

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
NOVEMBER 10, 2014

Minutes of the Regular Meeting of Township Council Held on, November 10, 2014 at 7:00 P.M.,
in the Township Administration Building located at 27 North Pennell Road

Present: M. Amoroso, L. Bradshaw, R. Carlson, M. Kirchgasser, and C. Quinn

B. Clark, and J. Damico, Esquire

1. OPENING

Chairperson Mr. Kirchgasser's called the meeting of the Council to order at 7:08 P.M., and led recitation of the Pledge of Allegiance to the Flag.

2. APPROVAL OF MINUTES

Ms. Bradshaw motioned to approve the minutes for the September 22, 2014 regular meeting. Mr. Carlson seconded this motion and Council approved unanimously, with a vote of 5-0.

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 asked for an update on the prior issue she brought to Council's attention at the October 27th meeting. She also asked if it would be possible to have a Township meeting with Sunoco Logistics, Aqua, and PADEP. She then asked if there was a plan of action in the event of a leak and the plans for the recently sold industrial site located at Parkmount Road and Rt. 452.

Mr. Clark reported that the industrial site was now owned by the Cross family and that at present, the only known occupants were a crossfit facility and a flooring company, which plans to use the location for storage and to operate a small showroom. He then went on to state that the area behind Tunbridge apartments that is currently being worked on by Sunoco is to construct an above ground pumping station, not for refining or processing purposes. He explained that it was to be the location of a "switching process" for transferring product from one pipeline to another. Ms. Amoroso commented that all the pipelines were previously located below ground at this location. Mr. Clark agreed and stated that the location is in the flood plain and that the new pumps were elevated above the flood level to make the location safer. Sister Parisi expressed that this construction meant the site would be used more, but Mr. Clark emphasized that there are no new pipelines and that the capacity was not changed. He also emphasized that this construction had nothing to do with the new proposed Mariner Pipeline.

Sister Parisi then expressed that the residents should have been made aware of this construction ahead of time. Ms. Bradshaw stated that Sunoco came to the Land Planning meeting, which was opened to the public.

4. REPORTS

A. CHAIRPERSON

Mr. Kirchgasser commented on the passing of Carolyn Doerfler, who was the former recorder for Council and other Township Committees. He reflected that she was a patient and kind woman who would be missed.

B. FINANCE AND ADMINISTRATION

Mr. Carlson reported that the Finance and Administration Committee reviewed the 2015 draft budget, which was on the agenda.

C. ROADS, HIGHWAYS AND PUBLIC SAFETY

Mr. Kirchgasser noted the Roads, Highways and Public Safety Committee, reviewed a request to accept dedication of Martins Lane.

D. MANAGER

Mr. Clark reported that the 14th annual golf outing fundraiser at Penn Oaks took place, with over 80 golfers attending. The event was declared successful and netted \$15,000, which will go towards parks and recreation within the Township. Mr. Clark commented that over \$200,000 has been raised by this fundraiser since its inception and thanked Debbie Timblin for her work in putting the event together, along with members of the Park and Recreation Committee and other volunteers.

5. NEW BUSINESS

A. Consideration for Adoption—An ordinance of the Township of Middletown, Delaware County, Pennsylvania, granting an easement for storm water management to the County of Delaware, Commonwealth of Pennsylvania, in the area legally described in the easement agreement, being a part of the Township property—folio 27-00-01201-00

Mr. Clark reported that, if granted, this easement for storm water management would enable Rails to Trails to move forward with their plans. He explained that this final portion of project approval is in regard to the Linvill tract and that this easement would allow a storm water management basin to be located on Township property. Mr. Clark noted that the County, Township, and Friends of Chester Creek solicitors all reviewed the document. In addition, the Linvill's legal representation also reviewed the document. Mr. Damico confirmed that all issues were resolved and recommended the ordinance for approval.

Ms. Bradshaw motioned to approve the ordinance granting an easement for storm water management on the Linvill tract. Mr. Quinn seconded this motion and Council approved Ordinance 752 unanimously, with a vote of 5-0.

Barry Pinkowicz, Vice President of the Friends of Chester Creek Branch then thanked Council and others for their support of the project. He specifically thanked Mike Fusco,

John Paulson, the Township, Mr. Damico, Mr. Clark, Mr. Rothe, Lou Hufnagel, Jim Byrne, the Linvill family, Tim Sullivan and members of the Friends of Chester Creek Branch. He ended by stating he was truly humbled and honored to be part of Mr. Fusco's dream.

Mr. Hufnagel of County Planning Commission inquired if the project was ready to move forward with plan recording the County. Mr. Clark stated the development plans and declaration for storm water management were both signed; however, signatures were still needed for the shared use agreement and storm water maintenance agreement. He explained that once those two documents were signed, the project could move forward. Mr. Kirchgasser stated Council would encourage and support any work needed to get this project done. He then declared that this was a significant moment for the Township and thanked Val Fusco for the work her husband did.

Those present from Council, Friends of Chester Creek Board and the Linvills then posed for a photograph together.

B. Amendment of Annual Sewer Rent Charges

James Flandreau, solicitor for the Sewer Authority, presented the Authority's recommendation for increasing the residential EDU rate to \$400 and the commercial base rate to \$114, with a rate of \$4.76/1,000 gallons thereafter. He explained this was a modest increase designed to prepare for the transfer of sewage treatment service from Southwest to DELCORA.

There were no questions from Council or the Public. Ms. Bradshaw motioned to introduce the ordinance amending annual sewer rent charges and Mr. Carlson seconded this motion. Council approved introduction of the ordinance unanimously, with a vote of 5-0.

C. Amendment of Pension Plan Document—Conformance with Recent Court Decisions

Mr. Clark explained that a minor language adjustment to the Pension Plan Document was necessitated due to recent court decisions. He explained the definition of a married person needed to be updated so that any marriage license issued by any state is recognized under the Pension Plan Document.

Ms. Bradshaw motioned to approve the amendment to the Pension Plan Document and Ms. Amoroso seconded this motion. Council approved Resolution 2014-79 unanimously, with a vote of 5-0.

D. Adoption of Post-Issuance Compliance Policy—Township Bond Issues

Mr. Clark explained that over the past several bond issues, the Township has incurred obligations to report certain information to a national clearing house on an ongoing basis for the life of a bond issue. He emphasized that this obligation is routine and primarily includes the Township audit report and "some general financial information." He went on to state that the new bond issues undertaken in 2014 will have these obligations

through 2035 or until the debt is retired. Mr. Clark stated that the Township's Bond Counsel has recommended the Township officially adopt a policy that provides a formalized procedure and identifies who is responsible for the reporting. He commented that the Township has appointed its Director of Finance and/or Township Manager as responsible for this task.

Mr. Carlson motioned to adopt the Post-Issuance Compliance Policy and Ms. Amoroso seconded this motion. Council approved Resolution 2014-80 unanimously, with a vote of 5-0.

E. Approval to purchase Playground Equipment—Sleighton Park

Mr. Clark reported that the next step of the Sleighton Park development plan was the installation of a playground for children up to the age of 11. He stated that the Parks and Recreation Committee and the Recreation Director identified an appropriate mix of equipment based off of other playgrounds in the area and received price estimates. They recommend the purchase of 2 sets of structures from Game Time ("Kodiak Cove" and "Macintosh"), which would be installed to the east of the existing soccer field, alongside the internal park road. The price for these structures, including shipping, is approximately \$52,000 and would be purchased under the State's COSTAR program. Installation and adding the proper type of mulch would cost an additional estimated \$16,000. The total amount for the playground equipment would be approximately \$80,000. Mr. Clark stated that funds are earmarked in the Capital Budget for this purchase and the price is within what is available.

Mr. Carlson motioned to approve the purchase of the recommended playground equipment and Ms. Bradshaw seconded the motion. Council approved Resolution 2014-81 unanimously with a vote of 5-0.

F. Presentation of Draft 2015 Township Budget

Mr. Clark reported that the Home Rule Charter requires the public presentation of the draft budget. He noted that the draft budget has been under discussion by the Finance Committee and other members of Council since Early October. Mr. Clark stated the draft budget is formally completed and there is an excess of revenues by approximately \$40,000 for 2015. He noted there are a few copies of the draft summary in the back of the meeting room and a review copy of the draft budget is at the Township building and in the Library.

Mr. Clark commented that Council is still actively reviewing the overall 2015 budget and that he anticipated adoption of the budget to take place at the December 8, 2014 Council Meeting. Mr. Clark stated that the budget is "slightly better than being balanced," but

does not account for the salary increases for Township staff yet. He emphasized that there is no property tax increase proposed in the budget and that it would reflect a full year of collection of the local services tax, and which would set aside 75% of the tax for the Route 452/Route 1 intersection improvements. Mr. Kichgasser noted that the LST tax is capital in nature, not operational.

There were no questions from Council or the Public.

G. Establish Compensation—Temporary Engineering Services

Mr. Kirchgasser explained that Council decided it was best to use a third party engineering firm to handle engineering matters in the Township through the end of the year due to the sudden retirement of Mr. Rothe. He stated that Kelly & Close was originally contracted to fulfill this role, but that the Township deemed it advisable to include an additional firm to allow for any conflict of interest or busy scheduling.

Mr. Clark stated that it is the recommendation to appoint Yerkes Associates of West Chester to provide continuity in overseeing the Ryland Homes development. He noted that Mr. Rothe has worked with this firm before on the inspection and site reviews at the Reserve at Rose Tree. Because they are familiar with this project, he believes it makes sense to keep this firm involved in doing the site work at the Reserve until a final decision is made on how the Township will proceed with its engineering needs. The plan is to have Yerkes continue on that project and have Kelly & Close “pick up everything else.” If there is a need for Yerkes to take on additional assignments, Mr. Clark stated they would be available to do so.

Ms. Bradshaw motioned to approve Yerkes Associates for temporary engineering services. Mr. Carlson seconded this motion and Council approved Resolution 2014-82 unanimously, with a vote of 5-0.

H. 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 November 10, 2014 Bill List be authorized for payment by the Finance Department:

GENERAL FUND		
Independence Blue Cross	November Health Insurance	\$8,006.22
	Highway Share	\$12,149.57
	Library/Sewer Authority/Cobra Share	\$5,802.57
	Recreation Share	\$3,476.80

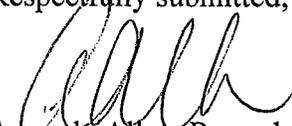
		<u>\$29,435.16</u>
Republic Services	September Recycling & Yard Waste	\$17,957.24
Longley Insurance Agency	Commercial Package Installment	\$14,585.00
Montgomery Insurance Services	Selective Insurance Package	\$32,329.00
1067 W. Baltimore Pike Holdings	Granite Run Mall Tax Appeal	\$15,382.08
	Total General Fund	<u>\$109,688.48</u>
	RECREATIONAL ENTERPRISE FUND	
Celebrity Limo Service	Various Trips	\$6,810.00
General Fund	PNC Credit Card Payment Reimbursement	\$8,229.18
The Travel Authority	Charleston & Greenbriar Trips	\$12,149.68
	Total Recreation	<u>\$27,188.86</u>
	CAPITAL RESERVE	
Marion Body Works Inc.	Rocky Run Fire Company Chassis	<u>\$235,989.00</u>

Mr. Carlson seconded the motion, and Council approved Resolution 2014-83 unanimously, with a vote of 5-0.

6. ADJOURNMENT

Mr. Kirchgasser adjourned the meeting at 7:52 PM.

Respectfully submitted,


Amanda Allen, Recorder