

**MIDDLETOWN TOWNSHIP
BOARD OF SUPERVISORS
PUBLIC MEETING
DECEMBER 15, 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		<i>(Arrived at 7:40 p.m.)</i>
LARRY YOUNG, 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. Recognition of Efforts – Foxwood Manor Fire

Mr. Mallon recognized Ilijah Rodriguez for his efforts in alerting the residents of Foxwood Manor during the recent fire.

Chief Joseph Bartorilla recognized the following police officers who went into the burning building prior to the fire department arriving: Sgt. Steve Foreman, Officer Jake Gallagher, Officer Dennis Kucinski and Officer Dave Denton.

Mr. Mallon also thanked the emergency responders and the various fire departments that responded. Mr. Mallon also thanked the Police Department and stated that Middletown Township is blessed with one of the best police departments in the County if not the State of Pennsylvania.

- b. Presentation by Parks and Recreation Board

Kristine Belser, Langhorne and member of the Parks & Recreation Board provided background on what the Parks & Recreation Board is to the Township. The Parks & Recreation Board serve 11,000 residents annually. They manage several grants for park studies and improvements. A ten year comprehensive park plan was developed to improve the Township’s recreation space. There are sub-committees, i.e., art, parade, etc. A sports quasi think tank was organized by bringing together the sports organizations to the Parks & Recreation meetings to discuss ways they can be fiscally responsible and discuss the needs for parks and improvements to their programs.

A grant was received this year for the new Master Site Plan for Spring Valley Farm and one of the goals this year is to find a way to fund needed improvements for continuing park plans. There are 20 parks in the Township that are managed through the help of the Parks & Recreation Board. Ms. Belser went into great detail about the work and activities of the Parks & Recreation Board. The Holiday Open

House serves 1,000 residents and the 4th of July Parade serves 5,000 residents, Earth Day serves 700 people and the Summer Camp Program serves 450 children.

The Parks & Recreation Fund brings in approximately \$300,000 a year in non-tax revenue from program fees, rentals, permits, etc. There are many other programs that are also coordinated by the Board.

Mr. Mallon thanked all of the Parks & Recreation Board members for their dedication to the community and also for being the first to attend the meeting this evening and advise what the Parks & Recreation Board does. Mr. Mallon has requested that the various Boards and Commissions come before the Board and let the public know what they do.

c. Next Board of Supervisors Meeting – Monday, January 5, 2015 Reorganization Meeting

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

Almando Carrasquillo, Laurel Oaks Development requested a cross walk from Laurel Oaks to the Township Community Park. Mr. Carrasquillo went into detail about his request for information from the Township. He also is going to file an ADA complaint for those who are disabled as they are also entitled to use the Community Park.

Mr. Carrasquillo also intends to file a complaint with the Attorney General's Office because there is rumor that the change was done because a long time ago Laurel Oaks was opposed to the lights at the soccer field and that this may have been done as some form of retaliation.

Ms. Teoli Kuhls advised that this was discussed at a public meeting and the Township has continued to move forward to work toward the cross walk. Initially the Township's Traffic engineer advised that this was not a viable cross walk. The Board directed Ms. Teoli Kuhls to go back to PennDOT to review the situation. PennDOT does believe that a cross walk is viable at this site and the Township is moving forward with PennDOT on how to do the work and cost it out.

Mr. Mallon pointed out that the biggest concern is the fact that there is a 45 MPH speed limit on this road and flashing lights do not necessarily slow down traffic.

Ms. Teoli Kuhls also advised that when Mr. Carrasquillo made the request for information she provided him with the information immediately, because Ms. Lamanna had the information in her file that was just on the cross walk. Ms. Teoli Kuhls told Mr. Carrasquillo to feel free to come in and view the remainder of the information he requested. Mr. Carrasquillo is upset that what was in Ms. Lamanna's office does not correspond with what was in the archive files.

Mr. Carrasquillo said he cannot find the code for the half percent tax the Township instituted. He asked if he has to submit a Freedom of Information Act form to get the code. Ms. Teoli Kuhls advised Mr. Carrasquillo that there is a section on the Township's website with frequently asked questions concerning the Earned Income Tax (EIT). She also directed him to give her a call and she would be glad to answer any questions he may have concerning the EIT.

Natalie O'Donnell, Langhorne said she was surprised that the Board made some good decisions this year concerning the Township's finances and believes they are moving in the right direction with the budget. They are doing their job as a supervisor by cutting expenses, renegotiating

contracts and doing what they are getting paid to do. She was disappointed that they overlooked the wage earners when they spoke about the EIT last month at the budget meeting by glossing over the fact that the Township received \$3 million from the wage earners in 2014 and that is the reason the budget is balanced for 2014. She said to please not forget the wage earners next year when decisions are made about the budget.

Ron Krajewski, 9 Cobalt Drive, North, Levittown asked Mr. Pizzo what the date of the meeting will be for his issues. Mr. Pizzo advised that he has heard back from several residents including one that was in Florida and the meeting date is set for Tuesday, December 30th at the Municipal Center.

Mr. Krajewski asked Mr. Mallon why the minutes of the Board meetings have to be approved. Mr. Mallon advised that it is public record and you want to make sure that what is in the public record reflects what actually occurred.

4. **Consent Agenda Items.**

- a. Consideration of authorizing payment of December 15, 2014 Bill List in the amount of \$3,141,295.49.
- b. Consideration of approving the November 17, 2014 Minutes of the Public Meeting of the Middletown Township Board of Supervisors.

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

5. Consideration of Resolution #14-32R, authorizing additional appropriation for certain funds in the 2014 Budget.

Ms. Teoli Kuhls advised there is only one item on the Resolution that is actually related to over expenditure and that is in the sanitation fund where an additional \$25,000 was needed for disposal of debris for all of the storms in 2014. All of the other items; i.e., Big Oak Grant, Bond Fund and Apparatus were all things that were not contemplated when the budget was completed in 2014. This is just a matter of housekeeping to make sure the appropriations line up with the expenditures.

ACTION: MR. MALLON MOVED TO ENACT RESOLUTION #14-32R AMENDING THE 2014 BUDGET. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

6. Consideration of approval of the 2015 Budget and associated Budget Resolutions:

- Resolution #14-30R fixing the tax rate and special levies for the fiscal year ending December 31, 2015, and appropriating specific sums estimated to be required for the specific purposes of the Township during the fiscal year ending December 31, 2015.
- Resolution #14-31R fixing the Earned Income Tax Rate for 2015.

The Budget was presented to the Board and the public on November 17, 2014 after two public budget workshop meetings. The budget is a \$32 million balanced budget and a 2.9 percent decrease over 2014, due primarily to the renegotiation of the trash and recycling contract.

The Budget has been advertised as required by the Second Class Township Code and there have been no changes to the budget from November 17th and Ms. Teoli Kuhls requested the Board's consideration of approval of the 2015 Budget as presented.

ACTION: MR. MALLON MOVED TO APPROVE THE 2015 BUDGET AND ASSOCIATED BUDGET RESOLUTIONS, #14-30R FIXING THE TAX RATE AND SPECIAL LEVIES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015 AND #14-31R FIXING THE EARNED INCOME TAX RATE FOR 2015. MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

7. Consideration of authorizing advertisement and preparation of bids for the Maple Avenue Stormwater Project.

Larry Young, P.E., Township Engineer stated that this project was designed to solve a drainage problem on Maple Avenue between Cloverdale Avenue and Costa Court. Poor drainage causes icing during the winter. The Township has received the PennDOT permit that is good for a year and are requesting the permission to have Tri-State Engineers prepare the bid specifications and advertise on PennBid for the improvements to Maple Avenue. The estimated cost of the project would come in at around \$60,000.

ACTION: MR. LEONHAUSER MOVED TO AUTHORIZE TRI-STATE ENGINEERS TO GENERATE THE SPECIFICATIONS AND BID PACKAGE FOR ADVERTISEMENT AND POSTING ON PENNBID FOR THE SELECTION OF THE LOWEST QUALIFIED BIDDER FOR THE MAPLE AVENUE STORMWATER PROJECT. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

8. Discussion of Ordinance Regulating Bamboo

Ms. Teoli Kuhls said this issue came up during the past year as the Township has received a number of complaints regarding this invasive species. A number of municipalities in Bucks County as well as across the state have adopted ordinances to address this nuisance.

Mr. Pizzo provided the specifics of the proposed ordinance. One of the bigger issues that is occurring in the Township is that on some properties where bamboo has been planted it is now encroaching out in the right of way or Township park land and creating whatever nuisance bamboo creates when it spreads, either the roots are uprooting sidewalks and cart ways or generally just traveling along underground and sprouting up and making a new home on Township property elsewhere.

We have also received complaints from property owners who are located next door to properties where bamboo is planted and the bamboo is migrating and once it has taken root it is darn near impossible to get rid of simply by pulling it out. The ordinance that is before the Board for consideration is to try and tackle all of the different aspects of the problem that the Township is confronted with. The draft as proposed would say from the date of the adoption of the ordinance forward you cannot plant bamboo on your property. There are exceptions to that and that would be a:

the bamboo is on the property but is not planted in the property but is in a pot on the property to keep it from spreading beyond its barrier. The other alternative is to some extent to turn your yard into the pot, which means along with planting the bamboo in your yard you would also have to plant a barrier a certain distance (10' feet is recommended) that would act as a barrier for the roots of the bamboo to migrate off your property.

In anticipation of the properties in the Township where there is bamboo currently, the intention would be that the property owner on whose property the bamboo is located would be responsible for getting the bamboo back the distance indicated (10' feet) or 40' back from the Township's sidewalks and cart ways and then installing the barriers. In those situations where the Township, after proper notification to the property owner, has to go in and remove the bamboo all costs will be assessed to the property owner.

Mr. Leonhauser believes the ordinance does address all of the problems with this issue and believes it is a good start.

Mr. Oettinger asked what the financial burden on a Township resident that has had the bamboo growing for years would be. Mr. Pizzo said if it is on a property the owners are exempt from the requirement that it be removed except for those incidents where it may be up against the property line. Mr. Oettinger asked who will be the "bamboo police". Mr. Pizzo said the Code Enforcement Officer would be the "bamboo police".

Mr. Gallagher said the recommended solution tonight was to direct the Township Solicitor to finalize the bamboo ordinance. It is not before the Board of vote or authorization to advertise.

Mr. Carrasquillo asked if there could be a subparagraph to include mimosa which is along the highways but some people grow it in their backyards and that tree gives off a toxic pod that may be consumed by animals.

Mr. Pizzo said with regard to incorporating other plants into this ordinance, one the Township already lists elsewhere in its Code of Ordinances species of plants that are deemed to be invasive plants or plans that are not allowed to be planted in the Township because they attract certain types of insects, etc.

ACTION: MR. MALLON MOVED TO DIRECT THE TOWNSHIP SOLICITOR TO FINALIZE A BAMBOO ORDINANCE FOR THE BOARD'S CONSIDERATION. MR. GALLAGHER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

9. Consideration of authorization to prepare and execute an Agreement with Neshaminy School District for the position of School Resource Officer.

Ms. Teoli Kuhls advised that Chief Bartorilla has recently created a position for School Resource Officer for the Neshaminy School District. Chief Bartorilla has worked with the School Principal and the Superintendent to develop the position. This person will be responsible for policing of all public schools in the Township. It is going to be Patrol Officer Robert Weber who will be taking this position and he will be serving as a liaison between the School Officials and the Police Department.

Ms. Teoli Kuhls said the Neshaminy School District will be participating in the cost sharing in this program we are going to need to have an agreement with the Neshaminy School District so there is the need to prepare an agreement.

Mr. Oettinger asked if this officer will be responsible for each school in Neshaminy or is there still going to be the current system where the police pop in daily for community policing.

Chief Bartorilla said that because there are nine (9) public schools in Middletown Township it would be impossible for one officer to adequately serve as an SRO to all nine (9) schools. So Officer Weber will primarily be at the High School as his home base and also the two middle schools. The Department will still continue with the program of having the officers' daily do the walk-through of every school within the Township. It is a great program and all schools like it. It is even done in the private schools.

Mr. Oettinger asked if there was any discussion with the Neshaminy School District regarding the funding of the salary of one police officer. Chief Bartorilla stated it was the number that the School District agreed to pay after several meetings. Mr. Oettinger is for this program, but believes the School District could pay the entire cost of one police officer. Chief Bartorilla said that the School District is very supportive of this position and is something they have wanted for several years.

Mr. Leonhauser agreed with Mr. Oettinger and said that perhaps after this initial phase beginning next year the Township could go for a little more from the School District. Chief Bartorilla also said that there are grant funds that are available, but the cut off was missed this hear.

Mr. Leonhauser said it is the understanding that when school is not in session, this police officer will be involved with Sesame Place. Mr. Leonhauser said that since this officer is going to be removed from the street as manpower, we should look into hiring an additional officer for manpower.

The position will begin on December 29th with the officer having a week of orientation with the high school before the kids return from Christmas break on January 5, 2015.

ACTION: MR. MALLON MOVED TO AUTHORIZE THE PREPARATION AND EXECUTION OF AN AGREEMENT WITH NESHAMINY SCHOOL DISTRICT FOR THE POSITION OF SCHOOL RESOURCE OFFICER FOR ONE YEAR. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

10. Discussion of Quiet Zones at Big Oak Crossing

Mr. Mallon advised that the Township has received a request from the Laurel Oaks Homeowners Association concerning quiet zones. Mr. Mallon directed the Township Staff to review all Railroad Crossings in the Township and provide recommendations and options.

Ms. Teoli Kuhls advised that Lower Makefield Township received some grant funding for the crossings in their community. The Township has really begun to hear from residents since the recent press coverage on this issue. Lower Makefield received \$350,000 through the PennDOT Multi-Modal Transportation fund and they are matching between \$100,000 and \$150,000 for their project. The Township's grant writer is looking into this process for next year. Ms. Teoli Kuhls will provide more information to the Board on this issue.

11. "Middletown at the Mall" Program

Mr. Mallon said one of the goals of this Board amongst many other things was to create transparency through a new program called "Middletown at the Mall".

Ms. Teoli Kuhls advised that this is a new program that will be launched in 2015 at the Oxford Valley Mall. This will be part of the Township staffs ongoing efforts to engage our residents and improve customer service. Beginning in January, Township staff will be at the Oxford Valley Mall once each month over the lunch hours (11 a.m. to 1:00 p.m.). In addition to featuring a different department each month, Township staff will be onsite prepared to conduct business, answer questions, and provide information, virtually anything.

12. Other Business.

Ms. Teoli Kuhls advised for the second year in a row the Township has been recognized by PSATS for the Township's electronic newsletter.

Mr. Oettinger and Mr. Gallagher wished everyone a safe and happy holiday along with Mr. Kreiling and Mr. Leonhauser.

Mr. Mallon said that 2014 started off a little rocky, but he believes that the Board, although they may have disagreed on some things came together. He looks back on the accomplishments in 2014 and the fact that the Board had to address a structural imbalance. Mr. Mallon said someone this evening said not to forget the taxpayers, he said he never forgets the taxpayers, as he is a taxpayer and wage earner. When he looks back on what has been accomplished, the fact that we do now have a sustainable fiscal plan in Middletown Township. Over 15 miles of new roads were paved this year, some roads that have never been touched since they were built. Big Oak Road is in the best shape it has ever been in. Stormwater issues that are finally being addressed. The fact that the Township has maintained its Double AA bond rating and continue to be business friendly. For example, look at The Dump, instead of that being a vacant store, there are two new businesses there. K-Mart will become a car dealership. The Township continues to look that we don't have blighted properties in the Township.

Mr. Mallon said the Board was able to reduce the cost of government by almost \$1 million this year. That is significant because it allows the Township to invest in the infrastructure without increasing the tax burden on the taxpayer. The new website is a great way for the residents to connect with the Township. One of the things discussed last year was being able to sustain the way of life the Township residents have become accustomed to and if we didn't make some of the changes and continue to look at some of the ways to maximize the government resources we were going to have to change that. Fortunately we don't have to.

The budget process this year was well advertised with multiple budget meetings. A new program called "Breakfast with the Board" has been launched and residents are encouraged to come out and share your concerns and problems over a cup of coffee. The new program "Middletown at the Mall" is also being launched in an effort to connect with the residents to provide an opportunity to see what the Township staff does for the taxpayers.

The presentation from the Township's wonderful Parks & Recreation Board this evening is the beginning of presentations by other Boards and Commissions. Mr. Mallon wants the residents to

know what the Boards and Commissions do and also the Township needs everyone's help. He suggested that residents go to the Township's website and view the list of Boards and Commissions and submit an application if they see something they are interested in.

Mr. Mallon said that when he looks at 2014 he looks at promises made and promises kept. He promised the Township would continue to maintain the residents' lifestyle and promised to continue to manage their money fiscally responsibly and also to look at the long term. We all want this community to be a community that we can all be proud of.

Mr. Mallon said that Ms. Teoli Kuhls made a Freudian slip this evening by saying a First Class Township and Mr. Mallon said we may be governed by Second Class Township Code, but in his mind we are a First Class Township.

Mr. Mallon wished everyone a Happy and Healthy Holiday.

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

ACTION: MR. GALLAGHER MOVED TO ADJOURN THE PUBLIC MEETING OF THE MIDDLETOWN TOWNSHIP BOARD OF SUPERVISORS AT 8:45 P.M. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.