

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
November 9, 2015

Minutes of the Regular Meeting of Township Council Held on, November 9, 2015 at 7:00 P.M.,
in the Township Administration Building located at 27 North Pennell Road

Present: M. Amoroso, L. Bradshaw, R. Carlson, S. Galloway, M. Kirchgasser, C. Quinn, and N.
Shropshire

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

1. OPENING

Chairman 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 MINUTES

Mr. Galloway moved to approve the minutes from the August 24, 2015 regular agenda
meeting. Ms. Amoroso seconded this motion and Council approved unanimously with a vote
of 7-0.

Ms. Bradshaw moved to approve the minutes from the September 14, 2015 regular agenda
meeting. Ms. Amoroso seconded this motion and Council approved unanimously with a vote
of 7-0.

3. COMMENTS FROM THE PUBLIC

None

4. REPORTS

A. CHAIRMAN

Mr. Kirchgasser acknowledged the passing of longtime Township resident C. Allen
Rowe. He stated that Mr. Rowe was a basketball coach and professor at Widener
University and lived on Carriage Lane. He also acknowledged the passing of John
Rankin, who was Mr. Galloway's brother in law and the District 2 Council Member
for Upper Darby Township. He expressed that both Mr. Rowe and Mr. Rankin would
be missed.

B. FINANCE & ADMINISTRATION

Ms. Amoroso reported that the Finance and Administration Committee continued to review the 2016 budget. The Committee also discussed financing options for the Roosevelt School purchase, which was on this meeting's agenda.

C. LAND PLANNING

Ms. Bradshaw reported that the Land Planning Committee discussed potential development ideas with the developers for the BGP property application.

D. ROADS, HIGHWAYS, & PUBLIC SAFETY

Mr. Shropshire reported that the Roads, Highways, and Public Safety Committee discussed speeding and safety concerns throughout the Township expressed by several residents who were at the meeting. Some concerns have already been addressed and suggestions for others were also considered.

E. MANAGER

Mr. Clark noted that a Blood Drive would be taking place at the Township Building on December 3rd from 2:30 PM until 7:30 PM. He reported that a good turnout was received for the summer blood drive, which had 35 donors. He was hoping for the same participation level at the upcoming event.

Mr. Quinn motioned to amend the agenda and move Agenda Items under "7-New Business" in front of the Public Hearing. Mr. Galloway seconded this motion and Council approved unanimously with a vote of 7-0.

7. NEW BUSINESS

A. Amendment of Sewer Rate Ordinance—2016 Rates

Tim Sullivan, Chairman of Middletown Township Sewer Authority (MTSA) explained that because MTSA is considered a leaseback authority, Township Council sets the rates and the MTSA Board makes recommendations on what the rates should be. He noted that for many years, no rate change was needed due to a favorable long-term contract with Southwest. That contract has since expired and sewage treatment has been moved to DELCORA, which required increased treatment costs and expenses associated with the Chester Creek Interceptor project.

Mr. Sullivan recommended a sewer rent increase from \$400 to \$450 for Township residents with a comparable increase to commercial customers in the Township. He

commented that this increase is in keeping with the increases of previous years and that it is still in line with surrounding communities. In fact, the rate is less compared to most.

Mr. Kirchgasser expressed that MTSA is steeped with experience and has always given great recommendations in the past.

Mr. Shropshire motioned to approve the MTSA recommendation for sewer rental rate increases for 2016. Ms. Bradshaw seconded this motion and Council introduced the Ordinance to amend the sewer rates unanimously with a vote of 7-0.

B. Roosevelt School Acquisition—Option for Bond Financing

Mr. Clark reported that following a discussion about the acquisition of the Roosevelt School, Township bond counsel was made aware of the acquisition and notified him and Mr. Damico that the IRS provides the option for municipalities to enter into a tax exempt bond financing of the acquisition cost at a later point. He emphasized that the Township is planning to use available funds to purchase the school; however, the option to apply for a future tax-exempt bond issue would remain open by formally stating this possible future intention now. This may be helpful for paying for building modifications or to absorb purchase costs in the future.

Mr. Clark stated that in order for this option to remain open to the Township, a resolution must be passed. Doing so will provide the Township with a window of 18 months to decide whether or not a bond issue is needed. He reiterated that this resolution would only allow the Township to retain the option; it did not require a decision to be made.

Mr. Shropshire motioned to approve a resolution that would allow the bond issue to remain an option for the Township for a period of 18 months. Mr. Galloway seconded this motion and Council approved Resolution 2015-82 unanimously with a vote of 7-0.

C. Authorization of Tax Appeal Settlement—B&B Business Center—1055 E. Baltimore Pike

Mr. Damico explained that the Township has been negotiating the abovementioned tax appeal since 2014 and appraisals were received from the tax authority appraiser and the tax payer. A negotiated settlement of \$2,565,000 has been reached.

Mr. Damico reported that the School District solicitor has recommended that the School Board approve the settlement. Mr. Damico recommended Council approve the settlement as well, since the appraisals were comparable.

Mr. Shropshire motioned to authorize the tax appeal settlement with B&B Business Center. Mr. Carlson seconded the motion and Council approved Resolution 2015-83 unanimously with a vote of 7-0.

D. Acceptance of Certificate of Total Completion—AQUA PA: Ridley Water Treatment Plant—1200 E. Baltimore Pike

Mr. Clark explained that a land development plan was approved a number of years ago for AQUA PA in order to eliminate an outdoor settlement basin, provide enclosed water storage capacity, and make additional enhancements. He reported the Township Engineer has assured AQUA has met the plan requirements and recommended Council accepts the Certificate of Total Completion so Aqua’s escrow could be returned.

Mr. Shropshire motioned to accept the Certificate of Total Completion for AQUA PA. Ms. Bradshaw seconded this motion and Council approved Resolution 2015-84 unanimously with a vote of 7-0.

E. Public Presentation—2016 Draft Budget

Mr. Clark explained that the draft budget has been previously in review by Council and the operating budget projected revenue is currently approximately \$132,000 short of projected expenses. He reported that this year’s review is more complex because the Township is trying to fund the purchase of Roosevelt School without the need for outside financing. He believed the budget would be balanced by the anticipated adoption date at the December agenda meeting.

Mr. Kirchgasser noted that the variance is only half of 1% of the total operating budget and commended those who worked on the budget for their work.

Mr. Clark reported that the capital budget should be done during this week.

F. 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 November 9, 2015 Bill List be authorized for payment by the Finance Department:

GENERAL FUND		
Chili's Inspection Services	September Contracted Services	\$5,225.00
Independence Blue Cross	November Health Insurance	\$10,503.40
	Highway Share	\$9,723.27
	Cobra Share	\$821.40
	Recreation Share	\$3,786.72
		<u>\$24,834.79</u>

Total General Fund \$30,059.79

RECREATIONAL ENTERPRISE FUND

Celebrity Limo	Various November Trips	\$6,390.00
The Travel Authority	Final Pmt. Branson & Greenbriar Trip	\$5,879.62
Touriffic Travel	Deposit--Newport Trip	\$10,000.00
	Total Recreation	<u>\$22,269.62</u>

Ms. Amoroso seconded this motion and Council approved Resolution 2015-85 unanimously with a vote of 7-0.

5. PUBLIC HEARING

- A. Proposed amendment of the Zoning Ordinance to add a definition for “Pad Lot” and to add a new Article XXIII.A entitled Mall Conversion Overlay (MCO) District which shall govern the demalling or other conversion of a mall developed in accordance with provisions of the B-2 Major Shopping Center District. (Tabled from October 26, 2015 Regular Council Meeting)
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Ms. Bradshaw motioned to reopen the hearing. Ms. Amoroso seconded this motion and Council approved unanimously with a vote of 7-0.

Mr. Riper, attorney for the applicant, reported that he had nothing new to add and requested that Council close the hearing.

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

6. OLD BUSINESS

- A. Consideration for Adoption—An Ordinance amending the Code of Ordinances of the Township of Middletown, Delaware County, Pennsylvania, Chapter 275, Zoning; amending Article II, Terminology, Section 275-8 by adding a definition for Pad Lot and by adding Article XXIII.A entitled Mall Conversion Overlay (MCO) District which shall govern the demalling and other conversion of a mall developed in accordance with Article XXIII, Chapters 275-135 through 275-140.
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Mr. Riper expressed that this was a momentous occasion for both the developer and community and that he hoped project approval would be received.

Mr. Kirchgasser asked Mr. Damico and Mr. Clark if they reviewed the last minute resolution adjustments and both answered in the affirmative.

Mr. Riper noted that his client was a little concerned about the proposed resolution's stipulation of landscaping the median in the middle of Baltimore Pike across from the mall property. He explained that Council requested landscaping be planted on this median by the developer but since then, a stack lane has been proposed to create a longer turning lane into the mall of approximately 600 feet. If this occurs, the developer did not believe there would be enough space to landscape, and maintaining it would be dangerous with the traffic. He requested this condition be eliminated.

Mr. Kirchgasser proposed that if there is enough space for landscaping that it would be the responsibility and expense of the developer to plant the landscape but the Township or PADOT would be responsible for its maintenance following installation. Mr. Riper reported that his client agreed to this condition. Mr. Shropshire commented that although a stacking lane is being proposed, it would still need to be approved by PADOT. Nicole Klein, traffic consultant for the applicant, reported that they are moving through the approval process with PADOT at present. The first submission was made and she is working on the second submission now. At that point, PADOT will decide on the needed length of lane. Mr. Kirchgasser noted that the condition in the Resolution would be an "if-then" for landscaping. Mr. Riper agreed.

Mr. Markman expressed that it has been a long approval process but the Township and developer worked together and he is excited for what was to come. Mr. Riper agreed, commenting that the entire Township staff and consultants, Mr. Clark and Ms. Merino have been a pleasure to work with.

Mr. Shropshire motioned to approve the Ordinance. Ms. Bradshaw seconded the motion and Council approved Ordinance 760 unanimously with a vote of 7-0.

- B. Consideration for Adoption—An Ordinance amending the Code of Ordinances of the Township of Middletown, Delaware County, Pennsylvania, Chapter 198, Stormwater Management, Article III, Section 198-13 by amending Section 198-13(A)(2)(a) to decrease the assumed percentage of meadow condition, by adding Section 198-13(A)(2)(c)[3] to permit certain alternative stormwater control designs, by amending Section 198-14(B)(1) to decrease the assumed percentage of meadow condition, by adding Section 198-16(1) to include certain alternate criteria alternate criteria for redevelopment sites, by adding Section 198-18(H) to permit alternatives to Appendix F approved by the Township Engineer and by amending Section 198-17(C)(2) to substitute actual ground cover conditions for assumed conditions in calculating peak rate runoff.
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Mr. Riper reported that this Ordinance was previously introduced and no changes have been made since then.

Mr. Shropshire motioned to approve the Ordinance. Ms. Bradshaw seconded this motion and Council approved Ordinance 761 unanimously with a vote of 7-0.

C. Review of Final Land Development Plan—BT Granite Run LP—Promenade at Granite Run—1067 W. Baltimore Pike

Mr. Clark reported that the final land development plan was in front of Council for approval. Based on the earlier discussion, the only change would be to draft condition #15 on page 6: “and maintain” will be stricken from the language as the developer would only be responsible for installation and not the maintenance.

Mr. Galloway motioned to approve the Final Land Development Plan for the Promenade at Granite Run subject to the draft conditions as circulated and amended above. Ms. Bradshaw seconded the motion and Council Resolution 2015-86 approved unanimously with a vote of 7-0.

Mr. Kirchgasser congratulated the developer and expressed that he and Council were looking forward to the redevelopment of the property.

D. Request for Amendment of Conditional Land Development Plan Approval—McGonigle—18 N. Pennell Road

Mr. Clark explained that this request was discussed last meeting and tabled until the current meeting. He stated that Council had decided that because the residents who expressed concerns at the time the original approval were not notified of the requested amendment, it was not right to review the matter until the Township was able to notify the concerned residents of the request and invite them to attend the current meeting. He noted that letters were mailed to each of the residents who had commented on the plan at the meeting when the original approval was given. No audience members were present for this agenda item.

Ms. Bradshaw motioned to approve the requested amendment to the conditions of approval, which would allow the structure being built to be a maximum height of 27 ½ feet. Mr. Carlson seconded the motion and Council approved Resolution 2015-87 unanimously with a vote of 7-0.

7. ADJOURNMENT

Mr. Kirchgasser adjourned the meeting at 7:27 PM.

Respectfully submitted,

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

Amanda Allen, Recorder