

**MIDDLETOWN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
MAY 2, 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.

Mr. Leonhauser called the meeting to order at 7:30 p.m. 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, May 16, 2016 @ 7:30 p.m.**

- b. Police Month Proclamation

Mr. Leonhauser read the Proclamation declaring May 15, 2016 as Peace Officers Memorial Day and the week of May 15-21, 2016 as Police Week in Middletown Township. Chief Bartorilla explained that Monday, May 16th at noon is Middletown Township’s Memorial Service for Christopher Jones at the outside Plaque at the Municipal Center. The day begins at 9:00 a.m. at Bristol Township to honor Bristol Township’s fallen officers. At 10:00 a.m. the officers proceed to Bensalem Township for a service and a reception after which Bristol, Bensalem and Middletown officers will proceed to Middletown Township for the service at the Plaque for Christopher Jones.

On Monday night at 6:00 p.m. there will be service at St. Andrew’s Catholic Church in Newtown Township where every department in Bucks County that has lost an officer in the line of duty does a hat presentation to commemorate their officers and Middletown Police Department participates in that as well. Several of the Township’s Police Officers will be attending activities in Washington, D.C. the weekend preceding the May 16th services locally.

Sgt. Pete Feeney, Officer Nelson Webb, Officer Mike Stum and Officer Kyle Gracie of the Middletown Police Department were in attendance. The following officers from Bensalem Township were also in attendance – Lt. Bob Bush and two other police officers.

- c. Shred Day – May 7, 2016 9:00 a.m. to 12 p.m. Oxford Valley Mall (In Front of Old Strawbridge’s – Woodbourne Entrance.)

Lisa Berkis, Public Information Coordinator explained the Township is partnering with Inspire Federal Credit Union for the shredding event. There will be two shredding trucks at the location mentioned at the Oxford Valley Mall. This will be for residents only and there will

be a limit of three file size boxes per vehicle. The boxes or containers can be returned after the papers are shredded. Titan Mobile Shredding will be on site and are a secure certified agency that securely shreds the documents and there is no worry of identity theft or papers getting into the wrong hands.

Mr. Pizzo advised that the Board met in Executive Session prior to this evening's meeting for approximately 15 minutes. Present for the meeting were the five Board members, Ms. Teoli Kuhls and Mr. Pizzo. Two matters of personnel were discussed with no official action taken during the Executive Session and none will be required this evening as a result thereof.

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

Almando Carrasquillo, Laurel Oaks resident, spoke about the need for a crosswalk from Laurel Oaks to the Middletown Community Park. He expressed concern that the Township was not making the crosswalk a priority.

He then talked about Right to Know requests he submitted and his opinion that he was not provided information from 2003 to about 2007 where designs of the park were changed.

Mr. Carrasquillo also brought up information about the sidewalks along New Falls Road and asked that the Township not wait until someone dies and then build a crosswalk.

Ms. Teoli Kuhls provided additional background information to the Board. She reported that the Township turned over every record the Township has in its possession and invited Mr. Carrasquillo to come in and look through the files.

In terms of the crosswalk, Ms. Teoli reported that we are well on the way to effectuating the plan with Board approval. We have been working with PennDOT and have a plan that will be brought to the Board that doesn't just create a crosswalk; it creates a trail linkage to the school and eventually to the park.

Mr. Duffy said the original application submitted last year for the crosswalk was for a midblock because that is the safest spot to cross with maximum site distance. There was then discussion about lowering the speed limit and that is where we are at the present time.

The Township's Police Department went out and did a speed study of the road last month. The results of the speed study were forwarded to PennDOT and we are waiting for their comments. The Township is requesting to lower the speed limit to 40 miles per hour which would greatly improve the safety of the crosswalk.

Mr. Carrasquillo suggested building the crosswalk now and dealing with the speed limit at a later date. Mr. Pizzo advised that this is a state highway and PennDOT has to permit the crosswalk.

Kurt Geiselhart, 2733 Village Road, Langhorne inquired about the paving along Village Road. Mr. Young said this project is being looked at and it will be put out to bid with the Board making a decision within the next 2 months.

4. **Consent Agenda Items.**

- a. Consideration of authorizing payment of May 2, 2016 Bill List in the amount of \$3,084,643.11.
- b. Consideration of approving the April 4, 2016 Meeting Minutes of the Middletown Township Board of Supervisors.

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

5. Consideration of granting Subdivision and Land Development approval for Chick Fil A.

Mr. Young advised that this is a preliminary/final plan application with the applicant explaining the proposal which is basically the expansion of the kitchen area. Tyler T. Prime, Esq. of Prime Law along with Justin Thornton, P.E. of Maser Consulting represented the applicant, Chick Fil A.

The proposed application will add approximately 548 square feet and relocate the existing utilities of the building to the rear of the building. This store has had prior land development approvals including an original conversion from a Krispy Kreme store and then later the addition of a double drive thru to relieve stacking issues present on site.

The addition proposed is as a result of renovations to bring Chick Fil A in line with the newest models the company is offering. This will allow for the center line kitchen to be installed which is a more proficient means of preparing and delivering the food at the store.

Mr. Thornton explained the proposed expansion that will increase the kitchen size and improve the layout of the kitchen to make cooking a bit more efficient. No additional seating will be added to the site, nor any additional parking spaces or change of access to the site. Mr. Thornton advised the following waivers were recommended by the Township Planning Commission and granted by the Township Zoning Hearing Board.

1. Section 440-301.E requires that the applicant shall submit a separate presentation for a preliminary plan and a final plan.
2. Section 440-303.D. (3). (b) requires that the tax parcel numbers of the land immediately adjacent or across from the subject tract be shown on the plan.
3. Section 440-303.D.(3).(d) requires that all existing highways, streets and roads on or adjacent to any part of the tract including right-of-way width (existing and future) and cartway width be shown on the plan.
4. Section 440-303.D.(3).(e) requires that all existing buildings and their uses, sewers, culverts, petroleum or petroleum lines, gas lines, electric and telephone lines, fire hydrants, all other utilities on or immediately adjacent to the tract within 200 feet must be shown on the plan.
5. Section 440-303.D. (3). (f) requires that the location, size and ownership of all underground utilities and any rights-of-way within the property be shown on the plan.

Mr. Thornton explained that the applicant would be starting construction in September and for part of the construction the store would be closed for the safety of customers and employees.

Mr. Tosti inquired about the previous Chick Fil A project that was approved by the Board of Supervisors at a public hearing on November 25, 2013 that is still not closed out and inquired what remains not closed out. Mr. Young explained that the only remaining issue is an as-built plan and it was agreed that at the end of this project, prior to getting a Certificate of Occupancy, Chick Fil A will do a composite as-built showing exactly what is on site all at once.

Ms. Strouse stated that her children were hoping that this addition was a play area.

ACTION: MR. GALLAGHER MOVED TO GRANT PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL FOR CHICK-FIL-A BUILDING ADDITION, S/LD #16-1 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

TOWNSHIP ENGINEER

BUCKS COUNTY PLANNING COMMISSION

TOWNSHIP PLANNING COMMISSION MEETING MINUTES

FIRE MARSHAL

TRAFFIC ENGINEER

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.
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 DWELLING AND IMPROVEMENTS. SUCH APPROVAL SHALL INCLUDE, BUT IS NOT LIMITED TO, THOSE FROM THE BUCKS COUNTY CONSERVATION DISTRICT, AND BUCKS COUNTY WATER & SEWER AUTHORITY.
4. APPLICANT SHALL BE REQUIRED TO PAY MIDDLETOWN TOWNSHIP FOR 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.
6. WAIVERS:
 1. SECTION 440-301.E REQUIRES THAT THE APPLICANT SHALL SUBMIT A SEPARATE PRESENTATION FOR A PRELIMINARY PLAN AND A FINAL PLAN.

2. SECTION 440-303.D.(3).(B) REQUIRES THAT THE TAX PARCEL NUMBERS OF THE LAND IMMEDIATELY ADJACENT OR ACROSS FROM THE SUBJECT TRACT BE SHOWN ON THE PLAN.
3. SECTION 440-303.D.(3).(D) REQUIRES THAT ALL EXISTING HIGHWAYS, STREETS AND ROADS ON OR ADJACENT TO ANY PART OF THE TRACT INCLUDING RIGHT-OF-WAY WIDTH (EXISTING AND FUTURE) AND CARTWAY WIDTH BE SHOWN ON THE PLAN.
4. SECTION 440-303.D.(3).(E) REQUIRES THAT ALL EXISTING BUILDINGS AND THEIR USES, SEWERS, CULVERTS, PETROLEUM OR PETROLEUM LINES, GAS LINES, ELECTRIC AND TELEPHONE LINES, FIRE HYDRANTS, ALL OTHER UTILITIES ON OR IMMEDIATELY ADJACENT TO THE TRACT WITHIN 200 FEET MUST BE SHOWN ON THE PLAN.
5. SECTION 440-303.D.(3).(F) REQUIRES THAT THE LOCATION, SIZE AND OWNERSHIP OF ALL UNDERGROUND UTILITIES AND ANY RIGHTS-OF-WAY WITHIN THE PROPERTY BE SHOWN ON THE PLAN.

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

6. Consideration of enacting Ordinance #16-01 amendment to the Zoning Ordinance to create a transient dwelling use. (Duly advertised in the *Bucks County Courier Times* on April 14, 2016; proof of publication has been received.) TABLED *until feedback is received from Middletown Planning Commission and Bucks County Planning Commission.*

Mr. Pizzo advised that since this ordinance was advertised for a hearing this evening, to save the Township the expense of re-advertising, a motion should be made to table this issue to a date certain.

ACTION: MR. GALLAGHER MOVED TO TABLE ENACTING ORDINANCE #16-01 AMENDMENT TO THE ZONING ORDINANCE TO CREATE A TRANSIENT DWELLING USE UNTIL THE JUNE 6, 2016 PUBLIC MEETING OF THE MIDDLETOWN TOWNSHIP BOARD OF SUPERVISORS. MS. STROUSE SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

7. Consideration of enacting Ordinance #16-02 establishing regulations for buildings with Truss Construction. (Duly advertised in the *Bucks County Courier Times* on April 14, 2016; proof of publication has been received.)

Mr. Pizzo stated that the Board had previously authorized advertisement of this ordinance that was requested by the four (4) fire companies that service the Township as well as the Township's Fire Marshal. The ordinance requires the identification of buildings that utilize truss construction in either the floor or the ceiling by way of a placard affixed to the outside of the building.

ACTION: MR. GALLAGHER MOVED TO ENACT ORDINANCE #16-02 ESTABLISHING REGULATIONS FOR BUILDINGS WITH TRUSS CONSTRUCTION. MR. TOSTI SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

8. Consideration of enacting Ordinance #16-03 amending Chapter 196, Contractors, Article II Responsibility of Contractors Awarded Public Contracts, of the Code of the Township

of Middletown; repealing all inconsistent ordinances or sections of the Code. (Duly advertised in the *Bucks County Courier Times* on April 14, 2016; proof of publication has been received.)

Mr. Pizzo advised that discussion regarding amendment to the Responsible Contractor Ordinance (RCO) was initiated in 2012. Adoption of Act 84 increased the minimum dollar amount of which the Township was required to bid public projects from \$10,000 to a dollar figure that would be tied into an escalator clause beginning at \$18,500 and being adjusted annually by the State Department of Labor.

Since that law went into effect, the threshold has increased from \$18,500 to \$19,400 in 2016. During the course of the adoption of the Township Code in 2009 there were revisions made to the language of the apprenticeship requirements of the RCO as they apply to new versus existing apprenticeship programs. The Township's desire was to restore the requirement to those same or similar requirements that existed when the Township first adopted the RCO in 2007.

Finally, Mr. Pizzo was asked to include in the ordinance that was previously reviewed and approved by the Township additional language that would create a threshold at which the apprenticeship program requirements of the RCO would become applicable. The advertised ordinance includes a \$150,000 threshold for apprenticeship program requirements.

Mr. Tosti asked if any consideration concerning the apprenticeship program has been considered as was done in 2011-2012 with local businessmen and representatives of local labor. Mr. Pizzo said he has not been involved in any meetings. Mr. Tosti asked what the neighboring Township's thresholds are concerning the apprenticeship programs.

Mr. Pizzo advised that Falls and Bristol Townships were similar to Middletown at \$10,000. Ms. Teoli Kuhls reported on the thresholds of other municipalities.

Mr. Tosti explained that he would be voting against this as the apprenticeship program is in the RCO to protect the Township to make sure the work is done and done right. To go from a \$10,000 threshold to \$150,000 is extreme and Mr. Tosti asked the other board members to vote with him.

Ms. Strouse noted that she thought the Board did not have enough information to make a decision on the RCO increasing the limit of apprenticeship program from \$10,000 to \$150,000.

Mr. Gallagher pointed out that there are many townships that do not have a RCO; and any comparisons should take that into consideration.

Mr. Pizzo pointed out that all aspects of the RCO will kick in at \$25,000 including bonding requirements, expertise requirements, references, all of the things we are looking for to make sure the contractor has the expertise, experience, and manpower to do work for the township. The requirement that they participate in an apprenticeship program will kick in on contracts with a value of \$150,000 or more.

Ms. Strouse still has a problem with the \$150,000 amount for the apprenticeship program.

Mr. Leonhauser said this would give small businesses a chance to actually bid on contracts, increases competition and would be better pricing for the Township on certain jobs.

Almando Carrasquillo, Langhorne asked what the statute of limitations is for going after a contractor that doesn't do a job as required. Mr. Pizzo responded.

Ron Krajewski, Cobalt Ridge, Levittown asked if the Board has something against apprenticeship programs.

ACTION: MR. GALLAGHER MOVED TO ENACT ORDINANCE #16-03 AMENDING CHAPTER 196, CONTRACTORS, ARTICLE II RESPONSIBILITY OF CONTRACTORS AWARDED PUBLIC CONTRACTS OF THE CODE OF THE TOWNSHIP OF MIDDLETOWN; REPEALING ALL INCONSISTENT ORDINANCES OR SECTIONS OF THE CODE. MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 3-2 WITH MS. STROUSE AND MR. TOSTI OPPOSED.

AT THIS POINT MR. LEONHAUSER MOVED TO ITEM 11.

9. Consideration of awarding the 2016 Road Program Bid to James C. Morrissey, Inc. of Philadelphia, PA at a cost of \$1,131,947. (Duly advertised in the *Bucks County Courier Times* on March 21, 2016 and March 25, 2016; proof of publication has been received.)

Mr. Duffy advised that two (2) qualified bids were received for the 2016 Road Program; James D. Morrissey, Inc. of Philadelphia and General Asphalt Paving Co. of Philadelphia. Both bidders met the requirements under the Responsible Contractor Ordinance, but James D. Morrissey's bid was \$70,000 less than General Asphalt Paving. James D. Morrissey has done work for the Township in the past including South Flowers Mill Road and Big Oak Road.

ACTION: MR. TOSTI MOVED TO AWARD THE 2016 ROAD PROGRAM BID TO JAMES C. MORRISSEY, INC. OF PHILADELPHIA, PA IN THE AMOUNT OF \$1,131,947. MR. LEONHAUSER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

10. Consideration of authorizing the advertisement and preparation of bids for the repair and resurfacing of tennis courts in Firefighters Park.

Paul Kopera, Parks & Recreation Department said the three courts at Firefighters' Park are used to host youth and adult tennis, pickle ball, street and roller hockey, small sided soccer and are heavily used by the community at large. The courts were reconstructed in 2003 and are presently unsafe for play because of 300 feet of structural cracks.

In June 2015, the Board passed a resolution requesting a Greenways, Trails and Recreation Program (GTRP) Grant of \$250,000 from the Commonwealth Financing Authority to be used for improvements to the Firefighters' Park. The Commonwealth has not acted on the grant and the Parks & Recreation Department is recommending that we move forward with this portion of the project because of the safety concern.

The estimated cost is \$24,600 and is included in the 2016 Capital Budget.

ACTION: MR. GALLAGHER MOVED TO AUTHORIZE THE ADVERTISEMENT AND PREPARATION OF BIDS FOR THE REPAIR AND RESURFACING OF FIREFIGHTERS' PARK TENNIS COURTS. MR. TOSTI SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

11. Consideration of authorizing the purchase of four (4) motorcycles and four (4) helmet communication devices for the Police Department in the amount of \$85,351.00.

Chief Bartorilla said that traffic is the number one complaint the police receive in the Township. The primary advantage of initiating a police motorcycle unit is that it will address the number one police-related quality of life issue in Middletown Township-traffic complaints. Motorcycles offer advantages over the traditional car as follows:

- Motorcycles are highly maneuverable with great acceleration allowing for excellent traffic enforcement in congested areas during peak traffic times.
- Motorcycles can access areas standard patrol cars cannot.
- Better for speed enforcement due to less lane-turn ratio, making it easier to catch up to speeding vehicles.
- Excellent for school zone enforcement.
- Ideal for enforcement in high accident areas.
- Visible presence in areas experiencing increased volume of crimes such as theft from auto, vandalism, and illegal dirt bikes.
- Visible presence in township parks during Spring, Summer, Fall seasons.
- Excellent public relations and community relations tool.
- Build greater community connection (officers aren't hidden in patrol cars).
- Participate in local parades, community events, dignitary and high profile motorcade escorts, funeral escorts, and fallen officer memorial services.

Chief Bartorilla introduced Sgt. Pete Feeney, who will be the motor unit sergeant and Officer Nelson Webb, Officer Mike Stum and Officer Kyle Gracie of the Middletown Police Department who have received training in the police motorcycle course with the Philadelphia Police Department.

Ms. Strouse is excited about the unit and believes it will help with the traffic issues and safety in the Township. She requested a quarterly update on the program for the first year.

ACTION: MR. TOSTI MOVED TO AUTHORIZE ADVERTISEMENT OF A BID FOR THE PURCHASE OF FOUR (4) 2017 HARLEY DAVIDSON ROAD KING POLICE MOTORCYCLES AND A 28 FOOT TRAILER TO HOUSE THE MOTOR UNITS WHEN THEY ARE NOT IN USE. MR. GALLAGHER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

AT THIS POINT MR. LEONHAUSER MOVED BACK TO ITEM 9.

12. Consideration of authorizing advertisement of a bid to complete the public improvements for the Durham Ridge Subdivision.

Ms. Teoli Kuhls advised that the Board previously authorized the Township Engineer to prepare bid specifications for the completion of the public improvements at the Durham Ridge Subdivision and also authorized the Township Solicitor to notify the developer that he was in default of the development agreement and call the bond. The request before the Board is to authorize the advertisement of the bid specifications so that when the 60 day time period expires, the Board would be poised and ready to award the bid, should the developer and bonding company not move forward with completion of the improvements.

ACTION: MR. TOSTI MOVED TO AUTHORIZE TRI-STATE ENGINEERS TO PREPARE THE BID SPECIFICATIONS AND ALSO AUTHORIZE ADVERTISEMENT OF A BID TO COMPLETE THE PUBLIC IMPROVEMENTS FOR THE DURHAM RIDGE SUBDIVISION. MR. LEONHAUSER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

13. Other Business.

Mr. Gallagher advised that he and Ms. Strouse reached consensus with regard to the second Public Comment issue. After the initial public comment session is over, a sign-in sheet will go out on the table and if someone who comes in after that period wants to communicate with the Board they will be given the opportunity to speak at the second Public Comment session.

Ms. Strouse is excited about the consensus and hopefully this will eliminate the problem of someone coming after the Public Comment period and being shut out of the discussion. This will be tried on a three-month trial. The only person that Ms. Strouse sees being shut out of the new situation would be someone who has been at the meeting from the beginning and then thinks of something at the end and wants to speak publicly.

Ms. Strouse thanked Debby Lamanna and the Parks & Recreation Staff for a job well done for the Earth Day Celebration at Core Creek Park this past Saturday.

Mr. Oettinger recognized the Police Department and the great job they do and asked that the Chief pass this information on to the officers.

Mr. Gallagher reiterated Mr. Oettinger's sentiments concerning the Police Department.

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

15. Adjournment.

ACTION: MR. GALLAGHER MOVED TO ADJOURN THE PUBLIC MEETING OF THE MIDDLETOWN TOWNSHIP BOARD OF SUPERVISORS AT 9:05 P.M. MR. TOSTI SECONDED. MOTION CARRIED BY A VOTE OF 5-0.