

MIDDLETOWN TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA  
March 25, 2013

Minutes of Regular Meeting of Township Council Held on Monday, March 25, 2013 at 7:00 PM  
in the Township Building, 27 N. Pennell Road

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Present: M. Amoroso, L. Bradshaw, R. Carlson, S. Galloway, C. Quinn, N. Shropshire  
B. Clark, J. Damico, Esquire, A. Rothe

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

Ms. Bradshaw announced that Council met in Executive Session prior to tonight's meeting to discuss some legal issues.

2. Approval of Minutes – February 25, 2013 Regular Meeting

Mrs. Amoroso moved for approval of the Minutes of the February 25, 2013 Regular Meeting. Mr. Quinn seconded the motion, and the Minutes were approved as submitted by vote of 3-0; Mrs. Amoroso, Mr. Quinn and Mr. Shropshire abstained from voting because they were not present at the meeting.

3. Comments from the Public

There were no comments from the public.

4. Reports

A. Chairperson – Ms. Bradshaw announced that Middletown Community Day will be held on Saturday, May 11, from 9 AM to 3 PM at Penn State Brandywine, rain or shine. Volunteers are needed to assist with planning, setting up and operating various activities. Additional information is available on the Township website or by contacting the Township office at 610-565-2700.

B. Manager: Mr. Clark noted that the Chester-Ridley-Crum Watersheds Association will sponsor Stream Cleanups at 20 different sites in the Chester, Ridley and Crum watersheds on Saturday, May 4<sup>th</sup> from 9:00 AM to 11:30 AM, including one on the Chester Creek along the Darlington trail. Any interested resident or group is encouraged to participate. Picnic lunch and T-shirts will be provided for stream cleanup volunteers. Information about the

person to contact to register as a volunteer or to learn more about the event is available on line at [crawatersheds.org](http://crawatersheds.org).

Mr. Clark stated that new code enforcement software is being installed on Township computers. The technicians assisting Township staff members learning the new system come from out of town and will only be present for the next 2-3 days. During that time personnel involved in training sessions may not be available to assist the public and there could be some delay in accessing information.

5. Public Hearing

- A. Proposed Amendment of Zoning Ordinance to Rezone 2.546 Acres of Ground at 386-390 Dutton Mill Road from R-1 Residence District to R-2 Residence District

Ms. Bradshaw stated that Timothy Sullivan, Esquire, representing the applicant John DiPasquale, requested that the Public Hearing on the proposed amendment of the Zoning Ordinance to rezone 2.546 acres of ground located at 386-390 Dutton Mill Road from R-1 Residence District to R-2 Residence District be continued to the Council meeting of April 8, 2013.

Mr. Galloway moved to continue the Public Hearing on the proposed Zoning Ordinance amendment to rezone 2.546 acres of the DiPasquale property at 386-390 Dutton Mill Road from the R-1 to the R-2 Residence District to the April 8<sup>th</sup> Council meeting. Mr. Carlson seconded the motion, and the motion was approved by unanimous vote 6-0.

6. New Business

- A. Consideration for Adoption – an Ordinance Amending Chapter 275, Zoning, Article III, Districts, Section 275-11, Zoning Maps, the Purpose of This Amendment Being to Rezone 2.546 Acres of Land Located on the North Side of Dutton Mill Road from R-1 Residence District to R-2 Residence District

Ms. Bradshaw stated that consideration for adoption of the ordinance amending the Zoning Ordinance to rezone 2.546 acres of land located on the north side of Dutton Mill Road from the R-1 Residence District to the R-2 Residence District will be continued to the April 8<sup>th</sup> Council meeting to follow the Public Hearing.

5. Public Hearing

- B. Proposed Amendment of Zoning Ordinance Provisions Relating to Ground Signs and Creation of a New Sec. 275-195.G to Permit Signs with a Manual or Electrical Changeable Copy Display in Designated

Institutional, Business, Special Use, Outdoor and Indoor Recreational,  
Office and Manufacturing Districts

Ms. Bradshaw stated that an ordinance was introduced to amend the Zoning Ordinance sign regulations relating to ground signs and to permit signs with manual or electrical changeable copy display in designated Institutional, Business, Special Use, Outdoor and Indoor Recreational, Office and Manufacturing Districts.

Mr. Clark explained that at Council's request the Solicitor's Office prepared a draft ordinance amending the sign ordinance to address the new sign technology. Copies of ordinances were obtained from other municipalities to serve as a guideline for regulating electronic and manual changeable copy signs. He noted that several electronic signs have been installed in the Township. The ordinance will regulate the size of the changeable message portion of the sign, the message display time, the intensity and color of the message, timing of message changes, etc.

Mr. Clark pointed out that the ordinance amendment was originally introduced at the January 28<sup>th</sup> meeting. Subsequently some revisions were made in the text and the ordinance was re-introduced at the February 11<sup>th</sup> meeting. The County Planning Department and Township Planning Commission reviewed the ordinance and recommended adoption. The ordinance was advertised and the proof of publication has been made part of the record. He noted that from a procedural standpoint all necessary steps have been taken to advise residents regarding the ordinance amendment.

There were no comments from members of Council or the audience. Mr. Shropshire moved to close the Public Hearing. Mr. Galloway seconded the motion, and the motion was approved by unanimous vote 6-0.

6. New Business

- B. Consideration for Adoption – An Ordinance Amending the Code of Ordinances of the Township of Middletown, Delaware County, PA, Chapter 275, Zoning, Article II, Entitled Terminology Section 275-8 by Providing a New Definition for “Sign, Ground” and by Adding Definitions for “Sign, Changeable”, “Electrical Changeable Copy Display” and “Manual Changeable Copy Display” and Amending Article XXXII, Entitled Signs, by Repealing Current Section 275-192.E(1), and Providing a New Section 275-192.E(1) for Regulation of the Height and Display of Ground Signs, and by Amending Section 275-195 to Create a New Section 275-195.G “Changeable Signs” to Permit Changeable Signs with Manual Changeable Copy Display and Electrical Changeable Copy Display in Certain Institutional, Business, Special Use, Outdoor and Indoor Recreational, Office and Manufacturing Districts

Mr. Shropshire moved for adoption of the ordinance amending the Middletown Code of Ordinances, Chapter 275, Zoning, Article II, entitled Terminology, Section 275-8 by

providing a new definition for “Sign, Ground” and by adding definitions for “Sign, Changeable”, “Electrical Changeable Copy Display” and “Manual Changeable Copy Display” and amending Article XXXII entitled Signs, by repealing current Section 275-192.E(1), and providing a new Section 275-192.E(1) for regulation of the height and display of ground signs, and by amending Section 275-195 to create a new Section 275-195.G “Changeable Signs” to permit changeable signs with manual changeable copy display and electrical changeable copy display in certain Institutional, Business, Special Use, Outdoor and Indoor Recreational, Office and Manufacturing Districts.

Mr. Carlson seconded the motion, and Ordinance No. 737 was adopted by unanimous vote 6-0.

C. Review of Final Land Development Plan – Mirmont Treatment Center – Building Addition and Storage Structure – 100 Yearsley Mill Road

James Byrne, Esquire, representing the Mirmont Treatment Center and Main Line Health, stated that the treatment center located at 100 Yearsley Mill Road was approved in 1984. Expansion of inpatient and outpatient facilities was approved as a Conditional Use in November 2006. The current plan proposes construction of a 5,900 sq. ft. addition to the north side of the main building and a 1,800 sq. ft. pole structure to the rear of the building to be used for storage purposes. He explained that following discussion with Mr. Damico and the Township staff it was agreed that Conditional Use approval would not be necessary for the proposed minor expansion. He pointed out that there will be no increase in the number of beds or staff members and no change in parking.

Mr. Byrne introduced the members of the Mirmont team: James Faber, Esquire with McCloskey & Faber; Thomas Cain, President/CEO of the Mirmont Treatment Center-Main Line Health; Steven Brown, architect with Bernardon Haber Holloway Architects; David Redash, Project Engineer with Edward Walsh & Associates, and Frank Cannon of Main Line Health.

Mr. Byrne stated that notice was sent to adjoining property owners and the return receipt cards were handed up at the Planning Commission meeting. He noted that the applicant reviewed the staff and landscape review comments and agreed to comply with the recommendations. The County Planning Department and the Township Planning Commission recommended approval of the plan. Mr. Byrne explained that they reviewed the draft Resolution for approval and found the conditions for approval acceptable.

Mrs. Amoroso asked what will be stored in the pole structure. Mr. Cain replied that bulk paper products, extra mattresses, small furniture items, maintenance equipment and things of that nature will be stored in the pole building.

Mr. Shropshire moved for approval of the Revised Final Land Development Plan, subject to the Final Plans being revised to conform with the Township Engineer’s and Zoning Officer’s review comments transmitted under cover letter of February 25, 2013, approval of landscape and lighting plans by the Township Landscape Planner, approval by the Sewer

Authority of any changes in sewer utilization resulting from the expansion and approval of designs for any construction proposed in proximity to existing sanitary sewer lines, execution of any required Developer's Agreement, Improvement Security Agreement, and Stormwater Maintenance Agreement in form approved by the Township Solicitor, and acceptance of the applicant's offer of a recreation fee in lieu payment based on the unit rate in effect at the time of fee payment (currently \$10,460 based on 2012 unit rate).

Mr. Quinn seconded the motion, and Resolution 2013-43 was approved by unanimous vote 6-0.

D. Approval of Sewage Facilities Planning Module –  
Elwyn Skycrest – E. Baltimore Pike at School Lane

Mr. Clark stated that a plan was approved in 2012 for a 112 unit townhouse development known as "Skycrest" to be constructed on a 28.29 acre parcel of the Elwyn property on the north side of East Baltimore Pike opposite School Lane. One of the conditions of approval was a requirement for DEP approval of a Sewage Facilities Planning Module, and Council must approve a Resolution authorizing submittal of the Planning Module to DEP. The sewer line for the development will be installed by the developer, and it is proposed that the gravity collection system, new pumping station and new force main within the development will be offered for dedication to the Township Sewer Authority.

Mr. Clark explained that because of the current moratorium on sewer connections, the Planning Module will be held by the Township and will not be forwarded to DEP until after the "Global Agreement" and Corrective Action Plan have been formally approved by DEP.

Mrs. Amoroso moved that the Council of Middletown Township adopts and submits to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is attached hereto. Mr. Carlson seconded the motion, and Resolution 2013-44 was approved by unanimous vote 6-0.

E. Approval of Bill List

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

Mr. Carlson moved that payments under the March 25, 2013 Bill List be authorized for payment by the Finance Department:

General Fund

Aqua PA	February Hydrant Rental	\$ 11,421.76
US Bank	Non-Uniform Pension Contribution	111,976.00

Mrs. Amoroso seconded the motion, and Resolution 2013-45 was approved by unanimous vote 6-0.

7. Adjournment

The meeting was adjourned at 7:20 PM.

Respectfully submitted,

*Carolyn Doerfler*  
Carolyn Doerfler, Recorder