

BOARD OF SUPERVISORS REGULAR MEETING - VIRTUAL

AUGUST 24, 2020 | 7:00 P.M.

PRESENT (ZOOM)

MICHAEL KSIAZEK, CHAIRPERSON }
AMY STROUSE, VICE CHAIRPERSON }
TOM TOSTI, SECRETARY } Board of Supervisors
ANNA PAYNE }
DAWN QUIRPLE }
STEPHANIE TEOLI KUHLs, TOWNSHIP MANAGER
JAMES ESPOSITO, ESQ., TOWNSHIP SOLICITOR

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

Mr. Ksiazek called the meeting to order at 7:00 p.m. Mr. Tosti called the roll and all Supervisors were in attendance along with the Township Manager, Stephanie Teoli Kuhls, Township Solicitor, James Esposito, Township Engineer, Isaac Kessler along with several Department Directors.

2. Announcements and Special Items.

- a. Next Board of Supervisors Meeting - Tuesday, September 8, 2020 @7:00 p.m.
- b. Retirement Recognitions: Nancy Blank and Ruth Sproehnle

Mr. Ksiazek announced that there are two retirement recognitions this evening. Police Secretary Nancy Blank who has served 51 years and Ruth Sproehnle, Administrative Assistant in the Building and Zoning Department who has served 21 years. Mr. Ksiazek invited people who have worked with them to talk a little bit about them and their service to the Township.

Ms. Teoli Kuhls noted that it was her honor to say a few words about Ruth, a dedicated long-term employee who has been thought of as the backbone of the Building and Zoning Department. She also credited Ruth for always going above and beyond in providing customer service to residents and businesses in the Middletown community. A great deal of institutional knowledge will be lost with Ruth's retirement. Ms. Teoli Kuhls concluded by sharing the important role that Ruth played in team building, serving as the internal party planner for employee holiday gatherings and picnics. Ruth was congratulated for her well-deserved retirement.

Chief Joseph Bartorilla spoke on behalf of Nancy Blank stating that a year and half ago we celebrated her 50th year with the Middletown Township Police Department. Nancy made it another year and four months before she finally decided to retire. Chief Bartorilla said that he worked with Nancy for 6 years and he feels blessed to have had that opportunity. She is one of the most dedicated employees that he has ever had the pleasure of working with.

Chief Bartorilla also thanked Ruth who was always very helpful to the Police Department when they had a police issue in Building and Zoning. He also thanked Ruth for lending her husband, Jeff to the Township for 35 years with the Police Department as well.

State Representative Tina Davis congratulated Nancy on her retirement. She said the one thing that struck her the most about Nancy was not her tenure but everyone that she talked to about Nancy said that you greeted people with a smile or a kind word, or just was always there, not only doing your job but doing it with poise.

State Representative Frank Farry congratulated both retirees and said he had the honor of working in Middletown Township with both ladies prior to his current career. Representative Farry said the comments from the Township Manager and the Chief of Police were dead on in terms of the value that these ladies added to the organization, both institutionally and as Representative Davis just touched on their personalities as they were always welcoming. It is a huge loss to Middletown, but Representative Farry wished them both much enjoyment in their retirement.

Congressman Brian Fitzpatrick said as a lifelong Middletown Township resident he wanted to thank Nancy and Ruth for all their years of service to the residents. He said flags were flown over the Capitol for both ladies. He also had both of their names entered into the Congressional Record. Congressman Fitzpatrick invited Nancy and Ruth, once we get through the COVID-19 crisis to join him in Washington D.C. to show them exactly where they can find their names.

3. Consent Agenda Items.

- a. Consideration of authorizing payment of August 24, 2020 Bill List in the amount of \$1,478,783.30.
- c. Consideration of approving the July 20, 2020 Minutes of the Public Meeting of the Middletown Township Board of Supervisors.
- d. Consideration of approving the final payment release for the Lincoln Plaza Land Development in the amount of \$64,443.82.

Action: Mr. Tosti moved to approve consent agenda items A-C as listed above. Ms. Quirple seconded. Motion carried by a vote of 5-0.

4. Public Hearing to consider approval of the Middletown Township Comprehensive Plan.

Isaac Kessler, P.E. of Remington and Vernick Engineers advised that over the past two years there has been a collaborative effort of his firm along with Traffic Planning & Design, but more importantly, the Comprehensive Plan Steering Committee, that was made up of a cross section of the Township; the Township Staff and the public outreach events that were held.

The proposed Comprehensive Plan will be a valuable tool for the Township over the next 5 to 10 years to steer where the Township wants to be and how to get there along the way. Mr. Kessler said that the Comprehensive Plan has been shared with neighboring municipalities, Neshaminy School District, and the Bucks County Planning Commission and is prepared for adoption by the Board this evening.

Ms. Strouse stated that in adopting the Plan the comments that were received from the Langhorne Borough Planning Commission were thoughtful and helpful and anytime there is an opportunity to cooperate with the neighboring boroughs it is a good thing. She hopes that other boroughs in the surrounding municipalities have the chance to review the Comprehensive Plan in as much detail as Langhorne Borough did.

Mr. Ksiazek agreed with Ms. Strouse and thought it was a very positive kind of working together with the feedback from the borough. One of the things that's done within 30 days of having a Comprehensive Plan adopted would be that it is sent to the County of Bucks for their record. Mr. Ksiazek suggested making a copy of the Comprehensive Plan available to anyone that is interested in an effort to work together to tackle some of the challenges that we face.

Ms. Strouse agreed especially for the boroughs that are within our municipality because there are so many of our traffic issues and pedestrian and walkability issues that involve people trying to get to and from commercial areas.

Action: Ms. Strouse moved to approve the Middletown Township Comprehensive Plan dated August 20, 2020. Ms. Payne seconded. Motion carried by a vote of 5-0.

5. Consideration of enacting Resolution #20-18R in Support of the United States Postal Service.

Action: Mr. Tosti moved to enact Resolution #20-18R in support of the United States Postal Service. Ms. Quirple seconded.

Mr. Tosti stated that the Postal Service is self-funded and they do not rely on government funding. The problem the Postal Service is running into goes back to 2006 when there was a mandate put on the Postal Service that they have to pay health insurance for retirees 75 years in advance.

Motion carried by a vote of 5-0.

6. Consideration of approving advertised Ordinances:

- a. Enactment of Ordinance #20-04 amending Police Pension Plan.
- b. Enactment of Ordinance #20-05 Establishing "No Stopping, Standing or Parking Zone" on Cabot Boulevard.

Ms. Teoli Kuhls stated that Ordinance #20-04 is related to the Police Pension Fund and is merely a housekeeping update to incorporate several changes that were made to the Police Pension Plan as part of the Collective Bargaining Agreement.

Ms. Teoli Kuhls advised that Ordinance #20-05 would convert Cabot Boulevard from a "No Parking" zone, to a "No Stopping, Standing or Parking" zone.

Action: Ms. Strouse moved to enact Ordinance #20-04 amending the Police Pension Plan and also to enact Ordinance #20-05 establishing "No Stopping, Standing or Parking Zone" on Cabot Boulevard. Mr. Tosti seconded. Motion carried by a vote of 5-0

7. Department of Public Works Purchases:
- a. Consideration of purchasing one (1) 2019 CAT 440 Backhoe Loader from Foley Inc., Piscataway, NJ, at a cost of \$160,000.
 - b. Consideration of purchasing one (1) Laser Z S-Series Mower from Star Lawn Mower Inc., Jamison, PA for a total of \$13,200.

Eric Gartenmayer, Public Works Superintendent advised that the backhoe loader and Laser Z S-Series Mower are on the State Contract Costars list and will be funded through the Road Machinery Account and the General Fund in the 2020 Budget.

Action: *Mr. Tosti moved to authorize the purchase of one (1) 2019 CAT 440 Backhoe Loader form Foley Inc., Piscataway, NJ at a cost of \$160,000 and the purchase of one (1) Laser Z S-Series Mower from Star Lawn Mower Inc., Jamison, PA at a cost of \$13,200. Ms. Payne seconded. Motion carried by a vote of 5-0.*

8. Consideration of authorizing the installation of a new asphalt shingled roof, a new dormer and new fascia board and gutters on the house at Spring Valley Farm to Precision Homes and Building Group, LLC of Levittown in the amount of \$16,585.

Paul Kopera, Director of Parks & Recreation stated the Township purchased a 10.6 acre tract of land; Spring Valley Farm in 2013. The property came with a house that was built in 1690 that, based on research from Sean Garrigan of Stromberg Garrigan & Associates, is one of the ten (10) oldest houses remaining in Bucks County. The cedar shake roof on the oldest portion of this house has been leaking for several years and needs a new roof and gutters. This house has a tenant/caretaker residing in the house making this an urgent repair.

The proposal is to remove the leaking cedar shakes and replace them with asphalt shingles, replace a small dormer and replace the fascia board and gutters. Four quotes were received as follows:

Precision Homes and Building Group, Levittown, PA	\$16,585
Equity Building Group, Langhorne, PA	\$17,899
Kanga Roof, Bristol, PA	\$19,170
Baker custom Carpentry, Croydon, PA	\$20,067

Mr. Ksiazek called for public comment.

Almando Carrasquillo, 47 Gunning Lane, Langhorne inquired how long the Township has been in the business of owning Real Estate and renting property that we now have the responsibility to fix the roof for a tenant.

Mr. Kopera explained that when the Township acquires large tracts of property it sometimes comes with buildings. The Township owns a couple of buildings at the Styers farm property, the Langhorne Spring Water Property and when we acquired the Spring Valley Farm 10.5 acre tract it came with a farmhouse that was built circa 1690.

Action: *Mr. Ksiazek moved to authorize the installation of a new asphalt shingled roof, a new dormer and new fascia board and gutters on the house at Spring Valley Farm to Precision Homes and Building Group, LLC of Levittown in the amount of \$16,585. Mr. Tosti seconded. Motion carried by a vote of 5-0.*

9. Consideration of authorizing the purchase of 2,500 square feet of Sport Court modular flooring for the kickwall project at Middletown Community Park from Marturano Recreation Company in the amount of \$17,175.

Mr. Kopera reported that one of the significant features of the Department of Conservation and Natural Resources (DCNR) grant is the installation of a high tech SUTU kickwall at Community Park. This particular flooring provides the property balance between dry traction and low skin abrasion plus durability for outdoor use.

The proposed purchase of the flooring would be from Marturano Recreation Company, a PA CoStars vendor in the amount of \$17,175. The equipment will be installed by the Department of Public Works. The 2020 Capital Budget includes \$61,000 in matching DCNR grant funds for this upgrade at the Middletown Community Park.

Ms. Strouse said she is glad we are moving forward with this part of the project because the grant funding is available. She stated that a kickwall may sound frivolous at this time, but this is something that we started years ago and have been working towards and it is important to keep charging ahead and making sure that we achieve the matching portion of the grant on the different pieces of the project.

Action: *Ms. Strouse moved to authorize the purchase of 2,500 square feet of sport Court modular flooring for the kickwall project at Middletown Community Park form Marturano Recreation Company in the amount of \$17,175. Mr. Tosti seconded.*

Mr. Carrasquillo, Laurel Oaks said that for years he has been trying to get a crosswalk from his development to the Community Park and asked if there are funds allotted in this grant to pay for this.

Mr. Kopera stated that a different grant was used to build the one mile trail along Langhorne-Yardley Road. A pedestrian crosswalk will be installed at the entrance of Middletown Community Park and connect to the sidewalk from Laurel Oaks through the back of the new development on Langhorne-Yardley Road.

Motion carried by a vote of 5-0.

10. Consideration of authorizing advertisement of a bid for the replacement of the Forsythia/Snowball Pedestrian Foot Bridge.

Patrick Ennis, P.E., Director of Building & Zoning, said this project will replace the existing pedestrian bridge that connects Forsythia Gate and Snowball Gate across Mill Creek. The existing bridge has been decommissioned by the Township and barricaded from use due to structural failure. A bid will be solicited for a sixty foot (60') span pedestrian bridge to be constructed and

shipped to the project site for placement. The project will be managed and constructed by the Department of Public Works.

Action: *Ms. Quirple moved to authorize advertisement of a bid for replacement of the Forsythia/Snowball Pedestrian Foot Bridge. Ms. Payne seconded. Motion carried by a vote of 5-0.*

11. Discussion of adopting the 2015 Property Maintenance Code.

Mr. Esposito explained that the proposed ordinance will amend Chapter 363 of the Middletown Township Code of Ordinances to replace the 2003 International Property Maintenance Code with the 2015 International property Maintenance Code as the official property maintenance code of Middletown Township. The International Property Maintenance Code is a model ordinance that sets forth the minimum maintenance standards for properties and buildings within the Township and is enforced by the Code Enforcement Officer within the Township.

Action: *Mr. Ksiazek moved to authorize the advertisement of the proposed ordinance to replace the 2003 International property Maintenance Code with the 2015 International Property Maintenance Code as the official property maintenance code of Middletown Township. Ms. Quirple seconded. Motion carried by a vote of 5-0.*

12. Discussion of amendments to the Zoning Ordinance and Stormwater Management Ordinance.

Mr. Esposito explained that the Zoning Hearing Board has received an influx of variance applications from mainly the R-2 Zoning District in sections of Levittown where the percentages of allowable building coverage and the maximum impervious surface ratio are insufficient in that area. Residents have to pay an application fee and the township has advertising costs associated with the application.

Mr. Ennis said there are two things in the stormwater ordinance Chapter 430 and 431 that are not in sync with the stormwater Best Management Practice (BMP) manual.

The request before the Board is to authorize preparing a draft of the ordinance to forward to the Bucks County Planning Commission and the Township Planning Commission. There is a need to get the County involved to help redraw the zoning map since we are changing a section of the zoning map. Because it's changing the zoning map, a notice must be sent to every resident that lives in Cobalt Ridge, Quincy Hollow, Lower Orchard & Upper Orchard, Juniper Hill, Deep Dale West, Highland Park and Twin Oaks that will be affected by the zoning change.

Mr. Tosti questioned why other sections of Levittown were not mentioned; i.e., Forsythia Gate, Snowball Gate, and Deep Dale East.

Mr. Ennis explained that the sections Mr. Tosti mentioned are larger lots in the R-1 Residential Zoning District and are somewhere around 10,000 to 12,000 square foot lots as opposed to the other sections that are in the R-2 Zoning District and are roughly 7,000 square feet in size.

Ms. Strouse said she is broadly supportive of going forward with the proposed ordinance, but needs clarification on a couple things. With regard to the stormwater issue, will it be a little more challenging for developers as opposed to less challenging if someone wanted to build a new development.

Mr. Ennis explained that anything larger than five (5) acres would use the National Resource Conservation Method (NRCS), which is a better method of approximating volumes of peak runoff rates.

Ms. Strouse's other question is on the zoning change. It sounds like it is necessary and believes that anything to make things easier for residents so they don't have to come deal with a bunch of red tape is great, but to that end, the Township has had a lot of challenges with the Lower Bucks Joint Municipal Authority. Residents throughout Levittown have been made to move sheds, move fences, dig up pools. Ms. Strouse said the only benefit of having them come through the Zoning Hearing process as being potentially a place to catch any of those conflicts.

Mr. Ennis explained that residents asking for variances will still need to come into the Township to get permits to build fences, additions and porches.

Ms. Quirple said working in State Representative Tina Davis' office, they receive questions all of the time concerning LBJMA and the request to move sheds, etc. that have been in place for years. She asked if something can be done to alleviate this problem.

Action: Mr. Ksiazek moved to authorize the drafting of an amendment to the Zoning Ordinance and Stormwater Management Ordinance. Mr. Tosti seconded. Motion carried by a vote of 5-0.

13. Planning Commission Vacancy:
- a. Consideration of accepting the resignation of John Pond from the Planning Commission.
 - b. Consideration of appointing Keith Auerswald to the Planning Commission for a term to expire on December 31, 2023.

Action: Mr. Tosti moved to accept the resignation of John Pond from the Planning Commission and appoint Keith Auerswald to the Planning Commission for a term to expire on December 31, 2023. Ms. Payne seconded. Motion carried by a vote of 5-0.

14. Municipal Separate Storm Sewer System (MS4) Annual Presentation – Isaac Kessler, P.E.

Isaac Kessler, P.E., Township Engineer made a presentation of the Municipal Separate Storm Sewer System (MS4). Mr. Kessler explained the process of where household wastewater ends up. The goals of the MS4 program are to continue to improve the Township's waterways, reduce pollution loads and manage stormwater and drainage infrastructure.

Working as a community to stay safe during the pandemic involves the proper disposal of gloves and masks, which are things that are not recyclable. We must be mindful of what is going down our drains. The system is being pushed to the max with a large increase at treatment plants.

Keeping our system clean to function properly includes clean up after large storm events involving the community.

Mr. Ksiazek thanked Mr. Kessler for his presentation.

15. Consideration of approving the Barner Final Minor Subdivision and Land Development Plan for 364 Cedar Avenue, Langhorne, PA, TMP #22-009-027, S/LD #13-5 in the R-2 Zoning District.

Mr. Kessler said the project is located at 364 Cedar Avenue with the lot located between Cedar Avenue and Blue Bell Avenue (paper street) in an R-2 Zoning District. The applicant proposes to subdivide the existing lot into two (2) lots. Lot 1 will contain an existing two (2) story home with access on Cedar Avenue. Lot 2 will contain a proposed dwelling with access on Blue Bell Avenue. Also proposed are improvements to Blue Bell Avenue between its intersection with Cedar Avenue and the property.

Bryce McGuigan, Esq., and Heath Dumack, of Dumack Engineering represented the applicant Stephen G. Barner. Mr. McGuigan went over the requested waivers. A lengthy discussion was held concerning Blue Bell Avenue, which is an unimproved roadway.

Action: *Ms. Strouse moved to grant Final Minor Subdivision and Land Development approval for Barner, 364 Cedar Avenue, S/LD #13-5, with the following conditions:*

- 1. Applicant shall comply in full with all requirements of the Middletown Township subdivision and Land Development ordinance and the Middletown Township Zoning Ordinance, unless relief was granted by the body having jurisdiction.*
 - 2. Final approval by the Fire Marshal shall be provided for the improvements to Blue Bell Avenue, and revised plans to be submitted addressing any and all outstanding review letter comments.*
 - 3. Confirmatory deeds shall be recorded at the time of plan recordation confirming the new legal descriptions for Lots 1 and 2. The deeds shall be in a form acceptable to the Township Solicitor prior to recording with the Bucks County Recorder of Deeds.*
- Mr. Ksiazek seconded. Motion carried by a vote of 5-0.*

16. Consideration of the Preliminary/Final Land Development Plan for the Oxford Valley Multi-Family Redevelopment, for CRP/CT Oxford Valley Owner, LLC, 2300 Lincoln Highway, Langhorne, PA

Edward F. Murphy, Esq. represented the applicants and was joined by Dave Della Porta and Don Tracy of Cornerstone Tracy. Mr. Della Porta advised the project is located at 2300 Lincoln Highway along the southeastern portion of Middletown Boulevard, which is the loop road around the Oxford Valley Mall. The applicant proposes to demolish a portion of the existing Boscov's building and redevelop the area with two (2) apartment buildings containing a total of 614 apartment units. The development would include one mile of sidewalks, parking garages, fitness center, community center and a business center.

Mr. Murphy advised that the only waiver being requested this evening is from Section 430-301.E – to permit the submission of a combined Preliminary and Final Land Development Plan. Mr. Murphy said that the level of detail that is otherwise required for a final plan submission exists in regard to the submitted plan. He also highlighted that a significant amount of time was spent working with township professional staff to deliver a conforming plan.

Mr. Kessler stated that the comments that remain are for some clarification with mostly the open space courtyard areas stormwater design. Mr. Kessler highlighted that this project achieves goals and objectives of the Comprehensive Plan. He concluded that there were no other engineering issues.

Mr. Wursta said the applicant has done a great job regarding the pedestrian connectivity. A couple of highlights would be the signal interconnection between the intersection at Woodbourne Road and the interior mall signal at Middletown Boulevard and Fourth Street. A shuttle service from the complex to the Woodbourne Train Station will be a tremendous amenity for the whole community. Oxford Valley Mall officials are going to work with TMA to come up with some sort of strategy that the whole mall can use that shuttle service in some fashion.

Action: Mr. Tosti moved to approve the Preliminary/Final Land Development Plan for the Oxford Valley Multi-Family Redevelopment, for CRP/CT Oxford Valley Owner, LLC, 2300 Lincoln Highway, Langhorne, PA. Mr. Ksiazek seconded.

Tom Kearns, Garden Court, Langhorne said he doesn't believe that preliminary and final plan approval should be lumped together. He believes that preliminary approval should be given first allowing residents an opportunity to comment on the project before it gets final approval. Mr. Kearns also recommended improvement to the Route 1/Oxford Valley Road intersection.

Mr. Wursta was able to respond to the issues that Mr. Kearns presented.

Almando Carrasquillo, Laurel Oaks expressed his concern with school buses stopping on Woodbourne Road to let students out. He also is concerned about traffic backup on Woodbourne Road.

Mr. Ksiazek advised that this is the second time the applicant has been before the Board. It obviously has been before the Planning Commission and there have been numerous meetings involving Township staff, Engineers, Traffic Engineer, solicitor and now the applicant has made a number of changes based on feedback that has come in from the various levels.

Mr. Ksiazek said he would like to some in some degree refute the suggestion that the public hasn't been given an opportunity to be involved in this process. It's been a long process and there have been numerous opportunities for the public to be involved and they have been involved. It is to the applicant's credit that they've made a lot of changes to their plan to try to address some of the concerns.

Motion carried by a vote of 5-0.

17. Public Comment.

Mr. Carrasquillo inquired about the Human Relations Commission.

Mr. Esposito explained that the Chair of the State Human Relations Commission contacted the Township with a few recommendations so a few minor changes are being made and this will be ready to be voted on at the next meeting.

Mr. Ksiazek read an email from the following resident:

"My name is Sheldon Post and I'm in Red Rose Gate. I'm wondering if we can have an update on "Phase 2" of the new Section Signage around the Township. Realizing that COVID-19 has most likely had an effect, I don't believe I've seen any of the "Phase 2" signs go up at this point. Even if I have missed some movement on this, I would still appreciate an update on where we stand. Thank you! Sheldon Post, Red Rose Gate."

Mr. Valla answered that Phase 2 had been deferred from implementation in 2020 due to the COVID-19 crisis but it will be recommended for inclusion in the 2021 Capital Plan with 50 or so section signs planned for installation.

18. Other Business.

Ms. Quirple wished Nancy and Ruth a happy retirement and thanked them for their years of service to the Township. She also thanked all those involved with the preparation of the Comprehensive Plan.

Ms. Strouse thanked everyone behind the scene involved in the broadcast of the Board of Supervisors meeting this evening. Ms. Strouse also thanked the Township professionals for working with the public in the preparation of the Comprehensive Plan.

Mr. Tosti echoed all comments by Ms. Strouse and Ms. Quirple and reminded the residents that the 2020 Census is not over so please fill it out.

Ms. Teoli Kuhls thanked Chad Megeed, Lisa Berkis and Nick Valla for the behind the scene work for the production of the meeting.

19. Adjournment.

Action: Mr. Tosti moved to adjourn the Public Meeting of the Middletown Township Board of Supervisors at 9:06 p.m. Ms. Payne seconded. Motion carried by a vote of 5-0.