

**MIDDLETOWN TOWNSHIP
BOARD OF SUPERVISORS
PUBLIC MEETING
MARCH 2, 2015**

PRESENT

PAT MALLON, CHAIRPERSON	}	
H. GEORGE LEONHAUSER, VICE CHAIR	}	
DREW KREILING, SECRETARY	}	BOARD OF SUPERVISORS
THOMAS GALLAGHER	}	
WILLIAM OETTINGER	}	
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. Mallon called the meeting to order at 7:30 p.m. After the Pledge of Allegiance, Mr. Kreiling called roll. All Supervisors were in attendance along with many interested citizens.

2. Announcements, Correspondence, Awards and Reports.

Mr. Mallon advised that an Executive Session was held prior to this evening's public meeting concerning Personnel issues. No action taken.

- a. Next Board of Supervisors Meeting – Monday, March 16, 2015 @ 7:30 p.m.
- b. Upcoming Events:

Thursday, March 12, 2015 – Middletown at the Mall – 11:00 a.m. to 1:00 p.m. provides a chance to meet some of the Township's Administration staff and conduct business if needed.

Saturday, March 21, 2015 – Community Beautification Day – 8:30 a.m. to 10:30 a.m. is an opportunity to get together with neighbors and friends to clean up litter in your neighborhood. Township will provide gloves, bags and safety vests. The fill bags can be placed along the roadside to be collected by the Public Works Department. Once the cleanup is completed you are invited to the Municipal Center for a soup and salad lunch. You may register as a neighborhood, as a family or as an individual, and you must register in advance by going to the Register for Recreation link on the home page of the Township's website or by calling the Township's Parks & Recreation Department at 215.750.3890.

Saturday, March 21, 2015 – Community Open House – 11:00 a.m. to 2:00 p.m. This is an opportunity to tour the Municipal Center, meet staff and find out what is happening in the community in a more relaxed environment. Children from ages 3-11 can explore some of the

specialty vehicles on hand, including patrol cars, emergency management vehicles, fire trucks, and ladder truck. There will also be an opportunity to tour the Police Department and Emergency Operation Center. A Scavenger Hunt sponsored by the Parks & Recreation Department will also be held. Several of the other volunteer advisory boards will be in attendance.

c. Beautification Committee Report

Alex Jacoski, Chairperson of the Community Beautification Committee provided information about the activities of the Committee. Mr. Jacoski is hoping that with the Open House the Community Beautification Committee would receive more interest from members of the community. Mr. Jacoski introduced the members of the Committee – Michelle and Chuck Keiser, Levittown area, Barbara Sauers, Villages of Flowers Mill, Anton Dodel, Middletown Community Park area and Mr. Jacoski is from the Parkland area.

Mr. Jacoski stated the Committee has two cleanups per year; spring and fall. The Beautification Committee continues to remain a separate committee; but works together with the Environmental Advisory Council. Mr. Jacoski also advised that the next event that the Beautification Committee will be involved in is the Earth Day celebration to be held on April 25, 2015 at Core Creek Park.

Mr. Mallon thanked the members of the Committee for volunteering in the Township. He asked if there is anything that the Board could do to help. Mr. Jacoski said the Community Beautification Day is a good beginning and hopes that it will continue to grow. In addition the Community Beautification Committee's association with the Environmental Advisory Council is a step in the right direction to get more people involved.

Mr. Jacoski said it was great to meet Chief Joe Bartorilla at the Fall cleanup day and thanked the Police Department for their involvement in the community clean up. The Community Beautification Committee meets the last Wednesday of the month at 7:00 p.m. in the Municipal Center.

Mr. Gallagher thanked the Community Beautification Committee for all of their work and asked that the news agencies get this information out to the general public.

Mr. Mallon also reached out to the local grade schools and high schools that may need service hours to please come out and join the effort of the Community Beautification Committee on Saturday, March 21, 2015.

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

None.

4. **Consent Agenda Items.**

a. Consideration of authorizing payment of March 2, 2015 Bill List in the amount of \$863,912.64.

b. Consideration of approving the February 2, 2015 and February 17, 2015 Minutes of the Public Meetings of the Middletown Township Board of Supervisors.

ACTION: MR. KREILING 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 Authorization to Advertise Ordinance regulating Bamboo.

Ms. Teoli Kuhls stated that in December of 2014, the Board of Supervisors discussed a draft ordinance that would regulate bamboo in the Township. Invasive bamboo has been a problem in the Township's greenbelts and at several park properties. Since that meeting the Solicitor has finalized the ordinance and it has been sent to both the Environmental Advisory Council and the Parks & Recreation Board for input. Letters were received from both Boards asking the Board of Supervisors to approve the ordinance.

Mr. Gallagher said that after thorough review of this information he cannot see how the Board could have a problem advertising the ordinance for adoption.

Mr. Oettinger asked once this ordinance is enacted how it will financially affect a resident that has existing bamboo.

Mr. Pizzo said existing bamboo after the effective date of the ordinance will be allowed to remain, it will not; however, be allowed to be within 10 feet of the property line or within 40 feet of the Township's right of way. Any such bamboo that is found to be within those restricted areas would have to be removed and the restriction requirements found in the ordinance that applies to new bamboo would also then apply to the new bamboo existing on the property. Meaning if it has migrated from the property into the 10 foot or 40 feet of the right of way and the restricted place has to be put into place then the financial burden would fall to the property owner.

Mr. Oettinger asked for clarification of the Parks & Recreation Board letter concerning the cost of removal of the bamboo. Ms. Lamanna explained that the Township had to remove approximately three quarters of an acre of bamboo from a Township park and spent over \$10,000 and most of that cost was for dumpsters. She also explained that it took two (2) weeks for her Parks & Recreation staff along with help from Department of Public Works to remove the bamboo. What is being proposed with the ordinance is not as extensive as the removal of the bamboo from three quarters of an acre of land.

Mr. Gallagher said this issue has become a growing problem throughout the state of Pennsylvania and especially Bucks County.

Mr. Leonhauser said the Township has received complaints from residents about bamboo on their property.

Mr. Mallon added that if a resident has bamboo on their property and contains it, there will be no issue but it is becoming a big problem in the Commonwealth. This issue was discussed at the BCATO convention this past weekend and the Pennsylvania State Association of Township Officials is petitioning Harrisburg for state legislation because it is out of control in the commonwealth. This is not just a Middletown Township problem; several surrounding municipalities have already enacted an ordinance regulating bamboo.

Karen George, 31 Cactus Road, Levittown has been dealing with bamboo on her property line and is now a safety issue because the bamboo has grown into the power lines. When the wind blows Ms. George sees sparks cascading all over. When the power goes out, it takes out 17 homes. She said the bamboo is planted directly on the property line and in the spring she has the job of cutting the runners from the bamboo before they invade her property. Ms. George provided the Board with pictures of the invasive bamboo.

Doris Bower, 1821 Langhorne-Yardley Road, Langhorne stated that she has been fighting this issue for years from her neighbor's property. She mentioned that bamboo also brings ticks. Ms. Bower has no cooperation from her neighbors.

Ms. Teoli Kuhls explained that the motion this evening is to authorize the advertisement of the ordinance for enactment at a public meeting in April.

ACTION: MR. GALLAGHER MOVED TO AUTHORIZE THE ADVERTISEMENT OF AN ORDINANCE REGULATING BAMBOO IN MIDDLETOWN TOWNSHIP. MR. LEONHAUSER SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

6. Middletown Township/Lower Makefield Township Paving of Township Line Road.

Ms. Teoli Kuhls advised that Township Line Road is one of the roads the Township receives the most complaints about in terms of potholes and road conditions. Middletown approached Lower Makefield Township last year when we did the bond issue for road projects and they were not able to get it into last year's budget. Lower Makefield was poised to move on the bid package right after the first of the year and they have volunteered to serve as the lead agency. Township Line Road is shared equally by the two townships because the township line runs right down the middle of the roadway.

Pat Duffy, Zoning Officer for Middletown Township has been working with Lower Makefield Township who prepared the bid documents for the project and selected the apparent qualified low bidder as Joseph E. Sucher and Sons, Inc. of Eddystone, PA. Lower Makefield Township has positive history working with this contractor and will consider award of the contract at its next meeting.

Middletown Township and Lower Makefield Township agreed to complete this joint project during the 2015 budget process. The projected cost for Middletown's contribution is \$180,000. Funds for this project are being allocated from the \$5,000,000 bond issue for the Township Road Improvement Program.

ACTION: MR. MALLON MOVED TO AUTHORIZE THE FUNDING FOR THE MIDDLETOWN TOWNSHIP PORTION OF THE TOWNSHIP LINE ROAD PAVING PROJECT. MR. KREILING SECONDED.

Mr. Gallagher stated that while he agrees that this road is in deplorable condition and needs to be redone, the problem with this is that the Board has a fiduciary responsibility to the taxpayers of Middletown Township and when this is being bid out of Lower Makefield, while Mr. Duffy is being involved, the Department of Public Works Department is not involved, and L & I is not involved. He has a problem having another municipality having control of a project within Middletown Township and if something were to go wrong down the road. Since Middletown didn't hire the contractor, who do we go to if a repair is needed.

Mr. Gallagher respectfully requested that this side of the project be put in with the Township road program for this year. He would much rather see the Township do it, in his opinion, correctly where Middletown has all of the control and responsibility for the repair of the road within Middletown Township.

Mr. Mallon said this is the first time we have done any roadwork that is joint municipalities since he has been on the Board and this is his 6th year. Mr. Mallon said this has to be a joint project because it is not just Lower Makefield's road or Middletown's road. He believes there are some synergies in using one contractor and Ms. Teoli Kuhls stated why Lower Makefield took the lead. To suggest that Lower Makefield is not fulfilling their fiduciary responsibilities to their taxpayers is not fair to the folks in Lower Makefield. Mr. Mallon has no problem with this and since Mr. Duffy is comfortable and is involved in the planning.

Mr. Mallon asked Mr. Duffy if he has ever worked with Joseph E. Sucher and Sons, Inc. He responded that he has not, but that Lower Makefield has a positive history working with this contractor.

Ms. Teoli Kuhls said she failed to mention that Joseph E. Sucher and Sons meets the responsible contractor qualifications.

Mr. Leonhauser also pointed out that since each township has a side of the roadway, it must be done at the same time or it will cause all sorts of problems.

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

7. Discussion of Request for Amendment to Right of Way Ordinance.

Ms. Teoli Kuhls said that at the February 2nd public meeting of the Board, Bill and Tricia Shoenmann of Dilworth Lane presented a petition to the Board of Supervisors requesting that the Board consider amending the Township's Right-of-Way Ordinance, Section 436-401.

The language of the section reads: 436-401 – Prohibited acts:

The throwing, kicking or knocking of any ball, snowballs, stones or any other missile upon or into any of the public streets, alleys or sidewalks in the Township of Middletown is hereby prohibited.

The Shoenmann's also asked for consideration of amending Section 636-602 which prohibits placement of sports equipment within the Township's Right-of-Way. The Township Staff has met and reviewed both sections of this ordinance. The Township staff recommends any amendment to the Second section because of safety issues, parking concerns and most importantly potential increased liability. There is agreement among the staff that a literal interpretation of Section 436-401 would provide that a resident would not be permitted to throw a ball on any public sidewalk or street in Middletown Township. There is also consensus that this was most likely not the intent of the ordinance.

As a result, staff recommends that the Board consider an amendment that would clarify the language of the ordinance to make it coincide with the language in the Pennsylvania Crimes Code which highlights both *intent* and *damage* from the propelling of *any missile* into a township Right-of- Way.

ACTION: MR. MALLON MOVED TO AUTHORIZE ADVERTISEMENT OF AN AMENDMENT TO THE RIGHT-OF-WAY ORDINANCE, SECTION 436-401, FOR CONSIDERATION BY THE BOARD OF SUPERVISORS. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.

8. Other Business.

Mr. Kreiling congratulated the Neshaminy High School students for the great job during the recent Gym Night.

Mr. Leonhauser also congratulated the students of Neshaminy High School.

Mr. Mallon once again requested that residents come out on Community Beautification Day to be held on Saturday, March 21st. Various Boards and Commissions are listed on the Township's website and if you find one that you may be interested in please volunteer.

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

10. Adjournment.

ACTION: MR. MALLON MOVED TO ADJOURN THE PUBLIC MEETING OF THE MIDDLETOWN TOWNSHIP BOARD OF SUPERVISORS AT 8:15 P.M. MR. KREILING SECONDED. MOTION CARRIED BY A VOTE OF 5-0.