

**MIDDLETOWN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
SEPTEMBER 8, 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.

2. Announcements, correspondence, awards and reports.

- a. Next Board of Supervisors Meeting – Monday, September 21, 2015 @ 7:30 p.m.

Mr. Mallon announced that the Board met in Executive Session prior to this evening's Public meeting, no decisions were made.

- b. Upcoming Events

- Middletown At the Mall – Thursday, September 10, 2015 – Oxford Valley Mall
- Veteran's ID Event – Thursday, October 1, 2015 – Township Building
- Julia Child! – Linda Kenyon in a one-woman show – Friday, September 11, 2015
- American Red Cross Blood Drive – Monday, September 14, 2015 2 pm to 7 pm
Middletown Municipal Center – Public Hall

- c. Recognition of Ryan Tarapchak and Team Isabella – Mr. Mallon invited Ryan Tarapchak to come to the podium and explain his project. Ryan said he is helping the sister of his friend that has cancer by running for a month to raise funds and has raised over \$10,000 for Team Isabella. Ryan is looking forward to helping more people.

Mr. Mallon said during his 6 years on the Board he has had the opportunity to recognize our youth. He also is a big advocate for veterans and for the past 6 years he has had the opportunity to kick off the Patriot Golf Event at Middletown Country Club. Patriot Golf Day raises money for the Folds of Honor Organization and was founded by Major Dan Rooney. Major Rooney was coming back from his second tour in Iraq and the pilot advised that they were transporting the body of a deceased serviceman, Cpl. Bret Brocklan and the pilot asked the

passengers not to get off the plane as a show of respect. Major Rooney was surprised about the fact that half off the passengers got off the plane and he said he was not going to let this happen.

Major Rooney founded the Folds of Honor Foundation and they have raised millions of dollars for gold star families and wounded warriors to help pay for education costs. Mr. Mallon said his point is that when Major Rooney boarded that plane he was not thinking about being a hero. Mr. Mallon has also had the opportunity to speak to WWII vets and they are a great group of people. They did not do that with the thoughts of being a hero. Mr. Mallon's message on Monday and everyone tonight and especially to Ryan, to him a hero is someone that stands up when there is a need and stands out.

State Representative Frank Farry also presented Ryan with a commendation on behalf of the Pennsylvania House of Representatives and the people of the 142nd Legislative District of the Commonwealth of Pennsylvania.

d. Proclamation – National Preparedness Month

Jim McGuire, Fire Marshal said that September is National Preparedness Month and said it consists of three things; one is to be informed and know what is around you; know what you can do to help yourself and others. The second part is to make a plan and be able to communicate with your family. Make a kit and have enough food for 7 days. It is important to get this information out to the community and let them know that there are basic things they need to do in the event of an emergency.

e. Recognition of Emergency Management Volunteers

Mr. McGuire advised that Jason Bauer has been volunteering countless hours during emergencies and planned events, such as the Papal visit, coordinating Ham radio communications and the development of the alternative communications system.

Mark Wert has been working on the communications boxes as well as assisting in the planning for the Papal visit.

Marc Kaman has been volunteering during emergencies and table top exercises over the past year as well as assisting in the building of the communications boxes.

Scott Dengler has worked on numerous projects and has aided in acquiring grant funds over the past year to aid in emergency management.

Pat McGuire has volunteered his time during planned events, such as the Papal visit and table top exercises.

f. Chief Joseph Bartorilla presented an update on the Papal Visit

Chief Joseph Bartorilla advised that SEPTA's numbers for the Woodbourne Station are lower than anticipated as they are across the board, but Woodbourne is the second highest selling station in Bucks County. For Saturday there are 2,400 tickets sold and for Sunday there are 3,100 tickets sold. Chief Bartorilla said the original plan of closing Woodbourne Road will remain to allow people to walk from the Oxford Valley Mall to the train station. The train station parking lot

will be used for handicap parking and once that fills, the remainder of the cars will park at the Mall. Because there is no safe way to walk from the Mall to the train station, Woodbourne Road will be closed. Chief Bartorilla explained that the roadway will be divided in half with half being used for walking and the other half will be for any residents or business within the closed area to be able to come and go as they need.

Chief Bartorilla said if the number of riders stays at this level once the last train leaves for Center City at noon we may be able to open Woodbourne Road for 5 hours until the people return at night at which point it would be closed again to allow the train riders to return to their vehicles at the Mall.

Flyers will be printed to present to the residents that live inside the closed area and will be delivered within the next week.

Mr. Mallon called a brief recess to allow those in attendance to leave the meeting.

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

There was no Public Comment.

4. Consent Agenda Items.

- a. Consideration of authorizing payment of September 8, 2015 Bill List in the amount of \$1,159,107.36.
- b. Consideration of approving the August 17, 2015 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 the Preliminary/Final Plan Land Development for Waterstone Retail Development Company, 1501 East Lincoln Highway, Langhorne, PA TMP #22-047-011-002, S/LD #15-02.

Thomas Hecker, Esq. represented the applicant along with John Hornick of Boehler Engineering and Doug Richardson representative of Waterstone Retail Development. The project is located at 1501 East Lincoln Highway in the Langhorne Square Shopping Center. The existing property is 104,458 square feet and contains the existing Bob's Furniture, Floor and Décor and 632 parking spaces. The applicant, Waterstone Retail Development is proposing a 3,350 square foot building in the portion of the parking lot closest to East Lincoln Highway. The proposed building will contain a 1,500 square foot cellular telephone retail store (AT&T Mobile Phone) and a 1,850 square foot coffee shop (Starbucks) with a drive thru.

Mr. Hecker explained that the drive thru for the Starbucks required a special exception approval from the Zoning Hearing Board which was received and a variance to extend the hours of service to 5 a.m. to 12 a.m.

Mr. Leonhauser inquired about the safety of left turns onto Route 1 exiting the site. Mr. Hornick advised that the traffic study calculated the trip generation including the proposed development and concluded that there would not be a need to change that driveway access in any manner.

ACTION: MR. KREILING MOVED TO GRANT PRELIMINARY/FINAL LAND DEVELOPMENT PLAN APPROVAL FOR 1501 EAST LINCOLN HIGHWAY, S/LD #15-2 WITH THE FOLLOWING CONDITIONS:

1. THE APPLICANT SHALL COMPLY IN ALL RESPECTS WITH THE RECOMMENDATIONS SET FORTH IN THE FOLLOWING REPORTS, UNLESS SUCH RECOMMENDATIONS WERE MODIFIED BY THE BOARD OF SUPERVISORS DURING THE APPROVAL PROCESS:

REPORTS

- A. TOWNSHIP ENGINEER - AUGUST 26, 2015
- B. BUCKS COUNTY PLANNING COMMISSION – MARCH 2, 2015
- C. TOWNSHIP PLANNING COMMISSION MEETING MINUTES – SEPTEMBER 2, 2015
- D. FIRE MARSHAL – FEBRUARY 17, 2015
- E. TRAFFIC ENGINEER – JULY 31, 2015
- F. LIGHTING ENGINEER – FEBRUARY 25, 2015

2. APPLICANT SHALL COMPLY IN FULL WITH ALL REQUIREMENTS OF MIDDLETOWN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND MIDDLETOWN TOWNSHIP ZONING ORDINANCE, UNLESS RELIEF WAS GRANTED BY THE BODY HAVING JURISDICTION.

THE FOLLOWING WAIVERS WERE GRANTED:

SECTION 440-421.E.4 – PARKING WITHIN 15 FEET OF THE BUILDING.

SECTION 440-421-E.8 – NO LESS THAN A 5 FOOT RADIUS OF CURVATURE SHALL BE PERMITTED FOR CURB LINES IN PARKING AREAS. EXISTING CURBED ISLAND ARE DICTATING THE USE OF SMALLER RADII IN SEVERAL AREAS.

SECTION 440-301.E – PRELIMINARY PLAN AND FINAL PLAN SHALL BE SEPARATE SUBMISSIONS. THE APPLICANT IS REQUESTING PRELIMINARY/FINAL PLAN APPROVAL.

3. APPLICANT SHALL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS WITH REGARD TO THE PROPOSED LAND DEVELOPMENT AND APPLY AND RECEIVE ALL APPROPRIATE PERMITS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF THE BUILDING AND IMPROVEMENTS. SUCH APPROVAL SHALL INCLUDE, BUT IS NOT LIMITED TO, THOSE FROM THE BUCKS COUNTY CONSERVATION DISTRICT, PENNDOT (FOR UTILITY CONNECTION), PADEP (SEWAGE FACILITIES PLANNING), AND THE WATER & SEWER AUTHORITY.

4. APPLICANT SHALL BE REQUIRED TO PAY TRAFFIC IMPACT FEES (\$18,008.10) AS SET BY MIDDLETOWN TOWNSHIP AND ANY OUTSTANDING ADMINISTRATION AND PROFESSIONAL FEES.

5. APPLICANT SHALL ENTER INTO A DEVELOPMENT AGREEMENT WITH MIDDLETOWN TOWNSHIP AND POST APPROPRIATE CONSTRUCTION, ADMINISTRATIVE, AND PROFESSIONAL ESCROWS.

MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

6. Consideration of Preliminary/Final Land Development for CarMax Auto Superstores, Inc., 1776 East Lincoln Highway, Langhorne, PA TMP #22-047-198-002, S/LD #15-03.

Thomas Hecker, Esq. represented the applicant CarMax Auto Superstores, Inc. along with Jake Hertz of Centerpoint Integrated Solutions, LLC. Mr. Hertz provided an overview of the proposed project located at 1776 E. Lincoln Highway, Langhorne; the former K-Mart building. CarMax has received the necessary zoning relief and Conditional Use approval in order to move forward in the land development process. Mr. Hecker explained that even though the K-Mart site is a separate parcel, it shares a common parking lot with other commercial parcels which are all subject to a Declaration of Covenants and Restrictions which governs the existing access and parking lot layout.

Mr. Hertz explained that the existing K-Mart building will be demolished and two structures will be constructed in its place with a much smaller footprint of 20,000 square feet total. The main sales and inventory building and a sales display area. CarMax as a rule organizes their sites differently with inventory in the front of the store organized by type of vehicle, pickup trucks, mini vans, etc.

The hours of operation will be Monday thru Saturday 9:00 a.m. to 9:00 p.m. Approximately 50 employees will be on the premises during peak Saturday afternoon hours. The applicant is required to maintain the exact same number of parking spaces. The parking lot will be milled and paved.

Mr. Pizzo pointed out that this project was before the Board several meetings ago for Conditional Use Approval and a good bit of what is being presented this evening was before the Board at that time.

ACTION: MR. GALLAGHER MOVED TO GRANT PRELIMINARY/FINAL PLAN APPROVAL FOR CARMAX AUTO SUPERSTORE INC., S/LD #15-03, GRANTING WAIVERS FROM THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE SECTIONS 301.E, 421.E.1, 421.E.4, AND 421.H; AND SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE APPLICANT SHALL COMPLY IN ALL RESPECTS WITH THE RECOMMENDATIONS SET FORTH IN THE FOLLOWING REPORTS, UNLESS SUCH RECOMMENDATIONS WERE MODIFIED BY THE BOARD OF SUPERVISORS DURING THE APPROVAL PROCESS.

- A. TOWNSHIP ENGINEER – SEPTEMBER 1, 2015
- B. TOWNSHIP TRAFFIC ENGINEER – JULY 31, 2015
- C. TOWNSHIP FIRE MARSHAL – JULY 9, 2015
- D. TOWNSHIP PLANNING COMMISSION MEETING MINUTES – AUGUST 5, 2015
- E. TOWNSHIP LIGHTING ENGINEER – APRIL 13, 2015

- F. BUCKS COUNTY PLANNING COMMISSION – JULY 2, 2015
- G. BUCKS COUNTY CONSERVATION DISTRICT

2. APPLICANT SHALL COMPLY IN FULL WITH REQUIREMENTS OF MIDDLETOWN TOWNSHIP ZONING ORDINANCE, MIDDLETOWN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND MIDDLETOWN TOWNSHIP STORMWATER ORDINANCE, UNLESS RELIEF WAS GRANTED BY THE BODY HAVING JURISDICTION.

3. APPLICANT SHALL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS WITH REGARD TO THE PROPOSED LAND DEVELOPMENT AND APPLY AND RECEIVE ALL APPROPRIATE PERMITS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF THE BUILDING AND IMPROVEMENTS. SUCH APPROVAL SHALL INCLUDE, BUT IS NOT LIMITED TO, THOSE FROM THE BUCKS COUNTY CONSERVATION DISTRICT, PADEP AND THE WATER & SEWER AUTHORITY.

4. APPLICANT SHALL BE REQUIRED TO PAY TRAFFIC IMPACT FEES AS SET BY MIDDLETOWN TOWNSHIP AND ANY OUTSTANDING ADMINISTRATION AND PROFESSIONAL FEES.

5. APPLICANT SHALL ENTER INTO DEVELOPMENT, FINANCIAL AND MAINTENANCE AND MONITORING AGREEMENTS WITH MIDDLETOWN TOWNSHIP AND POST APPROPRIATE CONSTRUCTION, ADMINISTRATIVE, AND PROFESSIONAL ESCROWS.

MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

7. Budget Calendar

Ms. Teoli Kuhls provided the following information concerning the proposed Fall Meeting calendar:

- September 15, 2015 - Departmental Budget Meeting @ 6:00 p.m.
- September 21, 2015 - Board of Supervisors Meeting @ 7:30 p.m.
- October 5, 2015 - Board of Supervisors Meeting @ 7:30 p.m.
- October 12, 2015 - Budget Workshop Meeting @ 7:00 p.m.
- October 26, 2015 - Budget Workshop Meeting @ 7:00 p.m.
- November 9, 2015 - Board of Supervisors Meeting – Budget Presentation @ 7:30 p.m.
- November 16, 2015 - Board of Supervisors Meeting @ 7:30 p.m.
- December 7, 2015 - Board of Supervisors Meeting – Consider Budget Approval @ 7:30 p.m.
- December 21, 2015 - Board of Supervisors Meeting @ 7:30 p.m.

8. Other Business.

Mr. Oettinger thanked the Parks & Recreation Department for the recent Monsters Inc. movie in the park.

Mr. Gallagher thanked all who inquired about his wife and her recent surgery.

Mr. Kreiling inquired about Middletown at the Mall hours – 11 a.m. to 1 p.m.

Veterans ID Event – 3 p.m. to 7 p.m. – Municipal Center – Event is run by the County's Recorder of Deeds Office and any questions may be forwarded to that office.

American Red Cross Blood Drive – Monday, September 14, 2015 you may show up without signing up ahead of time – 2 p.m. to 7 p.m.

Mr. Mallon advised anyone interested in becoming involved in the Middletown Citizens Service Corps please contact Lydia at 215.584.5281. Lydia runs the Middletown Township Senior Citizens Center. You may also email to middletowncsc@gmail.com.

Mr. Mallon once again congratulated Ryan for the wonderful work he is doing. He stated that he was able to speak to Mr. O'Brien, Isabella's father who said they received good news in that Isabella is able to go back to some of her normal activities. If anyone would like to make a donation they may do so to teamisabella.org.

Mr. Mallon said he is happy that there are three redevelopment projects on this agenda bringing jobs and businesses to Middletown Township, which reinforces the efforts of this Board to continue to preserve the business community in Middletown. It also speaks highly of the business environment in Middletown Township the fact that we continue to have businesses wanting to set up shop here.

Final word, Mr. Mallon is very moved by Ryan and the work he is doing. This is a 12 year old boy who saw a problem and did something about. The message that Ryan is delivering to all of us is that if you don't know what to do, do something. Mr. Mallon is a firm believer that everyone is a hero and just waiting for an opportunity to present itself.

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

10. Adjournment.

ACTION: MR. MALLON MOVED TO ADJOURN THE PUBLIC MEETING OF THE MIDDLETOWN TOWNSHIP BOARD OF SUPERVISORS AT 8:27 P.M. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.