MIDDLETOWN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
DECEMBER 5, 2016

PRESENT

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

STEPHANIE TEOLI KUHLS, 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. After the Pledge of Allegiance, Mr. Oettinger called roll. All supervisors were in attendance along with Township Manager Stephanie Teoli Kuhls, Township Solicitor Edward Rudolph, Township Engineer Larry Young and interested citizens.

2. Announcements, correspondence, awards and reports.

a. Next Board of Supervisors Meeting – **Monday, December 19, 2016 @7:30 p.m.**
b. Presentation by Waste Management to Middletown Community Foundation

Chuck Raudenbush, Waste Management presented Thomas Hecker of the Middletown Township Community Foundation with a $10,000 check. Mr. Hecker thanked Mr. Raudenbush for the generous donation and stated that the funds are earmarked for a special project in the Township.

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

None.

4. **Consent Agenda Items.**

a. Consideration of authorizing payment of the December 5, 2016 Bill List in the amount of $2,185,991.85.

b. Consideration of approving the November 14, 2016 Minutes of the Public Meeting of the Middletown Township Board of Supervisors.

c. Consideration of approving the first and final payment to Winterspring, LLC in the amount of $38,593.05 for the landscape improvements at the Durham Ridge Development.

d. Consideration of approving the first and final payment to G & B Construction Group in the amount of $68,922.00 or the concrete work at the Durham Ridge Development

e. Consideration of approving the Giant Fuel Island final Escrow Release in the amount of $30,119.98.

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

5. Consideration of the Preliminary/Final Land Development plan for Eastern Warehouse Distributors, Inc., 1050 Wheeler Way, Langhorne, PA 19047, TMP #22-021-066-002, S/LD #16-06.

Thomas Hecker, Esq. represented the applicant, Eastern Warehouse Distributors, Inc. of Wheeler Way along with Larry Byrne, Civil Engineer of Chadrow Engineers, and Alison Mathurn, Engineer of Eastern Warehouse Distributors. Mr. Hecker provided background on the applicant stating that in 1989 Steve Thorne opened the first Eastern Warehouse distributorship in a small retail space in a strip center on Route 1. In the mid 1990's, Mr. Thorne purchased the old Gold's Gym on South Flowers Mill Road and refurbished the building. Middletown Township has been Mr. Thorne's home base since 1989 and continues to be his home base now operating 30 such distributorships throughout southeastern Pennsylvania and New Jersey employing over 1,000 people with 200 located at the site on Wheeler Way.

The site is 9.45 acres in the M-1 Light Manufacturing Zoning District. The applicant proposes to expand the existing building located at 1050 Wheeler Way, Langhorne with a 27,190 square foot addition and loading dock.

ACTION: MR. GALLAGHER MOVED TO APPROVE THE PRELIMINARY/FINAL LAND DEVELOPMENT PLAN FOR THE PROPOSED CONSTRUCTION OF A 27,190 SF ADDITION TO AN EXISTING WAREHOUSE FOR EASTERN WAREHOUSE DISTRIBUTORS, INC., 1050 WHEELER WAY, LANGHORNE, PA AND THE GRANTING OF THE FOUR WAIVERS FROM SALDO SECTIONS 440-303.3.D TO PROVIDE AN AERIAL PHOTO IN LIEU OF SHOWING ALL EXISTING ROADS WITHIN 200 FEET OF THE SITE, FROM 440-303.3.E TO PROVIDE AN AERIAL PHOTO IN LIEU OF SHOWING ALL THE BUILDINGS, STRUCTURES, UTILITIES AND WATERBODIES WITHIN 200 FEET OF THE SITE, FROM 440-419 TO PAY A FEE IN LIEU OF TO NOT PROVIDE SIDEWALKS ALONG THE FRONTAGE OF WHEELER WAY AND FROM 500-440-303.A & 304.A TO ALLOW CONCURRENT PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL. THE APPROVAL IS SUBJECT TO MEETING ALL THE CONDITIONS OF THE PLANNING COMMISSION, THE SEPTEMBER 30, 2016 REVIEW LETTER OF DUMACK ENGINEERING (SERVING AS CONFLICT TOWNSHIP ENGINEER), THE JULY 21, 2016 TRAFFIC REVIEW LETTER OF CARROLL ENGINEERING AND THE JULY 12, 2016 LETTER FROM THE FIRE MARSHAL INCLUDING ALL "WILL COMPLIES" STATED THIS EVENING. MR. TOSTI SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

6. Middletown Community Foundation Presentation

Chief Joseph Bartorilla advised that prior to this presentation he wants to make it known that this is a fundraiser and is not for real. Thomas Hecker, Esq., Begley Carlin & Mandio; Brian Bentley,

Brian's Harley Davidson and James Merrill, Inspire Federal Credit Union were apprehended as suspects that have released animals from a local shelter. Bail has been set at $3,500 each and every bit of the bail money they are able to fundraise will go directly to the purchase of a new canine for Middletown Township.

Chief Bartorilla directed everyone to go to the Middletown Community Foundation website to donate money toward their bail or visit the Middletown Police Department face book page for more information.

Mr. Tosti presented Chief Bartorilla with a check toward the bail of the apprehended citizens.

7. Consideration of approval of the 2017 Budget and associated Budget Resolution:

- Resolution **#16-25R** fixing the tax rate and special levies for the fiscal year ending December 31, 2017, and appropriating specific sums estimated to be required for the specific purposes of the Township during the fiscal year ending December 31, 2017.

Ms. Teoli Kuhls advised that the 2017 budget has been advertised in the *Bucks County Courier Times* on November 15, 2016; proof of publication has been received. The budget has also been posted on the Township's website and has been available at the Township Building for public inspection.

The Township began work on the Budget in the summer and held three public budget workshops with some citizen involvement. The budget was presented to the Board on November 14, 2016 and the Board is required by law to adopt a budget before the end of the year.

Mr. Leonhauser opened this item to Public Comment.

A resident asked if there will be an increase in the Earned Income Tax. Ms. Teoli Kuhls advised that there will be no tax increase; no real estate and no earned income tax.

Mr. Tosti said he is not in total agreement with the budget. He commends the staff for going back and looking for cuts. He will be approving the budget because as a Supervisor the objective is to have a balanced budget and was able to do so without a tax increase. He will be voting for the budget even though there are things that he doesn't agree with.

ACTION: MR. TOSTI MOVED TO APPROVE THE 2017 BUDGET AND FURTHER MOVE TO AUTHORIZE RESOLUTION #16025R FIXING THE TAX RATE AND SPECIAL LEVIES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2017. MR. LEONHAUSER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

8. Consideration of approving a joint grant application with Hulmeville Borough to the Bucks County Municipal Open Space program to fund a landscape improvement project at Spring Valley Farm. (**Resolution #16-26R**)

Debby Lamanna, Director of Parks, Recreation and Community Services advised that Hulmeville Borough reached out to the Township and offered their $190,000 balance in the Bucks County Municipal Open Space Program to be used for a project at Spring Valley Farm, which borders Hulmeville Borough.

If the Board chooses to accept Hulmeville's offer, the Township would be responsible for the 25% match required by the municipal Open Space Program. Middletown has initial landscape project recommendations in the draft plan of the Spring Valley Farm Master Site Plan that could be completed with these funds.

The project would be the removal of invasive species, planting of native plants in the woodlands, establishment of a vegetative buffer along the stream fed by the spring and establishment of a meadow on the existing turf slope. The landscape project would improve the management of stormwater, reduce the amount of mowing and create an attractive natural environment for visitors to enjoy.

Mr. Tosti asked if the Township would be obligated to complete the remainder of the project including the parking lot, concession stand, etc. He also inquired if this isn't premature as the Master Plan for the Spring Valley Farm has not yet been approved.

Ms. Lamanna said the question before the Board this evening is whether the Township wants to accept the funds from Hulmeville and spend the 25% match money in order to do the landscape project on the property. This has nothing to do with the master plan it would be prudent to plant the buffer, stop the erosion of the stream as well as to slowdown the water that is coming off Bellevue Avenue across the farm and into Neshaminy Creek, which would help with flooding downstream as well. This would also benefit the property and the maintenance of the property to do some planting in the woodlands to make sure they last. The woodlands are full of invasive species and vines.

Mr. Gallagher inquired if the $47,500 is in the budget. Ms. Lamanna explained that the match funds are budgeted in the capital fund.

Mr. Oettinger thanked Hulmeville Borough for being a good neighbor.

ACTION: MR. OETTINGER MOVED TO ENTER INTO A COOPERATION AGREEMENT WITH HULMEVILLE BOROUGH TO SUBMIT A JOINT GRANT APPLICATION TO THE BUCKS COUNTY MUNICIPAL OPEN SPACE PROGRAM FOR $190,000 AND FURTHER MORE TO APPROVE RESOLUTION #16-26R AUTHORIZING THE GRANT APPLICATION. MR. LEONHAUSER SECONDED. MOTION CARRIED BY A VOTE OF 4-1 WITH MR. TOSTI OPPOSED.

9. Snow and Ice Removal – Township Sidewalks, Paths and Parking Lots

Consideration of rejecting all bids for the Middletown Township Properties Snow and Ice Removal Bid and authorizing the purchase of a Cub Cadet Challenger 500 with accessories from Lentine Mower Center, Langhorne at a cost of $10,394.

Erich Wendel, Director of Public Works advised that the bid for Snow and Ice Removal was advertised in the *Bucks County Courier Times* on October 13th and 17th; proof of publication has been received. The bid requested hourly rates to clear snow from sidewalks, parking lots, and other public walkways. Only one bid was received from Kellet's Lawn and Landscaping at $1,500 per hour of work.

Investigation of in-house options concluded that work could be done in a cost-effective manner by using an ATV with an attached snowplow with a canopy to keep weather out, and other weather- related accessories. Lentine Mower Center, a Middletown Township vendor has an ATV for a base price of $8,299, and for $10,394 with all accessories. This is below the threshold for public bidding, and research by the Department of Public Works determined this was the lowest cost from any vendor. The ATV would be used to clear all Township-owned sidewalks and paths, and would be operated by qualified part-time seasonal staff. The equipment could also be used by the Parks & Recreation staff for the 4th of July Parade or by the Fire Marshal's Office for major events.

Mr. Rudolph advised for the record that the rejection of the one bid received is based on budgetary considerations.

Mr. Tosti stated this is a good idea and inquired if the purchase of the ATV will be used to plow parking lots. It was noted that this project was started after finding the Township would be maintaining the newly installed sidewalks on New Falls Road.

ACTION: MR. TOSTI MOVED TO REJECT ALL BIDS FOR THE MIDDLETOWN TOWNSHIP PROPERTIES SNOW AND ICE REMOVAL BID BASED ON BUDGETARY CONSIDERATION AND AUTHORIZED THE PURCHASE OF A CUB CADET CHALLENGER 500 WITH ACCESSORIES FROM LENTINE MOWER CENTER, LANGHORNE AT A COST OF $10,394. MS. STROUSE SECONDED.

A resident asked what will happen if the ATV goes down.

MOTION CARRIED BY A VOTE OF 4-0-1 WITH MR. GALLAGHER ABSTAINING AS HE DOES WORK FOR LENTINE MOWERS.

10. Discussion of Act 172 of 2016

Scott Sadowsky, Assistant to the Township Manager made a presentation on Act 172 of 2016 signed into law by Governor Wolf on November 21, 2016. Act 172 allows municipalities to offer as incentive for volunteer firefighters and those who volunteer for EMS a tax credit on either Earned Income Tax, Real Estate Taxes or both. The Township would need to approve an ordinance that would set the amount of an EIT rebate and also limits a real estate tax rebate that is imposed which is 20% of their total bill.

To be eligible for a tax credit, volunteers would submit an application to be signed by his or her chief, to the municipality. The State Fire Commissioner is to create a Volunteer Service Credit Program setting the requirements for applying for a tax credit. The State Fire Commissioner has ninety (90) days to establish this program from the date the act was signed. Fire Chiefs and EMS Supervisors will be responsible for tracking their volunteers' progress in the Credit Program.

Mr. Sadowsky advised that no action is required at this time. Mr. Leonhauser requested that the Board be kept up to date on the progress of the program.

Ms. Strouse requested that this issue be placed on the agenda so the Fire Chiefs and head of EMS are advised that the Township is considering this for their recruiting purposes and as soon as we get a set of requirements Ms. Strouse will be eager to put this into action.

11. Discussion of East Ravine Street Proposed No-Parking Zone

Ms. Teoli Kuhls advised that this is a follow up to a discussion held at the last Board of Supervisors public meeting. The Township was made was made aware of a potentially unsafe condition that exists at the intersection of Old Lincoln Highway and East Ravine Street. The Township Police Department investigated this concern and made a recommendation to the Board at its November meeting to consider prohibiting parking for 150 yards on both sides of East Ravine from the intersection of Old Lincoln Highway.

Notices were hand delivered to the residents on East Ravine Street and the two corner properties on Old Lincoln Highway. Three residents on East Ravine Street provided feedback that they were in favor of the proposed no-parking zone: Bruce Cordon, Mary Horan and Tom Schanz. Mr. Schanz is at 610 East Ravine Street, the property that is most impacted by the no-parking zone.

Angeline Doherty, 1539 Old Lincoln Highway is opposed to the no-parking zone and has proposed an alternative to make East Raveine Street one way.

Joe Lestochi, 1477 Old Lincoln Highway, requests that the no-parking zone be shortened to allow for the pickup of his special needs son from the East Ravine side of his property.

Mr. Tosti said this issue was brought to his attention by a resident and he requested that it be looked into. He has gone out to the site and stated that there is a potential for a head-on collision at the intersection of East Ravine and Old Lincoln Highway.

Mr. Gallagher said he would be interested in hearing what the residents have to say and the issue was opened to public comment.

The following residents spoke on the issue of the proposed No-Parking Zone on East Ravine:

James Duffy, 435 East Ravine Street – In favor of No Parking
Angeline Doherty, 1539 Old Lincoln Highway *(Prefers Ravine to be a one-way street)*
Tom Schanz, 610 East Ravine Street – In favor of No Parking
Russell Doherty, 1539 Old Lincoln Highway *(Prefers Ravine to be a one-way street)*
Joe Lestochi, 1477 Old Lincoln Highway – In favor of No Parking
Mike Lutz, 417 East Ravine Street – In favor of No Parking
Leigh Ann Nuttall, 614 Eagle Lane– In favor of No Parking
Resident, 483 East Ravine Street– In favor of No Parking
Frank Pallante, 314 Deer Drive– In favor of No Parking
Ed Nyhus, 326 Deer Drive– In favor of No Parking
Dave Gavin, 420 East Ravine Street– In favor of No Parking

A lengthy discussion was held concerning the proposed no parking zone and the less preferable one way street suggestion. Mr. Lestochi of 1477 Old Lincoln Highway agreed to cut down the forsythia bushes at the corner of his property which are creating a site distance problem.

ACTION: MR. GALLAGHER MOVED TO AUTHORIZE THE PREPARATION AND ADVERTISEMENT OF AN ORDINANCE RESTRICTING PARKING ON THE SOUTH SIDE OF EAST RAVINE STREET. MR. LEONHAUSER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

12. Other Business.

Ms. Strouse thanked Waste Management for the generous $10,000 donation and hopes that it is seen as a cornerstone donation for the ultimate rebuilding of the Skate Park at the Community Park. She also stated that she is in contact with several other businesses in the area trying to build up a little more momentum to try and get to the goal of 50 percent community participation in the skate park rebuilding.

Mr. Oettinger thanked Hulmeville Borough for the grant funds.

Mr. Oettinger gave kudos to Ms. Teoli Kuhls, administrative staff and the other Board members for keeping the budget in line with no tax increase for 2017. Great job with the Waste Management donation and also mentioned the program through the Middletown Community Foundation for the purchase of a new police dog.

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

Maureen Miller, 476 Parkvale Avenue inquired about the electronic signs and stated that she thought it was going to be on this agenda. She was advised that this issue will be on the December 19, 2016 public meeting agenda.

14. Adjournment.

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