

**MIDDLETOWN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
MAY 1, 2017**

PRESENT

THOMAS GALLAGHER, CHAIRPERSON	}	
WILLIAM OETTINGER, VICE CHAIR	}	
H. GEORGE LEONHAUSER, 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. 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, Paul Kopera, Assistant 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, June 5, 2017 @7:30 p.m.**
- b. Police Month Proclamation – Mr. Gallagher read the proclamation into the record.
- c. Upcoming Events:
 - Breakfast with the Board, Tuesday, May 9, 2017 – Garden of Eatin 7:30 a.m. to 9:30 a.m.
 - Sports Block Party, Friday, May 5, 2017 – Community Park – 3:30 p.m. to 10:00 p.m.

Congratulations to the Parks & Recreation Staff on a successful Earth Day celebration this past Saturday. Mr. Gallagher recognized Alex Fern, Intern from Temple University who organized the event.

Ms. Strouse congratulated the staff on a job well done for the Earth Day Event that was held Friday, April 29th at Core Creek Park.

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

None.

4. Consent Agenda Items.

- a. Consideration of authorizing payment of May 1, 2017 Bill List in the amount of \$1,232,544.75.
- b. Consideration of approving the April 17, 2017 Minutes of the Public Meeting of the Middletown Township Board of Supervisors.

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

5. Consideration of awarding the 2017 Road Program Bid to James D. Morrissey, Inc. in the amount of \$1,326,030.60. (Duly advertised in the *Bucks County Courier Times* on March 30, and April 4, 2017; proof of publication has been received.)

Pat Duffy, Director of Building and Zoning stated that three (3) bids were received: James D. Morrissey, Inc., Earle Asphalt Co., and General Asphalt Paving Co. James D. Morrissey, Inc. is the low bidder at \$1,326,030.60 and meets all the requirements under the responsible contractors' ordinance. Milling and paving of approximately 9 miles of roads will be completed along with roads and driveways of the Durham Ridge development, and drainage improvements on Harrison and Fir Avenues and Village Road.

ACTION: MR. TOSTI MOVED TO AWARD A CONTRACT TO JAMES D. MORRISSEY, INC. IN THE AMOUNT OF \$1,326,030.60 FOR THE 2017 ROAD PAVING PROGRAM. MS. STROUSE SECONDED.

Mr. Tosti asked what the projected start date is. Mr. Duffy replied that the contracts are sent out to be signed and once received back; a notice to proceed will be issued. Mr. Duffy's experience with James D. Morrissey, Inc. is that they get started mid-summer with anticipated completion by the end of September.

MOTION CARRIED BY A VOTE OF 5-0.

6. Consideration of approving the Preliminary/Final plan of land development for the Market Place at Oxford Valley, LP, 2339 East Lincoln Highway, Langhorne, PA 19047; TMP #22-040-026-010, S/LD #16-11.

Thomas Hecker, Esq., represented the applicant along with Joe Jaworski, Engineer from Dynamic Engineering for consideration of preliminary- final plan of land development for the construction of a 4,550 square foot building which will contain two (2) restaurant uses; Chipotle Mexican Grill and Mod Pizza.

Mr. Jaworski explained in detail the design of the proposed building. Ms. Strouse inquired about the reduction in parking spaces and the impact it will have during the busy holiday season.

ACTION: MR. TOSTI MOVED TO APPROVE THE PRELIMINARY/FINAL PLAN OF LAND DEVELOPMENT FOR THE MARKET PLACE AT OXFORD VALLEY, LP, 2339 EAST LINCOLN HIGHWAY, LANGHORNE, PA, 19047, TMP #22-040-026-010, S/LD #16-1 SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE APPLICANT SHALL COMPLY IN ALL RESPECTS WITH THE RECOMMENDATIONS AND CONDITIONS SET FORTH IN THE MOST RECENT VERSIONS OF THE FOLLOWING REPORTS, UNLESS SUCH RECOMMENDATIONS OR CONDITIONS WERE SPECIFICALLY MODIFIED BY THE BOARD OF SUPERVISORS DURING THIS APPROVAL HEARING:

REPORTS

TOWNSHIP ENGINEER REVIEW LETTER DATED MARCH 24, 2017

BUCKS COUNTY PLANNING COMMISSION REVIEW LETTER DATED DECEMBER 9, 2016

BUCKS COUNTY CONSERVATION DISTRICT REVIEW LETTER DATED JANUARY 9, 2017

TOWNSHIP TRAFFIC ENGINEER REVIEW LETTER DATED APRIL 21, 2017

TOWNSHIP LIGHTING CONSULTANT REVIEW LETTER DATED FEBRUARY 27, 2017

TOWNSHIP PLANNING COMMISSION MEETING MINUTES DATED APRIL 5, 2017

TOWNSHIP FIRE MARSHAL REVIEW LETTER DATED DECEMBER 6, 2016

2. THE APPLICANT SHALL PAY A TRAFFIC IMPACT FEE IN THE AMOUNT OF \$4,802.16

3. THE APPLICANT SHALL PAY ANY AND ALL OTHER FEES OF THE TOWNSHIP APPLICABLE TO THE SUBJECT PROPERTY, THE APPLICANT, THE PROPERTY OWNERS, AND APPLICABLE TO AND/OR ARISING FROM THE SUBJECT LAND DEVELOPMENT PLAN, THIS APPROVAL, AND/OR THE CONSTRUCTION, USE AND/OR OCCUPANCY OF THE EXISTING AND/OR PROPOSED STRUCTURES ON THE SUBJECT PROPERTY.

4. APPLICANT SHALL COMPLY IN FULL WITH ALL REQUIREMENTS OF CODE OF MIDDLETOWN TOWNSHIP, INCLUDING, BUT NOT LIMITED TO, THE MIDDLETOWN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, THE MIDDLETOWN TOWNSHIP ZONING ORDINANCE, AND THE MIDDLETOWN TOWNSHIP STORMWATER MANAGEMENT EARTH DISTURBANCE ORDINANCE, AND THE DELAWARE RIVER SOUTH WATERSHED STORMWATER MANAGEMENT ORDINANCE, EXCEPTING ONLY THOSE REQUIREMENTS FOR WHICH RELIEF HAS BEEN GRANTED BY THE TOWNSHIP AND/OR BY THE GOVERNMENTAL ENTITY WITH JURISDICTION OVER ANY SUCH REQUIREMENT.

5. APPLICANT SHALL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS APPLICABLE TO THE PROPOSED LAND DEVELOPMENT AND/OR THE SUBJECT PROPERTY, AND THE APPLICANT SHALL APPLY FOR AND RECEIVE ALL NECESSARY AND/OR REQUIRED PERMITS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF THE BUILDING AND IMPROVEMENTS IDENTIFIED IN THE LAND DEVELOPMENT PLAN. SUCH APPROVAL SHALL INCLUDE, BUT IS NOT LIMITED TO , THOSE FROM THE BUCKS COUNTY CONSERVATION DISTRICT, THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION (IF APPLICABLE), THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION (SEWAGE FACILITIES PLANNING), THE BUCKS COUNTY WATER & SEWER AUTHORITY AND THE MIDDLETOWN TOWNSHIP FIRE MARSHAL.

6. APPLICANT SHALL ENTER INTO A LAND DEVELOPMENT IMPROVEMENTS AGREEMENT AND A PUBLIC IMPROVEMENTS ESCROW AGREEMENT WITH MIDDLETOWN TOWNSHIP, AND SHALL POST ALL REQUIRED CONSTRUCTION, ADMINISTRATIVE, AND PROFESSIONAL ESCROWS REQUIRED THEREIN.

7. APPLICANT SHALL BE REQUIRED TO PAY MIDDLETOWN TOWNSHIP FOR ANY AND ALL OUTSTANDING ADMINISTRATION AND PROFESSIONAL FEES INCURRED BY THE TOWNSHIP IN REGARD TO THE PROCESSING, REVIEW AND APPROVAL OF THE SUBJECT LAND DEVELOPMENT APPLICATION AND PLAN, IF ANY.

WAIVERS:

SECTION 440-301.E - TO CONSIDER THIS LAND DEVELOPMENT APPLICATION AS PRELIMINARY/FINAL AS OPPOSED TO SEPARATE SUBMISSIONS FOR PRELIMINARY AND FINAL SUBJECT TO PAYMENT OF ANY APPLICABLE FEES FOR FINAL LAND DEVELOPMENT THAT HAVE NOT BEEN MADE.

SECTION 440-421.E(4)- TO PERMIT PARKING WITHIN 5 FEET OF A BUILDING VERSUS THE 15 FEET REQUIRED BY ORDINANCE.

SECTION 440-421-E(8)- TO PERMIT CURB LINE RADII OF 2 AND 3 FEET VERSUS THE 5 FOOT RADIUS REQUIRED BY ORDINANCE.

SECTION 440-421.E(9)- TO PERMIT PARKING AREAS WITHIN 2.7 FEET OF THE RIGHT-OF-WAY VERSUS THE 15 FOOT SEPARATION REQUIRED BY ORDINANCE.

MS. STROUSE SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

7. Consideration of approving the Preliminary/Final plan of land development for the proposed Burns Auto Expansion, 639 E. Lincoln Highway, Langhorne, PA 19047; TMP #22-041-079, C Commercial Zoning District, S/LD #17-01.

Thomas Hecker, Esq. represented the applicant Buckingham Retail Partners, LLC along with John Hornick, P.E. of Bohler Engineering. The property is located in the C-Commercial zoning district and is on the south side of Lincoln Highway, approximately 1,635 feet east of the Lincoln Highway and Legrande Avenue intersection. The existing and proposed use is motor vehicle sales, which is permitted as a conditional use under the C-Commercial zoning district. When permitted by the Board of Supervisors and developed in accordance with the criteria of Section 500-1502(P). Since the motor vehicle sales use already exists today, a conditional use will not be required.

ACTION: MR. GALLAGHER MOVED TO GRANT PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL FOR PROPERTY LOCATED AT 639 EAST LINCOLN HIGHWAY, TAX MAP PARCEL #22-41-079, S/LD #17-01, WITH AND SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE APPLICANT SHALL COMPLY IN ALL RESPECTS WITH THE RECOMMENDATIONS AND CONDITIONS SET FORTH IN THE MOST RECENT VERSIONS OF THE FOLLOWING REPORTS, UNLESS SUCH RECOMMENDATIONS OR CONDITIONS WERE SPECIFICALLY MODIFIED BY THE BOARD OF SUPERVISORS DURING THIS APPROVAL HEARING:

REPORTS

TOWNSHIP ENGINEER REVIEW LETTER DATED MARCH 24, 2017

BUCKS COUNTY PLANNING COMMISSION LETTER DATED MARCH 21, 2017

BUCKS COUNTY CONSERVATION DISTRICT LETTER DATED APRIL 5, 2017

TOWNSHIP TRAFFIC ENGINEER REVIEW LETTER DATED APRIL 21, 2017

TOWNSHIP LIGHTING CONSULTANT REVIEW LETTER DATED MARCH 19, 2017

TOWNSHIP PLANNING COMMISSION MEETING MINUTES DATED APRIL 5, 2017

TOWNSHIP FIRE MARSHAL REVIEW LETTER

2. THE APPLICANT SHALL PAY A TRAFFIC IMPACT FEE OF \$8,403.78
3. THE APPLICANT SHALL PAY A FEE-IN-LIEU OF STREET TREES IN THE AMOUNT OF \$2,800
4. THE APPLICANT SHALL PAY A FEE-IN-LIEU OF INSTALLING SIDEWALKS ALONG E. LINCOLN HIGHWAY IN THE AMOUNT OF \$6,000
5. THE APPLICANT SHALL PAY ANY AND ALL OTHER FEES OF THE TOWNSHIP APPLICABLE TO THE SUBJECT PROPERTY, THE APPLICANT, THE PROPERTY OWNERS, AND APPLICABLE TO AND/OR ARISING FROM THE SUBJECT LAND DEVELOPMENT PLAN, THIS APPROVAL, AND/OR THE CONSTRUCTION, USE AND/OR OCCUPANCY OF THE EXISTING AND/OR PROPOSED STRUCTURES ON THE SUBJECT PROPERTY.
6. APPLICANT SHALL COMPLY IN FULL WITH ALL REQUIREMENTS OF CODE OF MIDDLETOWN TOWNSHIP, INCLUDING, BUT NOT LIMITED TO, THE MIDDLETOWN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, THE MIDDLETOWN TOWNSHIP ZONING ORDINANCE, THE MIDDLETOWN TOWNSHIP STORMWATER MANAGEMENT AND EARTH DISTURBANCE ORDINANCE, AND THE DELAWARE RIVER SOUTH WATERSHED STORMWATER MANAGEMENT ORDINANCE, EXCEPTING ONLY THOSE REQUIREMENTS FOR WHICH RELIEF HAS BEEN GRANTED BY THE TOWNSHIP AND/OR BY THE GOVERNMENTAL ENTITY WITH JURISDICTION OVER ANY SUCH REQUIREMENT.
7. APPLICANT SHALL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS APPLICABLE TO THE PROPOSED LAND DEVELOPMENT AND/OR THE SUBJECT PROPERTY, AND THE APPLICANT SHALL APPLY FOR AND RECEIVE ALL NECESSARY AND/OR REQUIRED PERMITS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF THE BUILDING AND IMPROVEMENTS IDENTIFIED IN THE LAND DEVELOPMENT PLAN. SUCH APPROVAL SHALL INCLUDE, BUT IS NOT LIMITED TO, THOSE FROM THE BUCKS COUNTY CONSERVATION DISTRICT, THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION, THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION (SEWAGE FACILITIES PLANNING), AND THE WATER AND SEWER AUTHORITY.
8. APPLICANT SHALL ENTER INTO A LAND DEVELOPMENT IMPROVEMENTS AGREEMENT AND A PUBLIC IMPROVEMENTS ESCROW AGREEMENT WITH MIDDLETOWN TOWNSHIP, AND SHALL POST ALL REQUIRED CONSTRUCTION, ADMINISTRATIVE, AND PROFESSIONAL ESCROWS REQUIRED THEREIN.
9. APPLICANT SHALL BE REQUIRED TO PAY MIDDLETOWN TOWNSHIP FOR ANY AND ALL OUTSTANDING ADMINISTRATION AND PROFESSIONAL FEES INCURRED BY THE TOWNSHIP IN REGARD TO THE PROCESSING, REVIEW AND APPROVAL OF THE SUBJECT LAND DEVELOPMENT APPLICATION AND PLAN, IF ANY.

WAIVERS:

- SECTION 440-301.E – CONSIDER THIS LAND DEVELOPMENT APPLICATION AS PRELIMINARY/FINAL AS OPPOSED TO SEPARATE SUBMISSIONS FOR PRELIMINARY AND FINAL.

- SECTION 440-303.D(3)(d) – EXISTING FEATURES WITHIN 200 FEET OF THE PROPERTY. THE TOWNSHIP PLANNING COMMISSION RECOMMENDED THAT THE APPLICANT SHOW THE ULTIMATE RIGHT-OF-WAY ON THE PLANS.
 - SECTION 440-421.E.1 - RAISED CURBED ISLANDS WITHIN PARKING AREA.
 - SECTION 440-421.E.4 - PARKING WITHIN 15 FEET OF A BUILDING. TIRE STOPS AND/OR BOLLARDS SHALL BE PROPOSED.
 - SECTION 440-421.E.9 & 440-421.E.19 – PARKING AREAS AND DISPLAY AREAS FOR AUTOMOBILE SALES ESTABLISHMENTS TO BE SET BACK 15 FEET FROM THE FUTURE RIGHT-OF-WAY OF E. LINCOLN HIGHWAY. *(Mr. Pizzo stated that at some point in the future PennDOT may come along and decide to widen E. Lincoln Highway, the Township would need from the applicant a waiver of any claim against the Township for damages or the like for having to move the parking spaces or the loss of the parking spaces for PennDOT to widen the highway. Mr. Hecker agreed for his client with the caveat that the waiver would not be against PennDOT.)*
 - SECTION 440-421.G - PARKING LOTS WITH LESS THAN 20 SPACES HAVING GRADES EXCEEDING 5%.
 - SECTION 440-421.H - TREES IN PARKING AREAS (THREE 1.5” CALIPER TREES WOULD BE REQUIRED.)
 - TREES TO BE PROVIDED ON THE PROPERTY, BUT IN THE REAR AREA WHERE THE BUFFERING IS GOING AS OPPOSED TO WITHIN THE PARKING AREAS.
- MR. TOSTI SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

8. Consideration of approving the Preliminary/Final plan of land development for Stonehaven Langhorne, LLC, 2651 Langhorne-Yardley Road, Langhorne, PA 19047, TMP #22-031-059, R-1 Modified Residence and RA-3 Residence Agricultural Zoning Districts, S/LD #16-7.

Ed Murphy, Esq., represented the applicant Buckingham Retail Partners, LLC for the preliminary/final plan of land development for Stonehaven Langhorne, LLC located at 2641 Langhorne-Yardley Road, Langhorne. The 6.4 acre property contains an existing stone dwelling, shed and garage that will remain. The applicant proposes to subdivide the property into 9 new building lots and one lot which contains the existing stone dwelling. In addition, there will be a 45,000 square foot open space lot and a 35,000 square foot conservation lot.

The street right-of-way will contain a 26’ wide cartway, sidewalks on both sides of the road, and underground detention basins. The streets will be owned and maintained by a Homeowners Association and will not be dedicated to the Township.

Mr. Murphy went into great detail about the replacement of trees on the lot. The applicant hired an independent arborist that counted the trees on the property to be 243. The Township’s Zoning Hearing Board allowed for tree removal and replacement of 93 trees. The decision also stated that it is Middletown Township’s policy to accept a fee-in-lieu of trees that cannot be planted. The applicant has proposed 94 on-site replacement trees and 54 off-site replacement trees. The 54 off-site replacement trees are located on the adjacent properties backing up to this development. This leaves 95 replacement trees shy of the 243 required trees or 149 trees shy of the 243 required trees if the Board of Supervisors does not accept the off-site tree locations.

Ms. Teoli Kuhls further clarified that if the Board decides to accept the planting of the off-site replacement trees the fee-in-lieu of would be \$33,250, if the Board chooses not to accept those replacement trees, the fee-in-lieu of would be \$52,150 with no credit for the dead trees on the site.

Mr. Gallagher said he would prefer to table this item until a representative of the Building and Zoning Department goes out to check and make sure that neighbors are fine with the off-site planting of trees.

Mr. Tosti is concerned about the trees that will be planted on neighbors properties.

Mr. Murphy explained that the applicant has done such a great job involving the neighbors for the past two years to make sure what is being done that the residents came out at the ZHB in favor of the project. The reason the neighbors are not here this evening is because they are comfortable with what the applicant is proposing.

Ms. Strouse said she would feel more comfortable if the Township had something from each of the affected property owners stating they agree with the plans.

Mr. Gallagher believes this issue could be solved as a contingent situation as long as the applicant can deliver something from the neighbors stating they want those 54 trees, if not the cost of the trees would be added into the fee-in-lieu of.

Mr. Pizzo advised that if the majority of the Board members are comfortable with the idea of the credit for the off-site trees up to 54 to the extent that 54 are planted and for whatever reason those trees are not planted on neighboring properties, then the fee-in-lieu of gets paid to the Township.

ACTION: MR. GALLAGHER MOVED TO APPROVE THE PRELIMINARY/FINAL PLAN OF LAND DEVELOPMENT FOR STONEHAVEN, 2651 LANGHORNE-YARDLEY ROAD, TMP #22-031-059, LANGHORNE, PA, S/LD #16-07 WITH AND SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE APPLICANT SHALL COMPLY IN ALL RESPECTS WITH THE RECOMMENDATIONS AND CONDITIONS SET FORTH IN THE MOST RECENT VERSIONS OF THE FOLLOWING REPORTS, UNLESS SUCH RECOMMENDATIONS OR CONDITIONS WERE SPECIFICALLY MODIFIED BY THE BOARD OF SUPERVISORS DURING THE APPROVAL HEARING:

REPORTS

THE TOWNSHIP ENGINEER REVIEW LETTER DATED APRIL 26, 2017
BUCKS COUNTY PLANNING COMMISSION LETTER DATED MARCH 21, 2017
BUCKS COUNTY CONSERVATION DISTRICT LETTER DATED MARCH 13, 2017
TOWNSHIP TRAFFIC ENGINEER REVIEW LETTER DATED APRIL 21, 2017
TOWNSHIP LIGHTING CONSULTANT REVIEW LETTER DATED AUGUST 18, 2016
TOWNSHIP PLANNING COMMISSION MEETING MINUTES DATED MARCH 1, 2017
TOWNSHIP FIRE MARSHAL REVIEW LETTER DATED JULY 13, 2016

2. THE APPLICANT SHALL PAY A TRAFFIC IMPACT FEE OF \$2,249.73

3. THE APPLICANT SHALL PAY A FEE IN-LIEU OF RECREATIONAL AREA IN THE AMOUNT OF \$18,000.

4. THE APPLICANT SHALL PAY A FEE IN-LIEU OF ROAD FRONTAGE IMPROVEMENTS (CURB AND SIDEWALK) IN THE AMOUNT OF \$19,870 (\$9,000 FOR CURB AND \$10,870 FOR SIDEWALK)

5. THE APPLICANT SHALL ESCROW \$25,000 FOR THE PROPOSED LIGHTING PER THE TOWNSHIP'S LIGHTING CONSULTANT'S LETTER.
6. THE APPLICANT SHALL PAY A FEE IN-LIEU OF REPLACEMENT TREES IN THE AMOUNT OF \$52,150. OFF-SITE REPLACEMENT TREES WILL BE PERMITTED AND WILL BE DEDUCTED PENDING NEIGHBOR APPROVAL.
7. THE HOMEOWNERS ASSOCIATION DOCUMENTS SHALL STATE THAT THE PROPOSED STREET AND ASSOCIATED STORMWATER FACILITIES WILL BE OWNED AND MAINTAINED, IN PERPETUITY, BY THE HOMEOWNERS ASSOCIATION. ADEQUATE FUNDS SHALL BE AVAILABLE SHOULD THE UNDERGROUND STORMWATER SYSTEMS NEED REPAIR OR REPLACEMENT. ALSO, THE STREET AND STORMWATER FACILITIES SHALL NEVER BE OWNED OR MAINTAINED BY MIDDLETOWN TOWNSHIP. THE HOA DOCUMENTS SHALL BE PREPARED AND SUBMITTED FOR REVIEW AND APPROVAL TO THE TOWNSHIP SOLICITOR.
8. NO CONSTRUCTION SHALL COMMENCE UNTIL THE HOA DOCUMENTS ARE APPROVED BY THE TOWNSHIP SOLICITOR, DEVELOPER AGREEMENTS ARE EXECUTED, AND POSTING OF APPROPRIATE CONSTRUCTION, ADMINISTRATIVE AND PROFESSIONAL ESCROWS.
9. THE APPLICANT SHALL PAY ANY AND ALL OTHER FEES OF THE TOWNSHIP APPLICABLE TO THE SUBJECT PROPERTY, THE APPLICANT, THE PROPERTY OWNERS, AND APPLICABLE TO AND/OR ARISING FROM THE SUBJECT SUBDIVISION PLAN, THIS APPROVAL, AND/OR THE CONSTRUCTION, USE AND/OR OCCUPANCY OF THE EXISTING AND/OR PROPOSED STRUCTURES ON THE SUBJECT PROPERTY.
10. APPLICANT SHALL COMPLY IN FULL WITH ALL REQUIREMENTS OF CODE OF MIDDLETOWN TOWNSHIP, INCLUDING, BUT NOT LIMITED TO, THE MIDDLETOWN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, THE MIDDLETOWN TOWNSHIP ZONING ORDINANCE, THE MIDDLETOWN TOWNSHIP STORMWATER MANAGEMENT AND EARTH DISTURBANCE ORDINANCE, AND THE DELAWARE RIVER SOUTH WATERSHED STORMWATER MANAGEMENT ORDINANCE, EXCEPTING ONLY THOSE REQUIREMENTS FOR WHICH RELIEF HAS BEEN GRANTED BY THE TOWNSHIP AND/OR BY THE GOVERNMENTAL ENTITY WITH JURISDICTION OVER ANY SUCH REQUIREMENT.
11. APPLICANT SHALL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS APPLICABLE TO THE PROPOSED SUBDIVISION/LAND DEVELOPMENT AND/OR THE SUBJECT PROPERTY, AND THE APPLICANT SHALL APPLY FOR AND RECEIVE ALL NECESSARY AND/OR REQUIRED PERMITS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF THE BUILDING AND IMPROVEMENTS IDENTIFIED IN THE LAND DEVELOPMENT PLAN. SUCH APPROVAL SHALL INCLUDE, BUT IS NOT LIMITED TO, THOSE FROM THE BUCKS COUNTY CONSERVATION DISTRICT, THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION, THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION (SEWAGE FACILITIES PLANNING & NPDES), AND THE WATER AND SEWER AUTHORITY.

12. APPLICANT SHALL ENTER INTO A LAND DEVELOPMENT IMPROVEMENTS AGREEMENT AND A PUBLIC IMPROVEMENTS ESCROW AGREEMENT WITH MIDDLETOWN TOWNSHIP, AND SHALL POST ALL REQUIRED CONSTRUCTION, ADMINISTRATIVE, AND PROFESSIONAL ESCROWS REQUIRED THEREIN.

13. APPLICANT SHALL BE REQUIRED TO PAY MIDDLETOWN TOWNSHIP FOR ANY AND ALL OUTSTANDING ADMINISTRATION AND PROFESSIONAL FEES INCURRED BY THE TOWNSHIP IN REGARD TO THE PROCESSING, REVIEW AND APPROVAL OF THE SUBJECT LAND DEVELOPMENT APPLICATION AND PLAN, IF ANY.

WAIVERS:

- SECTION 440-301.E - TO CONSIDER THIS LAND DEVELOPMENT APPLICATION AS PRELIMINARY/FINAL AS OPPOSED TO SEPARATE SUBMISSIONS FOR PRELIMINARY AND FINAL PROVIDED ALL FEES ARE PAID TO TOWNSHIP.
- SALDO 440-410.B - TO PERMIT A CARTWAY WIDTH RANGING FROM 23 TO 36 FEET WIDE VERSUS THE ORDINANCE REQUIREMENT OF 40 FEET WIDE.
- SALDO 440-505.D - TO PERMIT THE ROAD IMPROVEMENTS ALONG THE ENTIRE FRONTAGE OF THE PROPERTY VERSUS IMPROVEMENTS SUCH AS CURB, SIDEWALK, AND ROAD WIDENING ALONG LANGHORNE-YARDLEY ROAD.
- SALDO 440-509.A - TO NOT PROVIDE SIDEWALKS ALONG THE ENTIRE FRONTAGE OF LANGHORNE-YARDLEY ROAD (PARTIAL WAIVER SINCE SOME SIDEWALK IS PROPOSED WEST OF THE PROPOSED INTERSECTION) (FEE IN-LIEU OF 428' OF CURB)
- SALDO 440-510.B - TO NOT PROVIDE CONCRETE CURB ALONG THE ENTIRE FRONTAGE OF LANGHORNE-YARDLEY ROAD. (PARTIAL WAIVER SINCE SOME CURBING IS PROPOSED WEST OF THE PROPOSED INTERSECTION). (FEE IN LIEU OF 428' OF CURB)

MS. STROUSE SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

9. Consideration of enacting Resolution #17-16R authorizing sewage facilities plan revision for Stonehaven Development.

Mr. Duffy explained that the approval of the Stonehaven Langhorne, LLC Development requires the developer and property owner to obtain any and all necessary approvals of any and all governmental entities with jurisdiction over this property and this proposed land development and subdivision plan as a condition of this approval. This is a 6.4 acre site that will be subdivided into 10 residential lots. There will be 9 new houses and the existing house on Langhorne Yardley Road will remain on Lot 10. Public Water and Sewer are proposed to serve the units. The site is split zoned with RA-3 Residential Agricultural in the front half and R-1 Residential in the rear half of the property.

ACTION: MS. STROUSE MOVED TO ENACT RESOLUTION #17-16R FOR THE REVISION OF THE OFFICIAL SEWAGE FACILITIES PLAN FOR THE CONSTRUCTION OF THE STONEHAVEN LANGHORNE, LLC, 10 LOT MAJOR SUBDIVISION AT 2641 LANGHORNE-YARDLEY ROAD, PA 19047, TMP #22-031-059, S/LD #16-07, AND THAT THE TOWNSHIP MANAGER, THE TOWNSHIP SOLICITOR AND THE TOWNSHIP ENGINEER ARE HEREBY AUTHORIZED TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS RESOLUTION. MR. TOSTI SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

10. Consideration of approving the purchase of recycling containers for the PA DEP 902 Recycling Grant.

Paul Kopera and Patrick Graham of the Township's Parks & Recreation Department explained that the Township applied for a grant from the Pennsylvania Department of Environmental Protection to fund the purchase of in home recycling containers for our residents that live in apartments, along with educational materials promoting recycling.

Mr. Graham further explained that when applying for this grant, research was done to determine the obstacles apartment dwellers face that prevent them from practicing recycling. It was found that apartment dwellers were the most likely to not participate in recycling due to limited space and ability to store recyclables separately from their trash. A survey was also conducted to determine what practices apartment complex management currently provides their residents, and it was found that they do not provide their residents with in home recycling bins. The goal is to supply the in home bins that aid in these residents' ability to recycle, which will help to increase the overall tonnage of recycling that is reported in Middletown Township. Middletown Township submits an annual recycling performance grant application to DEP and in 2015 was awarded \$96,817 based on the overall tonnage collected in the Township.

Three companies were contacted to provide pricing proposals for the procurement of the recycling bins. The companies contacted are all COSTARS vendors, and two of the three provided proposals.

- Rehrig Pacific Company - \$7.46 per bin
- Otto Environmental Systems - \$7.53 per bin
- Cascade Cart Solutions - Never submitted proposal upon request

Mr. Gallagher inquired how the distribution and maintenance of the bins will be handled.

Mr. Graham explained that after discussions with the apartment complexes it was concluded that they provide some sort of addendum or list it as something that would go against the apartment dwellers security deposit if the bin is not left in the apartment. The bins will become property of the apartment complexes.

Mr. Leonhauser inquired if all apartment complexes in the Township will be covered. Mr. Graham explained that at this time there are 8 of the 15 complexes that have agreed to participate and are waiting for the remainder to confirm if they will be participating.

Ms. Strouse asked about procuring a recycling bin for those residents that don't live in apartment complexes. Mr. Graham explained that a resident can purchase their own bin and the Township has stickers that can be affixed to the bins for the curbside recycling.

Mr. Tosti asked if the residents of the apartment complexes are required to recycle or is it still voluntary. Ms. Teoli Kuhls explained that the law requires them to recycle, but the Township is not able to police that, the bins will make it easy for them to follow the law.

ACTION: MR. OETTINGER MOVED TO APPROVE THE PURCHASE OF THE RECYCLING BINS FOR THE DEP 902 RECYCLING GRANT FROM REHRIG PACIFIC COMPANY FOR AN AMOUNT NOT TO EXCEED \$23,289.00. MS. STROUSE SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

11. Consideration of appointing M. Lauren Lareau to the Community Beautification Committee for a three-year term to expire December 31, 2019.

ACTION: MR. TOSTI MOVED TO APPOINT M. LAUREN LAREAU TO THE COMMUNITY BEAUTIFICATION COMMITTEE FOR A THREE-YEAR TERM TO EXPIRE DECEMBER 31, 2019. MS. STROUSE SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

12. Other Business.

Ms. Strouse stated that she hosted the Key Leaders Breakfast on behalf of Middletown Township for the Neshaminy Coalition for Youth which is a group working to bring together resources and support for youth in the Neshaminy area to help them avoid negative behaviors, i.e., drug addiction, suicide, bullying, abusive relationships, any sort of negative behavior. Ms. Lamanna has been a key driver of the coalition and put in an incredible amount of work putting the breakfast together. Chief Bartorilla has also been a key part of the coalition and provided the resources from the police force to the coalition. It was an amazing, inspirational morning with County Commissioner Diane Marseglia telling the story of her own daughter taking her life and what supports she thought could have been available and what we can do for our youth in the area.

Ms. Strouse recommended that by the year 2020 the goal for the Earth Day celebration be “plastic free”.

Mr. Tosti thanked Chief Bartorilla for the work he has done with PennDOT to have road signs installed for Officer Christopher Jones. The signs are to be installed by the end of May or first part of June.

Mr. Gallagher reiterated the upcoming event of Breakfast with the Board on Tuesday, May 9, 2017 at the Garden of Eatin beginning at 7:30 a.m. He invited all to come out and have a cup of coffee with the Board and administrative staff in attendance.

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 8:55 P.M. BOARD TO MEET IN EXECUTIVE SESSION REGARDING A PERSONNEL MATTER. MS. STROUSE SECONDED. MOTION CARRIED BY A VOTE OF 5-0.