

**MIDDLETOWN TOWNSHIP
BOARD OF SUPERVISORS
PUBLIC MEETING
FEBRUARY 24, 2014**

PRESENT

PAT MALLON, CHAIRPERSON	}	
H. GEORGE LEONHAUSER, VICE CHAIR	}	
DREW KREILING, SECRETARY	}	BOARD OF SUPERVISORS
THOMAS GALLAGHER	}	
WILLIAM OETTINGER	}	
STEPHANIE TEOLI KUHL, TOWNSHIP MANAGER		
JOSEPH PIZZO, ESQ., TOWNSHIP SOLICITOR		
WAYNE KIEFER, P. E, TOWNSHIP ENGINEER		

1. Call to Order, Pledge of Allegiance, and Roll Call.

Mr. Mallon called the meeting to order at 7:30 p.m. After the Pledge of Allegiance, Mr. Kreiling called roll. All Supervisors were in attendance along with many interested citizens.

2. Announcements, Correspondence, Awards and Reports.

- a. Next Board of Supervisors Meeting – **March 3, 2014 – 7:30 p.m.**

Mr. Mallon advised that an Executive Session was held on January 27, 2014 to discuss health insurance benefit brokers; no decision made at the Executive Session and will be voted on tonight. An Executive Session was also held on February 10, 2014 to discuss a personnel matter; no decision was made and will be voted on tonight.

- b. Swearing in of new Police Officers: Kevin Platenecky and Christopher Viscardi

Newly hired Police Officers Platenecky and Viscardi were sworn in by Mr. Mallon.

- c. Recognition of Crossing Guard Carmella Sakalauskas for 42 Years of Service

Mr. Mallon presented Ms. Sakalauskas with a commendation for 42 years of faithful service as a Crossing Guard. Ms. Sakalauskas stated that she loved her job and enjoyed every minute.

- d. Recognition of McCafferty Auto Group

Jim Peet, Licenses & Inspections acknowledged Chris Scott, General Manager at McCafferty Auto Group for the donation of a 1998 Crown Victoria that will save his department \$25,000.

3. Public Comment. *Non-Agenda Items only.* (Maximum 30 minutes)

Mr. Mallon asked that comments be held between 3 and 5 minutes and this is Public Comment and not Q & A. Please provide name and address when coming up to the podium.

Ron Krajewski, 9 Cobalt Ridge Drive North, Levittown read from court cases regarding the approval of subdivisions. He went into great detail about the subdivision ordinance that has not been enforced. Mr. Krajewski met with Mr. Pizzo prior to the public meeting and is looking forward to meeting him again and working out the issues he is having.

Frank Class, Langhorne Gables, expressed his concern about the EIT and asked how the quarterly returns will be filed. Ms. Teoli Kuhls advised that pensions, Social Security or retirement will not be taxed.

Bill Steckline, Langhorne Gables came forward to discuss the drainage issues on his street. He was advised that this is an agenda item and will be discussed later in the meeting.

4. **Consent Agenda Items.**

- a. Consideration of authorizing payment of February 3, 2014 Bill List in the amount of \$623,703.54 and the February 24, 2014 Bill List in the amount of \$1,346,826.40.
- b. Consideration of approving the November 25, 2013 and December 16, 2013 Minutes of the Public Meeting of the Middletown Township Board of Supervisors.

ACTION: MR. LEONHAUSER MOVED TO APPROVE AGENDA ITEMS A & B AS LISTED ABOVE. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

5. Consideration of Request for Waiver of Land Development, Newtown Friends School.

Mark Havers, P.E. of Pickering, Corts & Summerson represented the application Newtown Friends School along with Dana Harrison, Head of the School. The applicant proposes to construct approximately 800 square foot building addition to expand pre-school and kindergarten classrooms and renovate the existing playground area. The site is a leased area of approximately 5.5 acres that is situated on a portion of the George School tract. The site is zoned RA-3 Residential Agricultural District which allows public or private education uses.

Mr. Duffy explained that the proposed improvements include roof leader connections to the existing onsite storm sewer system, erosion control facilities, grading and final stabilization of the site. If the land development waiver is granted, the applicant is required to post a \$2,500 escrow at the building permit stage to cover the Township Engineer inspection costs for said improvements.

ACTION: MR. LEONHAUSER MOVED TO GRANT THE WAIVER OF LAND DEVELOPMENT CONDITIONED UPON ADEQUATELY ADDRESSING THE COMMENTS OF THE JANUARY 14, 2014 TOWNSHIP ENGINEER REVIEW LETTER AND AGREEING TO POST A \$2,500 INSPECTION ESCROW AT THE TIME OF BUILDING PERMITS. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

6. Consideration of appointing Health and Employee Benefit Insurance Broker.

Ms. Teoli Kuhls advised that the Township received a renewal proposal from Blue Cross in late November for the upcoming coverage year that commenced on February 15, 2014. The proposal included a 12.06% increase in overall premium which represented more than \$180,000 over 2013 costs.

Concurrent with the receipt of the renewal proposal, the Township staff initiated an investigation of the marketplace by seeking a proposal from the Delaware Valley Health Insurance Trust (Municipal Insurance pool) and by interviewing several other healthcare consultants/brokers. In addition, staff worked with existing insurance broker, The Selzer Company, to negotiate with Blue Cross and to attempt to obtain additional quotes from the marketplace.

The Delaware Valley Health Insurance Trust (DVHIT) proposal included coverage by Aetna at the exact level of coverage in the existing Blue Cross Plan with a 5.5% savings over the Blue Cross proposal. The DVHIT proposal was not able to be considered a viable option because current contractual obligations limit the Township's ability to change providers.

Selzer Company was able to utilize the DVHIT proposal to negotiate the Blue Cross renewal to a 6.7% increase over 2013 costs or an increase of \$102,000. Meetings were also conducted with the following brokers: Innovative Risk Solutions, Kelly & Associates and WRG Consulting. Each broker was provided a Letter of Authorization so that they could go into the marketplace to put together a proposal for providing a comparable health insurance plan to the Township.

Follow up meetings were conducted with each broker so that they could present their proposals for coverage as well as recommendations for cost savings. Both Selzer and WRG Consulting recommended a minor plan design change that would minimize the renewal increase to .2% over 2013 costs. WRG additionally recommended that a Medicare carve out be contemplated for future contract negotiations and that the Township should consider other options regarding deductible funding. WRG also included with their proposal a more technologically innovative method for managing the HRA/FSA accounts.

The staff recommended three finalists for consideration by the Board of Supervisors: The Selzer Company, WRG Consulting and Innovative Risk Solutions. Interviews were conducted by the Board of Supervisors on January 27, 2014. The recommendation to implement a minor change to plan design has been implemented for the February 15th renewal. As a result, healthcare costs in 2014 will increase by only .2% or \$3,277 and represents a savings to 2014 budget of approximately \$240,000.

ACTION: MR. MALLON MOVED TO APPOINT WRG CONSULTING OF YARDLEY, PA AS THE MIDDLETOWN TOWNSHIP BROKER OF RECORD FOR HEALTH INSURANCE AND EMPLOYEE BENEFITS. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

7. Consideration of Resolution #14-05R, Field Usage Policy.

Debby Lamanna, Parks, Recreation and Community Services Director along with Debby Marchesani, Chairperson of the Parks & Recreation Board presented the proposed Field Usage Policy. The Field Usage Policy was reviewed by the Parks & Recreation Board and a list of the proposed changes based on issues that have come to the Board's attention over the past years along with a fee comparison with other Bucks County municipalities was emailed to all of the organizations that use Township fields for their review and input.

In addition to proposing fee increases, other changes to the resolution include: clarifying the process of allocating fields; outlining the user's responsibility for the use of field lights and loudspeakers; and addressing the need to ensure that sponsorship signs are maintained in good

condition, do not damage the fences, and are placed in appropriate locations that do not violate other Township ordinances.

The proposed fee changes increase the light usage fee from \$15 per hour to \$25 per hour. The increase in the light usage fee is expected to general \$7,550 annually. The proposal also includes a new special event permit fee of \$150 per day per park. A special event permit would be required for organizations hosting tournaments in Township parks as there would be an increase in trash disposal, park cleanup and the likelihood of conflicts with the surrounding neighborhoods over noise, parking or other crowd-related issues. The special event permit fee revenue is expected to general \$2,400 annually. Ms. Lamanna stated that the Parks & Recreation Capital Reserve Fund is dwindling due to the lack of development in the Township.

ACTION: MR. KREILING MOVED TO AMEND RESOLUTION #97-08R AS SPECIFIED IN THE PARKS & RECREATION BOARD MEMO DATED JANUARY 22, 2014 AND TO INCREASE THE FIELD USAGE FEES AS PROPOSED. MR. MALLON SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

8. Consideration of Resolution #14-06R, Fee Resolution.

Ms. Teoli Kuhls noted that Middletown Township currently has several different fee resolutions, adopted at different times for individual departments. A staff goal in 2013 was to prepare one comprehensive fee resolution for all fees charged by the Township. As part of this process, a complete review was conducted of all Township fees to determine if they were set at appropriate levels. Fees in surrounding municipalities were reviewed and costs to provide services were investigated.

Implementation of recommended changes will result in anticipated increased fee revenue as follows:

Planning & Zoning	\$33,000
Building Department	\$10,000
Fire Marshal	\$39,000
Parks & Recreation	\$ 7,500
Finance Department	\$25,000

Total anticipated increased revenue is estimated at **\$114,500**.

ACTION: MR. KREILING MOVED TO ENACT RESOLUTION #14-06R FEE RESOLUTION. MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

9. Consideration of ratifying Resolution #14-07R Declaring a Snow Emergency and Limited State of Emergency effective February 3, 2014.

Ms. Teoli Kuhls advised that the Township needed to declare a snow emergency to be able to apply for funding as a result of storms on February 3, 2014.

ACTION: MR. MALLON MOVED TO RATIFY RESOLUTION #14-07R DECLARING A SNOW EMERGENCY AND LIMITED STATE OF EMERGENCY EFFECTIVE FEBRUARY 3, 2014. MR. GALLAGHER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

10. Consideration of ratifying Resolution #14-08R Declaring a Snow Emergency and Limited State of Emergency effective February 12, 2014.

Ms. Teoli Kuhls advised that the Township needed to declare a snow emergency to be able to apply for funding as a result of storms on February 12, 2014.

Ms. Teoli Kuhls recognized Township employees, Public Works Department employees, Police Department and fire and emergency management responders for the hard work during these snow emergencies.

ACTION: MR. MALLON MOVED TO RATIFY RESOLUTION #14-08R DECLARING A SNOW EMERGENCY AND LIMITED STATE OF EMERGENCY EFFECTIVE FEBRUARY 12, 2014. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

11. Consideration of enacting RDA Resolutions #14-09R Big Oak Road Reconstruction in the amount of \$700,000; Resolution #14-10R, Langhorne-Middletown Fire Company North Station Engine Acquisition in the amount of \$250,000 and Resolution #14-11R, Emergency Responder Radio Replacement in the amount of \$50,000.

Ms. Teoli Kuhls advised that the resolutions will allow the Township to accept the Municipal Grants from the Redevelopment Authority (RDA). The resolutions designate Ms. Teoli Kuhls and Dennis Penko, Finance Director the authority to complete any appropriate paperwork and sign documents on behalf of the Township.

ACTION: MR. LEONHAUSER MOVED TO ENACT RDA RESOLUTIONS #14-09R BIG OAK ROAD RECONSTRUCTION IN THE AMOUNT OF \$700,000; RESOLUTION #14-10R, LANGHORNE-MIDDLETOWN FIRE COMPANY NORTH STATION ENGINE ACQUISITION IN THE AMOUNT OF \$250,000 AND RESOLUTION #14-11R, EMERGENCY RESPONDER RADIO REPLACEMENT IN THE AMOUNT OF \$50,000. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

12. Consideration of Authorization to Advertise an Ordinance Vacating Sumac Street (paper street).

Pat Duffy, Zoning Officer explained that the applicant, Mr. Chad Stellato has combined tax parcels #22-012-073, #22-012-074, #22-012-083, #22-012-084 and #22-012-085 with tax parcel #22-012-082. All of the parcels adjoin the portion of Sumac Street proposed to be vacated. The applicant plans to construct a single family dwelling on tax parcel #22-012-082. The parcel is zoned R-2 Residential District.

The portion of Sumac Street to the south has already been vacated and is part of tax parcel #22-012-072. Tax parcel #22-012-082 will have access from Deer Drive through an existing access easement on tax parcel #22-012-072. The proposed area to vacate on Sumac Street has no impact on adjacent tax parcels #22-012-075 and #22-012-086 since they can only be accessed from the north.

ACTION: MR. GALLAGHER MOVED TO AUTHORIZE ADVERTISEMENT OF AN ORDINANCE VACATING APPROXIMATELY 225 LINEAL FEET OF A PORTION OF A PAPER STREET NAMED SUMAC STREET, ALONG TAX PARCEL #22-012-082. MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

13. Announcement of Police Chief Retirement.

Mr. Mallon met with Chief Kane and verified his intent to retire as of June 2014. Mr. Mallon said that Chief Kane has done a good job and will be hard to replace. He suggested the Township enter into an agreement with a search firm to begin the process of replacing the Chief.

14. Consideration of authorization to enter into an agreement for Police Chief Search.

Mr. Gallagher disagreed with entering into a agreement with a search firm to replace the Chief. He disagrees with spending \$11,000. He requested the Board look into creating a Citizens' Advisory Board to handle the review and selection of a Chief of Police similar to the Advisory Board used four (4) years ago.

Mr. Mallon said when he looks at the position of Police Chief and the restrictions put on the position by the Police Tenure Act that he hopes will be at the Township for the next 15 years and also will be the Chief Executive Officer that will run a department that represents 75% of the Township's General Fund, he believes that the cost of \$11,000 is a minimal expense and dollars very well spent. Mr. Mallon pointed out that he put the Citizens' Advisory Board together 4 years ago for the chief of police search.

Mr. Leonhauser agreed with Mr. Mallon. The Township needs a professional organization that has much experience in conducting the studies and recommendations. The firms are headed by police officers that have experience in this county and numerous other counties and would be the way to go. We want a Police Chief that is going to be here 15 to 20 years and we want to make sure we make the right choice and decision on this matter.

Mr. Oettinger asked if there is a timeframe involved for the search. Ms. Teoli Kuhls stated it is going to be an ambitious schedule to accomplish by June 1st. Once the ads are placed the Township will need 30 days from that time to receive the applications. We will know more based upon the responses to the initial advertisement. If the Board authorizes the agreement with the search firm tonight, next week before or after the public meeting, an Executive Session meeting will need to be held to provide the consultant and the Manager with thoughts about the profile of a Chief of Police.

Mr. Mallon stated that the last search took between 7 and 8 months to complete. Once you get down to the final candidates, there is some additional vetting, and once the candidate has been chosen, there are contract negotiations to that tend to drag on. He believes ideally the Board will be in a position in May to extend an offer and then use May to negotiate the final terms and conditions on the contract. Mr. Mallon believes the Board needs to have a contingency in place in the event that it looks like the deadline may not be met.

Mr. Klass asked if the Board is going to try to fill the position of Police Chief at a little bit of a savings. Mr. Mallon said this is a Police Chief position and he does not believe we should be pinching pennies. This is a CEO of an \$11 million organization. Mr. Mallon said the Board will certainly do their best to be as frugal as possible, but will negotiate with the candidate on the skill set they possess.

ACTION: MR. MALLON MOVED TO AUTHORIZE AN AGREEMENT WITH SAFE CITY SOLUTIONS FOR POLICE EXECUTIVE SEARCH SERVICES AT A COST OF \$11,000.00. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 4-1 WITH MR. GALLAGHER OPPOSED TO THE EXPENDITURE.

15. Public Works Department Report – Winter Weather Response

Ms. Teoli Kuhls stated that the Township is at about 84% of the budget in the Highway Aid Fund. With the past two storms we are well over the 2014 allocation and we will need to go into the fund balance reserves for the Highway Aid Fund because we are not through winter and we also have next November and December to consider.

Erich Wendel, Director of Public Works presented a report for the season so far. He wanted to acknowledge his staff for the great job they are doing. His department has gone through 3,900 tons of salt as of last week. DPW has gone through approximately 24,000 gallons of brine. Mr. Wendel has been having his guys work extra (weekends) filling potholes.

Mr. Wendel also reported that there are a lot of roadways in the Township that must be repaired as they will not make it through the summer and then next fall/winter. Some sort of funding has to be found to redo the roads. The 3,900 tons of salt cost \$196,000 which were funds that Mr. Wendel was banking on doing other things with, mostly paving.

Ms. Teoli Kuhls said she has asked Mr. Wendel and Mr. Duffy to develop a road improvement program so that we may get a handle on how much it would cost to really hit every road in the Township over a 10 year period. The 10 year program evolved into a 14 year program. There is deferred maintenance and deferred construction on the roads in the Township to such an extent that if we wanted to hit every road in the Township over 14 years, we would need to spend approximately \$2 million a year. The 2014 budget has \$400,000 in it for roadway work.

Mr. Wendel said that South Flowers Mill Road was paved 4 years ago and it is falling apart due to poor drainage. There is no drainage on that road and a lot of the roads in the Township need drainage work to make them last longer.

Mr. Mallon said there are two issues the Township needs to begin to look at on an enterprise basis. The first is the roads and the second is stormwater management. Mr. Mallon directed Mr. Wendel, Mr. Duffy and the Township Manager along with the Finance Director to put together that plan and maybe put together a “critical” list of those top 10 projects that have to be done on a short term basis along with what kind of finance options might be available; bonds, loans, i.e., borrowing money from the Investment Fund.

Mr. Leonhauser asked if the brining system has been a great investment for the Township and have we shared our expertise with surrounding municipalities. Mr. Wendel said absolutely.

Mr. Mallon on behalf of the Board commended Mr. Wendel along with the staff at the Department of Public Works for the great job they do taking care of the roads during the past snow storms.

Mr. Oettinger asked if Mr. Wendel has a priority list available for things that need fixed immediately. Mr. Wendel said there are at least 7 or 8 roads that need repair immediately and that is what he wants to sit down and discuss with the Manager, Finance Director and Township Engineer.

16. Engineer’s Report

Wayne Kiefer, Township Engineer presented a report on the outstanding jobs in the Township as follows:

Forsythia Gate Bridge – was authorized to go out to bid. The scope of the project was adjusted to only do the structural improvements which required some changes to the bid document. The project will be out for advertisement shortly.

Colonial Drive - The easements for Colonial Drive have been obtained, design is complete and to move forward at this point approval to place the project out to bid is needed.

Langhorne Gables – The Township directed Tri-State Engineers to prepare an analysis of that area; which is a 100+ acre drainage area that drains toward I-95. Recommendations were presented to the Township staff last year. This is an overall project including additional storm sewer replacement and the possibility of adding some detention basins in the area at a cost \$1.5 million. The project would include the replacement of the undersized storm sewer on Clay Avenue, Longview Avenue and to redirect some water from those areas to lessen the flow in the over capacity channel that runs from Longview to I-95.

Mr. Kiefer advised that meetings have been held with some of the residents with more localized problems; many yards do not drain toward the street, street is higher than existing driveways which is compounding the problems.

Some of the issues that need to be addressed is the use of detention in existing paper streets and privately owned open space. Work may also be done along I-95 which would require permitting processes, which could get quite complicated and obviously a budget on how to phase and prepare for a \$1.5 million project.

Mr. Mallon said one of the problems he has seen over the last 25 months is the plethora of stormwater management issues within Middletown Township. We do not have a unified plan or enterprise plan and are not looking at the entirety of the Township and as a result we are tending to deal with these on a one on one basis. Mr. Mallon directed the Township Manager, Ms. Teoli Kuhls and Township Solicitor, Mr. Pizzo to look at a stormwater management body that is working on behalf of the Township and that is looking at the stormwater issues within the entirety of the Township.

Ms. Teoli Kuhls stated that the 2014 Budget has \$250,000 for stormwater projects, but will not come close to solving the global problem. Ms. Teoli Kuhls will work with the Solicitor to bring back some recommendations.

Bill Steckline, Fir Avenue, expressed his concerns about the drainage issues in his neighborhood. He asked that the Board vote to move forward to fix the issues in his neighborhood.

Walter Class, Clay Avenue, said the problems in his neighborhood were identified in 1996 and it is now 18 years later and we know what the problems are so to keep on studying is not really productive. He begged the Board to do something for Langhorne Gables.

Mr. Gallagher asked how long it would take to prepare a “phased” approach to this project so the Board would have something to look at. Mr. Kiefer said all that has been done thus far is the study and conceptual fixes without hard designs. It would have to go hand in hand because he would hate to design the project into a hole in phase 1 and not be able to address the outlying areas later. All

of the lower section should be designed and conceptually design the upper sections and then look at how it could be broken down phase wise on what would make sense cost wise and efficiency wise in phasing.

Mr. Gallagher asked if it would be a reasonable request for Mr. Kiefer to report back to the Board at next week's meeting with the cost and how long it would take.

Resident, 676 Fir Avenue, went into great detail about the problems she is having with stormwater on her property.

Resident, Fir Avenue, asked if it would be possible to get a tax credit if he were to fix his drainage problem himself.

Ms. Teoli Kuhls said she is not aware that the Township would have the authority legislatively to grant a tax credit.

Mr. Pizzo said a tax credit is not possible. Consistent with the direction that Mr. Mallon has given Ms. Teoli Kuhls and Mr. Pizzo this evening, there were some recent changes in the law coming from Harrisburg that will now give the Township some options to look at in terms of creating and funding a more global approach to stormwater management in the Township.

The regulations that builders in the Township face today look absolutely nothing like the regulations that were in place 20 years ago. Langhorne Gables was built at a time when there really weren't stormwater management regulations that builders were required to follow.

Ms. Teoli Kuhls asked the residents present from Langhorne Gables to provide their name, address, email address and phone number on the sheet in the back of the Public Hall so the Township can contact the residents.

Ed Kabon, 657 Clay Avenue, still has sandbags from the last bad storm this past summer in front of his garage. He asked that something be done as he is afraid that his property is going to collapse from all of the water that comes into his home during bad storms.

Mr. Klass said when the study was done by Pennoni in 1996 there were 12 projects on the list and two were left undone and Langhorne Gables was one of them.

Steve Jaronis, 77 Clay Avenue, said his home was built by his grandparents and is one of the oldest houses in the neighborhood. He remembers a stream behind the house which is now the backyard of a neighbor. Mr. Jaronis said the last homeowners of 676 Fir Avenue were also flooded and wondered if the new owners were advised of the flooding issues.

ACTION: MR. MALLON MOVED TO AUTHORIZE THE TOWNSHIP ENGINEER TO PREPARE BID SPECS AND PUT OUT TO BID THE STORMWATER PROJECT ON COLONIAL DRIVE. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

17. Other Business.

Ms. Teoli Kuhls advised that postcards were sent out to all Township residents concerning the EIT. We are getting a lot of calls and emails as a result of the mailing and Ms. Teoli Kuhls has made

it a priority that she will answer all questions and emails. She said the calls are mostly good calls with a lot of people just asking clarification questions; i.e., they are already paying the tax in Newtown, etc. and are very happy to hear that the money they are spending in another town will be coming back to the Township. She said she should have put something on the postcard about retirees not being subject to this tax. The quarterly forms that are required are available at the Township building for those that are self-employed or those who work in New Jersey.

Mr. Mallon thanked the Township staff and in particular Mr. Wendel, Department of Public Works for their hard work during the snow storms.

18. Other Public Comment. (Only applicable if initial Public Comment period exceeds the 30 minute time limit.)
19. Adjournment.

ACTION: MR. MALLON MOVED TO ADJOURN THE PUBLIC MEETING OF THE MIDDLETOWN TOWNSHIP BOARD OF SUPERVISORS AT 9:27 P.M. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.