

**MIDDLETOWN TOWNSHIP
BOARD OF SUPERVISORS
PUBLIC MEETING
MARCH 3, 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 17, 2014 @7:30 p.m.***

Mr. Mallon advised that there was an Executive Session held prior to the public meeting concerning personnel matters and no action was taken. An Executive Session is also scheduled for Tuesday, March 11th at 6:30 p.m. concerning personnel matters.

Mr. Mallon announced the Township received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for the year ending December 31, 2012. Mr. Mallon congratulated Dennis Penko, Finance Director for a job well done.

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

Kevin Gallagher, Rugby Drive, Langhorne expressed his opinion concerning the Township's structural imbalance and that the EIT isn't addressing the problem, only the symptoms. He asked if the Board proposes to raise the EIT to 1%. Mr. Gallagher believes the Township needs more control and oversight with regard to spending.

Jerry Hoffman, Summit Trace, Langhorne questioned the compensation package of the Township Manager by filing Right to Know requests with neighboring municipalities. He looked at the base salary, vacation, auto allowance and deferred compensation. One response was from Lower Southampton – the Township Manager makes \$85,000 per year, 15 vacation days per year, auto allowance is IRS mileage for business travel, and the deferred compensation is \$4,900. Upper Makefield Township – Township Manager makes \$102,000 per year, 20 vacation days per year, auto allowance is the use of a Township vehicle for travel to and from work and on business; deferred compensation is \$5,100. Bensalem Township – Township Manager makes \$146,500 per year, 25 vacation days, use of a township vehicle and deferred compensation of \$12,000. Middletown

Township – Township Manager makes \$158,500 per year, 25 vacation days per year, auto allowance is \$7,200, deferred compensation \$16,500 for a total package of a little over \$188,000 per year. Believes the Township Manager's contract should be renegotiated in 2015.

Matt Hoyas, 2 Cosmos Road, Levittown requested that the Board of Supervisors weigh in on the possible school closing proposed by the Neshaminy School Board. He went on in great detail about the detrimental effect the closing of the school would have on his neighborhood.

4. **Consent Agenda Items.**

- a. Consideration of authorizing payment of March 3, 2014 Bill List in the amount of \$700,062.27.
- b. Consideration of approving the December 23, 2013 and December 30, 2013 Minutes of the Public Meetings of the Middletown Township Board of Supervisors.
- c. Consideration of approving the Escrow Release request submitted by St. James Court in the amount of \$15,000. (Mr. Kreiling asked if there are still funds being held. Mr. Kiefer stated the Township is still holding \$103,000 in escrow.)

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

5. **Langhorne Gables Stormwater Issue**

Mr. Kiefer presented information with regard to the Langhorne Gables Stormwater issue. The first step would be the reconstruction on Longview Avenue and Clay Avenue. The construction costs would be approximately \$500,000 which would include reconstruction of the road and new storm sewer in the area. One of the issues is to provide detention of the stormwater in the area. There is some open space area where an existing storm pipe runs along Clay Avenue, which would be a perfect place for a detention basin. The Township would have to move to acquire the property, but there is already a significant amount of stormwater running through there. Essentially, the existing pipe could be cut, construct the basin in the open space and hold back water it would help solve the problem down the bottom.

Another thing the Township may wish to consider is from the intersection of Longview and Fir there is a drainage channel that runs to the I-95 culvert. That channel is undersized at the present time. The Township would need to obtain easements over the channel to do improvements which would also help pass some of the water from the neighborhood down to the I-95 culvert. The cost of constructing a basin in the open space would be around \$250,000.

Mr. Mallon inquired if the Township could be a hold on development in this area which may exacerbate the existing flooding issues in this area.

Mr. Pizzo, Mr. Kiefer, Mr. Duffy and Ms. Teoli Kuhls met after the last Board of Supervisors meeting to come up with ideas for the Langhorne Gable proposal and some other ideas. Focusing on Mr. Mallon's question about new construction, the Township is requiring new construction to utilize

Best Management Practices which are mandated under the Township's stormwater management ordinance and also mandated by the State. Mr. Pizzo stated the Township cannot do a moratorium on new construction. What the Township can do and has been doing is to continue to be vigilant in making sure that when applications come before the Zoning Hearing Board for variances from building surface coverage, impervious surface coverage, that the Township is making sure that if the variances are being granted, that we are getting the commensurate amount of stormwater facilities and stormwater management in response. Current regulations on the Township's books require that no more stormwater can leave the facility post development than left the property pre development.

Mr. Gallagher suggested that the Board of Supervisors review all Zoning Hearing Board applications.

Mr. Oettinger asked Mr. Kiefer several questions concerning the starting point of the work that is proposed and if it would give the residents relief from the overall amount of water they are getting. Mr. Pizzo said the Township may be able to utilize the open space area for a basin perhaps a little bit more easily than it looks at first blush. It would be his recommendation that the Township start looking at what would be involved in utilizing a portion of the open space area that Mr. Kiefer is referring to for a detention basin.

Part of the problem with the proposed \$500,000 for Clay Avenue is it is a joint project with the storm pipe and the lowering of the roadway as they cannot be separated.

Mr. Pizzo suggested that if the Board wants to move into executive session he could be a little bit clearer as to the acquisition of real property.

ACTION: MR. OETTINGER MOVED TO AUTHORIZE THE TOWNSHIP ENGINEER TO MOVE FORWARD WITH DEVELOPING 3-YEAR PLAN WITH FINANCIAL IMPACT. MR. MALLON SECONDED.

Mr. Mallon opened this item for public comment.

Walter Class, Langhorne Gables said he has been waiting for 18 years for the Township to help with the stormwater management problems on Clay Avenue. Discussion ensued concerning the lowering of the street. Mr. Kiefer said it is more efficient to reconstruct the storm sewer and lower the street at the same time.

Scott Lingril, Fir Avenue, Langhorne asked if there is a timeline available for this project. Ms. Teoli Kuhls said the residents in the neighborhood will be notified of the project and Mr. Lingril is on the email list.

MOTION CARRIED BY A VOTE OF 5-0.

6. Access Woods Request for Dedication of Tall Tree Lane

Ms. Teoli Kuhls advised the residents are requesting the Township to accept Tall Tree Lane as a dedicated township roadway. This is a 12 lot development that was approved in 2007 with a Homeowners Association. The HOA is responsible for the detention basin as well as Tall Tree Lane. The original developer was CGR Properties with 8 lots being developed. Recently the remaining 4 lots were built by Country Builders. The development is not completed, it is approaching the final

punch list, but according to the Township Engineer the road is constructed to Township standards. If the roadway were accepted, the Township would potentially receive some revenue through the Liquid Fuels allocation. This is a 974 lineal foot roadway.

Adam Woden, Tall Tree Lane, Langhorne thanked the Board for taking the time to consider dedication of Tall Tree Lane. Mr. Woden stated the homeowners were advised when they bought their homes that once finished the public improvements would be dedicated to the Township. He also explained that as a homeowner that purchased one of the remaining 4 homes from Country Builders he has not been paying into the HOA that may not exist.

Dawn Griffin, Tall Tree Lane, Langhorne also thanked the Board for listening to the residents of Tall Tree Lane. She hopes that the Board approves the dedication of Tall Tree Lane because the 12 homeowners of this development could not afford the burden of the maintenance of the public improvements.

George Gwillian, Tall Tree Lane, Langhorne pays a lot in taxes and would appreciate the Board approving this dedication.

Richard Russi, 13 Tall Tree Lane, Langhorne thanked the Board for their consideration.

Mr. Mallon asked if there is any escrow money available for this development. Mr. Kiefer stated that there is \$49,000 in the escrow account. All of the improvements were constructed and the final paving course was done in late October or November of 2013. One thing of concern is the fact that since the Township was not to take dedication of the public improvements, there was never a maintenance bond put in place. The maintenance bond would have been 15% of the original construction cost and would be for 18 months from the time the Engineer deemed the roadway complete and the Township accepts dedication.

Mr. Gallagher asked if the Township were to take dedication of this roadway, would we also be responsible for the landscaping. Mr. Kiefer said dedication would only include the maintenance of the actual roadway.

Mr. Oettinger asked if there is litigation ongoing between the homeowners and the original builder and also are all of the homeowners in agreement with what is being presented this evening.

Ms. Griffin said they have 100 percent support of all of the homeowners for the Township to take dedication of Tall Tree Lane.

Ms. Teoli Kuhls said the HOA documents for this development are more complex than the typical HOA documents because there are amendments to the HOA documents.

Mr. Woden stated that the original owners were paying \$80/month in HOA fees and is not sure where the funds were going.

Mr. Gallagher said there are possibilities for litigation on different fronts from what he is hearing this evening. By taking dedication to the roadway, does it open the Township up to the same litigation?

Mr. Pizzo said there is always the possibility that any action the Township takes can result in the Township being brought into litigation. First and foremost if this project were to follow its normal course, the developer would come to the Township at this stage of the program and state that all of the major construction has been completed and are down to the final punch list. At this point the Township Engineer would do an inspection and sign off on the final escrow release and the \$49,000 being held would be turned over to the builder once signed off by the Township Engineer after final inspection.

A few items that would precede the final sign off would be making sure the HOA was in place to be able to assume the maintenance responsibilities, that all of the titles and deeds that are required under the land development approval have been transferred over to the HOA. If it were a roadway to be turned over to the Township, there would be a maintenance bond put in place held by the Township for the ensuing 18 months to make sure that if any maintenance were required the bond would be there to take care of it.

As part of the closeout of the project, the Administration would approach CGR of whom the Township holds \$49,000 of escrow and advise that this is how the project will close out; title to the road will be transferred in whatever the fashion dictates, either from the developer to the HOA and from the HOA to the Township or directly from the developer and the Township would get whatever form of maintenance escrow the Township believes it needs to make sure that we are covered for the appropriate amount of time. The developer would be required to sign off on that as well as everything else that would be required to close out the project and at the end of the day the project would close out and the funds would be released.

Mr. Pizzo has no idea at this stage of the game what the current status of the developer is in terms of whether they still exist and if there is someone to reach out to. The last involvement Mr. Pizzo had in dealing with the group prior to Country Builders was that the partners that made up that group were something less than partners.

Mr. Mallon directed Mr. Pizzo, Mr. Kiefer and Ms. Teoli Kuhls to meet with the developer, gather the facts and come back to the Board with what the options may be if we were to accept dedication of the roadway and take the money in escrow in lieu of the original bond that would have been given to the Township.

7. Traffic Calming Request – South Bellevue Avenue

Ms. Teoli Kuhls advised the Township was contacted by a resident on S. Bellevue Avenue, Bridget Shoenleber. Ms. Shoenleber is concerned about safety of S. Bellevue Avenue which is owned by PennDOT and intersects with Route 1 Access Road. PennDOT's Traffic Supervisor, Don Centofante met with the residents, looked at the situation and recommended the installation of a quick curb which is a surface mounted polymer curb that has delinears on it and creates a visual barrier.

The Township Traffic Engineer prepared a cost estimate for the quick curb as PennDOT does not pay for the installation of traffic calming devices. The cost would be \$10,000. The primary reason this item did not go through the budget process is because the Route 1 Access Roads are proposed to become PennDOT roads in 2015. With the Route 1 highway improvement projects, which start in 2015, the Access Road is going to be a PennDOT road.

Mr. Mallon inquired if it is definite that PennDOT will be taking over the Access Road as part of the Route 1 Improvement Project. Ms. Teoli Kuhls said the plan at this time as part of the Route 1 Highway Improvement is that in 2015, they will be taken over by PennDOT, although she has nothing official in writing.

Mr. Leonhauser said if that is the case, they would be responsible for putting in a calming device.

ACTION: MR. GALLAGHER MOVED TO TABLE THE TRAFFIC CALMING REQUEST FOR SOUTH BELLEVUE AVENUE. MR. MALLON SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

8. Traffic Calming Request – Snowball Drive

ACTION: MR. MALLON MOVED TO TABLE THE TRAFFIC CALMING REQUEST FOR SNOWBALL DRIVE. MR. GALLAGHER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

9. Other Business.

ACTION: MR. LEONHAUSER MOVED TO APPOINT JOSEPH KENNEDY TO THE ZONING HEARING BOARD TO FILL THE UNEXPIRED TERM OF JOSEPH BUSH. MR. GALLAGHER SECONDED. MOTION CARRIED BY 5-0.

Mr. Mallon thanked Mr. Bush for his long service to the Township in many areas.

10. Other public comment. (Only applicable if initial Public Comment period exceeds the 30 minute time limit.)

Ms. Teoli Kuhls advised that the residents of Windy Bush requested that this information be presented this evening in an effort to move forward with the No Parking Ordinance in their neighborhood.

ACTION: MR. GALLAGHER MOVED TO AUTHORIZE SUBMISSION OF INFORMATION SUBMITTED BY THE WINDY BUSH HOA REQUESTING NO PARKING TO THE POLICE DEPARTMENT FOR REVIEW. MR. MALLON SECONDED. MOTION CARRIED BY A VOTE OF 5 -0.

Mr. Mallon commended the employees of the Department of Public Works for their diligence and hard work during this rough winter along with the Emergency Services employees. Mr. Mallon reminded residents to be courteous and move their vehicles from the curb when a storm is forecast to make it easier for the snowplows to make it through.

11. Adjournment.

ACTION: MR. MALLON MOVED TO ADJOURN THE PUBLIC MEETING OF THE MIDDLETOWN TOWNSHIP BOARD OF SUPERVISORS AT 8:50 P.M. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.