

**MIDDLETOWN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
FEBRUARY 16, 2016**

PRESENT

H. GEORGE LEONHAUSER, CHAIRPERSON }
THOMAS GALLAGHER, VICE CHAIR }
WILLIAM OETTINGER, SECRETARY } BOARD OF SUPERVISORS
AMY STROUSE }
THOMAS TOSTI }
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.

After the Pledge of Allegiance, Mr. Oettinger called roll. All Supervisors were in attendance along with interested citizens.

2. Announcements, Correspondence, Awards and Reports.

- a. Next Board of Supervisors Meeting – Monday, **March 14, 2016 @7:30 p.m.**

Black & White Art Exhibition is on display in the Municipal Center between February 15th and April 7, 2016.

Spring Valley Farm Park Master Plan – Meeting scheduled for Wednesday, February 17, 2016 at the Municipal Center in the Public Hall from 7:00 p.m. to 8:30 p.m.

Middletown Township is teaming up with Inspire Federal Credit Union and the United Way to collect food for Operation Helping Hand from January thru March. Food may be dropped off in the collection bin in the Lobby of the Municipal Center Monday thru Friday from 8:30 a.m. to 4:30 p.m.

Scheduled for Saturday, March 12th from 10:00 a.m. to noon is the Spring Forward – Get ready for Daylight Saving Time where volunteers will help Senior Citizens and disabled residents change the batteries in their smoke detectors and change their clocks for Daylight Saving Time. Call 215.584.5281 to be added to the list to volunteer for this service which is sponsored by the Middletown Citizen Service Corps and was a plan devised by former Supervisor Pat Mallon.

Mr. Pizzo advised that the Board met immediately before this evening’s meeting in Executive Session. Present for the meeting were the five Board members, Ms. Teoli Kuhls, Mr. Sadowsky and Mr. Pizzo. Matter discussed was a potential amendment to the Township Zoning Ordinance and the legal ramifications of those potential amendments. No official action was taken and none will be required as part of this evening’s meeting.

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

Natalie O'Donnell, Langhorne passed out information about Elcon Recycling, a chemical waste company from Israel that is proposing a facility in Falls Township. A meeting is scheduled at the Langhorne Sheraton for February 23, 2016 at 6:00 p.m. A meeting is being held this evening in Falls Township concerning this issue to educate everyone and be vocal about this issue. There is a petition that will be made available in the Township Manager's Office for anyone interested.

Mr. Pizzo advised that Elcon's application has not gone through land development approval in Falls Township. Mr. Young stated that it sounds like Elcon has gone through the state process and not the local approval process.

4. Consent Agenda Items.

- a. Consideration of authorizing payment of February 16, 2016 Bill List in the amount of \$818,248.

Mr. Tosti requested that Item "a" be removed and voted on separately.

- b. Consideration of approving the Minutes of the February 1, 2016 Meeting of the Middletown Township Board of Supervisors.
- c. Consideration of enacting Resolution #16-02R authorizing the Chairperson of the Board of Supervisors to sign PennDOT Acquisition Documents.

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

ACTION: MR. GALLAGHER MOVED TO APPROVE CONSENT AGENDA ITEM A AS LISTED ABOVE. MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 4-1 WITH MR. TOSTI OPPOSED.

5. Consideration of enacting Resolution #16-03R authorizing application to PennDOT for Traffic Signal Approval at Lincoln Highway and South Flowers Mill Road.

Ms. Teoli Kuhls explained that a westbound channelized right turn at the intersection. Narrowing the intersection will help to guide motorists through the intersection. The westbound left turn lane will be lengthened for additional storage and installing pedestrian ramps, pedestrian push buttons and signal crossing for Flowers Mill Road. In addition to those Township improvements, PennDOT will be adding a southbound Flowers Mill Road left-turn phase with a left turn arrow and also installing dotted pavement markings thru the intersection on Lincoln Highway. Approval of this resolution will confirm the Township's application to PennDOT for the improvements.

Mr. Tosti asked for clarification on the improvements. Ms. Teoli Kuhls answered Mr. Tosti's question and also explained that the improvements are joint with the Township doing some of the improvements and PennDOT doing some. The southbound left turn is a PennDOT improvement, the dotted pavement markings are PennDOT improvements, the channelized right turn, lengthening the westbound left turn and the pedestrian improvements are Township.

ACTION: MR. GALLAGHER MOVED TO ENACT RESOLUTION #16-03R AUTHORIZING APPLICATION TO PENNDOT FOR TRAFFIC SIGNAL APPROVAL AT

LINCOLN HIGHWAY AND SOUTH FLOWERS MILL ROAD. MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

6. Consideration of authorizing that a letter of support be sent to PennDOT for the New Falls Road Sidewalk Project.

Ms. Teoli Kuhls advised that a memo outlining the history of the project was forwarded to the Board. Following a pedestrian fatality in 2002 an effort was initiated to fund the installation of sidewalks along New Falls Road. Present this evening is Ms. Rearick and her group "Sidewalks for Everyone". There were many meetings held at Senator Tomlinson's office with Township Officials, PennDOT representatives and residents in favor of the sidewalk project.

We were pleased to hear from PennDOT in January that they, through the efforts of the State Senator's office, are planning to fund a portion of the sidewalk project. This is a \$1.7 Million project including the design and construction of sidewalks on both sides of the roadway from Durham Road to Bristol/Oxford Valley Road. PennDOT is asking that the Township send a letter of support primarily indicating that the Township would be willing to take on the maintenance of the sidewalk. It is important to note that PennDOT does not typically do sidewalk projects and they also do not maintain sidewalks. A sample maintenance agreement is provided and the letter of support would include maintaining the sidewalks.

The primary issue for the Township in terms of cost would be snow removal during the winter months, which we would most likely contract out. If the Board is comfortable moving forward they would be authorizing a letter of support being sent stating the Township would be willing to take on sidewalk maintenance.

ACTION: MR. LEONHAUSER MOVED TO AUTHORIZE THAT A LETTER OF SUPPORT BE SENT TO PENNDOT FOR THE NEW FALLS ROAD SIDEWALK PROJECT. MR. OETTINGER SECONDED.

Mr. Tosti inquired about the maintenance of the sidewalk. All Township-owned sidewalks are cleared within the 12 hour period of a snowstorm. Ms. Teoli Kuhls advised that typically the Township does maintain our own sidewalks but we hire someone to maintain the sidewalks at the Township Building during storms. It hasn't been worked out yet, but thru discussions with the Director of DPW, the maintenance will probably be hired out.

Mr. Oettinger commended the efforts of the group "Sidewalks for Everyone" and stated that hopefully it will save a life down the road.

Eileen Burke, Quincy Hollow, Levittown asked where the sidewalks are intended to be installed and asked if it would impact Quincy Hollow. She also asked for general information. Ms. Teoli Kuhls advised that PennDOT has not designed the sidewalks. They just authorized the funding and are asking the two Townships for support. Following that, they would go into the design phase. PennDOT does not want to move forward with the design until they receive support from the two townships that they would be willing to maintain the sidewalks.

Ms. Burke asked who would handle the liability if there were an accident where someone is walking on that road. Ms. Teoli Kuhls referred this to the Township Solicitor. Mr. Pizzo said if someone were walking along that stretch of highway today and assuming Ms. Burke has a backyard

that backs up to New Falls Road, depending on the circumstances of the accident, it would be safe to assume that there could be potential liability on the landowner, potential liability on the state and on the Township. There would certainly be potential liability on the person that struck the pedestrian and could even be contributory liability on the part of pedestrian depending on the circumstances of the accident. Mr. Pizzo said that if an accident were to occur there, you could assume that everyone would be sued.

Mr. Pizzo said that sidewalks throughout the Township are on the front yards of residents and typically Township ordinances and state laws require homeowners to maintain those sidewalks and not the Township. So if an accident were to occur on a sidewalk in front of your house, the homeowner would be sued, township sued and if it were a state road, the state would be sued. In this case what PennDOT is saying to the Township is, PennDOT will make the unusual step of putting the sidewalks in under the agreement that the Township would maintain the sidewalk.

Ms. Strouse directed Mr. Pizzo to research this issue further and provide his findings at the next Board of Supervisors meeting. Mr. Pizzo further stated that this is the first step, there will be some sort of maintenance agreement between the Township and the Commonwealth. The Township has yet to be presented with the agreement and Mr. Pizzo has no idea what the terms of the agreement will be, but the Township is saying at least in concept that they would be agreeable in maintaining the sidewalks.

Mr. Gallagher said for the record the information before the Board says from Durham Road to Bristol/Oxford Valley Road. Mr. Gallagher thought the sidewalk was going all the way up from Durham to Woodbourne, but the information states from Bristol/Oxford Valley Road to Durham Road. This is a start.

MOTION CARRIED BY A VOTE OF 5-0.

7. Discussion of 2016 Middletown at the Mall Program

Ms. Teoli Kuhls stated in 2015 the Middletown at the Mall Program was launched with the purpose of getting out into the community and provide local government services to our resident in a different and more convenient way. It was also a partnership with the mall to encourage folks to patronize the mall. During 2015, the event was held on the second Thursday of the month from 11 a.m. to 1:00 p.m., targeting residents and businesspeople who were eating and shopping at the mall during the busy lunch period.

Although the Township received very good publicity for the program and nice feedback from residents, we were disappointed in the number of people we actually served during these monthly events. For 2016 Staff is proposing that we adapt the program and instead of monthly lunchtime events, we would like to recommend that we hold three larger events in the evenings and on weekends.

The first event would be held on Saturday, April 9th and would be part of our Local Government Month program. We would schedule a "Touch a Truck" event in the mall parking lot. The second event would be held on an evening in June to coincide with our summer camp registration and would focus the event on "summer safety" as well. The final proposed event would be held in October as part of Fire Prevention Month and would highlight fire safety and emergency management.

Ms. Teoli Kuhls advised that staff recently met with mall management and they are enthused to continue our partnership. Ms. Teoli Kuhls also stated that there are some very positive things going on at the Mall with Nordstrom Rack coming to the mall, Black House White Market is also coming.

Mr. Tosti inquired how successful the program "Middletown at the Mall" was. Ms. Teoli Kuhls stated that we didn't reach as many people as we had hoped. It was successful in the fact that there were people at each event that had questions, there weren't as many people there as we had hoped. We would like to keep the program alive and adapt it to try to adapt to citizens' needs.

Ms. Strouse asked how the events are marketed and suggested fliers be sent to the Neshaminy elementary schools. Ms. Teoli Kuhls explained that since the proposed events are a little larger, the Mall is going to be involved. In the past the Township used twitter, e-News, social media, and press releases and received a lot of good coverage.

8. Other Business.

Ms. Strouse inquired about having the public Board of Supervisors meetings on You Tube and having the meeting indexed by agenda item. Ms. Teoli Kuhls stated there are many townships that stream on their websites and she is not familiar with doing it on You Tube and will look into the cost and report back to Ms. Strouse by the next meeting.

Another issue is Falls Township has a very easy to access link on their website for signing up for a non-solicitation list similar to the Federal Do Not Call List. Ms. Teoli Kuhls will look into this issue and report back to the Board.

Mr. Tosti advised that on Monday, February 22, 2016 a rally will be held at the Municipal Center concerning the closing of Oliver Heckman School.

Mr. Tosti asked if the Township is being proactive concerning the Zika Virus. Ms. Teoli Kuhls advised an e-news article along with an article on the website is being handled by Scott Sadowsky. He also is contacting the Bucks County Board of Health concerning this issue.

Mr. Tosti inquired about the open space in relation to the Stone Farm property. Mr. Pizzo provided a lengthy explanation. He stated that there are several heirs who have various interests in the ownership of the property. The Township was made aware that one of the heirs did in fact have as part of her arrangement with the other heirs and developer that her portion of the estate would not necessarily be immediately developed along with the other houses that are being proposed as part of that application and that she had some interest in seeing her portion of the estate preserved.

In December 2015 the Township received a letter from an attorney representing the heir saying that she was not agreeing to anything but would sit down and listen. With the change in the makeup of the Board we waited until the new board was seated to have discussion on the Stone Farm to see if there was any sentiment among the Board as it is currently constituted to pursue those preservation efforts. The administration and Mr. Pizzo were advised that there was and have again reached out to the attorney representing the one Stone heir and have asked to sit down and discuss in more concrete terms what might be possible in terms of preserving her portion of the property.

Mr. Tosti was under the impression that there was discussion about saving the entire farm as open space and believes the residents were under the same impression. What Mr. Pizzo is saying this

evening that it is only the portion owned by the one sister. Mr. Pizzo said the only direction he has ever received was to discuss with that particular family member what the possibilities were for preserving her portion of the estate.

Mr. Gallagher advised the Township has received information from the Mayor of Bensalem concerning the Sterling Act. Mr. Gallagher explained that with an EIT your tax is paid where you live; if you live in Middletown you pay .5% to Middletown and if you are in one of the other municipalities that has a 1% tax the other half goes there. People who live here and work in Philadelphia pay 3.5% to the City of Philadelphia and the local municipalities get absolutely nothing. Bensalem has started a petition to have the Sterling Act amended to allow a percentage of the 3.5% Philadelphia City Tax be returned to the Township in the form of the half percent EIT. The petition may be picked up by contacting the Township Manager's Office.

Mr. Pizzo advised that the Township reached out to Linda Mead who spoke at the Township Planning Commission meeting concerning Stone Farm representing a land trust in the state of New Jersey. She represented to the Planning Commission and the residents at that meeting that she has some experience in obtaining signification sums of money for these kinds of preservation efforts.

Two things that the public should be made aware of that perhaps did not come out at the Planning Commission Meeting; one is that the property is under an agreement of sale that the Stone Family has agreed to sell the property to a builder and that any efforts that the Township might make to preserve open space, we would be dealing either with the one Stone heir for her small piece of property or essentially with the Stones and the builder because the property is under agreement. Secondly, there are land development plans into the Township. At the moment they are in the form of a sketch plans so are not a formal land development submission, but the developer is working toward a plan to develop that property. So to the extent the Township is engaged in efforts to preserve open space, part of those efforts are at this point in time with the Stones and the developer to see what can be done to preserve as much of the Stone Farm during a building process as can be preserved. The price tag for that piece of ground was in the 7 figures.

Mr. Tosti said he was aware that the property was under agreement and that it is why it took him by surprise that there were ongoing discussions about open space. It didn't come off that way at the Planning Commission meeting as it sounded like they were looking to preserve the entire farm as open space.

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 8:27 P.M. MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.