

**MIDDLETOWN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
OCTOBER 17, 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 Township Manager Stephanie Teoli Kuhls, Township Solicitor Joseph Pizzo, Township Engineer Larry Young and interested citizens.

2. Announcements, Correspondence, Awards and Reports.

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

- b. Fire Prevention Month Proclamation – James McGuire, Township Fire Marshal made a brief presentation on the importance of fire prevention efforts.

- c. Police Department Promotions – Chief Joseph Bartorilla thanked the Township Manager, Stephanie Teoli Kuhls and the entire Board of Supervisors for fully supporting the promotions.

Mr. Leonhauser administered the oath of office to the following newly promoted police officers:

Sgt. Steve Forman promoted to Lieutenant
Sgt. Pete Feeney promoted to Lieutenant
Patrolman Mark McLeod promoted to Sergeant
Patrolman Zachary Brosius promoted to Sergeant
Patrolman Benjamin Cook promoted to Sergeant

A five minute recess was taken at this time.

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

No public comment

4. **Consent Agenda Items.**

a. Consideration of authorizing payment of October 17, 2016 Bill List in the amount of \$792,843.24.

ACTION: MR. GALLAGHER MOVED TO APPROVE THE PAYMENT OF THE OCTOBER 17, 2016 BILL LIST IN THE AMOUNT OF \$792,843.24. MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 4-1 WITH MR. TOSTI OPPOSED.

b. Consideration of approving the October 3, 2016 Meeting Minutes of the Middletown Township Board of Supervisors.

c. Consideration of enacting Resolution #16-22R Bucks County 2016 Hazard Mitigation Plan.

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.

5. Presentation of the Regional Streetlight Procurement Program – *Mike Fuller, Keystone Lighting Solutions*

Mike Fuller of Keystone Lighting Solutions, as well as representatives of Johnson Controls, Inc., (JCI) made a presentation stating the program will convert nearly 3,000 total lights to LED fixtures, providing a better light quality while saving the Township on energy and maintenance costs. The full scope of the program and the financing details were described in the presentation by Mr. Fuller.

a. Consideration of enacting Resolution #16-23R approving the Investment Grade Audit for the Regional Streetlight Procurement Program.

b. Consideration of enacting Resolution #16-24R entering into a lease agreement and program agreement with Johnson Controls, Inc. (JCI).

Mr. Tosti asked about the Route 1 Traffic signal upgrading that was recently approved and if this program would include it.

Ms. Teoli Kuhls said he is speaking of an adaptive traffic signal system that the Township received a grant for. As Mr. Fuller mentioned, the standard is now LED and this program is providing for replacement bulbs for our traffic signals which are all LED. The project hasn't been specified yet, but Ms. Teoli Kuhls has every expectation that the standard would be LEDs.

Mr. Tosti asked if this would fall under the Responsible Contractor Ordinance.

Mr. Pizzo suggested that final review by the Township Solicitor and Township Manager be included in the motion. He also stated that he would also look at the contract to make sure it meets the Responsible Contractor Ordinance.

ACTION: MR. GALLAGHER MOVED TO ENACT RESOLUTION #16-23R APPROVING THE INVESTMENT GRADE AUDIT FOR THE REGIONAL STREETLIGHT PROCUREMENT PROGRAM AND ENACT RESOLUTION #16-24R ENTERING INTO A

LEASE AGREEMENT AND PROGRAM AGREEMENT WITH JOHNSON CONTROLS, INC., (JCI) SUBJECT TO ADMINISTRATIVE REVIEW. MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

6. Presentation of Spring Valley Farm Master Plan – *Sean Garrigan, SGA and Ann Toole, Toole Recreation Planning*

Sean Garrigan of SGA along with Ann Toole of Toole Recreation Planning made a presentation on the Spring Valley Farm Master Plan. The master plan is the first step in a process of not only determining what the future is for the park and what are the desired uses and management strategy but also a key component of pursuing follow-up funding whether from DCNR or other state agencies and foundations to support the implementation.

Mr. Garrigan went into great detail about the master plan process. The proposed park would be different than some of the other parks in the Township's park system in that it would be a passive park with significant historic resources in it that made it unique in the planning process.

Ms. Toole said this project was great to work on because it is an oasis of nature in the community with people getting to experience nature close to home which is a very unusual opportunity in Bucks County. The Township's Parks & Recreation Department does an outstanding job with its programming of environmental education through partnerships. There is also an opportunity for small scale gatherings in the park.

Mr. Garrigan stated that the site dates back to the 1600's including the structures that is sitting in a little piece of relic farmstead landscape completely surrounded by the twenty-first century in Bucks County. The Township is fortunate that they have caretakers living on the property which is very valuable in maintaining the property in good condition.

One of the uses of the park would be a loop trail system through the more wooded forested section of the property. One of the major issues with the neighboring municipality is the need for additional parking. The key elements within the park is actually changing some of the existing circulation creating one large lawn area that slopes toward the house where a land formed amphitheater could be implemented.

Debby Lamanna, Parks, Recreation and Community Services Director said the major concern of the residents in Penndel that surround the Spring Valley Farm property is traffic and parking. Ms. Lamanna advised that she met with the Police Chief of Penndel to discuss the issue of the proposed park and the parking issue.

Ms. Toole stated that one thing they heard when working on the Master Plan was future maintenance of the site. Ms. Toole said one thing she does know is that Middletown Township is top notch in terms of management and creativity. The system that has been set up for the management of this park through the care takers who are wonderful, dedicated people who love this park and it shows. Because of that arrangement the costs are much lower than the Township would experience through the use of traditional forces and contracting with the private sector.

Ms. Toole also advised that needs to continue for the long term and is a model that Ms. Toole has referred some of her clients to Ms. Lamanna to speak with because it is a good model that works so well.

Ms. Toole said the Township invests about 4 percent of its budget in Parks & Recreation which is less than what DCNR recommends for parks and recreations operations which is about 5 percent. Middletown Township is not viewed as an average community, it is a premier community with premier facilities yet dedicating a lower than average investment in parks and recreation through the creative management of the Township's management team from the Township Manager to the Parks & Recreation Director to the commitment of the elected officials.

Mr. Leonhauser wanted to clarify that Penndel will handle their part of the recreation fields as well as their parking. Mr. Garrigan said the Master Plan draws a distinction between the two municipalities very clearly with the idea that the park user may not know when they are standing on the Middletown Township side of the line or the Penndel Borough side of the line.

Mr. Tosti asked if the concession stand that is in Penndel would remain. Mr. Garrigan said the proposed would be a new concession stand and would not replace the Penndel concession stand. The proposed concession stand would be different in that it would be more focused on serving events such as the arts.

Mr. Tosti also pointed out that the site falls into three municipalities and the burden of the cost seems to be on Middletown Township.

Mr. Garrigan said the Master Plan that is proposed is for the land in Middletown Township. Ms. Lamanna advised that Middletown Township owns all of the land; the land along Rumpf Road as well as the part in the front.

Ms. Strouse asked if there is more information to be provided this evening or is there more documentation somewhere else that discusses the full life cycle cost of implementing the plan including the grants, additional studies, etc. Ms. Strouse would like the lifetime cost of implementing this plan and then balancing that with as described, a park that is being designed for not very many people to use.

Ms. Toole said the comment of a park designed for not many people she sees it as quite the opposite because this is the type of park the community wants. If you look at a sports kind of park that is use for baseball games, soccer games or football games them people leave. What Ms. Toole sees in the use of 80 percent of parks is in parks similar to the one proposed where less than 20 percent is in parks that are programed in organized types of activities.

Ms. Toole stated that this is the type of park they found the public wanted in the public outreach process here in Middletown where people want to go out and enjoy nature on their own and not participate in an organized program.

Mr. Garrigan explained in great detail the aspects of funding for the proposed park. The Master Plan is a guidance tool for the Parks Department and Supervisors to guide incremental improvements into the park that fulfill the mission and desires of the community of what they would like to see happen in this park.

Mr. Oettinger asked about the use of some of the site for unorganized sports for the general public. Mr. Garrigan stated that there would be an area for pick-up games.

Ray Mongillo, Middletown resident expressed his concerns with increased parking and stormwater management that would affect his sister's properties on Bellevue Avenue.

Mr. Tosti asked about the revenue opportunities at the proposed park.

7. Discussion of amending to the zoning ordinance to provide for uses related to the Medical Marijuana Act.

Mr. Pizzo advised that the Commonwealth of Pennsylvania earlier this year enacted the Pennsylvania Medical Marijuana Act and the Township and surrounding townships are starting to get inquiries of where in the Township such facilities are allowed to be located. The state has not yet promulgated a set of regulations for the administration of this law, but nonetheless the day will come when the state will start issuing these licenses and there will be a full blown set of regulations for the operation of the medical marijuana facilities.

In an effort to be proactive, the administration is recommending that the Board amend the Township Zoning Ordinance now to specify those zoning districts within the Township where medical marijuana uses would be permitted to be located. There are two categories of medical marijuana uses, one is the grower/processor and the second is the dispensary or retail outlet. The likely scenario for both categories of uses will be heavily regulated similar to liquor stores.

Mr. Pizzo stated that by statute the growers have to be all self-contained and indoors so these will not be outdoor growing facilities. Both of the combined growing and processing uses would be appropriate with the types of uses that take place in the M-1 District and this would be the logical district for the grower/processor uses.

There are two categories of zoning that may be appropriate for the dispensary uses. One would be the C Commercial District anticipating that these facilities are going to be similar to a drug store which is in the C-1 District. The other logical extension would be M-1 where we are already placing the grower/processor uses. If the Board is not quite sure at this point and wants to wait until the state promulgates the regulations for the licensing and operations of these facilities, it would be safe at this time to place both categories in the M-1 District at this time and can expand the dispensary operation to C-1 once we have a better grip on what will happen with the dispensary uses.

The statute calls for a certain distance for these facilities from schools, playgrounds, daycare centers, places of worship which would be included in the proposed ordinance. The same would be true for hours of operation and prohibition against the sale of non-related items, i.e.; cigarettes, paraphernalia, vapor cigarettes, beer, etc.

Mr. Leonhauser recommended that Mr. Pizzo work with Mr. Duffy on the preparation of such an ordinance and mold it to what the state is proposing.

Mr. Tosti said that under the zoning section of the law the growing and processing can actually go into the Commercial District. Mr. Tosti feels that by limiting the areas for the growing and processing to the M-1 Light Manufacturing District, Middletown Township would not be attractive for potential business.

Mr. Pizzo said collectively if three or more of the Board members would like to see the use located in a Commercial District, the ordinance can be fashioned that way. Mr. Pizzo's

experience with neighboring municipalities who are considering the adoption of similar ordinances is that they are placing the operations in their heavier manufacturing and industrial districts with the supposition, understanding and belief that the use is consistent with what is already happening in those districts.

Ms. Strouse said that if the statute already is prescribing certain distances from schools and playgrounds, she feels we are being a little alarmist about what is going to be a very controlled dispensing and growing of a medical treatment for kids and other patients that need this treatment. She would like to make sure we are not being overly restrictive in the ability to access this medical treatment.

Mr. Gallagher agreed with Ms. Strouse's statement; however, he would like to err on the side of caution. With M-1 Zoning District, it is a place to start and looking at surrounding communities in the area that is what they have been doing is having the facilities in the M-1 District. If we find that the ordinance is too restrictive, the Board can amend it providing the proper relief.

Mr. Tosti stated that it sounds like Mr. Gallagher is trying to deter anyone from doing this in Middletown Township. Mr. Gallagher said he wants to protect the children and all of the other residents of the Township and for those who have a medical need, it is an absolute necessity and he is all in favor of that.

Mr. Oettinger said the use is for manufacturing something and should be in the M-1 District. And if something is going to be sold put it in C Commercial Zoning.

Mr. Pizzo said the recommendation is to make sure that the Township has something in place so that if the day came that someone came in with an application and there wasn't a district designated for it, the Zoning Officer could say the use belongs in the M-1 District because that is what it is the most akin to, but if the applicant were not necessarily in agreement the applicant could say he disagrees and that there isn't anywhere provided for in the Township.

After a lengthy discussion, Ms. Strouse stated that she would be in favor of putting the grower/processor use in the M District, but absolutely keeping the dispensaries in the C District.

ACTION: MR. GALLAGHER DIRECTED THE SOLICITOR TO CREATE AN ORDINANCE THAT WOULD ALLOW THE PROCESSING AND GROWING OF MEDICAL MARIJUANA IN THE M-1 ZONING DISTRICT AND DISPENSING IN THE C-1 ZONING DISTRICT AND THE USE WOULD BE PERMITTED BY CONDITIONAL USE. MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 4-1 WITH MR. TOSTI OPPOSED.

8. Department Report - Fire Marshal's Office

James McGuire, Fire Marshal presented an overview of the Fire Marshal's Office. The focus of his office is on risk and fire reduction thru education, fire safety inspections and responding rapidly to emergencies when the prevention efforts have not occurred. The goal is to ensure that the residents and visitors to the community are safe and secure and that the community is prepared to respond to all emergencies.

Mr. McGuire provided information about the number of inspections completed by his department. In 2016 the department is on track to complete approximately 1,700 inspections. The department also provides many other inspection tasks, such as doing fire lockdown drills, going out to critical infrastructures to review their emergency plans once a year, review fire alarms and sprinklers in offices. The mechanical device and amusement tax are done by the fire inspectors.

Mr. McGuire went into great detail about the many plans they provide to businesses within the Township. Fire Prevention Events are held throughout the year. The Fire Marshal's Office also supports the local volunteer fire departments with fire suppression, emergency response and fire investigation. In 2015 the Fire Marshal's office did approximately 627 fire calls during daytime hours and followed up on over 750 fire alarm activations that occurred during a 24 hour 365 days a year.

The Office of Emergency Management provides prevention and training events for the community. The Committee that was created in Middletown has been used as a model by Bucks County. In 2015 there were 18 planned emergency management events, 23 command trailer activations, the Emergency Operations Center was used for several days for one very large event. There were 2 declared disasters. The Department also responds to 40 hazardous materials events each year and maintains the locations in creeks by putting booms and doing different types of under flow dams.

Mr. Oettinger asked Mr. McGuire how much time he spends at Sesame Place. Mr. McGuire said they do their annual inspection which takes about 3 days, attend fireworks events which is 6 hours and 7 events per year are held. Also help out with emergency management, incident management trying to work out evacuation of the park, severe storms that pop up rapidly.

Mr. Leonhauser commented on the fact that Mr. McGuire stated that some of the surrounding municipalities have more staff in the Fire Marshal's office than Middletown. Mr. McGuire said that his department is not at the staffing compliment that they had several years ago.

Department Report - Police Department

Chief Joseph Bartorilla made a presentation stating that the Middletown Police Department is authorized for 56 sworn officers. Several of the special programs include an officer in the school, a community relations officer and an officer in the Oxford Valley Mall. Seventy-five (75%) of the staff is dedicated to patrol.

Middletown is almost 20 square miles with a population of a little over 45,000 residents. During the summertime when Sesame Place is in full swing, the population doubles with the police serving a community of almost 100,000 people. Middletown Police Department also covers the boroughs which do not have full time officers, increasing the population to approximately 50,300 residents.

Chief Bartorilla went into detail about the procedures and accomplishments in the Police Department. Future goals – Chief Bartorilla stated that there is a canine retiring; doing very well with the Citizens Police Academy which is in its third week. We have been getting positive feedback by the attendees and hope to expand to a Youth Police Academy in the future.

Chief Bartorilla once again thanked the Board for the promotions in his Department and stated that it means a lot to him and the Police Department. He also stated that it will be a great thing for the Police Department and the community going forward.

9. Other Business.

Mr. Pizzo noted that the Board met in an Executive Session immediately prior to this evening's public meeting for approximately 30 minutes. In attendance were the Board of Supervisors, Ms. Teoli Kuhls, Mr. Pizzo, Mr. Young, Township Engineer and Scott Sadowsky, Assistant to the Township Manager. Topics discussed were potential litigation, status of the negotiations with the Township and the bonding company for Durham Ridge. No formal action was taken during Executive Session and none is required this evening as a result of the Executive Session.

Mr. Tosti inquired about the stop sign issue at Old Lincoln Highway and East Ravine. He also asked for the status of the Reetz Avenue paper street issue. Mr. Tosti requested something back on the Reetz Avenue issue for the next Board of Supervisors Meeting.

Mr. Gallagher stated that October is Breast Cancer Awareness Month. He also stated that October 31st is Halloween and with children being out trick or treating to please be careful.

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

11. Adjournment.

ACTION: MR. TOSTI MOVED TO ADJOURN THE PUBLIC MEETING OF THE MIDDLETOWN TOWNSHIP BOARD OF SUPERVISORS AT 9:47 P.M. MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.