

**MIDDLETOWN TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MEETING  
MARCH 20, 2017**

**PRESENT**

<b>THOMAS GALLAGHER, CHAIRPERSON</b>	}	
<b>WILLIAM OETTINGER, VICE CHAIR</b>	}	
<b>H. GEORGE LEONHAUSER, SECRETARY</b>	}	<b>BOARD OF SUPERVISORS</b>
<b>AMY STROUSE</b>	}	
<b>THOMAS TOSTI</b>	}	
<b>STEPHANIE TEOLI KUHL, TOWNSHIP MANAGER</b>	}	
<b>JOSEPH PIZZO, ESQ., TOWNSHIP SOLICITOR</b>	}	
<b>LARRY YOUNG, P.E., TOWNSHIP ENGINEER</b>	}	

1. Call to Order, Pledge of Allegiance, and Roll Call.

Mr. Gallagher called the meeting to order at 7:30 p.m. After the Pledge of Allegiance, Mr. Leonhauser called roll. All Supervisors were in attendance along with Township Manager Stephanie Teoli Kuhls, Township Solicitor Joseph Pizzo, Township Engineer Larry Young, Pat Duffy, Director of Building & Zoning, Brian Shapiro, Finance Director, Erich Wendel, Director of Public Works, Chief Joe Bartorilla, Scott Sadowsky, Assistant to Township Manager and interested citizens.

2. Announcements, Awards and Reports.

- a. Next Board of Supervisors Meeting – **Monday, April 3, 2017 @7:30 p.m.**

- b. Police Awards Ceremony and Years of Service Recognition

Chief Bartorilla presented commendatory letters to the following officers:

Detective Dave Strother  
Detective Pat Nicaastro  
Detective Andy Amoroso  
Officer John Beck  
Officer Corey Huff  
Officer Megan Freer  
Officer Jeff Swenson and K9 Max  
Officer Tom Leinheiser  
Officer Mark Leonhauser

Chief Bartorilla presented 20 years of service recognition to the following:

Detective Pat Nicaastro  
Detective Dave Strother  
Officer Mark Leonhauser

- c. Ann Everk Retirement Recognition – Ms. Teoli Kuhls advised that Ann Everk would be retiring after 34 years of service to the Township. She stated that Ann will be greatly missed.
- d. Proclamations for Bucks County Community Foundation – Community Service Awards:  
Father Michael Hennelly, Debby Lamanna and Chris Russell

- e. Mason Allen Memorial Recognition – Mr. Gallagher read the memorial recognition into the record.

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

**None.**

4. Consent Agenda Items.

- a. Consideration of authorizing payment of March 20, 2017 Bill List in the amount of \$748,320.11.
- b. Consideration of approving the March 6, 2017 Minutes of the Public Meeting of the Middletown Township Board of Supervisors. (*As amended*)
- c. Consideration of approving the second and final payment for the Durham Ridge Development Landscape Improvements in the amount of \$2,100.
- d. Consideration of enacting Resolution #17-13R Declaration of a Limited State of Emergency.
- e. Consideration of enacting Resolution #17-14R Lincoln Highway Traffic Adaptive Signal System.
- f. Intergovernmental Agreement between Middletown Township and Falls Township for the use of the Township Community Park, 9125 Mill Creek Road, Levittown on April 1, 2017 for a fundraiser.

Mr. Pizzo advised that this Intergovernmental Agreement between Middletown and Falls Townships to allow Middletown Township to host a fundraising event for the rebuilding of Middletown Skate Park.

**ACTION: MR. LEONHAUSER MOVED TO APPROVE CONSENT AGENDA ITEMS A THRU F AS LISTED ABOVE. MR. OETTINGER SECONDED.**

Mr. Tosti requested that a change be made to the minutes on Page 4, Item 8 Other Business by changing “Keystone Collections” to “the Township”.  
**MOTION CARRIED BY A VOTE OF 5-0.**

5. Consideration of approving the Fitch Minor Subdivision Plan.

Thomas Hecker, Esq., represented the owner Joseph Fitch who was also in attendance. The project is located at 324 and 346 Wyoming Avenue. The site is located in the R-2 Zoning District that requires 10,000 square foot lots. Mr. Fitch, the owner of 346 Wyoming Avenue, proposes to purchase a 7,500 square foot area from Mr. Hinkson, the owner of the lot located at 324 Wyoming Avenue. Both lots contain existing dwellings. The proposal is a lot line change and no construction or disturbance will occur.

**ACTION: MR. TOSTI MOVED TO GRANT FINAL MINOR SUBDIVISION APPROVAL FOR 324 AND 346 WYOMING AVENUE, S/LD #16-10 WITH THE FOLLOWING CONDITIONS AND WAIVERS:**

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

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 MINOR SUBDIVISION. NO PERMITS ARE REQUIRED SINCE THIS APPLICATION ONLY PROPOSES A LAND SWAP BETWEEN TWO LOTS WHICH EACH CONTAIN AN EXISTING DWELLING.
4. APPLICANT SHALL BE REQUIRED TO PAY MIDDLETOWN TOWNSHIP FOR ANY OUTSTANDING ADMINISTRATION AND PROFESSIONAL FEES.

WAIVERS:

- SECTION 440-410.B.1 - REQUIRES EXISTING SECONDARY STREETS TO HAVE A 26 FOOT WIDE CARTWAY AND A 50-FOOT WIDE RIGHT-OF-WAY. THE EXISTING RIGHT-OF-WAY IS 40-FEET WIDE AND THE CARTWAY IS 19-FEET WIDE.
  - SECTION 440-417.B - REQUIRES LARGE STREET TREES BE PROVIDED AT FORTY FOOT (40') INTERVALS. THERE ARE THREE (3) EXISTING STREET TREES WHICH WOULD QUALIFY AS STREET TREES. THE ORDINANCE WOULD REQUIRE APPROXIMATELY 8 STREET TREES.
  - SECTION 440-509 - REQUIRES SIDEWALKS TO BE CONSTRUCTED ON EITHER SIDE OF EXISTING STREETS WITHIN THE SUBDIVISION. NO SIDEWALKS EXIST ON EITHER SIDE OF WYOMING AVENUE.
  - 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. NO CURBS EXIST ON EITHER SIDE OF WYOMING AVENUE.
- MR. GALLAGHER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

6. Consideration of awarding the 2017-2018 Consortium Road Supplies Contract to Eureka Stone Quarry, Chalfont in an amount not to exceed \$49,095.

Erich Wendel, Director of Public Works explained that the Township has been a participating member of the Bucks County Consortium for numerous years. All items purchases are on an as needed basis. Eureka Stone Quarry was the only bidder and has been a longtime vendor of the Township.

Funding for the road material has been allocated in the 2017 DPW budget in the amount of \$49,095.

ACTION: MR. TOSTI MOVED TO AWARD THE 2017-2018 CONSORTIUM ROAD SUPPLIES CONTRACT TO EUREKA STONE QUARRY, CHALFONT, PA IN AN AMOUNT NOT TO EXCEED \$49,095. MR. LEONHAUSER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

7. Consideration of awarding the 2017-2018 Sign Material Consortium Bids for Highway Sign Material, Posts and Assorted Hardware to Garden State Highway Products, Vineland, NJ in the amount of \$12,906.36

Mr. Wendel stated that this purchase is handled similar to the road material purchase through the Bucks County Consortium. Funding for the sign and post material has been allocated in the 2017 DPW budget.

Ms. Strouse pointed out that both expenses Mr. Wendel presented were budgeted.

**ACTION: MR. LEONHAUSER MOVED TO AWARD THE 2017-2018 SIGN MATERIAL, POSTS AND ASSORTED HARDWARE TO GARDEN STATE HIGHWAY PRODUCTS IN THE AMOUNT OF \$12,906.36 ON AN AS NEEDED-BASIS. MR. TOSTI SECONDED. MOTION CARRIED BY A VOTE OF 5-0.**

8. Other Business.

Mr. Tosti – commended the Department of Public Works employees, Police Officers and Fire Marshal’s office on a job well done during the past snow storm.

Mr. Tosti asked how the Township is monitoring transient workers with regard to EIT.

Mr. Tosti brought up the issue of the Oxford Valley Mall as he was asked by someone if the Mall is for sale. Mr. Tosti said we are not putting any pressure on Simon Properties to see where the plan is or what is being planned with the mall. He suggested that a letter be written to Simon Properties to meet with the Board to let the Township know what Simon has planned for the Mall.

Ms. Teoli Kuhls reminded Mr. Tosti and the Board that the Township Staff did meet with the executives of the Simon Properties in both October and November. Mr. Tosti asked why the Board wasn’t informed of this meeting. Ms. Teoli Kuhls indicated that the Board was emailed regarding the meeting.

Ms. Teoli Kuhls noted that Simon is negotiating with two users for the Boscov’s and plans for some pad site restaurants at Lincoln Plaza. She indicated that no land development applications have been received.

Mr. Oettinger clarified that what the Township wants to discuss with Simon Properties should be in the letter.

Mr. Tosti would like to see Simon Properties sit down with the Board of Supervisors so that we can have some direction on which way they are going.

After some discussion, it was agreed that Ms. Teoli Kuhls and Mr. Pizzo would draft a letter inviting representatives from Simon Properties to attend an upcoming Board meeting.

**ACTION:** MR. TOSTI MOVED TO AUTHORIZE THE MR. PIZZO AND MS. TEOLI KUHLS DRAFT A LETTER TO SIMON PROPERTIES INVITING THEM TO MAKE A PRESENTATION TO THE BOARD OF SUPERVISORS AT A PUBLIC MEETING ABOUT THE FUTURE OF THE OXFORD VALLEY MALL. MS. STROUSE SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

Mr. Tosti said another issue is hiring of Township Staff. Before staff is hired Mr. Tosti would like it brought to the Board before any positions are posted so they can have a say of whether we need the position or whether the position should be filled. Mr. Tosti said he knows there have been a few hirings in the Township that he hasn't heard about until after they were hired.

**ACTION:** MR. TOSTI MOVED THAT BEFORE ANY STAFF IS HIRED OR POSITIONS ARE POSTED IT BE DISCUSSED WITH THE BOARD PRIOR TO FILLING THE POSITIONS.

Ms. Strouse asked if Mr. Tosti is suggesting that even when the positions are budgeted for that the information comes to the Board. Mr. Tosti said yes.

MS. STROUSE SECONDED.

Mr. Leonhauser said he can understand if it is a major position, i.e., Manager, Department Director, Solicitor; however for replacement of staff throughout the Township, that is why we have a Manager and Department Directors. He does not see it necessary to micro-manage that far.

Mr. Gallagher asked for clarification that Mr. Tosti's intention was not to be involved in the hiring process but to know about before a position is posted or advertised. Mr. Tosti agreed.

Mr. Oettinger suggested that it be for full-time employees only as there are going to be grass cutters and camp employees. Mr. Tosti said the Board meets every other week and it only has to be discussed with them in Executive Session. He doesn't want it limited at all, he believes the Board should know who is being hired and when.

Ms. Strouse suggested that the hiring of the seasonal employees can be done in a batch.

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

Mr. Gallagher requested an update on the enforcement of the recovery home ordinance.

Mr. Gallagher advised that the Board would be meeting in Executive Session after adjournment of tonight's meeting to discuss personnel matters. No official action is required as a result of the Executive Session.

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 8:22 P.M. MS. STROUSE SECONDED. MOTION CARRIED BY A VOTE OF 5-0.