

**MIDDLETOWN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
MAY 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		
EDWARD RUDOLPH, 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. The Pledge of Allegiance was led by Boy Scout Troop 230. After the Pledge of Allegiance, Mr. Oettinger called roll. All Supervisors were in attendance along with many interested citizens.

Mr. Leonhauser advised that Mr. Pizzo's father passed away recently and he is in Florida taking care of family matters.

2. Announcements, Correspondence, Awards and Reports.
 - a. Next Board of Supervisors Meeting – **Monday, June 6, 2016 @ 7:30 p.m.**
 - b. Spring Valley Farm Master Plan Public Meeting – **Monday, May 23, 2016 @7:00 p.m.**
 - c. Recognition of Fire Company/EMS Award recipients.

Mr. Leonhauser presented certificates to the following recipients:

Larry Harvey – Chief's Award – Langhorne Middletown Fire Company
Steven Weng – President's Award – Langhorne Middletown Fire Company
Bill McCool – Firefighter of the Year – Penndel Fire Company
Gary Laird – President's Award – Penndel Fire Company
Tyler Plunkett – Firefighter of the Year & President's Award – Parkland Fire Company
Jacob Blickley, Chief's Award – Parkland Fire Company
Robert Barnes – 20 Years of Service – Parkland Fire Company
Michael Fox – 20 Years of Service – Parkland Fire Company
Thomas Stressman – 20 Years of Service – Parkland Fire Company
Sam Anderson – 10 Years of Service – William Penn Fire Company
Jim Bampfield – 25 Years of Service – William Penn Fire Company
Andy Conaway – 20 Years of Service – William Penn Fire Company
Shaun Peranteau – 10 Years of Service – William Penn Fire Company
Tim Wert – President's Award – Penndel-Middletown Emergency Squad
Renee Feliciano – Volunteer of the Year Award – Penndel-Middletown Emergency Squad

Jim Glessner – Employee of the Year – Penndel-Middletown Emergency Squad
Kevan Williams – 45 Years of Service – Penndel-Middletown Emergency Squad

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

Caren Friedman, Woodstream Court, Summit Trace, Langhorne provided the Board with a petition against the development of the Stone Meadow Farm property.

The next public meeting concerning the Stone Meadow Farm development is the Township's Planning Commission Meeting scheduled for Wednesday, June 1, 2016 at 7:00 p.m. at the Municipal Center.

4. **Consent Agenda Items.**

- a. Consideration of authorizing payment of May 16, 2016 Bill List in the amount of \$773,581.90.
- b. Consideration of approving the May 2, 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 Final Minor Subdivision and Land Development approval for Michael Alexander, 139 Elmwood Avenue, Langhorne, TMP #22-008-150,S/LD #15-11.

Larry Young, Township Engineer advised that Michael Alexander, owner and applicant is present this evening. The applicant is seeking final minor subdivision and land development approval for 139 Elmwood Avenue, Langhorne. Mr. Alexander is proposing to subdivide the existing lot and construct a single family detached dwelling on the newly created lot which will have access to S. Buckthorne Avenue.

Mr. Young advised that Mr. Alexander is not requesting a waiver of street trees on Elmwood Avenue; he is going to plant one street tree. Mr. Alexander did agree to pay the customary Park & Recreation fee of \$2,000 and the fee for curbs and sidewalks in the amount of \$5,700.

ACTION: MR. GALLAGHER MOVED TO GRANT FINAL MINOR SUBDIVISION AND LAND DEVELOPMENT APPROVAL FOR 139 ELMWOOD AVENUE, S/LD #15-11, 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

THE TOWNSHIP ENGINEER

BUCKS COUNTY PLANNING COMMISSION

TOWNSHIP PLANNING COMMISSION MEETING MINUTES

FIRE MARSHAL

TRAFFIC ENGINEER
LIGHTING 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, PA DEP (SEWAGE FACILITIES PLANNING), AND BUCKS COUNTY WATER & SEWER AUTHORITY.
4. APPLICANT SHALL BE REQUIRED TO PAY MIDDLETOWN TOWNSHIP FOR ANY OUTSTANDING ADMINISTRATION AND PROFESSIONAL FEES.
5. THE APPLICANT SHALL PAY MIDDLETOWN TOWNSHIP THE FOLLOWING FEES AT TIME OF ISSUANCE OF THE BUILDING PERMIT:
 - A. PARK & RECREATION FEE: \$2,000
 - B. FEE-IN-LIEU OF INSTALLING CURB AND SIDEWALK ALONG FRONTAGES: \$5,700
6. APPLICANT SHALL ENTER INTO A DEVELOPMENT AGREEMENT WITH MIDDLETOWN TOWNSHIP AND POST APPROPRIATE CONSTRUCTION, ADMINISTRATIVE, AND PROFESSIONAL ESCROWS.
7. WAIVERS – FROM SUBDIVISION AND LAND DEVELOPMENT ORDINANCE:
 - A. **SECTION 440-305.D(3)(d)** – showing existing features within 200 feet of the property and from providing an aerial photograph that shows surrounding areas.
 - B. **SECTION 440-405.C** – states that nothing shall be placed within the area of a utility easement.
 - C. **SECTION 440-410** – requires existing secondary streets to have a 26-foot wide cart way.
 - D. **SECTION 440-415.A(3)** – requires all driveways be provided with a stopping area, not to exceed a four percent (4%) grade, twenty feet (20') behind the right-of-way line. This partial waiver is for the existing driveway only.
 - E. **SECTION 440-417.B** – requires large street trees be provided at forty foot (40') intervals. (applicant to plant trees)
 - F. **SECTION 440-417.C** – requires a ten (10') foot landscaping easement to accommodate the planting of street trees.
 - G. **SECTION 440-427** – requires land development plans to contain bike paths, bike lanes and bike routes.
 - H. **SECTION 440-509** – requires sidewalks to be constructed on either side of existing or proposed streets within the subdivision or land development. The applicant has agreed to pay a fee-in-lieu of installing sidewalk along the property's frontages in the amount of \$5,700.
 - I. **SECTION 440-510** – requires curbs to be provided along both sides of existing and proposed streets, unless in the opinion of the Board of Supervisors, with the advice of the Township Engineer, they are unnecessary. The applicant has agreed to pay a fee-in-lieu of installing curb along the property's frontages.

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

6. Discussion of Skate Park – Presentation by Parks & Recreation Board.

Debbie Lamanna, Director of Parks, Recreation and Community Services advised that the McCafferty-Middletown Stake Park was built in 2002. The funding for the project was approximately \$154,000 and was received through a donation of \$100,000 from McCafferty Auto Group. The balance of the cost of the park was paid for out of the Parks & Recreation Capital Budget.

When the park was opened, there were 30 to 50 skaters every day with several hundred per year. The skate park generated revenue for the Township and for local businesses.

Without this park teens and families have to leave the Township to safely participate in skateboarding and biking. Families have told the P & R Board they would like to be able to have their children participate in their sport of choice within the Township just as their neighbor's children do. There is a large group of residents who are park users and supporters. This group of residents is prepared to help with the planning and design of a renovated park, soliciting sponsorships and planning other fundraising events to contribute to the renovation of the park.

Ms. Lamanna explained that the winter of 2014 wreaked havoc on the park. Major damage occurred to the skate lite, which is the actual skating surface. Some damage occurred to the underlayment material as a result. At this point the asphalt surface requires extensive repair. The park is currently closed because of the unsafe conditions. The Board of Supervisors asked the Parks & Recreation Board to make a recommendation for the skate park and they have been working on the project for the past two years.

Discussion ensued concerning the monitoring at the skate park and the issue of the immunity that a municipality would have over a skate park. Mr. Rudolph said once the municipality has control such as a monitor they would no longer have immunity and would be subject to claims that they would not otherwise have.

Ms. Lamanna said that when the skate park was opened for 12 years, while there were many accidents, there was never a claim filed.

Mr. Tosti asked if McCafferty is willing to donate to the skate park again this year.

Ms. Lamanna stated that in 2002 a member of the Board of Supervisors and a staff member from the Township Manager's Office set up a meeting with Todd Buch who at the time owned McCafferty Auto Group to negotiate a donation for the park. Ms. Lamanna does not have a big donor at this time.

Bill Fuller, of the P & R Board introduced Debby Marchesani, Chairperson along with Christine Belser, Vice Chairperson who are present this evening to speak regarding the Skate Park. Mr. Fuller advised that the Middletown Skate Park was featured in websites and magazines, i.e., American Towns.com, Best Skate Parks.org and Skate Parks Magazine.com. The P & R Board is committed to working with the Board of Supervisors to explore sponsorship, partnership opportunities with local businesses, corporations and organizations. However, the P & R Board does not feel that the decision should be delayed while the sponsorship and partnership opportunities are explored.

Mr. Fuller said before doing the work, the P & R Board is asking the Board of Supervisors to affirm that the skate park is a facility that is an important component of the Township's recreation facilities and to approve the budget for this project not to exceed the \$200,000 that was budgeted in the 2016 capital budget.

Ms. Belser explained what it is that the P & R Board does for the community and also pointed out the value of the skate park for those children that do not join organized sports.

Steve Roosa, Swan Pointe resident, thanked the P & R Board for all they do for the community and for being present this evening talking to the Board about the importance of the skate park. He also pointed out the importance of the skate park for all children in the area. Mr. Roosa's young son spoke and also presented the Board with a petition for support of the skate park.

Justin Barry, owner of a skate board shop, Reign Skate, stated that he sees the impact and positivity of skate boarding in the community. He also presented a petition in support of the park from people that come into his shop.

Susan Bowman, 603 White Swan Way stated that as a parent of a skate boarder and bike rider she is in favor of the renovation of the park.

Mr. Oettinger said this is a good project and suggested consideration of moving forward right away with demolition of the damaged facility.

Mr. Tosti suggested going after corporate sponsorship. Mr. Gallagher agreed with Mr. Tosti's suggestion to solicit corporate sponsorship.

Mr. Leonhauser directed the Township Manager to meet with Ms. Lamanna and explore the possibility of corporate donations and each member of the Board will also be involved in that process to start out.

Ms. Strouse asked if the plan for the park is to continue to allow bikes and in-line skates in addition to skate boards. Is there a process in place to get the input from the folks that are so engaged now as to what type of terrain they want, the shape, the feel and the amenities they might be looking for.

Ms. Lamanna explained that over the last 2 years the group of people present this evening have been meeting with the P & R Board and have been exploring options. There is no option that is outside of the range of about \$150,000 to \$200,000. The skate boarders and bikers are anxious to be engaged, the problem is in order to develop plans there is a need to know how much money there is to spend. The P & R Board is asking the Board of Supervisors to agree to the \$200,000 budget, which is the amount that was put into the 2016 Capital Budget. In response to Ms. Strouse's question about allowing more than just the skate boarders in the park, Ms. Lamanna said it would include everyone; all types of skaters, bikers, scooters.

Mr. Tosti asked if the present skate park must be torn down prior to work beginning on the park. Ms. Lamanna explained that the park is an unsafe facility and she has it closed at this time. There are kids climbing over the fence and tossing their bikes over to ride. There are huge cracks in the surface and most of the ramps are deteriorating.

Mr. Gallagher asked if the building of the park could be done in phases and would like to see it done without a huge expenditure at one time.

Ms. Lamanna said in order for the P & R Board to get a committee together and to go to a designer, the very first thing they ask is how much money do you have to spend.

Mr. Tosti clarified that in order for the P & R Board to move forward with plans on how much and specifics of whether it would be concrete, steel or whatever, the Board needs to authorize approval of the idea. As far as the demolition of the park at a cost of \$10,000, Mr. Tosti is not in favor of that because he sees a lot of times when something is torn down and then it is not rebuilt.

ACTION: MR. OETTINGER MOVED TO AUTHORIZE THE DEMOLITION AND DISPOSAL OF THE EXISTING SKATE PARK IN AN AMOUNT NOT TO EXCEED \$10,000. MR. GALLAGHER SECONDED. MOTION CARRIED BY A VOTE OF 4-1 WITH MR. TOSTI OPPOSED.

ACTION: MR. LEONHAUSER MOVED TO AUTHORIZE THE PROPOSAL OF PARK DESIGN, EXPLORE CORPORATE SPONSORSHIP AND RETURN TO THE BOARD OF SUPERVISORS FOR APPROVAL AFTER THE PLANS AND SPONSORSHIP HAS BEEN LOOKED INTO. MR. TOSTI SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

7. Consideration of authorization to purchase a Pierce Ford F550 Mini Pumper from Glick Fire Equipment, Bird-in-Hand, PA at a cost of \$220,310 (COSTARS Contract 013-016) for the William Penn Fire Company.

Ms. Teoli Kuhls advised that the Board previously applied for and received a Redevelopment Authority Grant (RDA) in the amount of \$200,000 for this truck. The William Penn Fire Company has agreed to pay any costs above the 200,000 for the mini pumper. The RDA has approved payment in full at the time of signing the contract in order to receive an \$8,000 discount on the price of the truck. This vehicle will be purchased with RDA funds from an approved Costars dealer.

Mr. Gallagher advised that this was a joint grant request between the Borough of Hulmeville and the Township of Middletown for the William Penn Fire Company.

ACTION: MR. TOSTI MOVED TO AUTHORIZE THE PURCHASE OF A PIERCE FORD F550 MINI PUMPER FROM GLICK FIRE EQUIPMENT, BIRD-IN-HAND, PA AT A COST OF \$220,310 (COSTARS CONTRACT 013-016) FOR THE WILLIAM PENN FIRE COMPANY. MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

8. Consideration of authorizing advertisement of an ordinance to create a No Solicitation Registry

Ms. Teoli Kuhls advised that earlier in the year a suggestion was made by Supervisor Strouse to consider implementation of a "No Solicitation Registry". We already have a solicitation permitting process in the Township. Residents who choose to enroll will be included in a "No Solicitation" list that is distributed to all permitted solicitors with strict instructions not to solicit at any of the addresses on the list.

ACTION: MS. STROUSE MOVED TO AUTHORIZE ADVERTISEMENT OF AN AMENDMENT TO THE TOWNSHIP'S PEDDLING AND SOLICITING ORDINANCE TO CREATE A NO SOLICITATION REGISTRY. MR. GALLAGHER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

9. Other Business.

- a. Elcon Recycling Services – Application for Solid Waste Management Permit for Commercial Hazardous Waste Treatment Facility – Falls Township.

Marquerite Chandler, 1382 Newtown Langhorne Road, Pennswood Village resident made a lengthy presentation requesting the Board oppose the Elcon Recycling Services proposed Commercial Hazardous Waste Treatment Facility in Falls Township.

Fred Stine, Delaware Riverkeeper Network said that Elcon has already received the Phase 1 Permit and are in the process of applying for and filling out the Phase 2 Permit with PaDEP. There are wetlands on the site and those wetlands are hydrologically connected to the Delaware River so that means any spill or accident that could occur at Elcon would flow into the Delaware River causing an issue with the drinking water.

Mr. Stine also pointed out that the site that Elcon chose is in the 500 year floodplain, which may sound safe, but a facility that treats chemical hazardous waste, government, non-government and even the U.S. Military are looking at the 500 year floodplain as where you want to keep facilities such as this out. Mr. Stine provided a lot of technical information.

Lisa Baxter, Lower Makefield resident stated that she belongs to a group of residents called POWA (Protect our Water & Air). The only purpose of this group is to stop this facility.

ACTION: MR. GALLAGHER MOVED TO AUTHORIZE THE TOWNSHIP SOLICITOR TO PREPARE A RESOLUTION FOR THE JUNE 6, 2016 PUBLIC MEETING OF THE BOARD OF SUPERVISORS USING NEWTOWN, MORRISVILLE AND TULLYTOWN AND WHAT WAS PROVIDED THIS EVENING AS THE GUIDING POINTS; AS THE GOVERNMENT OF MIDDLETOWN TOWNSHIP, THE BOARD DOES NOT HAVE ANY DIRECT GOVERNING ABILITY IN FALLS TOWNSHIP, BUT WOULD URGE THE SUPERVISORS OF FALLS TOWNSHIP AND THE PA DEP TO PROTECT ALL OF THE MUNICIPALITIES AROUND FALLS TOWNSHIP. MR. OETTINGER SECONDED.

Mr. Leonhauser said he has looked at this Elcon question for the past several months and he appreciates the input of all of the groups and speakers that have come before the Board. Mr. Leonhauser has also been listening to his daughter, who is a student at Ursinus College and is majoring in chemistry and environmental studies. Mr. Leonhauser is in support of a resolution against Elcon.

Ms. Strouse requested that the Environmental Advisory Board (EAC) provide feedback to the Board on the potential hazards if Elcon were to move into Falls Township.

MOTION CARRIED BY A VOTE OF 4-1 WITH MR. TOSTI OPPOSED.

10. Other public comment.

Mr. Tosti requested that John Molloy of PFM come before the Board and do a presentation as he did in Bristol Borough of the effects of Act 10.

Mr. Tosti also inquired when the last time was that an RFP was done for the management of the Township's Investment Portfolio. Ms. Teoli Kuhls advised that it was 4 years ago and stated if it is the Board's wishes, an RFP could be done for the management of the Investment Portfolio.

Mr. Tosti inquired about the status of CarMax at the former K-Mart property. Ms. Teoli Kuhls advised that they have received their approvals and are moving toward construction. Mr. Young advised that there were issues with the landlord and with the water authority but are close to working the issues out.

Mr. Oettinger said he is a fireman and it is great what the volunteer fire companies do for the community. Mr. Oettinger said he will be advocating for an increase for the fire companies allocation in the 2017 Budget. The last time the fire companies had an increase was in 2006 and he is proposing an that an additional \$100,000 be allocated for distribution to the four fire companies.

Mr. Gallagher said he was honored to be at the ceremony honoring the fallen police officers, not only here in the county, but here in the Township, particularly Detective Chris Jones. He thanked the Police Officers for all they do for the public.

11. Adjournment.

ACTION: MR. GALLAGHER MOVED TO ADJOURN THE PUBLIC MEETING OF THE MIDDLETOWN TOWNSHIP BOARD OF SUPERVISORS AT 9:20 P.M. MR. TOSTI SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

ACTION: MR. OETTINGER MOVED TO RECONVENE THE PUBLIC MEETING AT 9:20 PM. MR. GALLAGHER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

Charles Sterner, 166 N. Woodbine Avenue provided the Board members with copies of pictures showing the drainage problem he has had at his home for the past 30 years. Township Engineer and Mr. Duffy will look into the issue and report back to the Board.

ACTION: MR. GALLAGHER MOVED TO ADJOURN THE PUBLIC MEETING OF THE MIDDLETOWN TOWNSHIP BOARD OF SUPERVISORS AT 9:30 P.M. MR. TOSTI SECONDED. MOTION CARRIED BY A VOTE OF 5-0.