

**MIDDLETOWN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
MARCH 16, 2015**

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		
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. Mr. Mallon requested that everyone remain standing for a moment of silence for Bob Lewis a public servant that passed away this past week.

2. Announcements, Correspondence, Awards and Reports

- a. Next Board of Supervisors Meeting – Monday, April 13, 2015 @ 7:30 p.m.

- b. Upcoming Events:

Saturday, March 21, 2015 – Community Beautification Day

Saturday, March 21, 2015 – Community Open House, 11 a.m. – 2 p.m., Municipal Hall

Friday, April 17, 2015 – Rep. Frank Farry Senior Health Fair, 10:00 a.m. to 12:00 noon,
Raymond P. Mongillo, Sr. Community Center

- c. Swearing in of Officer Melissa Robison – Chief Joseph Bartorilla said that Officer Robison is the first person he is ever going to hire as chief of police in Middletown Township. Officer Robison is a Bucks County native and comes to Middletown Township with 5 years of experience with Warminster Township Police. She has been a member of the Pennsylvania Army National Guard for 14 years and holds the rank of Staff Sergeant. Officer Robison will be graduating from Drexel University in June with her bachelor’s degree in Criminal Justice.

Mr. Mallon swore Officer Robison in and welcomed her to Middletown Township Police Department.

- d. Presentation of Commendation to Detective Dave Strother

Chief Bartorilla presented a commendation to Detective Dave Strother for his quick actions concerning an attempted burglary in the Red Rose Gate section of the Township.

Mr. Mallon announced a brief recess allowing Officer Robison’s family the opportunity to leave.

Mr. Mallon reconvened the public meeting of the Board of Supervisors.

e. Environmental Advisory Council Report

Steve Donohue, Secretary of the Environmental Advisory Council has been a member of the EAC since 1998. The EAC has been in existence for 24 years and their mission is environmental conservation and increasing the environmental improvement. There is a great cross section of Middletown residents that are members on the EAC; Andy McAloon is a retired federal engineer; Terry Harris is an environmental scientist with a private consulting firm, Steve Donohue is an environmental scientist with the USEPA; Valerie Zwiebel works for Waste Management, Donna Fiedler is a professor at Delaware Valley Community College and Bucks County Community College and Chris McCarron is a long-time manager of the landscaping at Sesame Place and Rebecca Blank is a new resident of the Township and comes to the EAC meetings, although she is not a member of the EAC.

Some of the past projects of the EAC are: an open space inventory of all of the Township owned open space property, a greenhouse gas inventory of emissions, Tree Tender which is a Pennsylvania Horticultural Society grant program where the Township gets large bare root trees at a nominal cost through a partnership with the EAC, Township's Parks & Recreation and Public Works, looked at a lot of subdivision plans over the years and have participated in communities; such as the Matrix development. The EAC coordinates several speaking seminars throughout the year where a speaker comes in to talk about shade trees, energy efficiency, etc.

The Earth Day celebration was started in 2004 and now includes the County and the neighboring Townships. Mr. Donohue advised the EAC needs a champion in a neighborhood to come forward and help with planning for planting sites with regard to the Tree Tender Grant Program. One of the sites the EAC will be working on is the Spring Valley Farm property.

Another project to be initiated is the Monarch butterfly monitoring site at the Veterans' Memorial Park. Taracycle recycling project is a project where waste material is used to make value added objects, such as pocketbooks, etc. The EAC is also going to participate in the Spring Valley Farm Master Site Plan. Mr. Donohue advised that the Earth Day even will be held at Core Creek Park on Saturday, April 25, 2015 from 10:00 a.m. to 2:00 p.m.

Mr. Donohue advised that the EAC meets the fourth Tuesday of each month at the Municipal Center, 3 Municipal Way, Langhorne beginning at 6:30 p.m. in Rooms 220-221 and is open to the public.

Mr. Mallon thanked Mr. Donohue for his many years of hard work and dedication and asked what more the Board and Township can do to help support the EAC. Mr. Donohue said being here this evening communicating with the Board and making this presentation is a great help.

Mr. Mallon said this will be an on-going process with members of the Boards and Commissions coming to the public meetings to educate the Board and the general public on what they do for the community and hopefully spur some interest from residents that may want to become involved.

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

None.

4. Consent Agenda Items.
 - a. Consideration of authorizing payment of March 16, 2015 Bill List in the amount of \$1,128,328.97.
 - b. Consideration of approving the Minutes of the March 2, 2015 Public Meeting of the Middletown Township Board of Supervisors.

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

5. Consideration of authorization to execute a contract between Middletown Township and Teamsters Local 107 dated January 1, 2015 – December 31, 2017.

Ms. Teoli Kuhls advised that an agreement has been reached with Teamsters Local 107 and before the Board is an agreement that is a three-year term with three percent increases in each of the three years. Some language regarding prescription copays was clarified in this agreement. One of the key items that the Board was looking for and we were able to obtain was increased contribution to insurance premium. Some of the sick time provisions were streamlined making them consistent with the Public Works Contract which was also a goal of the Board with this negotiation.

Ms. Teoli Kuhls said it was a good process and took a little while with back and forth negotiations.

Mr. Leonhauser asked if this agreement is retroactive. Ms. Teoli Kuhls said it is.

Mr. Mallon personally thanked the Middletown employees and the members of Teamsters Local 107. Very few townships in Bucks County have been able to get health insurance copay and the Teamsters have been very sensitive to the impact of the rising costs on the Township. Mr. Mallon said it is truly a team effort at Middletown and he once again thanked the Teamsters Local 107.

ACTION: MR. KREILING MOVED TO EXECUTE A CONTRACT BETWEEN MIDDLETOWN TOWNSHIP AND TEAMSTERS LOCAL 107 DATED JANUARY 1, 2015 – DECEMBER 31, 2017. MR. GALLAGHER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

6. Consideration of authorization to amend the 2015 Budget to include an allocation of \$30,200 for participation in the Bucks County DNA Initiative.

Chief Bartorilla said this is an initiative that has been two years in the making and is a county-wide law enforcement project that was spearheaded by Bensalem's Public Safety Director Fred Harran. This would allow the Township's Police Department collect DNA samples which is becoming the new "finger print" in law enforcement and makes the turnaround time go from 6 to 12 months to about 1 week.

This project has the full support of County District Attorney Dave Heckler and Deputy District Attorney Matt Weintraub as well as the Bucks County Commissioners. The way the program works is that all 39 police departments in Bucks County will participate. The County has agreed to match

the police departments' contributions dollar for dollar. Each police department's County contribution was decided on the size of the department and the number of prisoner processing's that we have each year. Middletown Township Police Department's monetary commitment based on that formula is \$30,200 for the project.

Mr. Oettinger asked if the boroughs that will be using this program will be contributing. Chief Bartorilla stated that there will be five (5) DNA hubs in the County and Director Harran from Bensalem asked Middletown to be a hub and by doing so would support Newtown Township, Newtown Borough, Langhorne, Langhorne Manor, Pennel Borough and Hulmeville Borough. All that means is that we would store there evidence and would not include a monetary obligation by Middletown. The seven townships/boroughs have a financial commitment to the County and there will be no additional expense to the Township by being a hub and taking in the evidence.

Chief Bartorilla said the Township is allowed 61 DNA swabs per month under this program and at this time we have 46 and the additional 15 swabs would not add a significant amount of time to the evidence custodian's workload. Chief Bartorilla advised that this is a three-year program and the County and the Police Departments can decide after three years whether or not to renew the program.

Ms. Teoli Kuhls advised that this expenditure was included in the 2014 Budget when it was initially discussed, but didn't realize that it was going to be coming forth in 2015 so was not put in the budget for 2015 therefore an amendment to the budget is requested.

Mr. Pizzo said with some of the lesser crimes, Bensalem has been using this technology and data base for a while. There was a rash of car break-ins in Mr. Pizzo's neighborhood last year and the DNA swabs were used on every car broken into and eventually were able to use that information and caught the person that did the break-ins. That would not have been a high priority for this type of technology for that kind of crime, but because it is being utilized at a local level helped the police to catch that and stop the problem in his neighborhood.

ACTION: MR. LEONHAUSER MOVED TO AUTHORIZE AN AMENDMENT TO THE 2015 BUDGET TO INCLUDE AN ALLOCATION OF \$30,200 FOR PARTICIPATION IN THE BUCKS COUNTY DNA INITIATIVE. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

7. Consideration of authorization to execute an Agreement with the Bucks County Water and Sewer Authority (BCWSA) for the Neshaminy Interceptor.

Mr. Pizzo advised that in 2012, that portion of the Township that is served by BCWSA was placed on a sewer moratorium against new connections into the Neshaminy interceptor as a result of high flows going into the City of Philadelphia treatment plant. After several years of work by the BCWSA with the State Department of Environmental Protection (DEP) and the City of Philadelphia, they were able to come to a capacity management plan to address flow problem to come up with a timetable and some benchmarks to resolve some of the issues that were causing the higher flows.

Ultimately DEP agreed to put the capacity management plan in place thereby freeing up new connections in Middletown Township to allow for new development in that portion of the Township from 2014, 2015 moving forward through 2018. One of the conditions of the capacity management plan was that DEP was requiring agreements such as what is before the Board this evening between the BCWSA and the various municipalities all of whom flow into the Neshaminy Interceptor. Those

municipalities would include Bensalem, Lower Southampton, Middletown, Newtown, Northampton all the way to the center part of the County. In Middletown's case one of the additional aspects of the Agreement is that the Township is required by statute to periodically update the Act 537 Sewage Facilities Plan. In this case because of the fact the BCWSA owns at least a portion of the system in Middletown Township, under this agreement BCWSA will take the responsibility and incur the cost of preparing the Township's Act 537 plan for us.

Mr. Duffy and Mr. Wendel have been working with BCWSA up to this point to provide them with planning data and flow data to help with preparing the update for the Township's Act 537 plan. The other aspect of the agreement that is important to the Township is DEP wants to see these agreements signed as an acknowledgment of the Township's obligation to do the planning and to get benchmarks in place to reduce flow into the system. Under this agreement once the new plan is put into place and areas of flow reduction can be made into the system it will be the responsibility of BCWSA to implement those facets of the plan to get those excess flows out of the system.

Mr. Pizzo said there are two revisions to the agreement that are forthcoming from the BCWSA and normally this would not be put before the Board until they were in there; however, DEP has put a deadline in for this agreement to be in place by March 31st. The two additions would be found in Paragraph 3 with some tweaking of the language as to the BCWSA's obligations to the Act 537 plan so that it is clear and consistent with what Mr. Pizzo just described. The other revision is in Paragraph 8 which is entitled Fines and Assessment of Costs and is clarification of the language stating that any penalties related to the BCWSA would be the sole responsibility of the BCWSA and would not be passed onto the municipality.

ACTION: MR. KREILING MOVED TO AUTHORIZE EXECUTION OF AN AGREEMENT WITH THE BUCKS COUNTY WATER AND SEWER AUTHORITY (BCWSA) FOR THE NESHAMINY INTERCEPTOR WITH REVISIONS AS NOTED BY SOLICITOR. MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

8. Engineer's Report

Mr. Mallon advised that an engineer's report will be provided for the neighborhoods of Cider Knoll, Maple Point and Laurel Oaks as well as the residents that travel Woodbourne Road. BCWSA had an issue with a sewer line requiring the authority to dig up a portion of Big Oak Road. Mr. Young said there was a problem at Big Oak Road causing it to be closed between Chancery Road and Woodbourne Road. The problem occurred at the Woodbourne Road intersection and BCWSA was out and there seemed to be a blockage in the sewer pipe. There was a decision made that the road had to be opened and the pipe was 18 feet down and trench boxes had to be installed to protect the workers. What was actually found was that the pipe had collapsed. There's an 18 inch pipe coming down Big Oak Road and it was collapsed and had to be removed and BCWSA had to dig so far ahead to find a pipe they could match up with that was not collapsing. About 30 feet of 18 inch concrete pipe was replaced with iron pipe and are presently backfilling the trench with stone and compacting it. Completion of the work is anticipated to be done by tomorrow afternoon (March 17th) and BCWSA are trying to open the road by tomorrow afternoon.

Base asphalt will be put down and after about 30 days after the settlement in the roadway, it will be milled and the actual wearing course of the asphalt will be installed and both sides of the roadway from edge to edge will be paved.

Mr. Mallon said it is important to note that this is not the portion of Big Oak Road that was completely rebuilt, but just part of the section that was repaved.

Mr. Gallagher asked if enough time is being allowed to compact the roadway sufficiently and put the final coat on and seal to both ends. Mr. Young said it will be inspected after the 30 days and that is not a “drop dead” time when the pavement will be put back. One thing that was requested was that all stone be used for the backfill in the trench normally just suitable backfill is used.

Mr. Mallon said that a little less than a year ago there have been commitments made by CSX rail yard with CSX agreeing to be a better neighbor. There have been various meetings with CSX concerning this issue. Mr. Mallon hasn't seen any improvements, nor any signs or mitigation that CSX promised. What he has seen is a problem that continues to worsen and continues to be exacerbated with Woodbourne Road being shut down twice during rush hour. He understands the rail yard is there and he understands that CSX has a job, but apparently they don't understand or want to understand that the inconveniencing of our residents has to stop.

Mr. Mallon proposed to direct the Township Solicitor to begin to investigate what we as a Township can do to either enforce ordinances that are on the books or create ordinances that have steeper penalties than what is in existence to see if we can't get the attention of CSX. There have been meetings and there are supposed to be additional meetings with the congressman, members of the state legislature, but as an elected official in Middletown, Mr. Mallon feels it is our responsibility to take some action. The Chief of Police has been directed to fine CSX for these issues. To shut down Woodbourne Road at rush hour on a Friday night or at eight in the morning during the work week for hours is completely wrong and it is time to take action.

Mr. Gallagher suggested that a reasonable time limit for the road to be closed so that we are good neighbors as well and then the fine set forth in the ordinance be by the number of minutes that the road continues to remain closed over the time that is deemed fair and reasonable.

Mr. Oettinger asked the Chief of Police if there have been any delays of emergency services. Chief Bartorilla said not that he has heard of and he has not received any complaints as of yet from any emergency service vehicles. Chief Bartorilla advised that there is a state law in the Motor Vehicle Code that a train is not allowed to block a crossing for longer than five (5) minutes. There are six (6) exceptions. The other morning Woodbourne Road was blocked during rush hour for 45 minutes because they claim there were people on the tracks. One of the provisions of state law is that you can block a crossing if you believe there are people on the track because you are concerned about their safety.

Mr. Oettinger asked if anyone besides the Chief of Police met with CSX. Ms. Teoli Kuhls said that she has attended a meeting at Congressman Fitzpatrick's office a few months ago and they are in the process of trying to schedule another one. Mr. Oettinger suggested that CSX be invited to attend the upcoming Board of Supervisors meeting.

ACTION: MR. MALLON MOVED TO DIRECT THE TOWNSHIP SOLICITOR TO INVESTIGATE WHAT THE TOWNSHIP CAN DO TO ADDRESS THE PROBLEM WITH CSX TRAIN CAUSING WOODBOURNE ROAD SHUT DOWN. MR. GALLAGHER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

9. Other Business

Mr. Young provided an update on the Forsythia Crossing Bridge.

Ms. Teoli Kuhls advised that a late submission was received requesting the Board's authorization to submit a resolution for the PECO Green Region Grant. The Township has applied for these in the past and this one in particular has an upcoming submission deadline. This is a \$9,000 project and the Township would be requesting \$4,500 to build the outdoor classroom at Detective Christopher Jones Memorial Park. The EAC and Parks & Recreation Department will be able to hold outdoor programs at the site and will complement some of the things that are already going on at the park.

ACTION: MR. GALLAGHER MOVED TO ENACT RESOLUTION #15-09R AUTHORIZING SUBMISSION OF AN APPLICATION TO THE 2015 PECO GREEN REGION GRANT PROGRAM FOR \$4,500 TO BUILD THE OUTDOOR CLASSROOM AT DETECTIVE CHRISTOPHER JONES MEMORIAL PARK. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

Mr. Oettinger stated that the roads in the Township are in bad condition and asked if the Highway guys are out working on them. Ms. Teoli Kuhls said the Public Works department guys are out on a daily basis and they are working fast and furious to handle the calls as they come up.

Mr. Gallagher wished everyone a Happy St. Patrick's Day and reminded everyone to be responsible and not become part of the statistics.

Mr. Pizzo acknowledged an intern from his office that is in attendance who is contemplating going to law school.

Mr. Kreiling advised that he recently attended the Parks & Recreation Board Meeting and was impressed with the dedication of the members of the Board. He also invited Boy Scouts and Girl Scouts who are interested to come to the public meetings to recite the Pledge of Allegiance.

Mr. Mallon reminded everyone about Saturday's events; Community Beautification Day and the Community Open House from 11:00 a.m. to 2:00 p.m. at the Municipal Center Public Hall.

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

11. Adjournment

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