

## MIDDLETOWN

## Lawsuit: Town allowing access to climbing wall

*Youth Services Agency of Doylestown says that risks injury and exposes the organization to possible legal action.*

By **CHRIS ENGLISH**  
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*Chris English can be reached at 215-949-4193 or .*

Stay off the wall, Youth Services Agency of Doylestown told Middletown in a lawsuit recently filed against the township in Bucks County Court.

The agency rents an old converted barn at Middletown Community Park for use as an alternative school for Neshaminy and other area school districts. Among the claims in the suit filed for Youth Services by attorney Gavin Laboski is that township officials are allowing unsupervised access to an indoor climbing wall and ropes course [called adventure equipment] used in an adventure learning curriculum for alternative school students.

That risks injury and exposes YSA to possible legal action, the suit alleged.

"The township has control over the first floor of the premises pursuant [to the lease]," the suit alleged. "The adventure equipment is not located on the first floor ... and is dangerous to use unless those using it are supervised by trained staff and use of the appropriate harnesses and other safety devices are implemented."

The suit continues that township officials have "left the premises unlocked and unsupervised during their period of control, thus allowing access to the entire premises by those visiting the community park. This has resulted in unsupervised and unauthorized use of the adventure equipment and entrance exclusively leased by YSA by random visitors to the community park."

Township solicitor Mike Savona said he hadn't had time to review the lawsuit and declined to comment. A court hearing had been set for Tuesday to consider a preliminary injunction against the township, but Savona said he is close to an agreement with plaintiff's attorney Saboski to postpone the hearing.

Parks and Recreation Director Debby Lamanna declined to comment.

Youth Services Agency renovated the barn, which is owned by the township, when the agency entered into the lease with Middletown in 1998.

"Allowing access to areas that contain the adventure equipment violates YSA's property rights under the lease and creates an unreasonable risk of injury and liability," the suit continued.

It seeks a judgment enjoining the township from accessing and using portions of the barn other than the first floor, enjoining the township from permitting or allowing access to portions other than the first floor, enjoining the township from using any of the adventure equipment without proper notice to and supervision by Youth Services staff and an award of counsel fees and costs.