

**MIDDLETOWN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
OCTOBER 5, 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, November 9, 2015 @7:30 p.m.**

Mr. Mallon advised that the Board met in Executive Session prior to this evening’s meeting concerning personnel.

- b. Upcoming Events

- Middletown at the Mall – Thursday, October 8, 2015 – Oxford Valley Mall – 11 a.m. to 1:00 p.m.
- Budget Workshop Meetings – Monday, October 12, 2015 @ 7:00 p.m. and October 26, 2015 @ 7:00 p.m. – Middletown Municipal Center Rooms 220-221

- c. Proclamation October - Fire Prevention Month

James McGuire, Fire Marshal and Emergency Manager stated that October is Fire Prevention Month and one of the most important things to do is to get out and inform people of ways that they can stay safe in their community. Disaster Prevention Month, which was last month and Fire Prevention Month are two good ways to get information out to the community. We are doing a really good job getting the information out to children in the community; fire deaths of children in the state of Pennsylvania are down to less than one percent. This is one of the best ratios of all of the states in the Continental United States.

However, we are not doing as well getting the information out to adults in the community. We are trying to get out and do more programs with senior citizens disabled persons which have a much higher ratio of fire death than anyone else. If we could bring that down and do the same things we have done with children with seniors and disabled, Pennsylvania will become a state

with very few fire deaths. This year there were 110 fire deaths in the state of Pennsylvania of regular citizens. There were 5 firefighters who died in the state of Pennsylvania, which is one of the highest out of all of the states inside the Continental United States.

This year's total to date has approximately \$328 billion in fire loss inside the United States and that is 2.1% of the gross domestic product. Fires are down by 19.5% over a 10 year total. Fire prevention is critical and each one of the four (4) fire departments in Middletown does their own fire prevention night, each one does the public safety day at the Oxford Valley Mall, each one goes out to the schools and the Fire Marshal's office also go out to the daycare centers.

Mr. Mallon asked what the number one thing is that an average resident in Middletown Township could do to prevent a fatality from fire. Mr. McGuire said to make sure that their smoke detectors are working. Right after a fire in the community the Fire Marshal's Office goes out and walks the neighborhood and talks to residents informing them about fire prevention strategies and help them with a home safety walk thru and also checks their smoke detector.

About 18% of the homes visited right now by the Fire Marshal's Office do not have working smoke detectors. The fire fatality that we had a year ago was in a home that did not have working smoke detectors.

d. Swearing in of Officer John Beck.

Chief Joseph Bartorilla read a short biography on newly hired Officer John Beck prior to the swearing in ceremony.

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

Ron Krajewski, 9 Cobalt Ridge Drive, Levittown said he has been waiting for a letter from the Board concerning the decision the Board made. Mr. Krajewski read the following letter to the Board so no one can deny what it says: *"As I told you before I respect the decision you made not to enforce the subdivision of Middletown Township. However, I asked for an explanation on how you came about your decision. I would still like to know why Middletown Township will not enforce the conditions they set upon a subdivision. Other townships in Bucks County have enforced their subdivisions and there is case law supporting this. Mr. Pizzo stated that he talked to the Planning Commission and Pat Duffy. He never stated what the Planning Commission or Pat Duffy advised him. I talked to the Planning Commission and was told they didn't know how it happened and it was an illegal sale. Mr. Pizzo stated that the Township made a mistake in 1960. What mistake was made? Please explain the mistake made by the Township. Something that has not been litigated is the legal and notarized and recorded contract agreement in the Office of Recorder of Deeds in Doylestown. That proceeds of any transactions and had existed since the beginning of time. Please explain why the 2015 Board of Supervisors will not honor the 1960 contract agreement Middletown Township imposed on the homeowners before the subdivision was approved and created. I asked for this explanation on the Middletown Township letterhead and signed by all of the 2015 Board of Supervisors. What transpired between me and the court systems (which Mr. Krajewski wished the Board would have read the documents themselves) has nothing to do with the Township enforcing their subdivision or ordinances. That court made a decision without the knowledge of the memos or the agreement and the appellate court did not make on the rule of the summary judgment and did not have the knowledge of this agreement. This agreement has never been adjudicated. I first believed that the Board of Supervisors was misled, but now I*

believe that they are closing their eyes and holding their ears, still protecting the person or persons responsible for not producing these documents earlier hoping I would go away.

You have not listened when I tried to tell you that these documents miraculously appeared after I produced the original linens of the agreement. It was then that the document folder was retrieved in less than 2 minutes. To date I still have not received an explanation of why Middletown will not enforce the subdivision they imposed or what mistakes the Township made back in 1960 when things were more honest and less political.

I have been trying for 2 years in lieu of this Township enforcing their subdivision and ordinances to provide an explanation of why these documents were not provided on the subpoenas or the Right to Know Act and now according to Mr. Pizzo, the Board of Supervisors and Middletown Township did something wrong back in 1960. When can I expect an answer to my questions?

Mr. Krajewski provided the Board members with a copy of information and Mr. Pizzo said obviously Mr. Krajewski believes he doesn't need one. Mr. Krajewski said he is dealing with the Township and what the Township does with the paperwork; if they give it to the solicitor, that's fine. He is obligated to give it to the Board members as he was told. Now he is asking for an explanation as he did almost 2 months ago.

Mr. Pizzo said several months ago this Board voted whether it wanted to direct him to proceed through the courts to in some fashion see if we could reverse or overturn the decision of the courts that was rendered in Mr. Krajewski's case that said that the covenant that was included in the 1960 agreement was unenforceable. Mr. Pizzo doesn't know whether the Township made a mistake or whom made the mistake, but the way the arrangement was structured in 1960, the courts in 2012/13 whenever Mr. Krajewski's case was being adjudicated said that the covenant was unenforceable and that it was unenforceable not only as for Mr. Krajewski's property but the Township in general and the statement from the court even after they had a chance to review the documents that Mr. Krajewski subsequently received, the court said that it didn't change its conclusion that the covenant that the properties had to be merged and not separated the way it was structured in 1960 was unenforceable in 2012/13.

Mr. Krajewski said he would go along with what Mr. Pizzo just said but he wants it on paper that that is what is legal and binding and that is what the Township cannot do. Mr. Krajewski screamed to just put it on paper. Mr. Pizzo said it is in the court decision. Mr. Krajewski said it is not because it has never been adjudicated and he doesn't want Mr. Pizzo lying to the people that it has. Mr. Krajewski said this all started back when he asked for one single piece of paper from the Township stating that it was part of a subdivision, that is all he ever asked for and look how far we got.

Mr. Mallon suggested that Mr. Krajewski go back and read the Township Board of Supervisor Minutes where this issue was brought up and asked for a motion.

Mr. Krajewski once again vehemently explained that all he has asked is if Middletown Township has the authority to enforce the conditions they have placed on a subdivision? Yes or no. Can it enforce its ordinances, because it is breaking a lot of ordinances and that is all he is asking to be put on paper. Mr. Krajewski is stating this right now so that everyone in the Township can hear him.

Mr. Mallon said the Board made a decision based on the court cases that we were not going to direct the Solicitor to spend Township tax dollars to try to overturn a decision that was made by three different courts in the state of Pennsylvania. That is the decision that was made by the Board.

Mr. Krajewski said he understands that, but that is not what he is asking. He wants to know why the Board cannot enforce it. Mr. Mallon said that three courts said the Township can't. Mr. Krajewski said all he is asking is that that be put on paper and the Board members sign it.

Mr. Gallagher told Mr. Krajewski to read the minutes from the meeting as they are very clear and are posted on the Township's website.

Mr. Krajewski said the minutes were not accepted in court so why would they accept them now. All he is asking for is a piece of paper on Township letterhead. Mr. Mallon said the Board is not going to argue with Mr. Krajewski and this will not be done. Mr. Krajewski said that is fine and everybody knows that the Board made a decision to not put it on paper because none of the Board members want to be liable.

4. **Consent Agenda Items.**

a. Consideration of authorizing payment of October 5, 2015 Bill List in the amount of \$1,234,523.68.

b. Consideration of approving the September 21, 2015 Minutes of the Public Meeting of the Middletown Township Board of Supervisors.

c. Consideration of approving the first and final payment request to Donato Spaventa & Sons, Inc. in the amount of \$39,926.81 for the Village Road Storm Water Improvement.

d. Consideration of approving the request by Stonehaven Homes – Arbutus Avenue first escrow release in the amount of \$33,945.00.

e. Consideration of approving the request by Restaurant Depot for release of construction escrow funds in the amount of \$126,607.74.

f. Consideration of approving a change order to James D. Morrissey, Inc. in the amount of \$15,481.20 for the South Flowers Mill Road Project.

g. Consideration of approving two change orders to James D. Morrissey, Inc. in the amounts of \$17,321.87 and \$1,198.86 for the 2015 Road Program Project.

ACTION: MR. KREILING MOVED TO APPROVE CONSENT AGENDA ITEMS A THRU G AS LISTED ABOVE. MR. OETTINGER SECONDED.

Mr. Kreiling asked for clarification of the two James D. Morrissey, Inc. change orders. Mr. Teoli Kuhls explained the changes.

MOTION CARRIED BY A VOTE OF 5-0.

5. Consideration of Waiver of Land Development Request by Inspire Federal Credit Union Bank.

Thomas Hecker, Esq., represented the applicant Inspire Federal Credit Union along with Joseph Lalka, P.E. of D.W. Smith Associates. This proposal is another example of the Township staff and the Board of Supervisors working with property owners to redevelop vacant business properties along Route 1. This particular property is located at 1555 Lincoln Highway at the corner of Route 1 and Highland Park Way.

For many, many years it had been a used car dealership and an automobile repair facility. This property was purchased by Inspire Federal Credit Union for the purpose of opening a second branch and this will be the first branch in Middletown Township. Mr. Hecker explained that the applicant is before the Board this evening to get approval for a waiver of land development. There are some minor building additions that are proposed and some other modifications to the property.

Mr. Lalka explained the applicant is proposing to renovate the present building, reconfigure the parking lot and reduce the impervious surface. The major plan revisions are the drive-thru circulation and the addition of planting beds and street trees. Mr. Lalka presented the four waiver requests for 1) not showing all the existing features within 200 feet of the site, 2) not showing all the existing utilities on site, 3) allowing the continuation of a non-conforming curb radius at the exit driveway and 4) a waiver from land development. The applicant agreed to re-locate the proposed street tree closest to Highland Park Way for sight distance concerns.

Jim Merrill, President and CEO of Inspire Federal Credit Union advised that Inspire Federal Credit Union has been part of the Bucks County community since 1936. Inspire Federal Credit Union is a local credit union that was chartered many years ago to serve the education community and school districts in Bucks County. Approximately 10 years ago the charter was expanded to that of a community chartered credit union allowing Inspire to serve the entire Bucks County Community.

To date Inspire Federal Credit Union serves 13,000 members who use the credit union for banking and financial services and this facility in Middletown Township will be a new branch to serve the existing membership base and also for growth and expansion.

ACTION: MR. GALLAGHER MOVED TO GRANT A WAIVER OF LAND DEVELOPMENT FOR THE INSPIRE FEDERAL CREDIT UNION BANK, S/LD #15-9 AND GRANTING OF THE FOUR WAIVERS FROM THE SUBDIVISION AND LAND DEVELOPMENT SECTIONS 440-303.D(3).(d) & (e), 440-304.D.(3) (d) &(e) , 440-416.B(3) and 440-303 & 304 SUBJECT TO SATISFYING ALL THE REQUIREMENTS OF THE TOWNSHIP ENGINEER, TOWNSHIP TRAFFIC ENGINEER, TOWNSHIP LIGHTING CONSULTANT, FIRE MARSHAL AND PAYING THE TRAFFIC IMPACT FEE AS CALCULATED BY THE TOWNSHIP TRAFFIC ENGINEER. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

6. Consideration of approving Resolution #15-22R, authorizing application to PennDOT for approval of a flashing pedestrian crossing signal at Woodbourne Road Train Station.

Ms. Teoli Kuhls advised that Woodbourne Road is a state road and the crossing is a SEPTA crossing and the Township has been working with both PennDOT and SEPTA on this proposed pedestrian crossing. SEPTA will be paying for the signage, but the Township will have

to take over maintenance responsibilities so we will be installing and maintaining the signs, but this will be a significant improvement to pedestrian safety at the Woodbourne Road Train Station.

ACTION: MR. MALLON MOVED TO ENACT RESOLUTION #15-22R AUTHORIZING APPLICATION TO PENNDOT FOR APPROVAL OF A FLASHING PEDESTRIAN CROSSING SIGNAL AT WOODBOURNE ROAD TRAIN STATION. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

7. Discussion of Red Rose Drive Parking Matter

Ms. Teoli Kuhls advised that she received a phone call several months ago regarding the intersection with Red Ridge along the greenbelt. Ms. Teoli Kuhls involved the DPW and the Police Department and found that the Township has an ordinance that prohibits parking on one side of Red Rose. There were no signs indicating that this is a "No parking" zone, but it is Ms. Teoli Kuhls understanding that perhaps over the years the signs have been removed and never replaced.

The DPW re-installed the "No parking" signs all along the one side of Red Rose Drive and it has been shared with Ms. Teoli Kuhls that some of the residents at the end of Red Rose Drive that the "No parking" is a bit of an inconvenience for them; elderly folks that may be suffering and making it a burden to cross the roadway.

Ms. Teoli Kuhls wanted to bring this information to the Board to let them know about it in the event they received any calls. Now that the Papal event is behind us, Ms. Teoli Kuhls has asked the Police Department to provide a formal recommendation of what we should do. Ms. Teoli Kuhls will report back to the Board once the information is received from the Police Department.

8. Other Business.

Mr. Kreiling advised that he received a prototype "Welcome Package" for new residents that he is going to review along with the Board members. He thanked Scott Sadowsky and the staff for this prototype.

Mr. Mallon said the Veterans' ID event was held at the Municipal Center last Thursday. There was a great turnout and it was a great event and opportunity to help our veterans. The Honor Flight event was today and thanked those who have sacrificed so much for us.

Mr. Mallon continued to highlight the efforts made to improve the Township's infrastructure. Part of the challenge of rebuilding some of the roadways is the fact that they haven't been worked on in a long time and we don't know what lies beneath until we open it up. The good news is the roads are being fixed and will be safe for a longtime.

Mr. Mallon is happy to see another business coming to Middletown and not having a store front or property open and vacant.

Mr. Mallon said October is Breast Cancer Awareness Month and for those who like to walk or run there are various events for a great cause. Get out there and support the cause.

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

ACTION: MR. GALLAGHER MOVED TO ADJOURN THE PUBLIC MEETING OF THE MIDDLETOWN TOWNSHIP BOARD OF SUPERVISORS AT 8:25 P.M. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.