehicles with provisions for bus parking (West of main entrance on Painter Road);
- Barn renovations off existing bank barn; and
- Pole barn expansion off of existing pole barn to store internal equipment and vehicles

Mr. Houtman described these improvements as promoting horticulture, nature, and best practices. There is presently a storm water management area located northeast of the parking area. He described that as the key storm management facility for the proposed improvements and stated that that would be "final designed" at this stage. There would be other smaller storm water management systems developed when the addition for the barn goes occurs (most likely a seepage bed designed). This would be done with the main pavilion too.

Mr. Houtman requested preliminary plan approval at this point even though only 60% of the improvements have "hard, detailed engineering calculations." He reiterated that the Arboretum realized this approval would be contingent upon the Township having to be satisfied at a later date for all storm water management, grading, and erosion control issues.

Mr. Houtman noted that a comment letter was received from the Township engineer and that the Arboretum will comply with the comments; however, there were a few items that they wanted to note for discussion by the final plan stage. First, since Tyler Arboretum's

whole mission is for recreation, public education, and enhancement of the environment, they requested the \$16,000 recreation fee be waived.

Mr. Shropshire stated that he had a concern about this and asked if the Arboretum charges an admission fee and Mr. Messick answered in the affirmative, stating that was necessary to pay the bills. Mr. Damico stated that there has always been an admission fee and Mr. Clark commented that in recent years a structure was constructed for collecting admission fees, which makes it harder for customers to get through without paying.

Mr. Shropshire asked if the Township in the past worked "something out" with certain applicants like Williamson. Mr. Clark stated that there were temporary land development waivers for certain small improvements that would otherwise require land development plans but that this was different because the Arboretum was doing the whole plan and not breaking it down into several plans. Mr. Kirchgasser stated that this would be addressed at final approval.

Mr. Quinn asked for the purpose of the 40' X 50' building. Mr. Messick reported that this was the proposed new pavilion, which would provide enough space for educational events and social events to take place at the same time at the Arboretum. The new pavilion would act as an event site, but also as an area for educational programs when there were no events. It would also provide additional restrooms, which is currently needed. He noted the pavilion would be the first building constructed.

Mr. Galloway asked if there was anything else to be addressed at this time. Mr. Houtman commented that Mr. Rothe's letter stated the Township requires landscape around the basin proper. Mr. Houtman informed Council the basin was to be used as an educational tool and requested the Arboretum be able to handle this requirement as the program evolves. He stated this basin was away from public view and requested some flexibility for how the Arboretum handled the landscaping. Mr. Houtman noted this request could be addressed during final plan development approval.

Mr. Galloway motioned for preliminary land development approval. Mr. Shropshire seconded this motion. Mr. Clark noted that there was a requirement that all trees to be located and that Mr. Houtman offered to provide the Arboretum's existing tree survey already done using GPS instead of an actual field survey. Mr. Houtman confirmed this was accurate and commented that it was in the area of the improvements only. Mr. Clark felt that was a reasonable request. Mr. Kirchgasser stated that could be finalized at the final development approval stage as well. Upon no further comment, Council approved Resolution 2014-76 unanimously with a vote of 7-0.

Sister Parisi asked if the parking lot would be a hard surface. Mr. Houtman answered that at this point in time, it would be a hard surface. She then asked what type of basin it would be and Mr. Houtman answered a retention pond that would have an infiltration system for the water prior to reaching the pond.

E. Approval of Easement Agreement—Rail to Trail Project Stormwater Basin—Linville Tract

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James Halligan, attorney for James Burns and the Friends of Chester Creek Branch, introduced himself as well as the representative for the County, Lou Hufnagel, who is the County Senior Transportation Planner. He reported that he has been in communication with Mr. Damico and Mr. Sullivan, who is representing the Linvills, in order to put together an Easement Agreement for the SEPTA property, also known as the Railway property. Mr. Halligan reported that he believed Mr. Damico drafted the Easement Agreement and Mr. Sullivan reviewed it. Mr. Halligan stated that his client had no issues with the draft agreement or with any comments for change made by Mr. Sullivan.

Mr. Damico stated the first draft was put together by Mr. Halligan's office and that he and Mr. Sullivan both had an opportunity to review it and negotiate changes to the document. He was unsure if the County reviewed that agreement. Through questioning by Mr. Halligan, Mr. Hufnagel reported that he had an opportunity to review the document and found it compliant. He also confirmed that there is an agreement between SEPTA and the County for the property in question, and that the County is in agreement to develop this pathway. Mr. Hufnagel verified that the County is satisfied with the proposed Easement Agreement that is currently being negotiated between the Friends of Chester Creek, the Linvills and the Township. Mr. Hufnagel confirmed that there is already an agreement in place for storm water control and management best practices between the County and the Township. He also verified the County is in the process of completing a similar agreement with SEPTA and that while it has not been finalized, he fully expected the agreement to be reached.

Mr. Halligan asked Mr. Sullivan if he had any issues with the agreement. Mr. Sullivan stated that he wanted the record to reflect that the first time he saw the agreement was three days prior on the morning of Friday, October 24, 2014, and that the past weekend was the busiest of the year for Linvilla Orchards. Therefore, the revisions still needed to be reviewed by the client. Mr. Sullivan reported that he made his final revisions earlier in the day but warned that if there were any major revisions by the Linvills, it could negate the introduction of the ordinance. He commented that he did not anticipate any major revisions but could not be certain since his clients did not have a chance to review the draft agreement yet. Mr. Damico expressed that he did not think this was a major concern since the Linvills reviewed it 2 weeks prior with he and Mr. Clark and that they agreed with the main principle, which was still in place. He, too, stated that he did not anticipate major revisions. He commented that the Linvills requested that they wanted a condition to change the Easement area to a pond for irrigation instead of a retention basin in the future pending receipt of the proper approvals at the time, and that this request was built into the agreement already. Mr. Damico felt the ordinance was ready for introduction.

Mr. Galloway commented that he felt uncomfortable voting on an Easement Agreement when he has not reviewed the most recent version yet. Mr. Damico handed out a more recent copy of the draft of the Easement Agreement and emphasized that there were no major changes. Mr. Kirchgasser noted that the draft Mr. Damico handed out did not have Mr. Sullivan's comments. Mr. Damico confirmed this was accurate and reviewed Mr. Sullivan's comments for Council. This included the Linvills reserving the right to access the property across the County property (which Mr. Damico felt was "a given") and including a provision changing paragraph 5 to state that nothing will be built in the easement area that would obstruct the purpose of the drainage. He noted the Linvills requested the ability to put a fence in the easement area, if needed. Mr. Damico did not see a problem with this request as long as it did not obstruct the flow of the water. Mr. Sullivan stated there was a limitation in a prior draft that this 1 acre drainage easement area would be grass only. He commented that the Linvills wanted the right to farm that area that is outside the area holding the water. In other words, they want to be able to use their land and "do whatever their life estate permits them to do," and not be limited to the Easement Agreement.

Mr. Damico reported that Council can introduce the ordinance at present since they will have the opportunity over the next two weeks to review the most up-to-date draft Easement Agreement before Ordinance approval. Mr. Damico also apologized for the last minute nature of the request but noted that the Friends of Chester Creek have a deadline to meet or their financing will be lost on or before December 17, 2014. Mr. Galloway stated he understood and did not want to hold the project up.

Ms. Bradshaw motioned to approve the introduction of the Ordinance and Mr. Quinn seconded the motion. Council approved unanimously with a vote of 7-0.

F. Establish Compensation—Temporary Engineering Services

Mr. Kirchgasser reported that the Township received notice of Township Engineer Art Rothe's retirement this past month and the Township would need to pursue a third party contract to conclude projects for 2014. He stated that the Township received a proposal from Kelly & Close Engineering for consideration.

Mr. Clark confirmed this and stated that the interim services would last until a final decision was made on how to replace the engineer, which may be after year end. While Mr. Rothe has been available for certain questions or concerns, the Township needed to have full coverage to handle the ongoing projects. Mr. Clark noted he provided the fee schedule for Kelly & Close to Council.

Mr. Galloway motioned for approval to accept the fee schedule and Mr. Carlson seconded the motion. Council approved Resolution 2014-77 unanimously with a vote of 7-0.

Mr. Bartholomeo asked if there were other proposals reviewed. Mr. Kirchgasser explained that only one bid was received and that the Township needed immediate coverage. He stated that this was a temporary solution to carry the Township through the end of the year and that a decision on how the Township would handle engineering for the long-term would be decided later in 2015.

G. Approval of Bill List

Mr. Kirchgasser read aloud the bill list presented for Council's consideration for approval for payment.

Ms. Bradshaw moved that payments under the October 27, 2014 Bill List be authorized for payment by the Finance Department:

	<b>GENERAL FUND</b>	
Aqua	September Hydrant Bills	\$11,432.25
Petrikina Wellman Damico Brown & Petrosa	Professional Services	\$7,745.00
Independence Blue Cross	October Health Insurance	\$8,006.22
	Highway Share	13,231.97
	Library/Sewer Authority/Cobra Share	5802.57
	Recreation Share	3476.8
		<hr/> \$30,517.56
Summit Risk Services	18 N. Pennell Road Property Claim	\$5,000.00
	Total General Fund	<hr/> <hr/> \$54,694.81
	<b>RECREATIONAL ENTERPRISE FUND</b>	
Celebrity Limo Service	October Trips	\$7,125.00
Curran Travel	Smokey Mountains	\$10,805.00
Penn Oaks Golf Club	Golf Outing Lunch and Dinner	\$10,853.00
	Total Recreation	<hr/> <hr/> \$28,783.00

Mr. Galloway seconded the motion, and Council approved Resolution 2014-78 unanimously, 7-0.

6. ADJOURNMENT

Mr. Kirchgasser adjourned the meeting at 9:06 PM.

Respectfully submitted,

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

Amanda Allen, Recorder