

**MIDDLETOWN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
OCTOBER 3, 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	}	
JUSTIN GEONNOTTI, 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 Township Manager Stephanie Teoli Kuhls, Solicitor Joseph Pizzo, Township Engineer Justin Geonnotti and interested citizens.

2. Announcements, Correspondence, Awards and Reports.
 - a. Next Board of Supervisors Meeting – Monday, October 17, 2016 @7:30 p.m.
 - b. Upcoming Events
 - Shredding Event – Saturday, October 8, 2016 Oxford Valley Mall - 9:00 a.m.
 - Electronic Waste Recycling – Lower Makefield Corp Center – Saturday, October 8, 2016 from 9:00 a.m. to 12 - and is sponsored by Middletown Township, Lower Makefield Township and Newtown Township Environmental Advisory Councils.

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

Mr. & Mrs. Kurt Panzer, 10 Unity Turn, Levittown advised the Board of Supervisors on the issue they have had with the deteriorating retaining wall falling on their property from Charles Rodgers property.

4. **Consent Agenda Items.**
 - a. Consideration of authorizing payment of October 3, 2016 Bill List in the amount of \$1,277,706.00.
 - b. Consideration of approving the September 19, 2016 Meeting Minutes of the Middletown Township Board of Supervisors.
 - c. Consideration of authorizing the Ralph Avenue First and Final Escrow Release in the amount of \$20,984.55.

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

5. Consideration of awarding the Durham Ridge Bid
 - a. Concrete Contract
 - b. Landscaping Contract
 - c. Paving Contract

Justin Geonnotti, P.E., Township Engineer provided updated information on the most recent bids received for the Durham Ridge development.

Mr. Pizzo said the Township has made a claim to the bonding company that has provided the security on behalf of the developer for the completion of the work in the event the developer does not finish it of its own accord. Mr. Pizzo spoke to Christopher Parrish of the bonding company who is overseeing the claim the Township has made against the bond.

The bonding company has not completed its review of the claim at this time and that delay has been precipitated at least in part by the fact that the developer has disputed the Township's claim with the bonding company. The timetable provided by the bonding company to Mr. Pizzo this afternoon is that they expect to have their review of the claim done by week's end and expect to have to the Township an answer as to the amount they intend to pay for the claim by the early part of next week.

Mr. Pizzo announced that there was an Executive Session immediately prior to tonight's public meeting Mr. Pizzo discussed with the Board of Supervisors what the potential ramifications are should the bonding company decide they are not going to honor the full amount of the claim and what the legal options are to the Township in that regard going forward. The timetable we have from the bonding company would be for the claim to be closed out sometime by the end of this week and for the Township to have an answer from them by the early part of next week saying how much they intend to pay on the claim. They did indicate the intention to pay the Township and we have provided them with copies of the bids received that are before the Board this evening.

Discussion ensued concerning which contract would be completed first.

Ms. Strouse asked where the money would come from to do the work if the bonding company does not pay. Ms. Teoli Kuhls advised that if the Board were to authorize the work be done, the money would come out of the Capital Fund with whatever reimbursement the Township receives going back into the Capital Fund.

Mr. Gallagher asked the Solicitor if it would be appropriate to postpone voting on this issue for a week until we get the answer from the bonding company and then have the vote at the publicly advertised Budget Work Session on Monday, October 10, 2016.

A lengthy discussion was held concerning setting a precedent should the Township pay for the repairs and do not receive money from the bonding company.

Mr. Leonhauser said he would like to see the concrete and landscaping bids awarded so they could be completed before winter and hold off on the paving until the next public meeting of the Board of Supervisors.

Ms. Strouse asked the Solicitor should the bonding company pay an amount that does not cover all three bids, does the Township have the authority to apply the funds to whatever account they choose. Mr. Pizzo stated yes.

Martin Allen, 30 Lipton Lane, Langhorne thanked the Board members for all of the hard work and diligence they have put forth on this issue. Mr. Allen asked for clarification of what constitutes a default with the builder. There is an agreement that the builder signed with the Township stating that he would fulfill certain obligations under that agreement.

Mr. Pizzo advised there isn't anything that the developer is going to say that will sway the Township differently. The Township has, after a number of years and attempts, allowed the developer to finish the project, notified the developer of its failure to timely complete it, gave him a deadline in which to finish the work and he did not meet that deadline and the Township commenced with the claim against the bond. From the Township's perspective, the developer is in default. The bonding company; however, is an insurance company that is in business to collect premiums and pay or perhaps not pay claims.

Mr. Pizzo said no work has been done prior to the Township sending out the notice of default, no work was done subsequent to the Township declaring the default. No work has been undertaken dedicating the water and sewer facilities to the county. One of the things the developer advised needed to be done in order to get the dedication process completed.

Mr. Oettinger said there is still the chance that the developer could show up with a backhoe and start doing some work.

Mr. Pizzo said that is a possibility.

Additional discussion was held concerning Item C and it was agreed that there is the possibility of adding this to the Township's 2017 paving program once we hear back from the bonding company. The Township Engineer is to contact the paving company to let them know they are the low bidder and explain the situation about the bonding company and waiting for a final answer.

ACTION: MR. LEONHAUSER MOVED TO AWARD THE FOLLOWING CONTRACTS FOR THE WORK TO BE DONE AT THE DURHAM RIDGE DEVELOPMENT: CONCRETE CONTRACT TO G & B CONSTRUCTION IN THE AMOUNT OF \$68,922.00 AND THE LANDSCAPING CONTRACT TO ARCHEWILD COMPANY IN THE AMOUNT OF \$42,379.14. MS. STROUSE SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

6. Department Report - Building & Zoning

Pat Duffy, Building & Zoning Director made a presentation on his department highlighting the duties performed in the Building & Zoning Department. The initial aspect of the department is handling all construction permits. There are five main categories of construction permits: building, plumbing and mechanical which are handled in house by personnel that work directly for the Township and are certified to handle the reviews and inspections. The electrical and ADA accessibility are handled by third parties which handle the reviews and inspections for the Township

The department also handles sign permits, grading permits, which include retaining walls and once the permits are approved and inspected then the certificates of occupancy and use and occupancies can be issued.

The approximate annual number of permits is as follows:

Building	650 permits	\$450,000
Plumbing	350 permits	\$100,000
Mechanical	350 permits	\$100,000
Electrical	450 permits	\$180,000

Contractor licenses and registrations are also handled by this department at a rate of 300 per year for \$35,000 in revenue. Sign registration is 300 per year for \$25,000 in revenue. The Housing Code Tenant (HCT) permits generate \$75,000 in revenue for 1,200 permits for rental units.

Zoning applications are part of every building permit and every land development project that comes in. Mr. Duffy went into great detail about all of the aspects of the zoning ordinance and the enforcement.

The subdivision and land development process is another part of the job in this department. All new developments come to this department and are processed, distributed to the various consultants, coordinate the reviews. Once all of the reviews are received from the consultants and the various township boards, they are organized for the Planning Commission meeting which is held on the first Wednesday of each month.

The Building & Zoning Department works closely with the Department of Public Works coordinating road and drainage projects with them. The annual road paving program is an example of a joint project where the plans are prepared along with the bid specifications and bid documents. Several other projects being worked on are the Ivystream basin retrofit, Laurel Oaks Crosswalk and pedestrian footbridges.

Mr. Duffy stated his department is responsible for the GIS mapping which includes zoning maps, street maps, open space maps, Parks & Recreation maps and watershed maps. Finally, this department is responsible for the maintenance of the Municipal Center.

Mr. Leonhauser asked if the Township's fees have increased in the past couple years. Mr. Duffy explained that a study was done in the past couple years of the surrounding townships' fees and Middletown is in line with the surrounding townships.

Ms. Teoli Kuhls added that the third party costs are going down dramatically.

Mr. Tosti asked for an update on the property on Snowball Drive in regard to the permits and has the Township gone in and inspected the house. Mr. Duffy said all permits have been reviewed and the department is awaiting the builder to call and set up an appointment for final inspections.

Ms. Strouse asked what process a prospective recovery home would need to go through. Mr. Duffy explained that when someone comes in for a building permit, they are handed a form that basically states what a transient use is and states that it is not allowed in a residential district.

Rick Wendel, Director of Public Works provided a general overview of his department. DPW consists of 17 full time employees, and 1 part time employee. They maintain 140 miles of roads, 19.4 square miles and 600 acres of open space.

Most of the employees are long-time employees with 20 or more years of service.

Mr. Wendel listed the following duties of his department:

- Roads and Drainage
- Open Space Management
- Streetlights
- Traffic Lights – Outside contractor takes care of traffic lights as this is a dangerous job.
- Fleet Maintenance
- Other Activities – Painting ceilings, responding to hurricanes, floods, snowstorms, blizzards, etc. working with every department in the Township at some point throughout the year.

Mr. Wendel mentioned the two office personnel stating that the guys do all of the grunt work and heavy lifting and the two ladies in the office are magnificent. The paperwork they do, processing of work orders, invoices, telephone calls, consortium bids, service requests.

Mr. Leonhauser told Mr. Wendel to let his staff know that the Board appreciates what they do and said there isn't a Public Works Department in Bucks County that rivals Middletown's DPW employees.

Mr. Tosti reiterated Mr. Leonhauser's comments stating the DPW employees do a fabulous job year round. He also commended the two mechanics that maintain 130 vehicles as being extraordinary.

Ms. Strouse said giving the excellence of the department and the long tenure of many of the employees what sort of thought and consideration has been given to succession planning to insure we don't suffer degradation in service if anyone of those critical long tenured employees should decide to retire.

Mr. Wendel said stated that he and the Township Manager have been working on that and when he decides to retire, he has a foreman present this evening so he could get the experience of what is going on and there are some newer guys that have been hired within the past 2 years.

8. Other Business.

Ms. Teoli Kuhls advised that as requested by the Board we moved forward and implemented the video streaming of public meetings on the Township website.

Lisa Berkis, Public Information Coordinator provided a demonstration on the new video streaming of the Board of Supervisors public meetings.

Ms. Strouse thanked Ms. Berkis and said this will be a great way to bring more people into the discussions at the meetings. She asked how long the meetings will be archived on the website and what the cost is for video streaming.

Ms. Berkis responded that the meetings are kept in perpetuity and the cost is \$300 per month to archive the meetings and create the library where Swagit (the company that handles the streaming) they host them and retain them for the Township.

Ms. Strouse thanked the Township Staff for the two programs that were held this past weekend; Arts & Culture Festival at the Barn and Public Safety and Middletown at the Mall.

Mr. Tosti inquired about Reetz Avenue.

Ms. Teoli Kuhls explained that Reetz Avenue is a paper street is a street that has never been dedicated to the Township and is in private ownership. The resident on Reetz Avenue stated that the Township used to maintain the roadway many years before Mr. Wendel was the DPW Director. The complicating factor on this paper street is that there is a public utility in the street. The utility issue in Reetz Avenue is being researched by the Township Solicitor.

Mr. Tosti said that the MAA ballfields have been vandalized twice within the past month and knows the police department has been patrolling the area, but asked the residents to please do the due diligence and help the Police Department by keeping their eyes open.

Mr. Oettinger stated that October is Fire Prevention month and reminded everyone to get out and support your local fire companies.

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

ACTION: MR. TOSTI MOVED TO ADJOURN THE PUBLIC MEETING OF THE MIDDLETOWN TOWNSHIP BOARD OF SUPERVISORS AT 9:10 P.M. MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.