

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
March 11, 2013

Minutes of Regular Meeting of Township Council Held on Monday, March 11, 2013 at 7:00 PM
in the Township Building, 27 N. Pennell Road

Present: M. Amoroso, L. Bradshaw, R. Carlson, S. Galloway, C. Quinn
J. Damico, Esquire, M. Merino

1. Chairperson Ms. Bradshaw opened the meeting with the Pledge of Allegiance to the Flag.

Ms. Bradshaw welcomed Meredith Merino, Assistant Township Manager, who was sitting in for Mr. Clark while he vacations in Hawaii.

Ms. Bradshaw announced that Council met in Executive Session prior to tonight's meeting to review the proposed settlement of a tax assessment appeal (Agenda Item 5A). Council also discussed appointment of McCormick Taylor as consulting engineer for the Township in matters relating to development of the Franklin Mint properties.

2. Approval of Minutes – February 11, 2013 Regular Meeting

Mr. Carlson moved for approval of the Minutes of the February 11, 2013 Regular Meeting. Mr. Quinn seconded the motion, and the Minutes were approved as submitted by vote of 4-0; Mr. Carlson abstained from voting because he was not present at the meeting.

3. Comments from the Public

Jackie Clancy, a member of the Park & Recreation Committee, reported on the Committee's activities. She noted that the Township has six walking/hiking trails totaling approximately 12 miles. She and other Committee members are walking each of the six trails to evaluate the condition of the trails and trailheads and to make recommendations for improvements. The Committee is working with the County Planning Department to update the maps of the Township trails and parks, and hopes to post maps of the individual trails on the Township website.

Ms. Clancy explained that the Committee is considering a project to assist with rehabilitation of the house on the Sleighton Park property for use by a Park caretaker. She noted that future activities include the annual Easter Egg Hunt to be held at Sleighton Park on Saturday, April 23, and a flea market at the Park is planned for the fall.

4. Reports

A. Chairperson: Ms. Bradshaw stated that a letter was received from the Middletown Fire Company expressing appreciation to the Public Works employees for the excellent job they do in clearing snow from Township Roads. The letter cited an incident when the fire company received an emergency call about a house fire during a snowstorm on January 26th. Roads were slippery but the Highway Department had cleared and salted the roads so they were able to reach the fire quickly to extinguish the flames.

On behalf of the Township Ms. Bradshaw thanked the Public Works employees for clearing Township roads during snow and ice storms, and expressed appreciation to the fire companies and EMTs for their part in providing for the safety of Township residents.

B. Finance & Administration: Mr. Carlson reported that there were several items on the Committee's agenda, which will be considered at tonight's meeting. 1) The Committee discussed authorization for online access to information regarding the business privilege taxes collected by H. A. Berkheimer (Agenda Item 5A). 2) They considered an amendment of the investment policy with regard to investment of Capital Reserve funds (Agenda Item 5D). 3) A representative of SmartPower made a brief presentation on the new SmartPower Campaign for the purchase of wind energy (Agenda Item 5G).

C. Manager: Mrs. Merino stated that a special spring leaf collection is scheduled for March 27th. Bagged leaves should be placed at the curb on March 26th for collection by the Public Works Department. She noted that yard waste is collected once a month from November through March, and on the first and third Wednesdays of the month from April through October.

5. New Business

A. Approval of Tax Assessment Appeal –
Biscoll – 500 Hermitage Lane

Mr. Damico explained that Gary and Lynn Biscoll filed tax assessment appeals for the years 2008 through 2013 for their property at 200 Hermitage Lane. The taxing authorities valued the property separately for each of the six years, and the values were considered fair based on the recession and the decline in real estate values. He noted that attempts were made over the six-year period to reach a settlement with the Biscolls.

Mr. Damico stated that the taxpayer has accepted an offer of settlement based on the Fair Market Value for each of the years 2008 through 2013. He went on to say that the Solicitor for the School Board recommended that the Board approve the settlement agreement, and he was recommending that Council approve the settlement offer.

Mr. Galloway moved that a Settlement Agreement establishing Revised Assessments as listed below, for Folio No. 27-00086-87 be executed by Middletown Township, contingent upon approval of the other taxing bodies having interest in this property:

<u>YEAR</u>	<u>ASSESSMENT</u>
2008	\$595,725
2009	\$510,125
2010	\$490,000
2011	\$490,000
2012	\$481,500
2013	\$515,000

FURTHER RESOLVED that the Tax Collector be authorized to prepare any necessary tax adjustments consistent with the Settlement Agreement.

Mr. Quinn seconded the motion, and Resolution 2013-35 was approved by unanimous vote 5-0.

B. Approval of Temporary Banner – Tyler Arboretum

Ms. Bradshaw stated that an application was submitted on behalf of Tyler Arboretum for permission to hang a temporary banner across Barren Road to advertise the Annual Plant Sale to be held on May 4th. She explained that because Barren Road is a state road PADOT requires that the Township approve a resolution authorizing placement of the banner over a public roadway. The Arboretum has historically requested permission to display a temporary banner to advertise the Annual Plant Sale and Pumpkin Days.

Mr. Galloway moved that Township Council approve an overhead banner requested by Tyler Arboretum for Barren Road, subject to conformance with the following:

1. A permit for the requested overhead banner shall be issued by the Township Zoning Officer only in accord with this Resolution and all applicable zoning requirements.
2. As required by Department policy, overhead signs and banners shall conform to the following and permits for such sign shall include the information necessary to document compliance with the same.
 - A. Location – SR number and segment/offset.
 - B. Vertical clearance above the roadway – minimum of 17 feet and 6 inches.
 - C. Size of banner – as specified on permit.
 - D. Description of activity – must constitute a national, state, regional or local function or nonprofit organization recognized by the Commonwealth of Pennsylvania.
 - E. Message – no more than 20 percent of the messages shall relate to naming or advertising a commercial product, enterprise, business or company

regardless of whether such entity is sponsoring the activity or banner installation.

- F. The banner will be permitted from April 15, 2013 and must be removed by May 6, 2013.
 - G. The banner shall be installed under the supervision and control of the Township on cables at the location approved by, and in accord with, specifications provided by the Township.
 - H. Traffic control – shall be performed in accord with the most current Department Publication 203.
3. The Township will be provided with a Certificate of Insurance naming the Township as an additional insured with respect to the installation, use and removal of the requested banner.
 4. The Township will be provided written authorization from the abutting property owners to the proposed banner location.
 5. Upon the issuance of any permit pursuant to this Resolution, the Township Zoning Officer shall promptly forward a copy of the permit to the District Office of the Pennsylvania Department of Transportation.

FURTHER RESOLVED that by applying for a permit, the applicant assumes full responsibility for erecting, maintaining and removing any such sign or banner and all liability for damages occurring to any person or property arising from any act of omission associated with the sign or banner, and a statement to the effect shall be included on the application for the permit.

Mr. Quinn seconded the motion, and Resolution 2013-36 was approved by unanimous vote 5-0.

C. Review of Zoning Hearing Board Applications

2013-03 Grosso – 109 Bowater Court

Mrs. Merino stated that Beth Ann Grosso proposes to construct a new 14 ft. x 18 ft. deck to replace the original deck on her townhouse at 109 Bowater Court. The Pennell Place Homeowners Association granted permission to extend the deck. Ms. Grosso submitted an application to the Zoning Hearing Board for a variance to allow the new deck to encroach 7 ft. 20 in. into the 50 ft. buffer from the perimeter property line.

2013-04 Holm – 113 Bortondale Road

Mrs. Merino explained that Robert and Karen Holm submitted an application to the Zoning Hearing Board for a Special Exception to permit construction of a 140 sq. ft. shed on

their property at 113 Bortondale Road. The R-3 District requires a 10 ft. setback from the side and rear yard property lines, and the shed will encroach within 3 ft. of the side and rear property lines.

Council members agreed that the Zoning Hearing Board can handle both applications.

D. Authorization for Access to Business Tax Information – Berkheimer

Mrs. Merino explained that Berkheimer mails monthly reports to the Finance Department regarding the business privilege tax they collect for the Township. Tim Sander, Finance Director, requested that he and Cathy Bradfield be authorized to access tax collection information updates online. In order to arrange for online access Berkheimer requires a Resolution approved by Council appointing Tim Sander and Cathy Bradfield as the Township representatives authorized to request and receive the tax information. The Resolution provides that the tax information will be confidential and will be used for official purposes, and absolves Berkheimer of any liability in connection with release of tax information. She stated that the Finance Committee reviewed this matter at last week's meeting and recommended approval.

Mr. Carlson moved that:

1. Middletown Township, Delaware County appoints Tim Sander and Cathy Bradfield as its authorized representatives to make requests upon and receive any and all tax information and records from Berkheimer, relative to the collection of taxes for the Client, as desired and deemed necessary by the Client, to be used for official purposes only, and
2. Berkheimer is hereby directed to provide and/or transmit any and all tax information and records, or any portion thereof, relating to the collection of taxes for the Client, upon request, to Tim Sander and Cathy Bradfield as the authorized contact representatives for it.
3. Middletown Township, Delaware County, hereby saves harmless, indemnifies and/or absolves Berkheimer from and against any and all liability in connection with the release of said confidential information.

Mrs. Amoroso seconded the motion, and Resolution 2013-37 was approved by unanimous vote 5-0.

E. Amendment of Investment Policy – Capital Reserve Funds

Mrs. Merino stated that the current investment policy covering Capital Reserve funds provides for investments to mature in 397 days or less, with the exception of the Capital Reserve sinking funds for debt payment for fire apparatus and land acquisition which may be invested for 1095 days. Mr. Sander, Finance Director, recommended that the investment policy be amended to permit investment of Capital Reserve funds (other than the Capital Reserve sinking funds) for up to 730 days in order to gain better interest rates and higher returns. She

pointed out that the Finance Committee reviewed the proposed amendment of the investment policy and recommended approval.

Mr. Carlson moved that the existing investment policy text be amended by the addition of the following language in boldface type as follows:

All Township investments shall mature in 397 days or less except for Capital Reserve funds for debt payment for fire apparatus and land acquisition which shall expire in 1095 days (3 years) or less, and **Capital Reserve funds for all other purposes which shall expire in 730 days (2 years) or less.**

Mrs. Amoroso seconded the motion, and Resolution 2013-38 was approved by unanimous vote 5-0.

F. Authorization of Agricultural Field Lease – Smedley Tract

Mrs. Merino stated that Richard Billheim, the farmer who leased the farm fields on the Smedley tract in 2012, requested renewal of the farm lease for a term of three years. Mr. Billheim explained that he used his own money to purchase materials to improve the quality of the soil and would like to monitor improvements in the soil over a multi-year period.

Mrs. Merino noted that the Land Planning Committee discussed extension of the lease and suggested that the 11.1 acre inner field portion designated as “Field B” be leased for a three year term with an option to renew at the end of the three years. She pointed out that the Township has no immediate plans for use of that land for active or passive recreation. The Committee noted that the 10.1 acre corner portion of the farmed land designated as “Field A” is the area most likely to be developed first when the master plan for the Smedley tract is implemented, and recommended that the lease for that parcel should be renewed on a year-to-year basis.

Mrs. Merino went on to say that the lease is divided into two documents, one covering a nine-month lease for “Field A” and the other for a two year and nine month lease for “Field B”. She explained that the lease for “Field B” includes a provision that the Township in its sole discretion may terminate Mr. Billheim’s tenancy for that portion of the property designated “number 23” on the Master Plan as the possible future parking area together with any related drive aisles and improvements. Termination would become effective only in the off season in order not to interfere with a harvest.

Mrs. Merino stated that Mr. Billheim agreed to the terms of the leases for Field A and Field B. She noted that a minor amendment was made to correct “agreement” to “agreements” in the Resolution.

Mr. Quinn moved that the attached Lease Agreements between Middletown Township and Richard Billheim be authorized for execution. Mr. Carlson seconded the motion, and Resolution 2013-39 was approved by unanimous vote 5-0.

G. Approval of Renewable Energy Program – SmartPower

Mr. Carlson stated that consideration of approval of the renewable energy program developed by SmartPower has been removed from the agenda. Council felt that it was not appropriate to ask residents to support one company for the purchase of wind energy until they have an opportunity to review the various programs offered by other suppliers of wind energy.

H. Certificate of Total Completion –
Mirmont – 100 Yearsley Mill Road

Mrs. Merino explained that the required site improvements for the 2007 building addition at the Mirmont Treatment Center located at 100 Yearsley Mill Road have been completed in accordance with the requirements of the approved plan. A Certificate of Total Completion has been executed on behalf of the developer and has been certified by the Township Engineer. Upon acceptance of the Certificate of Total Completion any balance remaining in the Improvement Security escrow account deposited with the Township for this project can be returned to the developer.

Mr. Carlson moved that upon consideration of the attached, that the Certificate of Total Completion of the improvements for the above project referenced in the Certificate is accepted by Middletown Township under the Improvement Security Agreement dated November 6, 2006, and the Township Manager is authorized and directed to provide documentation as necessary authorizing and releasing any amounts remaining in the Improvement Security Fund held by Middletown Township to Mirmont Treatment Center, the developer.

Mrs. Amoroso seconded the motion, and Resolution 2013-40 was approved by unanimous vote 5-0.

I. Disposal of Records

Ms. Bradshaw stated that periodically the Township staff reviews files and records that are no longer useful for public or archival purposes, and identifies files that can be disposed of in accordance with the Municipal Records Manual schedules and procedures for disposition of records. She noted that disposal of records must be approved by resolution of Council. A total of 6 boxes, or approximately 18 cubic feet have been designated for disposal, and consist of 2010 tax bills, 2005 payroll information, 2005 accounts payable invoices, and 2007 and 2008 cash records.

Mrs. Amoroso moved that the following records as shown on the attached sheet are authorized for disposition in accordance with the above-sited Municipal Records Manual, with all records listed totaling approximately 6 boxes, or approximately 18 cubic feet. Mr. Carlson seconded the motion and Resolution 2013-41 was approved by unanimous vote 5-0.

J. Approval of Bill List

Ms. Bradshaw read aloud the bill presented for Council's consideration for approval for payment.

Mr. Carlson moved that payments under the March 11, 2013 Bill List be authorized for payment by the Finance Department:

<u>General Fund</u>		
Keystone Health Plan East	March Health Insurance	\$ 24,774.25
	Highway Share	
	Sewer Authority & Library Share	
	Recreation Share	
Garnet Ford	M-11 Truck Repairs	5,149.08
<u>Capital Reserve</u>		
BNY Mellon	GOB Series 2010 Interest Payment	462,007.50
	GOB Series 2010 Interest Payment	
R. Titter Roofing LLC	Township Building Roof	16,094.00

Mr. Quinn seconded the motion, and Resolution 2013-42 was approved by unanimous vote 5-0.

6. Adjournment

The meeting was adjourned at 7:15 PM.

Respectfully submitted,

Carolyn Doerfler
Carolyn Doerfler, Recorder