

**MIDDLETOWN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
JULY 20, 2015**

PRESENT

PAT MALLON, CHAIRPERSON	}	
H. GEORGE LEONHAUSER, VICE CHAIR	}	
DREW KREILING, SECRETARY	}	BOARD OF SUPERVISORS
THOMAS GALLAGHER	}	
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 with the exception of Mr. Oettinger. There were also many interested citizens in attendance.

2. "The Star-Spangled Banner" and "God Bless America" – Bucks Mont Squires of Song
3. Recognition of WW II Veterans – Board of Supervisors Chairman Pat Mallon

Mr. Mallon along with a representative from Congressman Fitzpatrick's office and a representative from Senator Tomlinson's office recognized the following WWII Veterans:

Antonio Granados	Alexander Campbell
Bernie Fabrizio	Martin Solar
Neil French	Stanley Beckett
Elbert Leitzel	George Zanolli
Sydney Axelrod	Sandy Oppenheimer
Anna Oliveri Edwards	James Cartledge
Paul Day	John Roth

Certificates were also presented from State Representative Frank Farry's Office to the veterans. Mr. Mallon also recognized a dear friend of his from Forsythia Gate, Robert Simpkins who is also a WWII Veteran. Mr. Mallon thanked the veterans for their sacrifices and stated the world be a very different place if it were not for these men and women.

4. Announcements, Correspondence, Awards and Reports.

Mr. Mallon advised that an Executive Session was held this evening prior to the public meeting concerning Personnel Matters and no action was taken.

- a. Next Board of Supervisors Meeting – Monday, August 17, 2015

b. Upcoming Events

- Breakfast With the Board – Friday, July 24, 2015 – Villages of Flowers Mill Homeowners Association (HOA).
- National Night Out Against Crime – August 4, 2015
Mr. Mallon explained that the National Night Out Against Crime will be held on August 4, 2015 from 6 p.m. to 9 p.m. at three locations: Cobalt Ridge Park, Firefighter's Park and Municipal Park.

The purpose of the National Night Out Against Crime is to heighten crime and drug awareness, generate support for, and participation in, local anti-crime efforts; strengthen neighborhood spirit and police/community partnerships; and send a message to criminals letting them know neighborhoods are organized and fighting back.

There will be MTPD command and supervisory staff at each location to answer questions, address neighborhood crime and nuisance concerns, and hand out information regarding safety and crime prevention. There will also be coloring books, pencils, and lighted whistles for kids.

- Middletown At the Mall – Thursday, August 13, 2015 – Oxford Valley Mall from 11:00 a.m. to 1:00 p.m.

c. 4th of July Parade – Middletown Cup Winner – Knights of Columbus Council #4215

Mr. Mallon presented the Middletown Cup Winner to Furman Miles of the Knights of Columbus Council #4215. Mr. Miles accepted the trophy and stated how much the K of C enjoys the parade each year.

The Board took a short recess to allow people the opportunity to leave the meeting.

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

Ron Krajewski, 9 Cobalt Ridge, Levittown honored his neighbor Leonard Smolsky who was also a WWII veteran that has passed away.

Mr. Krajewski questioned Mr. Pizzo regarding the Planning Commission (PC). Mr. Pizzo advised that the PC did not meet in June but he had the opportunity to review the PC minutes and talked to Mr. Duffy who was in attendance at the PC meeting. He also spoke to Sandy Farry, the PC Chairperson to get her take and comments on what transpired at the Meeting where Mr. Krajewski appeared.

Mr. Pizzo went into great detail and sited all of the legal documents he reviewed in regard to the disputed piece of property. There is merit to the argument that Mr. Krajewski has been making regarding the language that was included in the subdivision approval of 1960 in regard to the deed that created those lots. It was clearly the intention of the Board and Mr. Smolsky at the time that those lots would be joined to the lots that were assigned as part of the subdivision. What is also clear; however, particularly upon rereading of the cases that went through 6 to 7 years of litigation of the ownership of the disputed lot behind 5 Cobalt and 9 Cobalt and the Court has made it abundantly clear that despite the presence of those documents, Judge Waite's

decision and order of January 18, 2013 says “in a petition to open the record, the Krajewski’s aver that they have recently discovered an agreement between Middletown Township, the Hellers, the Jones and the other Cobalt neighbors entitled ‘Final Plan for Leonard Smolsky’. This Smolsky plan shows Middletown Township conditioned the landlocked properties were joined and never to be severed from the Cobalt Ridge properties.” The agreement is signed and notarized by all of the parties including James and Patricia Jones who were the original grantors.

The plaintiffs, Krajewski’s received this agreement from Mr. Smolsky who they claimed had it in his sole possession and claimed did not know about this agreement even after discovery took place. Specifically the Krajewski’s argue the records should be reopened because the newly discovered evidence shows the disputed lot remains joined with the 9 Cobalt property and could not be separately conveyed and the newly discovered evidence directly contradicts the findings of the trials in appellate courts. Mr. Pizzo said this is what Mr. Krajewski has been stating all along and he does not disagree with it.

The court went on to say however that the language at issue “shall be joined and never severed” is unenforceable because it was previously ruled as unenforceable in 2008 by the court when they granted the motion to exclude evidence of intent regarding the restricted language. As discussed this language was previously at issue and the only difference now is the document where the language is found. The dispute is still joined to a Cobalt property, 5 Cobalt North because both are owned by the defendants. Therefore, and this is the key sentence, the restrictive language is not new and is not enforceable by Middletown Township or any other party in this case. That is the key to all of this; the language is not new and not enforceable by the Township.

As a result after a fairly lengthy decision, the court goes on to enter an order that says: “Any interests entitled plaintiffs have (Krajewski’s) in the disputed property is to be transferred to the defendants within twenty (20) days of this order. Mr. & Mrs. Krajewski’s attorney signed a stipulation agreeing to the entry of an order which said: “The property is to be held solely by Edward and Catherine Jakubowicz and any deed that purported to convey that property is void. Finally, that the Bucks County Recorder of Deeds is to amend all tax records to reflect that the title to the property be and is held solely by Edward and Catherine Jakubowicz.”

The court has said that the provision that we are being asked to enforce is unenforceable by not only the Krajewski’s or any other property owners, but also by the Township. Whatever the intent was in 1960 and whomever the solicitor was in 1960, they did not do it right. Mr. Pizzo said as much as he agrees with the premise that the Township intended for those lots to be merged, for this Township to go on a course to use the courts to enforce it; the courts have already said we can’t.

Mr. Krajewski went into great detail about the fact that Doylestown can enforce conditions on subdivisions and Middletown cannot. That is the question that Mr. Krajewski wants an answer to.

Mr. Pizzo answered the question by stating the Court of Common Pleas of Bucks County has said that those terms from the 1960 plan are on their face unenforceable. Mr. Krajewski interrupted Mr. Pizzo saying that was fraud.

Mr. Mallon intervened saying what Mr. Krajewski is asking the Board to do is direct the solicitor to engage in litigation on his behalf. Mr. Mallon asked the Board if there is any member present that wants to make a motion to pursue that course of action. Mr. Mallon said Mr. Krajewski deserves an answer and we as a Board are going to move to pursue some type of litigation that gives Mr. Krajewski recourse or we are not. No motion was made.

Mr. Krajewski said all he asked for when he came before the Board was a letter stating that this was part of a subdivision and that it had to go through the planning board and the zoning in order for this to all go. Mr. Krajewski became belligerent and said all of the Board members are liable. Mr. Mallon requested that he stop yelling. Mr. Mallon said the Board has made a decision and Mr. Krajewski may do what he wants to do.

6. **Consent Agenda Items.**

a. Consideration of authorizing payment of the July 20, 2015 Bill List in the amount of \$2,933,385.58.

b. Consideration of approving the May 18, 2015 and June 15, 2015 Minutes of the Public Meetings of the Middletown Township Board of Supervisors.

c. Consideration of approving Payment #2 in the amount of \$ 66,424.36 and Payment #3 in the amount of \$32,519.77 payable to Sparwick Contracting, Inc. for the Forsythia Crossing Bridge Project.

d. Consideration of release of a portion of the Performance Bond for the radio installation to All Systems Wireless contract in the amount of \$20,249.98.

ACTION: MR. KREILING MOVED TO APPROVE CONSENT AGENDA ITEMS A THRU D AS LISTED ABOVE. MR. LEONHAUSER SECONDED. MOTION CARRIED BY A VOTE OF 4-0.

7. Presentation of 2014 Audit and Financial Report – Bee Bergvall & Company

Jennifer McHugh, Director at Bee Bergvall & Company presented the 2014 Audit results and the Financial Report. An audit provides reasonable assurance but not absolute insurance on the information in the financial statement. An audit is based on sampling analytics and comparison. It is risk driven and does not provide an opinion on the internal controls of the organization or their effectiveness.

The Township's 2014 Audit showed support for all items that were selected for testing, the records were neat and orderly and there were findings or exceptions during the audit. There were no uncorrected audit entries. There were multiply levels of internal controls and good segregation of duties. The staff was very cooperative and helpful during the audit.

Based on all of that the financial statement and the sample testing, an unmodified opinion on the financial statement was issued, which is also referred to as a clean opinion. Ms. McHugh said what that means is that the audit is free from material error and is in compliance with auditing standards.

A financial summary from 2011 thru 2013 has similar results and 2014 there was an increase in revenues which is the result of the newly enacted Earned Income Tax. There also was a bond issue in 2014 and the remaining funds that have not yet been spent increase the fund balance.

Future financial impact for next year will be the implementation of GASBY Statement 68 and 71 which are pension standards. This year there were some additional disclosures in the financial statement and next year there will be additional changes. The Actuary will provide an unfunded pension liability that will be included in the statement of net position in the Financial Statement.

Mr. Mallon congratulated Mr. Penko and his staff for a job well done.

8. Discussion of Application for Quiet Zones in Middletown Township – Heath Dumack, P.E.

Heath Dumack, P.E., presented an application for a quiet zone at Woodbourne Road to be submitted. Mr. Dumack explained Middletown Township has two railroad crossings, one is Big Oak Road and the other is Woodbourne Road. Initially both sites were reviewed for the Quiet Zone improvements. The quiet zone perimeters are to stop the trains from blaring their horns as a safety precaution a quarter mile from the crossing which does create noise pollution for the residents in the community.

Additional safety measures are proposed for each crossing in order to qualify for the quiet zone which would stop the train from laying on their horns at the intervals that were mandated by the Pennsylvania Utility Commission (PUC) and the Federal Railroad Administration (FRA). We are not able to qualify Big Oak Road as a quiet zone at this point because of the side street that does not meet the minimum 100 foot requirement between the crossing and the nearest roadway.

Improvements to the safety structure on either side of the crossing would include curbing installed on either side of the cartway and the gate needs to be a certain height and distance from the curb line to better improve channelization of traffic in the cartway. Concrete median barriers in the center of the cartway are required to be a minimum of 100 feet in length along with curbing on either side of the cartway in essence to channelize and force the vehicles within a certain lane that can be better regulated by a four way quadrant crossing gate. The three items together provide an equivalent or better safety ratings than having the train blow its horn prior to crossing the intersection. The permitting process starts with traffic studies and safety studies of the intersection in question which goes to the FRA requirements and the PUC.

Mr. Mallon inquired if the proposed application would be feasible due to the position of the parking lot at Woodbourne Station. Another option is a remote horn which Mr. Dumack explained as instead of the train broadcasting the horn through the intersection, remote horns are installed on either side of the crossing on the gates and there would be more of an audio control system rather than the broad spectrum broadcast.

Mr. Mallon said he is aware of the complaints of residents with the train traffic on Woodbourne Road, typically it has to do with the blocking of the road, running of engines at night and the diesel fumes associated with it.

Ms. Teoli Kuhls advised if the Board is in agreement, the next step would be to enact Resolution #15-12R to apply for a Multi-modal transportation fund grant.

ACTION: MR. GALLAGHER MOVED TO ENACT RESOLUTION #15-12R FOR SUBMISSION OF A MULTI-MODAL TRANSPORTATION FUND GRANT APPLICATION FOR QUIET ZONES IN MIDDLETOWN TOWNSHIP. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 4-0.

9. Consideration of award of South Flowers Mill Road Project

Mr. Duffy advised that this bid was duly advertised in the *Bucks County Courier Times* on June 22, and June 25, 2015; proof of publication has been received. There were two (2) bids received with James D. Morrissey, Inc. of Philadelphia, PA being the low bidder. The bid tabulations are as follows:

James D. Morrissey, Inc.	\$1,052,482.50
Bencardino Excavating	\$1,451,585.00

James D. Morrissey, Inc. of Philadelphia, PA meets all requirements under the Responsible Contractors Ordinance. Funds for this project are being allocated from the \$5 million refinanced bond issue for the Township Road Program.

Mr. Duffy went into great detail explaining the project. The major road reconstruction is divided into three (3) parts. Two tenths (2/10) of a mile from Maple Avenue to just south of the Animal Hospital driveway will be the basic one and a half inch mill and pave. From the railroad bridge to Business Route 1 will also be the basic one and a half inch mill and pave. The major road reconstruction will occur in segment two which is 3/10 of a mile. The entire existing road will be excavated and the road will be rebuilt from the bottom up with a new stone base course, new base course paving and new wearing course paving. Three foot wide shoulders will be installed to help with the drainage, but the most important work will be excavation of the hill that swings down traveling toward Route 1. That hill is over 17% grade and 4% of the grade will be removed by excavating almost 5 feet at the top of that hill.

The excavation of these 5 feet will require retaining walls on either side of the road. The retaining walls will range from 18 inches high to 6 feet high. This improvement should have a very pronounced improvement in safety of the roadway going up or down that hill. The fact that under drains will be added all along the road where the major reconstruction will take place will help with the drainage.

The timing of the project is 45 to 60 days beginning in mid-August with completion by mid-October. The road will be open to local traffic allowing the Eastern Auto Parts store access to their business, along with the other businesses along this road and the private homes.

Mr. Leonhauser mentioned that the Neshaminy School District must be notified as South Flowers Mill Road is a heavily traveled road for buses to the High School. The detour would be up Route 1 to Woodbourne Road and around.

Mr. Mallon said this is another example of a road like Big Oak Road that was patched and repaired and was probably never designed right to begin with. This project is part of the ongoing infrastructure upgrade.

Mr. Kreiling asked if there are any plans for solar lighting along this roadway. Mr. Duffy said not for this particular project, but could be sometime in the future. Mr. Duffy also pointed out that the retaining wall blocks will have reflectors on them and should help.

Mr. Gallagher suggested that larger signs be installed at either end of South Flowers Mill Road advising the height of the bridge. Mr. Duffy said he has heard this suggestion. He also stated that the project could have included excavating underneath the railroad bridge to increase the height and what could travel on this road, but the Township did not want to open this up as a major trucking route.

ACTION: MR. MALLON MOVED TO AWARD A CONTRACT TO JAMES D. MORRISSEY, INC. OF PHILADELPHIA IN THE AMOUNT OF \$1,052,482.50 FOR THE 2015 SOUTH FLOWERS MILL ROAD PROJECT. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 4-0.

10. 2015 Road Improvement Program Report

Mr. Duffy advised that James D. Morrissey, Inc. will be handling the 2015 Road Improvement Project. The paving will begin in early August with the following schedule: Carlene Court, Aspen Avenue, Virginia Avenue, Clover, Redwood, Playwicki and everything around Brownsville Road; Gillam Avenue and Parkvale; Parker, Spring and Eastbrook and Duxbury; then Boxwood and Penncrest, Green Ridge, Summit, North Flowers Mill Road, Pickering Bend, Wood Lane, Moon Drive and Butternut. This project is proposed as a five (5) week project beginning early August and finishing the second week of September.

Mr. Duffy stated that 50 roads; approximately 15 miles were paved in 2014 at a cost of \$1.8 million and also Big Oak Road at a cost of over \$1 million which was not included in the \$5 million bond issue, it was grant money. For 2015, Township Line Road has already been paved along with Lower Makefield Township. A total of 44 roads; approximately 13 miles for a total of \$1.9 million will be paved this year and South Flowers Mill Road which is another 1 mile of roadway at \$1.1 million. Mr. Duffy explained that the Bond funds must be used within a 2 year period and the total to date for paving is \$4.8 million with a \$200,000 buffer.

Mr. Mallon commented that there is going to be a lot of paving and road improvements and asked that residents be patient during the next 45 to 60 days.

11. Consideration of award of Avenue F Stormwater Project

Mr. Young advised that this project was duly advertised in the *Bucks County Courier Times* on July 2 and July 6, 2015; proof of publication has been received. The bid opening was held on July 16, 2015 at 1:00 p.m. This project will address stormwater discharge problems on Avenue F from the intersection of Poplar Street to the intersection of Highland Avenue. The improvements include replacing the existing storm system with a larger size storm sewer and to mill and install 1.5 inches thick superpave asphalt layer.

Two (2) bids were received – James D. Morrissey, and ABC Construction Company. James D. Morrissey was the low bidder and all required supporting documentation has been submitted by James D. Morrissey.

The Base Bid and Alternate A includes all work necessary to complete this project. The James D. Morrissey bid amount for the base bid and Alternate A is \$168,142.00.

ACTION: MR. KREILING MOVED TO AUTHORIZE THE AWARD OF THE BASE BID AND ALTERNATE A TO JAMES D. MORRISSEY FOR THE AVENUE F STORM SEWER AND PAVING PROJECT AT A COST OF \$168,142.00. MR. LEONHAUSER SECONDED. MOTION CARRIED BY A VOTE OF 4-0.

12. Consideration of approval of a Minor Subdivision at 962 Old Lincoln Highway

Robert Jordan of Woodrow & Associates represented the applicant. The project site is a 65,475 square foot parcel located on Old Lincoln Highway in the R-2 residential zoning district. The property also has frontage on Richardson Avenue and contains a residential house that fronts on Old Lincoln Highway and is owned by Ms. Lois Hammond.

The proposed plan shows a minor subdivision that would divide the property into separate lots. Lot 1 will contain the existing house that fronts on Old Lincoln Highway. Lot 2 will be developed in the future and will front and take access from Richardson Avenue which is a private street that is maintained by the property owners accessing this street. The existing plan is for a minor subdivision that proposes no land development as part of this application and approval process.

Mr. Young requested that a few notes be added to the subdivision plan that states the future improvements shall be shown on a building permit plan for Lot 2 and the improvements shall comply with the Middletown Township Subdivision and Land Development Ordinance and the Stormwater Ordinance.

Mr. Young also requested that a note be added to the subdivision plan that states the future owner/developer of Lot 2 shall provide a fee in lieu of the installation of sidewalks and curbs along West Richardson Avenue. A note shall be added to the subdivision plan that the future owner/developer be required to pay the recreation, open space, and traffic impact fees as set by Middletown Township.

The applicant is also required to satisfy all comments in the Township Engineer and Traffic Engineer review letters.

Mr. Pizzo stated with regard to Mr. Young's notes, the Zoning Ordinance should also be cited as an addition to the plan. Another note to be added would be the owner/applicant shall be required to pay the recreation, open space, traffic impact fee and all other applicable fees then in affect as set by Middletown Township.

Mr. Pizzo said an additional condition would be that a deed for the proposed utility easement across the newly created lot be prepared, reviewed by the Township Engineer and Township Solicitor and recorded contemporaneous with the recording of the record plan. Mr.

Pizzo clarified Mr. Young's recommendation that either sidewalks or fee in lieu of sidewalks on Richardson Avenue and a waiver for Old Lincoln Highway.

ACTION: MR. GALLAGHER MOVED TO GRANT PRELIMINARY/FINAL PLAN SUBDIVISION PLAN APPROVAL FOR 962 OLD LINCOLN HIGHWAY, S/LD #15-01 WITH THE FOLLOWING CONDITIONS:

1. A NOTE SHALL BE ADDED TO THE SUBDIVISION PLAN THAT STATES THE FUTURE IMPROVEMENTS SHALL BE SHOWN ON A BUILDING PERMIT PLAN FOR LOT #2 AND THE IMPROVEMENTS SHALL COMPLY WITH THE REQUIREMENTS OF THE MIDDLETOWN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, THE MIDDLETOWN TOWNSHIP STORMWATER ORDINANCE AND THE MIDDLETOWN TOWNSHIP ZONING ORDINANCE.

2. A NOTE SHALL BE ADDED TO THE SUBDIVISION PLAN THAT STATES THE FUTURE OWNER/DEVELOPER OF LOT #2 SHALL EITHER INSTALL CURBS AND SIDEWALKS ALONG BOTH THE OLD LINCOLN HIGHWAY AND RICHARDSON AVENUE FRONTAGES OR PROVIDE A FEE IN LIEU OF THE INSTALLATION.

A NOTE SHALL BE ADDED TO THE SUBDIVISION PLAN THAT THE FUTURE OWNER/DEVELOPER WILL BE REQUIRED TO PAY THE RECREATION, OPEN SPACE, TRAFFIC IMPACT FEE AND ALL OTHER APPLICABLE FEES THEN IN AFFECT AS SET BY MIDDLETOWN TOWNSHIP.

3. THE APPLICANT IS REQUIRED TO SATISFY ALL COMMENTS IN THE TOWNSHIP ENGINEER LETTER DATED FEBRUARY 26, 2015 AND TRAFFIC ENGINEER REVIEW LETTERS.

MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 4-0.

13. Consideration of Declaration of State of Emergency in Middletown Township

Chief Joseph Bartorilla on behalf of Jim McGuire, Emergency Manager advised that he was at a meeting in Doylestown with the County Emergency Management concerning the upcoming Papal visit on September 26 and 27, 2015. The county is very concerned overall what the ripple effect of the Pope's visit is going to resonate into the surrounding suburban counties with Bucks County being the most affected.

Middletown is in a unique position as being the only one of five municipalities in the County that has a regional rail stop. We are the only stop on the R-3 line so anyone that wants to go downtown to see the Pope along the West Trenton Line must use the Woodbourne Train station. SEPTA will be selling 10,000 train tickets for Saturday and 10,000 train tickets for Sunday.

Chief Bartorilla recommended declaring a state of emergency from Friday, September 25th at 7:00 p.m. to Monday, September 28th at 7:00 a.m. It is more a state of readiness or preparedness and it provides the Township more flexibility to use resources. Allows the Township to close roads if necessary without "hoops to jump through". It also puts the Township in a better position to asking for federal reimbursement should funds become available. As of now there is no funding available for any municipality affected by the Pope's visit.

Chief Bartorilla advised that SEPTA officials will be visiting the Woodbourne Train Station and one of the things they will want to know is if the Township has identified overflow parking as the train station only has 375 available parking spots for 10,000 passengers a day. The Oxford Valley Mall has volunteered to provide for overflow parking. The other challenge is the County also wants to know how people are going to get from the overflow parking to the train station, even if it is walking. If walking is the solution, there is absolutely no way to walk Woodbourne Road if it is open to car traffic.

Mr. Mallon said this needs to be a regular portion of the Public Meetings until the Papal visit to keep residents aware of what will take place. He welcomes the idea of the state of emergency and he is aware that as of today no funds are available for all of the support that Middletown will be requested to provide, but if there is an opportunity to get federal funds, we should definitely take advantage of it.

Mr. Mallon asked Chief Bartorilla if there are any roads that will be closed as a result of the Pope's visit. Chief Bartorilla said nothing is for certain as we are in the planning stage at this point. The Middletown Police Department will take the lead role as far as running the detail and doing the planning, Jim McGuire will do the incident action plan for the entire event. The Middletown Police Department will do their operational plan and give it to Mr. McGuire to incorporate into his incident action plan. The departments will be meeting once a week until the Papal visit to discuss the planning.

Chief Bartorilla reached out to the four (4) other municipalities that are effected by the visit and Bristol and Tullytown are declaring a state of emergency, Bensalem and Warminster have not yet declared a state of emergency. Middletown, Bensalem, Bristol, Tullytown and Warminster will be meeting the second week of August to go over ideas.

Mr. Gallagher said the Township needs to stay business friendly as well with regard to the businesses in the general vicinity of Woodbourne Station. Mr. Gallagher asked if the Chief has considered asking SEPTA to have shuttle buses from the Oxford Valley Mall to the train station. Chief said that is the plan to ask SEPTA for shuttle buses and the only other option is to ask Neshaminy School District for the use of their school buses.

Mr. Mallon directed the Township Manager to over communicate by running electronic newsletters to keep residents abreast of what is going on. Chief Bartorilla said flyers will be distributed in the community from First Street to Wood Lane in August.

ACTION: MR. MALLON MOVED TO ENACT RESOLUTION #15-11R DECLARING A STATE OF EMERGENCY IN MIDDLETOWN TOWNSHIP EFFECTIVE SEPTEMBER 25, 2015 AND ENDING SEPTEMBER 28, 2015 AS A RESULT OF THE IMPACT OF THE PAPAL VISIT ON THE REGION. MR. GALLAGHER SECONDED. MOTION CARRIED BY A VOTE OF 4-0.

14. Consideration of appointment of special labor counsel

Mr. Mallon said the Township Manager was directed to look for law firms to help with the negotiations of the Police Contract. Three firms were interviewed.

ACTION: MR. GALLAGHER MOVED TO APPOINT GENOVA BURNS ATTORNEYS-AT-LAW AS SPECIAL LABOR COUNSEL FOR THE POLICE CONTRACT. MR. MALLON SECONDED. MOTION CARRIED BY A VOTE OF 4-0.

15. Discussion of “No Parking” request – Parkway Avenue

Ms. Teoli Kuhls advised that the Township received a request from Amelia & Edward Daley, 359 Durham Road for a “No Parking” zone on Parkway Avenue, adjacent to their property. The Daley’s made the request because visitors to the Bucks County Housing and Pantry property often block their driveway.

As directed by the Board, the administration notified residents who live in the vicinity of the proposed “No Parking” zone request. Three of the ten residents notified provided feedback – two in favor of the “No Parking” zone and one very much opposed.

It was the consensus of the Board to table this issue to allow more time for resident feedback and awareness of what is proposed.

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

Dan & Amanda Mullen, 330 Delaware Avenue sent a petition to the Board of Supervisors in May requesting that the Township “eliminate the feral cat problem” in their neighborhood. The Mullens specifically requested that the Township consider amending the Code of Ordinances to add a provision that would change the prohibition of “dogs running at large” to animals running at large. In addition, they requested that language be added to make it unlawful to feed stray animals in Middletown Township. This issue was discussed at the June Board of Supervisors meeting with the Board directing staff to investigate the matter and report back at a subsequent meeting.

Ms. Teoli Kuhls explained that feral cats are free-roaming cats that were never socialized by humans or have lived outdoors for so long that they have reverted to a wild state. They are typically not suitable for placement into homes as pets. There are pockets of feral cat colonies throughout the community. Along with the Delaware Avenue colony, there are feral cat populations behind the Kmart and in Core Creek Park.

Ms. Teoli Kuhls advised that during the investigation into this issue, staff spoke with the Bucks County Health Department, the Pennsylvania SPCA, and several animal advocacy groups. The least costly and most efficient and humane way to stabilize feral cat populations is termed “TNVR” (Trap, Neuter, Vaccinate, and Return). This course of action has been utilized by many communities across the country and is the recommended course of action by most advocacy groups.

Ms. Teoli Kuhls said there are two residents on Delaware Avenue that are feeding and caring for these animals. Documentation has been received from these residents and they are actively doing what the TNVR recommends. They also are taking any new litters of cats to a shelter and releasing them so they are able to be adopted. The Bucks County Health Department investigated this particular property and the report found that no violations existed.

At this point the staff believes that it would be best to make an effort at public education to let the people in the community know that this is probably the most appropriate course of action

at this point. Staff recommends that within the next several months, the Township partners with the animal advocacy groups to implement an organized TNVR program in Middletown Township.

John Labaha, 320 Delaware Avenue, Penndel and Kristin Cahill, 41 West Woodland Avenue, Penndel, presented information about the work they do to rescue cats. Mr. Labaha went into great detail about the issues he has been experiencing with neighbors and the fact that he has been having the cats neutered and vaccinated. Mr. Labaha showed the Board a motion activated sprinkler that can be attached to your garden hose and will deter cats and many other animals, i.e. deer, fox, or raccoons from coming in your yard.

Mr. Labaha advised that there are members of Forgotten Cats present this evening to answer any questions about their organization. Forgotten Cats has been active in Middletown for the past six years. A representative of Forgotten Cats stated that the organization has been active in Middletown and have trapped over 1,000 cats. Sick or injured cats are not released.

Mr. Mallon stated that Mr. Labaha is not the problem it is the people that abandon the cats. Mr. Labaha is part of the solution.

The most important thing would be a community education program.

Mr. Gallagher would like the animal education program to include the fact that cruelty to animals is against the law as well.

17. Consideration of establishing the Middletown Citizen Service Corps

Mr. Mallon said the genesis of this idea came from taking care of elderly parents and elderly in-laws and helping them to live independently. Mr. Mallon and Ms. Lamanna have held meetings with community leaders, various members of the clergy, fire marshal and tonight he would like to propose a new entity for Middletown Township. The entity would be the Middletown Citizen Service Corps Board. The idea behind the Middletown Citizen Service Corps Board would be to help the Township senior citizens and disabled remain in their homes and stay connected with the community.

The idea of this board would be to partner with various community groups and organizations to provide volunteers to provide help and do some fundamental tasks, such as cleaning up yards, changing the battery in a smoke detector, replacing lightbulbs, things that elderly and disabled residents cannot do. There would be no budget impact to establish this board. The board would be supported by the Parks & Recreation Department Director and Mr. Mallon has also volunteered to serve on this board.

The first event will be held on November 7th this year.

George Dranginis, 221 Quincy Drive, Levittown said this is an excellent idea.

ACTION: MR. MALLON MOVED TO AUTHORIZE THE TOWNSHIP SOLICITOR TO PREPARE AN ORDINANCE TO ESTABLISH THE MIDDLETOWN CITIZEN SERVICE CORPS BOARD. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 4-0.

18. Consideration of purchase and installation of an Avaya VoIP phone system from Altura Communication Solutions in the amount of \$91,497.36.

Ms. Teoli Kuhls said this is an item that has been on the budget for the past 3 years. It has been put off because it is a big expense. The situation now is the manufacturer of our current phone system is no longer in business. It is a 15 year old system and we have been purchasing parts for the system on eBay over the past several years. We have no other option than to replace the system primarily because if the system went down it would take weeks to recover and we would have no ability to field phone calls. This purchase includes the Municipal building and the public works building.

Lisa Berkis did the work and background check on this purchase. State qualified systems were looked at and the proposal this evening is from Avaya with a lot of major improvements over the past 15 years. The new system will allow the Township to be more professional and resident friendly. The new system will integrate public works allowing a transfer of calls as opposed to having the resident have to hang up and call the DPW building. Calls can be forwarded to cellphones.

Mr. Gallagher said that after looking at the benefits and features and having dealt with Avaya VoIP phone system this is a positive move. Immediately there is a \$5,000 savings just in phone lines that we will no longer need.

ACTION: MR. GALLAGHER MOVED TO AUTHORIZE THE PURCHASE AND INSTALLATION OF AN AVAYA VOIP PHONE SYSTEM FROM ALTURA COMMUNICATION SOLUTIONS IN THE AMOUNT OF \$91,497.36. MR. LEONHAUSER SECONDED. MOTION CARRIED BY A VOTE OF 4-0

19. Other Business.

Mr. Pizzo pointed out that the fact the Township audit was presented as a clean audit without any exceptions for a budget the size of the Township's is a commendable thing and offered kudos to the Township's Administrative staff particularly the Finance Department for the work they do.

Mr. Gallagher said on Friday he will be volunteering with the United Way of Bucks County in the fight against hunger in Bucks County. The plan is to package 100,000 meals for distribution to the County pantries for those who need help as well as fresh vegetables and produce at DelVal University. Mr. Gallagher said if anyone is interested in donating the website is UWBucks.org/BKOhunger.

Mr. Kreiling stated that the recent 4th of July Parade was another exceptional parade. He inquired about the progress of the welcome packets for new homeowners. Ms. Teoli Kuhls said it is being worked on and we have decided to begin work on a fold open map with all of the general information about the community which is supported by advertisers in the community.

Mr. Leonhauser said he is glad the WWII Veterans were present this evening. Most of his ancestors served and there are only a few of them left and is glad we were able to honor those remaining soldiers.

Mr. Mallon spoke about economic development in the Township. He would like to tap into the business leadership within the community and put together an Economic Development Advisory Council to offer input to the Board as we move forward. If we plan for the future we can influence it and can also preserve a way of life that we have grown accustomed to. If we do not plan then we are subject to the whims of the economy and what will happen, will happen.

Mr. Mallon directed the Township Manager to begin to have discussions with local businesses. Mr. Mallon and Ms. Teoli Kuhls met with the Economy League of Greater Philadelphia and they are in the business of helping communities develop these plans. He also directed Ms. Teoli Kuhls to reach out to the Delaware Valley Regional Planning Commission, the Bucks County IDA and SEPTA. Mr. Mallon would like the Township to have a five and ten year plan that says what the Township would look like to have in the future.

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

21. Adjournment.

ACTION: MR. MALLON MOVED TO ADJOURN THE PUBLIC MEETING OF THE MIDDLETOWN TOWNSHIP BOARD OF SUPERVISORS AT 10:15 P.M. MR. GALLAGHER SECONDED. MOTION CARRIED BY A VOTE OF 4-0.