# MIDDLETOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING JUNE 15, 2015

<u>PRESENT</u>	
PAT MALLON, CHAIRPERSON	}
H. GEORGE LEONHAUSER, VICE CHAIR	}
DREW KREILING, SECRETARY	<b>} BOARD OF SUPERVISORS</b>
THOMAS GALLAGHER	}
WILLIAM OETTINGER	}
STEPHANIE TEOLI KUHLS, TOWNSHIP MA	ANAGER
JOSEPH PIZZO, ESQ., TOWNSHIP SOLICIT	OR
LARRY YOUNG, P. E. TOWNSHIP ENGINEE	CR C

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 Monday, July 20, 2015 @7:30 p.m.
  - b. Recognitions Fire Company Award Recipients
    Mr. Mallon announced the following fire company award recipients:
    Blake Sullivan Firefighter of the Year 2015 William Penn Fire Company
    Kyle Angjelo Chiefs Award 2015 Parkland Fire Company
    Mike Fox Presidents Award 2015 Parkland Fire Company
    Tyler Plunkett Firefighter of the Year 2015 Parkland Fire Company
    Michael Lentine Joint Chiefs/Presidents Award 2014 Langhorne Middletown Fire Co.
    Michael Ryan Joint Chiefs/Presidents Award 2014 Langhorne Middletown Fire Co.
  - c. Recognition Brian Plunkett, Eagle Scout

Mr. Mallon advised that Brian Plunkett was not in attendance but he had the pleasure of attending Brian's Eagle Court of Honor at the end of May. Eagle Scout is the highest rank in Boy Scouts and through hard work, dedication and the help of his parents, Brian achieved the rank of Eagle Scout.

d. Presentation of scholarship awards by the Middletown Community Foundation William Cowan, Esq., said the Middletown Community Foundation has been giving scholarships to students in Middletown for 14 years and has awarded 152 winners for a total of \$152,250.

The following students were awarded scholarships:

Christopher Quaglia	Archbishop Wood	SUNY Binghamton	\$1,500
Anna Van Buskirk	Bucks Co Tech School	West Chester or Millersville	\$1,000
Sarah Eisele	Archbishop Wood	Penn State University	\$1,000

Sarah Snider Leonhauser	Neshaminy	Ursinus	\$1,000
Jenna Guenther	Nazareth Academy	James Madison	\$750
Hubert Pinkerton	Bucks Co Tech School	Bucks County Com College	\$750
Katlyn Buchys	Neshaminy	Temple University	\$750
Matthew Gormley	Neshaminy	Undecided	\$750
Brianna Diodata	Neshaminy	Albright	\$500
Ryan Galuchie	Neshaminy	Penn State University	\$500
Marissa Moran	Villa Joseph Marie	Duquesne University	\$500
Matthew Hessenthaler	Holy Ghost Prep	University of Scranton	\$500
Nathan Hankinson	Neshaminy	West Chester University	\$500
Abagale Elise Gibson	Neshaminy	University of Pittsburgh	\$500
Angela Le	Neshaminy	Drexel University	\$500

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

Russell Waters, 339 Old Mill Drive, Langhorne has concerns about the zoning changes that were made in the 1990s pertaining to setbacks and room additions. Mr. Duffy has spoken to the Township Solicitor, Joe Pizzo and Mr. Waters' concerns are under consideration and they will work together and come up with a recommendation for the next BOS meeting.

Ron Krajewski, Cobalt Drive, Levittown wanted to be on public record that he has again attended the meeting of the Board of Supervisors this evening. He went on in great detail about the ongoing legal issue and there is nothing new to report at this time.

### 4. Consent Agenda Items.

- a. Consideration of authorizing payment of June 15, 2015 Bill List in the amount of \$3,083,408.75.
- b. Consideration of approving the May 4, 2015 Minutes of the Public Meeting of the Middletown Township Board of Supervisors.
- c. Consideration of approving the Maple Avenue Storm Sewer Extension Project third and Final Payment in the amount of \$6,379.77.

ACTION: MR. KREILING MOVED TO APPROVE CONSENT AGENDA ITEMS A, B & C AS LISTED ABOVE. MR. LEONHAUSER SECONDED.

Tom Tosti, 58 Oxford Drive, Langhorne, requested that prior to making the final payment someone from the Township go out and look at the paving. Mr. Young, Township Engineer stated that there is a maintenance bond for 2 years for 10 percent of the contract to cover any repairs that may be needed.

#### MOTION CARRIED BY A VOTE OF 5-0.

5. Discussion of application for Quiet Zones in Middletown Township – Heath Dumack, P.E.

Mr. Mallon advised that this item has been tabled as Heath Dumack was called away on a family emergency.

6. Consideration of the Preliminary/Final plan approval for Empire Abrasive Equipment, 2101 West Cabot Boulevard, Langhorne.

Rob O'Donnell, P.E., and Matt Sturshack of REL Design, along with Ed Wade, Empire Abrasive Equipment Company were in attendance. Mr. O'Donnell provided an overview of the project in the M-1 Light Manufacturing District that will consist of constructing a 9,100 square foot addition to the rear of the existing 86,814 square foot one-story manufacturing building on the approximate 17 acre site.

A second driveway access onto West Cabot Boulevard with 23 additional parking spaces and Stormwater modifications are also proposed. The building addition is to house a 6 ton overhead crane for large equipment assembly. The addition needs to be 51 feet high to accommodate the crane. The applicant has previously acquired zoning variances for the building height and for parking within the4 side yard setback. The will be no additional employees and the added parking is for shift work changeover.

The applicant agreed to comply with the outstanding issues in the Township Engineer's review letter dated June 10, 2015.

The applicant is requesting the following waivers from the Subdivision and Land Development Ordinance:

§301.E - Allow the approval of Preliminary/Final Plan
 §421.E.4 - Allow parking within 15 feet of the building
 §421.E.16 - Allow a second driveway
 §417 - Allow the existing trees to remain in lieu of the street tree requirements.

Mr. Pizzo advised that the applicant sought and received two (2) variances from the Township's Zoning Hearing Board in March. Mr. Pizzo also advised that if the Board grants preliminary/final plan approval it has been the practice in the past that such an approval is conditioned upon the applicant paying all fees applicable to both preliminary and final plan approval.

Mr. Young stated that in 1996 the applicant put on an addition and was granted a waiver from installing sidewalks along Cabot Boulevard and also waived the Traffic Impact Fee. The applicant agreed to pay a Traffic Impact Fee. Also the waiver of §410.B requirement of sidewalks

ACTION: MR. GALLAGHER MOVED TO GRANT PRELIMINARY/FINAL PLAN APPROVAL FOR EMPIRE ABRASIVE EQUIPMENT, S/LD #15-4 GRANTING WAIVERS FROM THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE SECTIONS 301.E, 421.E.4, 421.E.16, 410.B AND 417; SUBJECT TO ALL CUSTOMARY FEES FOR PRELIMINARY/FINAL PLAN APPROVAL AND SUBJECT TO SATISFYING ALL THE REQUIREMENTS OF THE MIDDLETOWN PLANNING COMMISSION REPORT DATED 5/16/15, TOWNSHIP ENGINEER'S REPORTS 6/10/15 AND 5/1/15, THE TOWNSHIP TRAFFIC ENGINEER REPORT DATED 4/22/15, THE BUCKS COUNTY PLANNING COMMISSION REPORT DATED 4/23/15 AND THE FIRE MARSHAL'S REPORT OF 4/20/15. MR. MALLON SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

7. Consideration of awarding the 2015 Road Program Bid to James C. Morrissey, Inc. of Philadelphia, PA at a cost of \$1,676,095. (Duly advertised in the Bucks County Courier Times on May 13, and May 18, 2015; proof of publication has been received.)

Pat Duffy, Zoning and Planning Director advised that two bids were received on this project. There were three bidders that showed up for the pre-bid meeting which included James C. Anderson, James D. Morrissey and General Asphalt Paving Company. General Asphalt and James D. Morrissey have done paving projects for the township over the past years and Mr. Duffy feels very comfortable with them as bidders.

James D. Morrissey, Inc. of Philadelphia is the low bidder and meets all requirements under the Responsible Contractors Ordinance. There are 45 roads and almost 12 miles of paving that will be done under this contract.

ACTION: MR. MALLON MOVED TO AWARD THE 2015 ROAD PROGRAM BID TO JAMES C. MORRISSEY, INC. OF PHILADELPHIA, PA IN THE AMOUNT OF \$1,676,095. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

8. Consideration of awarding the Village Road Stormwater Improvement Project to Donato Spaventa & Sons, Inc. of Philadelphia, PA at a cost of \$38,760. (Duly advertised in the Bucks County Courier Times on May 4, and May 8, 2015; proof of publication has been received.)

Mr. Young advised that this project will address storm drainage problems that occur between 2837 Village Road and 2769 Village Road. The improvements include construction of a roadside swale line with erosion control blanket and the installation of storm sewer pipe under 5 residential driveways.

Two (2) bids were received for the Village Road Stormwater Improvement Project. Donato Spaventa & Sons, Inc. of Philadelphia, PA is the lower bidder. All required supporting documentation has been submitted to qualify Donato Spaventa & Sons, Inc. The base bid includes all work necessary to complete this project. The amount of the bid is \$38,760.

ACTION: MR. OETTINGER MOVED TO AUTHORIZE THE TOWNSHIP TO AWARD THE BID TO DONATO SPAVENTA & SONS, INC. FOR THE VILLAGE ROAD STORMWATER IMPROVEMENT PROJECT AT A COST OF \$38,760.00. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

9. Consideration of approving submission of a request to the PA Department of Conservation and Natural Resources to waive the RFP requirement for the Spring Valley Farm Master Site Plan Project.

Debby Lamanna, Director of Parks & Recreation advised the Township received a \$30,000 grant from the Department of Conservation and Natural Resources to pay half of the cost of a Master Site Plan study for Spring Valley Farm. One of the grant requirements is that the project consultant must be selected through an RFP process. The RFP process required by the grant is a lengthy one with multiple approvals by the agency. The grant requires a specific format for the RFP. The RFP and ad must be approved by DCNR before it is advertised. DCNR must also preapprove the municipality's evaluation process. Once a selection is made, DCNR must approve the selection and the contract before the Township can enter into an agreement.

The grant allows municipalities to request a waiver of the RFP process if the municipality has a qualified planning team that they have successfully worked with in the past that includes a certified recreation planner and a licensed engineer or landscape architect. In evaluating the waiver request, DCNR reviews the consultant's proposal and considers past performance of the consultant. A successful review approves the waiver and permits the Township to enter into a contract with the consultant immediately.

The Township has worked successfully with the team of certified recreation planners, Ann Toole of Toole Recreation Planning, and landscape architect and planner, Sean Garrigan, of SGA. This team successfully worked with the Township to complete the 2005 Millennium Parks, Recreation and Open Space Plan.

The Spring Valley Farm Study Committee met on June 4<sup>th</sup> and unanimously supports submitting a request for the waiver. It would allow for the actual planning to begin this summer and would use 100% of the funding for the plan rather than on the cost of advertising and working through the approval processes.

Ms. Lamanna said the typical cost of a bid ad is \$200 to \$300 and this money could be better used toward plan activities instead of advertising. Ms. Lamanna said \$30,000 is budgeted in the Parks & Recreation fund Capital Reserve for this study. The DCNR grant is for \$30,000. The Township has received \$15,000 from DCNR as an advance on expenses.

ACTION: MR. KREILING MOVED TO APPROVE SUBMISSION OF A REQUEST TO PA DEPARTMENT OF CONSER5VATIN AND NATURAL RESOURCES TO WAIVE THE RFP REQUIREMENT FOR THE SPRING VALLEY FARM MASTER SITE PLAN PROJECT. MR. LEONHAUSER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

10. Consideration of approving Resolution #15-10R, authorizing submission of a Greenways, Trails and Recreation Program Grant in the amount of \$250,000 for improvements to Firefighters Park.

Ms. Lamanna stated that the Commonwealth Financing Authority offers a grant program for the construction and/ or improvement of greenways, trails and parks. Firefighters' Park is in need of renovations. The softball fields require grading, new backstops, player benches and bleachers. The tennis courts and roller hockey court need to be resurfaced. The playground needs to be replaced and new safety surfaced installed. In addition to the renovations, the Parks & Recreation Board has been discussing adding a walking path with interpretive signage recognizing the history of the four fire companies that serve Middletown Township. The total project cost is about \$300,000. The grant award would make this project possible and improve the park that honors the community's fire fighters.

ACTION: MR. KREILING MOVED TO APPROVE RESOLUTION #15-10R AUTHORIZING SUBMISSION OF A GREENWAYS, TRAILS AND RECREATION PROGRAM GRANT IN THE AMOUNT OF \$250,000 FOR IMPROVEMENTS TO FIREFIGHTERS PARK. MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

11. Consideration of approving the sale of the 1996 Brush Bandit for \$9,100 and the purchase of a Brush Bandit Model #1590XP from Modern Equipment Sales & Rental Company of Bristol PA at a cost not to exceed \$58,045.60.

The Township currently has a 1996 Bandit Brush chipper that is a hand feed machine. This means that in addition to posing a safety risk to our staff we need to send extra people to carry the larger branches and brush. The 1996 model does not meet the current safety standards.

The Administration is seeking approval to purchase a new chipper with a hydraulic wench that will haul the material and automatically feed it into the chipper. The new machine will allow for fewer workers to be assigned to a project, improve workplace safety and allow the chipper to be parked further away from the debris site which will limit turf damage.

ACTION: MR. LEONHAUSER MOVED TO APPROVE THE SALE OF THE 1996 BRUSH BANDIT FOR \$9,100 AND THE PURCHASE OF A BRUSH BANDIT MODEL #1590XP FROM MODERN EQUIPMENT SALES & RENTAL COMPANY OF BRISTOL, PA FOR NOT MORE THAN \$58,045.60. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

12. Consideration of authorizing the purchase and installation of an Ultra Nexus Video Server/System Controller for the Township's broadcast system from Lerro Corporation in the amount of \$12,215.90.

Ms. Teoli Kuhls advised that the broadcast system was installed in 2006. Broadcasts are recorded and played back using a DVD recorder and two DVD players. Bulletin board programming is created using a Telvue system which is no longer supported by the manufacturer and is running on an outdated Windows XP computer.

The Ultra Nexus Video Server/System Controller will replace the DVD recording/playback system with a networked, hard drive storage system and a managed programming system to playback meetings, informational slides and other created programming. It also records media in digital format, ready for streaming on the internet.

The Ultra Nexus also has the ability to broadcast live, dynamic content such as local news, sports, traffic and weather. This is subscription-based content and is included free for the first year. The subscription renews in subsequent years at a rate of \$845.75 per year. This content, in addition to meeting videos, bulletin board slides and created video programming, will add interest, information and a professional quality to the Township's cable channel.

Lerro Corporation, located in Norristown, PA is an authorized dealer for the Ultra Nexus and will supply, install and provide training on the system. Lerro is a COSTARS vendor. \$20,000 has been budgeted in the 2015 Capital Budget for upgrades to the broadcast system.

ACTION: MR. KREILING MOVED TO AUTHORIZE THE PURCHASE AND INSTALLATION OF AN ULTRA NEXUS VIDEO SERVER/SYSTEM CONTROLLER FOR THE TOWNSHIP'S BROADCAST SYSTEM FROM LERRO CORPORATION IN THE AMOUNT OF \$12,215.90. MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

13. Consideration of authorizing the purchase of an ICRI Radio Interoperability Gateway System from Communications Applied Technology at a cost of \$12,736.56.

Jim McGuire advised that in 2012 the county was mandated to update the emergency services radio systems for police, fire and the emergency medical services. In 2014 the Township received an RDA grant to assist the municipality with the purchase of this radio equipment.

The FCC and federal mandates have required radio communications interoperability with other agencies. During an internal review of the communications system, previous disasters, and disaster exercises two areas of concern were identified as communications needs: 1) ability to communicate with outside agencies on a common radio frequency and 2) the inability to communicate from inside to outside of large buildings during emergencies.

This radio bridge will allow us to join 5 radio systems together on one or two frequencies during critical incidents and disaster situations. This radio bridge will allow communications such as state police, sawyer crews, disaster response teams, PEMA, Sesame Place, Cairns University, both hospitals, schools, and other agencies.

This device will further allow us to communicate out of large buildings that typically inhibit the radio signal by being able to take a communication wire and antenna into the buildings.

Mr. Gallagher asked if this system will allow the Township's police officers to directly communicate with the source of the problem to expedite the situation.

ACTION: MR. OETTINGER MOVED TO AUTHORIZE THE PURCHASE OF AN ICRI RADIO INTEROPERABILITY GATEWAY SYSTEM FROM COMMUNICATIONS APPLIED TECHNOLOGY FOR \$12,736.56. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

14. Discussion of "No Parking" request – Parkway Avenue

Ms. Teoli Kuhls advised that the Township received a request from Amelia and Edward Daley who reside at 359 Durham Road. The Daley's are requesting the Board consider "no parking" on Parkway Avenue. The Daley's live at the intersection of Durham and Parkway Avenue and are next to the Bucks County Housing and Pantry. People who pick up food from the pantry are parking along Parkway and blocking their driveway on a regular basis. There is a driveway at the rear of the property and Mr. Daley has a medical condition and needs to be able to exit the driveway.

Mr. Mallon directed the Township Manager to talk to the neighbors, investigate the situation along with the Chief of Police and return to the Board with a recommendation on the viability of the request.

Mr. Gallagher agreed wholeheartedly with Mr. Mallon and if there are cars blocking the driveway at the present time, there are ordinances that solve that at the present time by making a call to the Police Department.

15. Discussion of request for amendment to Code of Ordinances, Chapter 145: Animals

Ms. Teoli Kuhls advised that the Township received an email concerning the issue of the feral cats on Delaware Avenue. A petition from the neighborhood regarding the feral cat problem was received. The request was to amend the Township's animal ordinance. We currently have a dog running at large ordinance in Middletown Township. The residents requested that we look at the Lower Makefield ordinance that sites animals running at large and not just dogs. The Lower Makefield ordinance is expanded to include regulations of feral cats.

Amanda Mullen, Delaware Avenue, Langhorne said the feral cats are at the end of Delaware Avenue at Delaware Park. The two homes at the end of Delaware Avenue feed and house the feral cats. Ms. Mullen went into detail about the health concerns with the feral cats.

Joe Casey, 339 Delaware Avenue, Langhorne agreed with Ms. Mullen and stated that he has lived at this address for 32 years and this has been a problem for the past 15 years. He said this is causing a health issue for the neighborhood.

Sherry Smith, 329 Delaware Avenue, Langhorne expressed her concerns with her daughter being able to play in her own yard due to health issues.

Mr. Kreiling asked if anyone has spoken to the neighbors.

Mr. Mallon directed the Township Solicitor to look into the Township Ordinance and the ordinances of surrounding municipalities and come back to the Board with a recommendation. Mr. Pizzo advised that the bigger issue at the moment would be to add the language to the ordinance stating the feeding of stray animals would be illegal.

Mr. Gallagher urged the administration to contact the Humane Society to check to see if there are organizations that go out and trap the animals and have them neutered and release them again.

Ms. Teoli Kuhls said the Bucks County Health Department was brought in and the person that is feeding them is doing the same thing of having the cats neutered. The Township needs to look at our ordinance because at the present time the Health Department is saying there is nothing they can do because it is out of hand.

Mr. Mallon advised that the Board met in Executive Session prior to this evening's meeting and will be meeting at the end of this meeting to discuss personnel issues.

16. Consideration of appointing Rebecca Blank to the Environmental Advisory Council for a term to expire on December 31, 2017.

ACTION: MR. GALLAGHER MOVED TO APPOINT REBECCA BLANK TO THE ENVIRONMENTAL ADVISORY COUNCIL FOR A TERM TO EXPIRE ON DECEMBER 31, 2017. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

#### 17. Other Business.

Mr. Gallagher encouraged all Middletown residents to attend the Middletown 4<sup>th</sup> of July Parade beginning at 9:00 a.m.

Mr. Kreiling advised that he and Ms. Teoli Kuhls attended the dedication of the 100<sup>th</sup> Habitat for Humanity homes located at 33 Hawk Road, Highland Park, Levittown. Some of the sponsors were Bank of America, Team Toyota, William Penn Bank, Toll Brothers, St. Mary Medical Center and Parx Casino.

Mr. Kreiling congratulated the 2015 graduating class. Mr. Kreiling also advised that the group organizing the 4<sup>th</sup> of July Parade are trying to get anyone that is in the service or has been in the service to come out and be part of the parade. Please contact Ms. Lamanna, Paul Kopera or Mr. Kreiling through the Township's website.

Mr. Mallon said the genesis of the 4<sup>th</sup> of July Parade was to create an opportunity for the Township residents to come together to celebrate the birth of the nation. The parade starts at 9:00 a.m. at the Veterans' Park on Veterans' Highway.

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 9:00 P.M. MR. GALLAGHER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.