

**MIDDLETOWN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
APRIL 17, 2017**

PRESENT

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

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, Brian Shapiro, Finance Director, Chief Joe Bartorilla, Debby Lamanna, Director of Parks, Recreation and Community Services, Scott Sadowsky, Assistant to Township Manager, Lisa Berkis, Public Information Officer, Bernie Frisch, Recording Secretary and interested citizens.

2. Announcements, correspondence, awards and reports.

- a. Next Board of Supervisors Meeting – **Monday, May 1, 2017 @7:30 p.m.**
- b. Police Department recognition of Middletown Township Youth Aid Panel members.
Chief Bartorilla recognized Gloria Rosenberg, (passed away March 31st – award received by her son); Barbara Shandelman, (award received by Ms. Rosenberg’s son) and Brenda Cappiello for their years of service to the Youth Aid Panel.
- c. Police Department recognition of Girl Scout Natalie DiCrosta.
Chief Bartorilla presented Natalie DiCrosta with a commendation for her contribution of survival packages to the police department.
- d. Upcoming Events:
 - Middletown Beautification Committee cleanup and a tree planting at Veterans Memorial Park – Saturday, April 22, 2017
 - Earth Day - Saturday, April 29, 2017 10:00 a.m. to 2:00 p.m., Core Creek Park
 - Drug Take Back Day Locations April 29, 2017Mr. Tosti advised that April 29, 2017 is a Drug Take Back Day, which is a County medication disposal at various locations where unused drugs can be dropped off. With the opioid addiction problem in the county, state and throughout the country, a lot of people do not understand that a lot of this starts in our own medicine cabinets with unused drugs that are accessible to other people. Mr. Tosti stated the Township has a receptacle in the lobby of the Municipal Center and also suggested that the various other locations be listed on the Township’s website.

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

None.

4. **Consent Agenda Items.**

- a. Consideration of authorizing payment of April 17, 2017 Bill List in the amount of \$2,075,601.79.
- b. Consideration of approving the April 3, 2017 Minutes of the Public Meeting of the Middletown Township Board of Supervisors.
- c. Dedication of ROW to PennDOT

ACTION: MR. LEONHAUSER MOVED TO APPROVE CONSENT AGENDA ITEMS A, B & C AS LISTED ABOVE; MS. STROUSE SECONDED.

Mr. Tosti asked if Item c will be approved under the consent agenda items or will it be approved separately. Mr. Gallagher advised that Item c; which is to authorize execution of PennDOT's M-9501-D1 form to approve the conveying of Township land to the Commonwealth for the purpose of widening Langhorne-Yardley Road along a portion of the frontage for the proposed 10 lot residential subdivision by Stonehaven Homes at 2651 Langhorne-Yardley Road, Langhorne PA.

Mr. Tosti inquired if part of the land is County Land and the Township will have to give the County some of the open space land. Ms. Teoli Kuhls explained that the proposal is along the frontage of the McGrath subdivision to allow a slight bit of widening in front of the property.

Mr. Young further explained that the proposal is to extend the curb line to match what is in front of the Maple Point subdivision.

MOTION CARRIED BY A VOTE OF 5-0.

5. Consideration of exercising the option to continue the current Solid Waste/Recycling Contract with Waste Management for 2018 and 2019.

Debby Lamanna, Director of Parks, Recreation and Community Services advised that the Township has published the locations for the Drug Take Back Day on the website.

Ms. Lamanna advised that the Township is in the final year of the three-year agreement with Waste Management. The current agreement allows the Township to extend the contract for the fourth and fifth years.

Ms. Lamanna advised that the savings realized in the current contract compared to the previous five years is significant. The staff does not believe that significant savings are likely to be realized at this time unless there is a change in the level or type of service.

Mr. Tosti asked if there would be a chance of a savings if the contract were put out to bid. Ms. Lamanna said there could be a savings, but it would not be as significant as the last time because it was a very hot market with a lot of people vying for the Township's business. Ms. Lamanna said the only way to receive a significant savings would be to change the level of service provided. Many communities are moving to the once a week collection or automated collection that would mean a much greater savings.

Mr. Tosti asked if the contract were put out to bid, and the bids came in higher than what has been quoted would the Township be able to extend the current contract at that time.

Mr. Pizzo said he would have to review the contract to see what the particulars are insofar as exercising the options and putting it out to bid would automatically nullify the ability to exercise the option to extend. Waste Management must be notified by October 1, 2017 if the Township is to exercise the option to extend the current contract.

ACTION: MR. TOSTI MOVED TO TABLE CONSIDERATION OF EXERCISING THE OPTION TO CONTINUE THE CURRENT SOLID WASTE/RECYCLING CONTRACT WITH WASTE MANAGEMENT FOR 2018 AND 2019 UNTIL THE MAY 1, 2017 PUBLIC MEETING OF THE BOARD OF SUPERVISORS. MS. STROUSE SECONDED.

Ms. Teoli Kuhls interjected that if the Township were to go out to bid on the contract now, Waste Management would theoretically be bidding. The idea of going back to the initial contract would probably not be a possibility from a common sense standpoint. If we go out to bid for 2018, 2019 and going forward, Waste Management would provide a new number and that will be the new number which in all likelihood will be higher.

Ms. Strouse said her expectation is that after Mr. Pizzo reviews the contract, we will find exactly that, but since we have until October, there is a simple question that can be answered. If the options are void should we go out to bid, this is a no brainer, but if the options are still available and we can go out to bid perhaps it merits further discussion.

Mr. Leonhauser said that going forward he would like to see that the Township keep the same services and not cut the pickup to once a week.

Mr. Tosti said he is not trying to cut services, he is in complete agreement with Mr. Leonhauser on that issue, he is wondering if there is a way to save money for the residents and without saying yes to this now without looking into something else. Mr. Tosti said he would not be voting for one day a week trash pickup.

MOTION FAILED BY A VOTE OF 2-3 WITH MR. GALLAGHER, MR. OETTINGER AND MR. LEONHAUSER OPPOSED.

Mr. Oettinger said that this is just a consideration and asked why we can't just have Mr. Pizzo review the contract and revisit this issue at the next meeting.

Mr. Gallagher said that is what the tabling would have done.

Mr. Oettinger doesn't believe that any action is necessary in keeping with the way the issue is written on the agenda.

Ms. Strouse said the staff is recommending the Board go forward with the option years and tonight the motion would be to either go forward with the option years or table the discussion pending the answer of the legal question.

ACTION: MR. GALLAGHER MOVED TO EXERCISE THE OPTION TO CONTINUE THE CURRENT CONTRACT WITH WASTE MANAGEMENT FOR 2018 AND 2019 AS RECOMMENDED BY THE STAFF. MR. LEONHAUSER SECONDED.

Ms. Lamanna explained that the fee the residents have been paying for the past three years was determined by the former Finance Director, Dennis Penko. He took the contract years and averaged it out so that the cost the residents pay could stay the same. Ms. Lamanna said in her experience the Finance Director normally evens out the payment of the trash collection so that there is not a fluctuation of the trash fee every year. Mr. Tosti asked if the averaging out was done over three or five years. Ms. Lamanna to check into this and get back to Mr. Tosti.

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

6. Presentation of First Quarter Financial Report.

Brian Shapiro, Finance Director gave the first quarter financial report. He stated that expenditures and revenues are tracking the same as previous years. Real Estate taxes are collected in April. One thing to note is the Township offered a health insurance opt out in the beginning of January after the budget was adopted and will bring in the health care costs lower than budgeted in the amount of \$166,000. Expenses are tracking normally compared to prior years and we will see a lot of activity in the next quarter.

The new financial software is scheduled to go live on May 22, 2017 and we will see clearer financial reports in the future.

Mr. Shapiro went into great detail concerning the revenues received to date. He advised that the Finance Advisory Committee recently met and reviewed the first quarter. The Investment Fund which is the bulk of the sale of the Water/Sewer Departments has a current value of \$39,252,542.83. On December 31, 2016 the balance in this account was \$39,093,000 and has increased and is trending upward. The Provident CD, which is the other portion of the Investment Fund, is at \$1,398,271.76 which has increased \$3,499.39 as of March 31, 2017. All together the total ending value at the end of the first quarter is \$40,650,814.59, with a gain of \$16,015.67.

Mr. Tosti asked about line item Interest Income that states we are at 339.63% of budget at this point. Mr. Shapiro explained one of the things this has to do with is the reallocation of the chart of accounts. When the budget was adopted in December there were numerous interest accounts, numerous salary and wage items and the purpose of the budget was to condense all of those items and distribute them evenly.

7. Consideration of approving the purchase of police vehicles.

Chief Bartorilla explained that the 2017 approved capital budget includes the purchase of vehicles for the Police Department. The Chief is asking for three (3) Ford Taurus patrol vehicles from the capital fund and a fourth (4th) which will be a replacement vehicle for the two (2) vehicles that were recently totaled. The total cost of all four (4) vehicles is \$197,289.92; broken down it is \$147,967.00 from capital for the three (3) vehicles and \$49,322.00 for the two (2) totaled vehicles from the insurance company.

Mr. Tosti asked for clarification of how much of the purchase was covered by the RDA grants received for police vehicles.

Chief Bartorilla said the entire capital budget for vehicles was \$280,000; the RDA gave the Township \$160,000 and the Township contributes \$120,000 with the entire \$280,000 being used.

Mr. Tosti didn't believe the Board budgeted for the \$120,000, only the RDA and said that if we received the RDA grant it would pay for the vehicles, but we didn't get all that was budgeted. He doesn't believe that the entire amount for the vehicles was budgeted.

Mr. Leonhauser said he believes that the Board did budget for all of the vehicles in the capital fund and did get four (4) vehicles from the RDA grant, which left enough for the three (3) vehicles in the capital that was approved in the budget.

Ms. Teoli Kuhls advised that the practice in the past has been to budget the full amount that we are requesting for vehicles, whether it be police vehicles or DPW vehicles and if we don't get the RDA funding to supplement the entire cost we supplement it with capital funds for police cars and the road machinery fund for DPW vehicles.

Ms. Strouse asked for clarification on how many vehicles are being replaced and how many vehicles are in the fleet that is maintained for the Police Department.

Chief Bartorilla explained that the vehicles are not replaced on a set schedule, but are based on need. With the RDA funding it makes sense to replace vehicles while the RDA exists. Prior to becoming chief, Chief Bartorilla said decisions were made by the previous police administration to not purchase vehicles for several years. He stated that the department is trying to catch up from the years when vehicles were not purchased. Chief Bartorilla offered Ms. Strouse the opportunity to come to his office and look at the list of vehicles in the fleet, who is assigned, etc.

Mr. Tosti would also like to meet with Chief Bartorilla to discuss the fleet of police vehicles. One of the other things is what if the RDA is not around next year and the Township has to replace vehicles, where would the funding come from. Mr. Tosti asked the Chief if we could only purchase 2 vehicles to stay within the range of the RDA grant and put the remaining vehicles off to next year and discuss it further in the budget meetings.

Mr. Leonhauser disagreed with Mr. Tosti about the purchase of the vehicles and does not want to be like Bristol Township who sometimes has more men than vehicles for shifts because they do not properly replace their vehicles.

Mr. Tosti said to compare Middletown to Bristol Township is an insult to the residents and the police force, because we are above and beyond. His concern is during the budget meetings it was not discussed to take the purchase of the vehicles out of the capital budget.

ACTION: MR. LEONHAUSER MOVED TO AUTHORIZE THE PURCHASE OF FOUR (4) 2017 FORD SEDAN POLICE INTERCEPTORS AND ALL REQUIRED EQUIPMENT FOR EACH VEHICLE TO INCLUDE LIGHTS, SIRENS, OUTFITTING, DECALING, RADIOS, CAMERAS, AND IN-CAR COMPUTERS AT A TOTAL COST OF \$197,289.92. MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 4-1 WITH MR. TOSTI OPPOSED.

8. Discussion of Healthcare Broker

Mr. Tosti stated that an RFP was put out in October or November of 2016 for the Healthcare Broker and proposals were received and he is wondering where it stands. Mr. Tosti said that the Board received information on January 17, 2017 that listed CBIZ Consulting

Services as higher than anyone else that submitted information. From Mr. Tosti's understanding CBIZ has followed up with more information and he is wondering about the status of that information.

Ms. Teoli Kuhls said the January 17th memo provided the information of the results of the RFP. There were four (4) respondents and one withdrew. The Board conducted interviews and it was placed on the January 17, 2017 public meeting. The additional information from CBIZ was included with the information provided to the Board in January. In January there was no action taken by the Board and since there was no action taken by the Board to change the broker, the incumbent remains until such a time that the Board decides to make a change.

Ms. Strouse said that part of the reason to go back out into the market was to lower costs and to see if there was something that could be done to bring costs down while maintaining service to the employees. There was back and forth about the HIP Group and the mistake they made in advising staff on a matter last year. Ultimately the mistake ended up saving the Township money and it is all very complicated, but there was still a mistake made and Ms. Strouse is still uncomfortable with an incumbent that would make a mistake in the line of work that is their expertise. With the spirit of wanting to keep costs down, maintain high service and having participated in the interviews Ms. Strouse made the following motion:

ACTION: MS. STROUSE MOVED TO APPOINT INNOVATIVE RISK SOLUTIONS AS MIDDLETOWN TOWNSHIP HEALTHCARE INSURANCE BROKER. MR. GALLAGHER SECONDED. MOTION CARRIED BY A VOTE OF 3-2 WITH MR. LEONHAUSER AND MR. OETTINGER OPPOSED.

Ms. Teoli Kuhls advised that it will take some time to effectuate the change to the newly appointed healthcare insurance broker.

9. Report on Implementation of Transient Dwelling Ordinance

Ms. Teoli Kuhls stated that the Board passed the Transient Dwelling Ordinance last year and one of the requirements of the ordinance is that by May 1st the property owners certify to the Township the number of parcels they have in the township and an explanation of what is going on there and the number of residents that are there.

Mr. Duffy has provided a list of the transient dwelling owners that we have heard from. The Township's game plan at this point is to allow May 1st expire and then on May 2nd letters will be sent to those property owners that have not responded to the Township to let them know they are in violation of the ordinance and they have fourteen (14) days to comply with the ordinance. At the conclusion of the fourteen (14) day time period if they have not come into compliance, a violation notice will be issued and it will go through the District Justice process.

Mr. Pizzo explained that the reporting process outlined in the ordinance applies not only to the operators of properties that are considered transient dwellings, but also operates a property that is a rental property in the Township.

Mr. Tosti asked if we could find out about the property owners that we have not heard back from, have they followed the ordinance as far as rental properties as they were supposed to be following or is this just not responding to our new ordinance. Ms. Teoli Kuhls will check into it and get back to Mr. Tosti.

Ms. Teoli Kuhls also advised that the Township has a form that is provided to residents that come in to make alterations or to pull a permit to sign and it is explained that transient dwellings are not permitted in certain zones and they must certify whether or not it is a transient dwelling providing another level of protection for the Township.

Ms. Strouse asked if we have received a significant number of phone calls concerning transient dwellings and how it relates to their neighborhoods.

Ms. Teoli Kuhls advised that she has been hearing from a couple of our troubled properties. She hears from the residents that are adjacent to the properties periodically. Mr. Duffy and his staff in the Building and Zoning Department are dealing with this matter because they are answering questions as they come in the door. They are not necessarily residents, but folks that are contemplating renovating properties.

10. Volunteer Firefighter Incentive Discussion

Scott Sadowsky, Assistant to the Township Manager presented information on Act 172 which allows municipalities to offer tax credits for volunteer firefighters and volunteer personnel of nonprofit EMS agencies. The tax credits could be toward their Earned Income Tax liability or the municipal portion of their property tax liabilities.

In order to enact this tax relief, a municipality must establish a credit program to determine a volunteer's eligibility. Currently, the State Fire Commissioner has not yet established the guidelines for such a credit program, making implementing our own program inadvisable at this time. The Tax Collection Committees of Bucks and Montgomery Counties are meeting on April 19th to explore several other outstanding issues, including the best procedures to certify eligibility and resolve disputes, what can be granted to non-resident volunteers. The Committees are also exploring the possibility of creating a model ordinance for municipalities to use when enacting the tax credits.

Mr. Tosti asked if Mr. Sadowsky has followed up with any of the legislatures in Harrisburg. Mr. Sadowsky said he has and is still waiting for the guidelines from the State Fire Commissioner for the volunteer credit program.

Mr. Oettinger said he has reached out to the presidents of the fire companies telling them the Board is discussing this issue and to take it back to their fire companies and figure out if they have any interest in submitting any suggestions. He stated that this will be a basic retention tool for the fire departments to use.

Ms. Strouse said as we gather more information she really appreciates this because what the state legislators are trying to do may or may not be the right thing for Middletown Township to adopt. Adopting something is the right idea as per Mr. Oettinger's comments as this is a manpower issue and we need to find a way to incentivize this folks that are doing a great service for the Township.

11. Consideration of authorizing the preparation of an ordinance that will establish a Trap, Vaccinate, Neuter and Release (TVNR) Program.

Mr. Sadowsky introduced Katie Brennan, Animal Control Officer who was also available for this presentation. He said that after a successful partnership with Bucks County in Core Creek

Park, Animal Lifeline reached out to the Township with an offer to help implement a Trap, Vaccinate, Neuter, Release (TVNR) program that would help control the feral cat population.

To accept this grant, the Township must create, by ordinance a formal, regulated TVNR program. This ordinance would outline the actions a volunteer must take in order to care for a feral cat colony. These actions include report to the Animal Control Officer, taking cats to a clinic for veterinary care, maintaining documentation of vaccinations and sterilizations, and performing regular inspections of the colonies. The ordinance would also prohibit individuals or groups from feeding or otherwise interacting with the colonies outside the scope of this program.

Ms. Teoli Kuhls advised that Animal Lifeline worked with Bucks County and Ms. Brennan, Animal Control Officer at having a very successful program at Core Creek Park. We do have a couple trouble areas in the Township and Animal Lifeline has offered a \$5,000 grant that would cover the cost of veterinary care associated with the program.

Mr. Gallagher also advised that tonight's issue is consideration of authorizing the preparation of an ordinance to be brought back to the Board for further consideration.

Mr. Tosti asked if Animal Lifeline is doing the grant why can't they just do it without coming to the Board to have an ordinance prepare.

Ms. Brennan stated that the idea of creating the ordinance would be so that the problem doesn't happen again. We need something in place so that the colonies that are already in existence in Middletown Township are taken care of and so that no more colonies start. With the sterilization and vaccination we know that we have healthy animals and at least those groups of animals can live out their life and go down in number.

Mr. Pizzo advised that in order for the Township to receive the grant, the entity that is funding the grant requires the Township to have some sort of formal procedure, in this case an ordinance in place.

Denise Bash, founder of Animal Lifeline explained the reason they are asking for an ordinance is they want to make sure that when they provide the hard earned funds from their not-for-profit organization that there is oversight and we are all on the same page when going into this project. Ms. Bash said they want to make sure that these are humane solutions and that all of the tools needed are available. Because Middletown Township has a good Police Department and excellent Animal Control Officer, which they showed in Core Creek Park, when they voted to make these grants available, they contacted Ms. Brennan to offer an invitational grant opportunity.

Ms. Bash further explained the reason they contacted the Ms. Brennan is not only because she is a wonderful Animal Control Officer, but also because where the Township flanks geographically around the park areas. They are trying to work from the epicenter to better maintain the feral cat problem.

ACTION: MR. TOSTI MOVED TO AUTHORIZE THE PREPARATION OF AN ORDINANCE THAT WILL ESTABLISH A FORMAL TRAP, VACCINATE, NEUTER, RELEASE (TVNR) PROGRAM. MS. STROUSE SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

12. Other Business.

Ms. Teoli Kuhls advised that the Township received a letter from a Lou DeMauro commending Nick Owarzani of the Department of Public Works for his pleasant and outgoing personality.

Mr. Gallagher stated that as long as he is on the Board capital purchases will always be discussed; budgeted doesn't necessarily mean that it has to be spent. All items prior to being purchased will be discussed by the Board.

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

14. Adjournment.

ACTION: MR. TOSTI MOVED TO ADJOURN THE PUBLIC MEETING OF THE MIDDLETOWN TOWNSHIP BOARD OF SUPERVISORS AT 8:50 P.M. MR. OETTINGER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.