

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
December 14, 2015

Minutes of the Regular Meeting of Township Council Held on, December 14, 2015 at 7:00 P.M.,
in the Township Administration Building located at 27 North Pennell Road

Present: M. Amoroso, L. Bradshaw, S. Galloway, M. Kirchgasser, and C. Quinn

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. SPECIAL PRESENTATION

Mr. Kirchgasser acknowledged that this last meeting of the year was also the last meeting for two members of Council—Ms. Amoroso and Ms. Bradshaw. He expressed that their decision to leave Council was for two worthy causes: Ms. Amoroso was elected a Judge and would be continuing her public service in the Court House while Ms. Bradshaw chose not to run for reelection in order to spend more time with her grandchild.

On behalf of Council and the Township, Mr. Kirchgasser thanked Ms. Amoroso for her service as a Council Member and as the Chair for the Zoning Hearing Board prior to her time with Council. Ms. Amoroso thanked him and commented that she felt Middletown Township had one of the best Councils in the County. She expressed that while the Council members may not have always agreed, they all just wanted what was best for the Township and its residents. She stated that residents should know how hard Council and Township staff work to make the Township a better community. She felt that the fact that the Township is able to purchase the Roosevelt School in cash is an example of this hard work and dedication, and stated she couldn't be prouder to be a part of this.

On behalf of Council and the Township, Mr. Kirchgasser thanked Ms. Bradshaw for her 14 years of service on Council. Ms. Bradshaw stated she wished to reiterate everything Ms. Amoroso expressed. She emphasized that Middletown was a great place to be a part of local government. She commented that the Township has a great staff and support from the community. Ms. Bradshaw shared that she learned a lot in this role and that she would always treasure the experience. She thanked everyone present for the opportunity to serve and their support.

Mr. Kirchgasser provided both parting Council members with a gift card from the other Council members to enjoy a night out. On behalf of the Township, Mr. Kirchgasser presented Ms. Amoroso with a personalized gavel set and Ms. Bradshaw with a personalized

clock and pen set. Both Ms. Amoroso and Ms. Bradshaw thanked Council and the Township for the gifts.

3. APPROVAL OF MINUTES

Mr. Galloway moved to approve the minutes from the November 9, 2015 regular agenda meeting. Ms. Amoroso seconded this motion and Council approved unanimously with a vote of 5-0.

4. COMMENTS FROM THE PUBLIC

None

5. REPORTS

A. CHAIRMAN

None

B. FINANCE & ADMINISTRATION

Ms. Amoroso reported that the budget was completed and was Agenda Item 7G for the current meeting.

C. MANAGER

None

6. PUBLIC HEARING

A. Hearing to obtain citizen proposals and comments for a Middletown Township 2015 Community Development Block Grant (CDBG) Application. The CDBG program's primary objective is to create viable urban communities, by providing decent housing and a suitable living environment, and expanding economic opportunities principally for persons of low and moderate income. In addition to meeting the above objective, only these specific activities may be funded: Acquisition or disposition of real property; Public facilities and improvements; Clearance of environmental contaminants; Public services; Planning activities.

Mr. Clark reported that a CDBG application was submitted last year and approved for drainage improvements on East Old Baltimore Pike. The engineer is currently working on this project. He went on to explain that there is a new round of funding available for 2016 under the CDBG Program and the Township was eligible to apply once again since the area around Elwyn Institute, Williamson Trade School and E. Old Baltimore Pike meets the income requirements of the grant.

Mr. Clark stated that the Township Engineer proposed applying for the grant in order to possibly pave East Old Baltimore Pike or to expand pedestrian pathways. In order to apply, a public hearing needed to be held in order to give residents the opportunity to ask questions or offer project recommendations. Mr. Clark noted that the Township was not guaranteed to receive the grant but that it was still worth applying.

Mr. Quinn motioned to open the hearing. Mr. Galloway seconded the motion and Council approved opening the hearing unanimously with a vote of 5-0.

Mr. Kirchgasser asked if there were any questions or comments. Ms. Amoroso asked if there was any reason not to apply for the grant. Mr. Clark answered in the negative, explaining that the previously mentioned area of the Township should remain eligible through at least the 2020 census and that the Township could apply each year until then.

Ms. Amoroso asked what the grant was used for last year and Mr. Janetka responded to repair a drainage issue on East Old Baltimore Pike.

There were no other comments or questions.

Mr. Galloway motioned to close the hearing. Ms. Bradshaw seconded this motion and Council approved closing the hearing unanimously with a vote of 5-0.

Mr. Clark reported that now that the obligation to have a public hearing was fulfilled, the Township could move forward with the application. He stated that a proposal would be put together for review at the January meeting.

7. NEW BUSINESS

A. Review of Final Land Development Plan—Penn State Brandywine—25 Yearsley Mill Road: Dormitory and Student Union

Mr. Kirchgasser noted that Kevin Matson of McCormick Taylor would be Acting Township Engineer for this agenda item.

Tim Sullivan, attorney for the applicant provided a brief summary of the history of this project. He reported that the Preliminary Land Development Plan, Reverse Subdivision Plan, and conditional use application were originally filed on April 30, 2015. On June 9th, PSU received a recommendation for approval from the Planning Commission by unanimous vote. A public hearing took place to discuss the application during the Council agenda meetings on July 13th, August 10th, and August 24th. On September 28, 2015, Council unanimously approved the Preliminary Land Development and Reverse Subdivision Plan, and conditional use application; however the conditional use application contained 16 contingencies. Mr. Sullivan reported the majority of the contingencies were related to the operations of the residential hall and student union

building. Nevertheless, 4 of these contingencies affected the land development plan and are now part of the Final Land Development Plan. On October 30, 2015, PSU filed the Final Land Development and Reverse Subdivision plan with the Township. Mr. Sullivan noted these were both virtually identical to what was presented to Planning Commission on June 9th, with the exception of the changes made for the 4 Land Development contingencies set forth by the Township in the conditional use application. These contingencies were as follows:

- Council requested and PSU agreed to grant an easement of a little over 10 acres to the Township on the Davis Tract to be used for a stormwater management facility to control the Rocky Run tributary;
- Middletown Township Sewer Authority requested and PSU agreed to grant an additional .2 acre easement to the easement already provided to MTSA in order for the Authority to expand the Yearsley Mill Pump Station;
- Council requested that the 21 acre Davis Tract, which PSU acquired around 2013, be deed restricted with the exception of the construction of stormwater facilities by the Township and/or PSU.
- PSU agreed to the previous contingency, provided that the Township agreed to the Davis Tract being rezoned from R1-A to I-2 in order to be the same as the rest of the campus, which Council agreed to do.

Mr. Sullivan completed his summary of the project's history by noting that the Planning Commission unanimously recommended approval of the Final Land Development Plan and rezoning at the December 8th meeting.

Mr. Sullivan went on to report that the Township Engineer review was "clean" with the exception of minor plan changes. For instance, the locations of 4 code blue emergency boxes need to be identified (the original plan only called for 2). He stated that all the agreements are under review by the Township Solicitor, and while they are not completed at present, they should be soon.

Mr. Sullivan commented that there has been a lot of press related to PSU recently. He explained that the Board of Trustees deferred voting on the dormitory and resident hall for the campus only because of Governor Wolf's request. He emphasized that even if the project is deferred at the next meeting, PSU was still requesting approval from the Township in order to be able to move forward with the project as soon as possible. Mr. Kirchgasser asked him to keep Mr. Clark and Council informed if there are future deferments. Mr. Sullivan stated he would.

Mr. Sullivan reported that PSU was also requesting a waiver for the recreation fee. He explained that since this was a 6 acre project, the University was required to devote .15 acres to recreational facilities. The applicant felt that this waiver was warranted due to the University agreeing to deed restrict the Davis Tract and also because the campus library, walking trails, and tennis courts were all opened to the public to use. In addition, the campus is used for the Township's Community Day and the parking lot is used as

additional parking by Tyler Arboretum for their events, by local Fire EMS for training, and as overflow parking for the Greek Church's festival. The gym is used by many local organizations and the campus auditorium has been used in the past by Pat Meehan and Tom Killion for Town Hall meetings and seminars.

Mr. Damico stated he reviewed the Declaration and found it acceptable; however, Exhibits A & B needed to be attached. Mr. Sullivan noted they were on a second email sent to Mr. Damico because the exhibits were too large to attach to the original email with the Declaration. Mr. Damico recommended Council consider approval subject to the Solicitor's satisfaction with the outstanding agreements (Developer's, Security, Stormwater Management, etc.).

Mr. Matson reported that Mr. Comitta's review letter was resolved and asked for the status of Stan Stubbe's comments. Mr. Sullivan stated both were resolved. Mr. Sullivan noted that Mr. Comitta felt that an additional buffer in the Honors Gardens may be needed after the project. Instead of waiting until the project concluded to make this determination though, PSU decided just to add it to the plans at this point. Mr. Matson felt the planning application was clean and all was satisfactory.

There were no additional questions or comments from Council or the public.

Ms. Bradshaw motioned to approve the Final Land Development Plan for PSU subject to the conditions set previously and approval of the Solicitor for the plan agreements. Ms. Amoroso seconded this motion and Council approved Resolution 2015-90 unanimously with a vote of 5-0.

B. Review of Final Land Development Plan—Williamson College of Trades—Dormitory Building: 106 S. New Middletown Road

Mr. Clark reported the applicant requested this matter be tabled to the following meeting. Mr. Galloway motioned to table Agenda Item 7b to the January 11, 2016 meeting. Ms. Amoroso seconded this motion and Council approved unanimously with a vote of 5-0.

C. Review of Final Minor 2 Lot Subdivision—Hibberd and Dowling IV: 45 W. Forge Road

Tim Sullivan, attorney for the applicant, explained that the application was for a two-lot subdivision on the north side of West Forge Road and was 700 feet in depth. The driveway is on the right side of the lot and would include a portion of the existing driveway. A different portion of the existing driveway would have to be removed though to remain in compliance. Mr. Sullivan went on to report that both lots would connect to the public sewer.

Mr. Kirchgasser asked if the cartway setback issue was resolved and Mr. Sullivan answered in the affirmative.

There were no additional questions from Council, Mr. Janetka, Mr. Damico, or the public.

Ms. Bradshaw motioned to approve the Final Minor 2 Lot Subdivision. Ms. Amoroso seconded the motion and Council approved Resolution 2015-91 unanimously with a vote of 5-0.

D. Request for Waiver of Preliminary Land Development Plan Submittal—Tyler Arboretum:
515 Painter Road

Mr. Clark noted that nobody was present to represent the Tyler Arboretum application, but that Matt Houtman submitted a letter on the applicant's behalf.

Mr. Clark reported that 3 small past projects received temporary Land Development application waivers, which included the installation of the pump house, the addition to the pole barn, and the improvements at the visitor entryway. Tyler Arboretum is now looking to enlarge the patio by the barn building. This is a new project and they are now at the point where a standard Land Development Plan needs to be reviewed and approved by the Township. Due to the fact that 3 of the projects are already completed, the applicant is requesting a waiver of the Preliminary Land Development Plan requirement.

Ms. Bradshaw motioned to approve the request for waiver. Ms. Amoroso seconded this motion and Council approved unanimously with a vote of 5-0.

E. Appointment of Dog Law Officers

Mr. Clark explained that there has been a lack of response from the current Dog Law Officer, Strickler Animal Control, and that the staff recommends they be removed from this appointment at the January reorganization meeting. For the remainder of the year, the staff recommends that Chester County SPCA be appointed as the Dog Law Officer.

Mr. Quinn motioned to appoint Chester County SPCA as the Dog Law Officer for the Township. Ms. Bradshaw seconded this motion and Council approved unanimously with a vote of 5-0.

F. Amendment of 2015 Budget—Purchase of Roosevelt School Site

Mr. Clark explained that if supplemental appropriation funding is available and needed for use during the year, the Township must amend the budget. He noted that this is the first time in 35 years that the Township needs to make an amendment and went on to report that the Township is in a position to purchase the Roosevelt School Site without outside financing because of additional revenues over and above original 2015 budget estimates. Use of the additional funds will require an increase in the revenue account in order to offset the purchase expenses of \$875,000 in the building and grounds account. The revenue accounts affected are the interfund operating transfers from the Park Facilities Fund, Real Estate Transfer Taxes, Mercantile Taxes, Business Privilege Taxes,

and Cash Fund Balance. Mr. Clark reported that the Roosevelt purchase would be made via these funds from various accounts because they did better than forecasted when the budget was put together for 2015. There were no questions.

Ms. Amoroso motioned to approve the amendment to the 2015 budget. Ms. Bradshaw seconded the motion and Council approved the introduction of the Ordinance unanimously with a vote of 5-0.

G. Adoption of 2016 Budget

Mr. Kirchgasser stated that Council was about to adopt the 2016 budget, which would not require an increase in property taxes for residents. He noted that the 2016 budget was \$71,000 less than the 2015 budget. He emphasized that the Township was able to get all of this done, including not raising property taxes, and still fund the Roosevelt School without additional financing. He went on to state that the Township pension plan is 99.9% funded. Mr. Kirchgasser credited Township staff and Mr. Clark with their great work and fiscal responsibility throughout the year and when putting together the budget. He also acknowledged the work Council's Finance and Administration Committee did in terms of the 2016 budget. He expressed that he was proud to be part of a body of government that behaved so responsibly with its finances.

Gary Grove commented that this accomplishment of the Township's should be publicized so those who are not at the meeting are aware. Mr. Kirchgasser agreed and noted that the *Daily Times* reporter asked him to report back what happened at the meeting since he could not attend.

Ms. Amoroso motioned to adopt the 2016 budget. Mr. Quinn seconded this motion and Council approved the budget Resolution 2015-93 unanimously with a vote of 5-0.

H. Establish Property Tax Rate for 2016

Mr. Clark explained that an ordinance is necessary to establish the property taxes for 2016. As Mr. Kirchgasser previously pointed out, Mr. Clark reiterated that there was no change to the property taxes for 2016 and in fact, they have been the same since 2010. Mr. Clark stated that the Ordinance not only included the property taxes for the operating budget, but also what is paid out by the Township to the Library, fire protection purposes, and debt service purposes.

Ms. Amoroso motioned to approve the property tax rate for 2016. Mr. Quinn seconded this motion and Council approved the introduction of the Ordinance unanimously with a vote of 5-0.

I. Approval of Bill List

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

Ms. Amoroso moved that payments under the December 14, 2015 Bill List be authorized for payment by the Finance Department:

GENERAL FUND		
Chili's Inspection Services	October Contracted Services	\$10,230.00
Independence Blue Cross	December Health Insurance	\$10,503.40
	Highway Share	\$9,723.27
	Cobra Share	\$821.40
	Recreation Share	\$3,786.72
		<u>\$24,834.79</u>
Couzins, Inc.	Balance Due Road Resurfacing	\$10,890.14
	Balance Due Road Resurfacing	\$59,073.74
		<u>\$69,963.88</u>
Devlin Lori, Health Officer	Contracted Services 7/15/15- 11/9/15	\$6,300.00
	Total General Fund	<u><u>\$111,328.67</u></u>
RECREATIONAL ENTERPRISE FUND		
Celebrity Limo	Trips 12/2/15-12/12/15	\$11,545.00
PNC Credit Card- To G/F	Trips 10/26/15-11/24/15	\$10,411.33
	Total Recreation	<u><u>\$21,956.33</u></u>

Ms. Bradshaw seconded this motion and Council approved Resolution 2015-94 unanimously with a vote of 7-0.

8. ADJOURNMENT

Mr. Kirchgasser stated that it was a pleasure serving with Ms. Bradshaw and Ms. Amoroso and then adjourned the meeting at 7:40 PM.

Respectfully submitted,

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

Amanda Allen, Recorder

