

**MIDDLETOWN TOWNSHIP
BOARD OF SUPERVISORS
PUBLIC MEETING
JUNE 30, 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 interested citizens.

2. Announcements, Correspondence, Awards and Reports

- a. Next Board of Supervisors Meeting – *Monday, July 21, 2014 @7:30 p.m.*
- b. Recognition of Youth Aid Panel Coordinator Florence Phillips.

Det. Patrick Nicastro, Police Liaison for the Township’s Youth Aid Panel stated that the Youth Aid Panel is an extension of the Bucks County Juvenile Justice System. When a juvenile commits a criminal offence for the first time, the police officers have two options; one to formally charge the juvenile and forward the case to juvenile court to be heard and the second option is to allow them the opportunity to go before the Township’s Youth Aid Panel.

The Youth Aid Panel is staffed with community volunteers and overseen by a civilian coordinator. The panel members meet with the juvenile offender and family members to determine an appropriate course of action. The obligations and a probation period are assigned just like in Juvenile Court; however, if all of the obligations are met the juvenile’s record effectively is expunged.

Youth Aid Panel Coordinator Florence Phillips has served with the Youth Aid Panel since its inception in 1986. Ms. Phillips continued to serve as Civilian Coordinator even after moving out of Middletown Township several years ago. After 28 years of dedicated service to the Police Department and the Township, Det. Nicastro is sad to say that Florence is retiring.

Mr. Mallon presented Ms. Phillips with a certificate of recognition in grateful recognition and appreciation of Ms. Phillips service to the community as a coordinator of Middletown Township’s Youth Aid Panel.

Ms. Phillips thanked the Board, Police Department and all the volunteers for all of the support she has received over the years. Ms. Phillips stated that she has really enjoyed the work and once again thanked everyone.

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

Robert Carberry, 177 Colonial Drive, Langhorne asked for an update on the stormwater issue at his property. Ms. Teoli Kuhls advised the Board should have this bid to award at the next meeting of July 21st.

4. **Consent Agenda Items.**

- a. Consideration of authorizing payment of June 30, 2014 Bill List in the amount of \$3,540,992.12.
- b. Consideration of approving the April 21, 2014, May 19, 2014 and June 2, 2014 Minutes of the Public Meetings of the Middletown Township Board of Supervisors.
- c. Consideration of approving the Giant Food Store – Fuel Facility Escrow Release in the amount of \$96,949.80.
- d. Consideration of approving the Giant Food Store, New Falls Road Final Escrow Release in the amount of \$455,821.68.
- e. Consideration of approving the St. James Court Escrow Release in the amount of \$34,636.63.

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

5. Consideration of enacting Resolution #14-15R approving a grant application to be submitted by the PA Horticultural Society for watershed restoration in Middletown Township.

Ms. Teoli Kuhls advised that this is a grant application looking for the Board's support for a project that will benefit Falls Township, Middletown Township and Bristol Township. The project proposes to plant 4,900 trees in Falls, Middletown and Bristol Townships to re-establish and enhance the existing riparian buffer and create a riparian corridor throughout the Mill and Martins Creek watershed. There is no required match from the Township; this request is simply the Board supporting the Pa Horticultural Society's application.

ACTION: MR. LEONHAUSER MOVED TO ENACT RESOLUTION #14-15R APPROVING A GRANT APPLICATION TO BE SUBMITTED BY THE PA HORTICULTURAL SOCIETY FOR WATERSHED RESTORATION WORK IN MIDDLETOWN TOWNSHIP. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

6. Consideration of enacting Ordinance #14-04 authorizing “No-Parking” on Golf Club Drive in the Windy Bush Development. (Duly advertised in the *Bucks County Courier Times* on June 23, 2014; proof of publication has been received.)

Ms. Teoli Kuhls advised that the Board of Supervisors authorized several months ago that this “No-Parking” zone be established. The Police Department provided a recommendation. The ordinance has been advertised and as reflected in the ordinance it establishes a “No-Parking” zone at the entrance of Golf Club Drive near its intersection with West Maple Avenue. This request was made by the Homeowners’ Association of the Windy Bush Development.

ACTION: MR. MALLON MOVED TO ENACT ORDINANCE #14-04 AUTHORIZING “NO-PARKING” ON GOLF CLUB DRIVE IN THE WINDY BUSH DEVELOPMENT. MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

7. Consideration of approving the purchase of radio equipment (repeater system) from All Systems Wireless in the amount of \$11,630 for the Fire Marshal’s Office and Public Works Department.

Ms. Teoli Kuhls stated the repeater system will allow for communication between the Public Works Department and Emergency Management with the Police Department and the cost will be covered through the RDA Grant.

ACTION: MR. KREILING MOVED TO APPROVE THE PURCHASE OF RADIO EQUIPMENT (REPEATER SYSTEM) FROM ALL SYSTEMS WIRELESS IN THE AMOUNT OF \$11,630 FOR THE FIRE MARSHAL’S OFFICE AND PUBLIC WORKS DEPARTMENT. MR. LEONHAUSER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

8. Consideration of approving the purchase of an engine for the Langhorne-Middletown Fire Company in an amount not to exceed \$630,000 from Precision Fire Apparatus.

Ms. Teoli Kuhls advised that the Langhorne-Middletown Fire Company was a recipient of an RDA Grant during the 2013 approval process. There is a \$250,000 grant from the RDA toward the purchase which will be put together with the funding in the Apparatus Fund designated for this Langhorne-Middletown engine. This will be replacing an engine that is 22 years old and the new engine will be housed at the North Middletown Substation.

The purchase is through CoStars on a state bid. Mr. Pizzo said that additional language will be added to the agreement making sure that the delivery comports with the timetable of the RDA grant. If the Board agrees, the motion would be subject to additional language with time being of the essence.

ACTION: MR. GALLAGHER MOVED TO APPROVE THE PURCHASE OF AN ENGINE FOR THE LANGHORNE-MIDDLETOWN FIRE COMPANY IN AN AMOUNT NOT TO EXCEED \$630,000 FROM PRECISION FIRE APPARATUS WITH INSERTION OF ADDITIONAL LANGUAGE. MR. MALLON SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

9. Consideration of awarding a contract to General Asphalt Paving Company of Philadelphia in the amount of \$1,506,344.00 for the Township’s 2014 Road Paving Program.

Pat Duffy, Zoning & Planning Officer advised that the bids were published on May 29 and June 2, 2014 in the *Bucks County Courier Times*; proof of publication has been received. Bid specifications were posted and made available on PennBid.net. A pre-bid meeting was held on site on June 10, 2014.

Three (3) bids were received with General Asphalt Paving Company of Philadelphia being the low bidder. Bid tabulations are as follows:

General Asphalt Paving Co.	\$1,506,344.00
James D. Morrissey, Inc.	\$1,553,154.50
James J. Anderson Const. Co.	\$1,661,288.00

General Asphalt Paving Company of Philadelphia meets all requirements under the Responsible Contractors Ordinance.

Mr. Pizzo advised that the Township has already vetted General Asphalt Paving Company under the responsible contractor. There is still a public review period so the actual reward cannot be made until such time as the actual review period closes.

Mr. Gallagher directed the Township Staff to propose additional streets for inclusion in the 2014 Road Program as a change order to this project.

Mr. Duffy said that additional roads have been looked at including the Silver Lake Community, Frosty Hollow Road and Tollgate Road. The addition of these roads would cost a little over \$500,000. One of the jobs proposed for 2015 is South Flowers Mill Road and that will be a major project and Mr. Duffy is hoping there will be “extra” funds available. It will cost \$1 million minimum for all of the problems.

Mr. Mallon believes that a more comprehensive plan is needed and he instructed the Township Manager and Mr. Duffy to prepare an RFP to develop a Traffic Management Plan. We need to look at all roads in the Township because of deterioration, intersections that are problematic because of traffic and accident patterns. Mr. Mallon directed that a RFQ be sent to traffic engineering firms soliciting information and then bring the information back to the Board with a comprehensive plan.

Mr. Gallagher agreed, but considering the pricing levels for this year with the prices coming in so good, it behooves the Township to move additional roads into this year and get the positive pricing levels and then do what Mr. Mallon suggested as well.

ACTION: MR. KREILING MOVED TO AWARD A CONTRACT TO GENERAL ASPHALT PAVING COMPANY OF PHILADELPHIA IN THE AMOUNT OF \$1,506,344.00 FOR THE TOWNSHIP’S 2014 ROAD PAVING PROGRAM. MR. LEONHAUSER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

Ms. Teoli Kuhls clarified the following for the minutes: The Board directed the staff to go out for RFP’s, RFQ for transportation plans and Mr. Gallagher has directed staff to look into additional roads as a change order to come back before the Board at the July 21, 2014 public meeting.

10. Consideration of approving the Preliminary Land Development Plan for DriveTime, 1816 E. Lincoln Highway, Langhorne, TMP #22-047-201-002, S/LD #14-03.

Matt Chartrand, P.E. of Bohler Engineering represented the applicant, DriveTime which is a used auto dealer to be located at 1816 E. Lincoln Highway, Langhorne. The location is the current webuyanycars.com which is southwest of the intersection with Woodbourne Road along East Lincoln Highway. It is a 1.6 acre property overall with a 5,285 square foot building for automobile sales.

DriveTime has 117 locations in 20 states. This will be the first location in the state of Pennsylvania.

The Middletown Township Planning Commission discussed the project on April 2, 2014 and recommended preliminary land development approval with the granting of the eight (8) waiver requests conditioned upon satisfying the requirements of the Township Engineer, Township Traffic Engineer and Fire Marshal.

The applicant is requesting the following eight (8) waivers from the Middletown Township Subdivision and Land Development Ordinance:

1. from Section 303.D.(7) to not require a traffic impact study,
2. from Section 417 to not require street trees,
3. from Section 421.E.(1) to allow parking rows to exceed 12 spaces and not require planting islands at the end of each parking row,
4. from Section 421.E.(2) to not require shade trees in the raised planting beds,
5. from Section 421.E.4 to allow parking within 15 feet of the building,
6. from Section 421.E.(9) to not require the 15 foot minimum parking setback from all property lines and right-of-way lines,
7. from Section 421.G to allow the parking area to exceed a maximum grade of 3%,
8. from Section 426.J to not require off-street loading facilities per the ordinance specifications.

Mr. Gallagher said the Board has traditionally looked at the items, i.e. sidewalks, trees, curbs and looked to obtain a fee in lieu of to plant trees in the greenbelts and provide shrubs and beautification in the greenbelts. There should have been between 16 and 18 trees placed on the site and said a nice round number would be \$5,000 and Mr. Gallagher understands that Mr. Chartrand does not have the authority to agree to this, but requested that he present it to the applicant prior to coming back for final approval.

ACTION: MR. GALLAGHER MOVED TO GRANT THE WAIVERS FROM THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE SECTIONS 303.D.(7), 417, 421.E.(1), .(2), .(4), .(9), 421.G AND 426.J AND TO GRANT PRELIMINARY LAND DEVELOPMENT APPROVAL FOR THE PRELIMINARY LAND DEVELOPMENT PLAN FOR DRIVETIME, 1816 E. LINCOLN HIGHWAY, LANGHORNE, TMP #22-047-201-002, S/LD #14-03; SUBJECT TO SATISFYING ALL THE REQUIREMENTS OF THE TOWNSHIP ENGINEER, TRAFFIC ENGINEER AND FIRE MARSHAL; ALSO SUBJECT TO A \$5,000 FEE IN LIEU OF TREES AND A TRAFFIC IMPACT FEE. MR. MALLON SECONDED.

Mr. Pizzo does not see any comment from Mr. Kiefer regarding stormwater management review. He does note that the plan proposes some additional stormwater facilities; i.e. underground infiltration bed. The motion should indicate that any new stormwater management facilities would be subject to review and approval by the Township Engineer. Mr. Kiefer said the stormwater

management facilities currently meet the Township requirements and are also subject to approval from PennDOT since all water is flowing out to their roadway.

MOTION CARRIED BY A VOTE OF 5-0.

11. Other Business

Mr. Gallagher said that every year someone gets hurt with illegal fireworks – let's have a safe and happy 4th of July this year.

Mr. Mallon wished everyone a safe and Happy 4th of July and echoed Mr. Gallagher's sentiments. He reminded everyone of the 4th of July Parade that begins at 9:00 a.m. at Veterans Park on Veterans Highway. Mr. Mallon thanked all members of the business community that helped to sponsor the parade because without their help and financial contributions the parade would not be possible.

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

13. Adjournment

ACTION: MR. GALLAGHER MOVED TO ADJOURN THE PUBLIC MEETING OF THE MIDDLETOWN TOWNSHIP BOARD OF SUPERVISORS AT 8:25 P.M. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.