

# BOARD OF SUPERVISORS REGULAR MEETING - VIRTUAL

DECEMBER 7, 2020 | 7:00 P.M.

## PRESENT

MICHAEL KSIAZEK, CHAIRPERSON *(In Person)* }  
AMY STROUSE, VICE CHAIRPERSON *(Zoom)* }  
TOM TOSTI, SECRETARY *(In Person)* } Board of Supervisors  
ANNA PAYNE *(Zoom)* }  
DAWN QUIRPLE *(Zoom)* }  
STEPHANIE TEOLI KUHLs, TOWNSHIP MANAGER *(In Person)*  
JAMES ESPOSITO, ESQ., TOWNSHIP SOLICITOR *(In Person)*  
ISAAC KESSLER, P.E., TOWNSHIP ENGINEER *(In Person)*

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

Mr. Ksiazek called the meeting to order at 7:15 p.m. Mr. Ksiazek requested that everyone remain standing after the Pledge of Allegiance for a moment of silence for former longtime Township Manager, John J. Burke, who recently passed away. Mr. Tosti called the roll and all Supervisors were in attendance along with the Township Manager, Stephanie Teoli Kuhls, Township Solicitor, James Esposito, and Township Engineer, Isaac Kessler along with several Department Directors.

2. Announcements and Special Items.

- a. Next Board of Supervisors Meeting - Monday, January 4, 2021 @7:00 p.m.  
Mr. Ksiazek advised that the meeting scheduled for Monday, December 21<sup>st</sup> has been cancelled.

- b. Police Department Recognitions

### *Life Saving Award*

Officer Jeff Wagner  
Officer Ryan Morrison

### *Commendatory Citation*

Detective Chris Viscardi  
Officer Mark Leonhauser  
Officer Thomas Leinheiser  
Officer Larry Hardy  
Officer Jake Gallagher

### *Citizen's Commendation*

Virgil Ong  
Joseph Ong  
Michael Duva  
Natalie Markawicz

**Years of Service recognition:**

**20 Years of Service**

Sergeant Bob Weber  
Officer Robert Compton  
Officer Paul Runner

**25 Years of Service**

Sergeant Michael Russo  
Officer Joseph Cullura  
Officer Glenn McPherson  
Officer Scott Patrick  
Officer Edward DiFrank  
Officer Michael Marks  
Officer Nelson Webb

**30 Years of Service**

Lieutenant John Michniewicz

**35 Years of Service**

Lieutenant Kenneth Mellus

3. Public Comment. (Non-agenda items)

Debra Harker, 141 Lowell Court, Langhorne expressed her concerns about the fire incident at Oxford Valley Mall, Saturday, December 4<sup>th</sup>. She inquired about the protocol for notifying shoppers of a fire in the mall.

James W. McGuire, Fire Marshal provided information on the incident.

Mr. Tosti asked if the Oxford Valley Mall has an evacuation plan.

John Switter, 210 Clear Creek Road, Swan Pointe, spoke about the traffic issues at Woodbourne and Swift Road.

Mr. Ksiazek advised that the proposed traffic light at the intersection of Woodbourne and Swift Roads is a priority 1 project in the 2021 Budget.

The following Swan Pointe residents expressed their concerns with the dangerous intersection at Woodbourne and Swift Roads: Virginia King, 313 White Swan Way, Joe Walsh, 313 White Swan Way, resident 299 Swift Road, Steve Rosser, Swan Pointe, resident 442 White Swan Way, Brian Jacobson, 583 White Swan Way, Nancy Glafelter, 463 White Swan Way, and Donna Salvucci, 144 Pine Glen Road, Langhorne.

Ms. Salvucci requested information on the 11 accidents that occurred over the last 3 years and a copy of the Traffic Engineer final report. She also stated that a representative of the Swan Pointe Development would like to meet with the Township traffic engineer.

Mr. Ksiazek advised that the traffic engineer will be in front of the Board and residents will have the opportunity to ask questions.

4. **Consent Agenda Items.**

- a. Consideration of authorizing payment of December 7, 2020 Bill List in the amount of \$1,636,910.84.
- b. Consideration of approving the November 16, 2020 Minutes of the Public Meeting of the Middletown Township Board of Supervisors.
- c. Consideration of authorizing final escrow release for the United Artists Oxford Valley, 403 Middletown Blvd, in the amount of \$169,132.44.
- d. Consideration of approving Change Order #1 and Payment #2 for the 2020 Road Paving Program to General Asphalt Paving Co., Inc. in the amount of \$324,987.34.

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

5. Consideration of the Final Land Development Plan for a four-story hotel for 2345 Lincoln, LLC, 2345 Lincoln Highway, Langhorne, PA 19047, TMP #22-040-026-008, S/LD #20-69

Mr. Ksiazek recused himself and turned this item over to Ms. Strouse, Vice Chair.

Ed Murphy, Esq., represented the applicant Christopher Vernon along with Justin A. Geonnotti, PE of Dynamic Engineering Consultants. The project is located at 2345 East Lincoln Highway in front of the car wash and across Lincoln Highway from the Oxford Valley Mall. The applicant proposes to redevelop the front portion of the existing parking lot to construct a four-story hotel. The project will also include grading, utilities, lighting, landscaping, stormwater management and erosion control.

Mr. Kessler stated that the applicant has addressed all comments in RVE's July 28, 2020 Review letter and is requesting approval as Preliminary/Final this evening.

Phil Wursta, Township Traffic Engineer said the applicant is compliant with his review letter dated August 25, 2020 and will be working closely with PaDOT to get approval.

Ms. Payne asked if the applicant received approval for the hotel when the car wash was approved. Mr. Murphy explained that the Hotel use required a variance and in December of 2018 the applicant applied for a variance and received approval in January 2019.

Ms. Quirple is concerned about the traffic that will be caused by this development.

Mr. Tosti is also concerned about the increase in traffic and stated that a shuttle service should be a condition of approval.

*Action: Ms. Strouse moved to approve the Final Land Development plan for a four-story hotel for 2345 Lincoln, LLC, 2345 Lincoln Highway, Langhorne, PA, TMP #22-040-026-008, S/LD #20-69. Motion failed for lack of a second.*

*Action: Mr. Tosti made a motion to DENY the Preliminary and Final Land Development plan for 2345 Lincoln LLC for its new hotel land development, located at 2345 East Lincoln Highway, TMP#22-040-026-008, S/LD No. 20-69, for the following reasons:*

*1. The impact that this proposed hotel would have on the pedestrian traffic and the safety of pedestrians along this section of East Lincoln Highway as shown in the Traffic Impact study required under §440-303.D.(7) of SALDO. Such a hotel would increase and cause real safety concerns with pedestrians trying to go across East Lincoln Highway to the Mall or Sesame Place and other commercial and entertainment venues. This is a detriment to the public health, safety and general welfare of the community, as noted in the purpose and intent sections of SALDO §440-102 and 103;*

*2. The impact and exacerbation that this proposed hotel would have on the existing traffic issues along this section of East Lincoln Highway as shown in the Traffic Impact study required under §440-303.D.(7) of SALDO. Such a hotel would increase traffic more than is currently existing, further disturb the flow of traffic, create safety issues, and would be a detriment to the public health, safety and general welfare of the community, as noted in the purpose and intent sections of SALDO §440-102 and 103;*

*3. Applicant failed to establish an undue hardship in accordance with §440-602 of SALDO for Requested Waiver # 2, and failed to show why it would be unreasonable for Applicant to comply with Section 440-421.E(4) of SALDO providing the edge of parking spaces to be closer than fifteen (15) feet from the outside wall of a building. The Applicant seems to be trying to squeeze the hotel and its required parking into a small parking lot.*

*4. Applicant failed to establish an undue hardship in accordance with §440-602 of SALDO for the other waiver requests, and failed to show why it would be unreasonable for Applicant to bring the lot into compliance with Sections 440-407.E(8), 440-421.E(9), and 440-421.E(19) regarding grading closer than five (5) feet to property lines, edge of parking spaces closer than fifteen (15) feet to property lines, and parking closer than thirty (30) feet from a roadway. Even though these situations may already exist at the property, the Applicant should comply with these sections for safety concerns for visitors and guests that come along with a hotel this close to a major roadway.*

*Ms. Quirple seconded. Motion to deny carried by a vote of 3-1-1 with Ms. Strouse opposed and Mr. Ksiazek abstaining.*

6. Consideration of authorizing advertisement of an Ordinance amending the Police Pension Ordinance.

Ms. Teoli Kuhls advised that in July, the Board of Supervisors approved an ordinance that memorialized changes to the pension plan that were included in the 2020-2023 Collective Bargaining Agreement between Middletown Township and the Police Benevolent Association. The Township's plan actuary recently identified a small error in the ordinance that needs to be clarified regarding the survivor's benefit and this new ordinance will effectuate that change.

***Action: Mr. Ksiazek moved to authorize advertisement and drafting of an ordinance to amend the Police Pension Plan. Mr. Tosti seconded.***

Ms. Payne asked how this is different from the grant the Board denied earlier this year for the Police Department and why couldn't the grant funds be used instead of offering the Early Retirement Incentive Program (ERIP)?

Ms. Teoli Kuhls advised that this is clarifying the pension ordinance and the ERIP is a completely different issue and is expected to be presented to the Board at the January 4<sup>th</sup> public meeting.

***Motion carried by a vote of 5-0.***

7. Consideration of approving the 2021 Budget and Budget Resolution #20-33R.

Ms. Teoli Kuhls explained that the Board of Supervisors authorized advertisement of the 2021 Preliminary Budget at their November 16<sup>th</sup> Public Meeting. The budget has been appropriately advertised and is on display for public review. The staff continues to track revenue and the projections will hold through the year. The budget is ready to be posted on line once approved by the Board this evening. Also before the Board is Resolution #20-33R which sets the tax rates for the upcoming year.

***Action: Mr. Ksiazek moved to approve the 2021 Budget and Budget Resolution #20-33R setting the tax rates for the upcoming year. Mr. Tosti seconded.***

Virginia King, 313 White Swan Way, Langhorne wanted to make sure the traffic signal at Woodbourne and Swift Road are on the 2021 Budget.

***Motion carried by a vote of 5-0.***

8. Consideration of authorizing release of a Request for Proposals for a Fire Services Study.

Nick Valla, Management Analyst said the Township has fire service agreements with each of our four fire companies providing fire protection services to the community. Originally planned in 2020, a Comprehensive Fire Study would engage stakeholders on the issue of declining volunteerism in the community to objectively review the current status of fire services and recommend changes.

Given the multiple parties and interests involved, the staff is recommending the Township engage a third-party consultant to review the facts and data to make recommendations in the best long-term interest of the community. Members from the Township staff and the four fire companies will be involved in the process of this study.

This project is budgeted in the 2021 Capital Plan for \$35,000. The request for proposals (RFP) would be released in the coming weeks, with responses due by the end of January. Tentative appointment of a consultant would be in late February.

Mr. Tosti stated that this is long overdue.

**Action:** *Ms. Quirple moved to authorize advertisement and drafting of a request for proposals to conduct a comprehensive fire services study. Ms. Payne seconded. Motion carried by a vote of 5-0.*

9. Consideration of awarding the Middletown Township Banking Services contract.

Mega Bhandary, Finance Director stated that the Board authorized advertisement of a Banking Services RFP at their September 8<sup>th</sup> Public Meeting. The RFP's were due on October 30<sup>th</sup> at 12 p.m. and were carefully reviewed and analyzed by staff from the Finance Department and the Township Manager. Interviews were conducted for two finalists and after careful consideration, the Township staff is recommending to award the contract to Republic Bank.

Republic Bank offers a baseline interest rate of .30%, which will increase as Federal rates increase. Republic is a local bank, does not charge any fees based on the Township's monthly balance and also does not charge any annual credit card fees.

**Action:** *Mr. Tosti moved to award a contract to Republic Bank for Middletown Township's Banking Services needs. Ms. Strouse seconded. Motion carried by a vote of 5-0.*

10. Consideration of authorizing preparation and advertisement of an Ordinance regarding Apartment Inspection Program.

Ms. Teoli Kuhls advised that one of the goals of the reorientation of the Fire Marshal's Office was to shift the apartment inspection program to the Department of Building and Zoning. In order to effectuate this change, a merger of the fire safety inspection program with the current HCT (Tenant change) inspections that are handled by Building and Zoning is needed. The proposed program will include a more comprehensive inspection of every apartment unit on a two-year cycle instead of a one-year cycle. Inspections will continue to be required for tenant changes.

**Action:** *Mr. Ksiazek moved to authorize preparation and advertisement of an ordinance creating a combined Apartment Inspection Program. Mr. Tosti seconded. Motion carried by a vote of 5-0.*

11. COVID 19 Update.

James McGuire, Fire Marshal and Emergency Management Director provided an update on COVID-19. He advised for everyone to continue wearing masks, wash hands and to not gather in large crowds.

Paul Kopera, Parks & Recreation Director provided an update for the 19 Township parks.

Ms. Teoli Kuhls advised that the Municipal Center is closed to the public for walk-in business, but is open by appointment only. There is a drop box in front of the Municipal Center for permits, etc. We are very close to having the ability for builders and land developers to apply for building permits on line. Even though the building is closed employees are working a staggered shift with some employees teleworking.

## 12. Other Business.

Ms. Strouse thanked the staff for preparing the budget and is proud of the Board of Supervisors for approving a balanced budget with no tax increase. Congratulations to everyone involved. Ms. Strouse wished Happy Holidays to everyone.

Ms. Payne wished everyone Happy Holidays and said to stay safe. It is important to hear from members of the community who care enough to call the Township.

Ms. Quirple wished Happy Holidays to everyone. Enjoy your families and stay safe; wear masks and pull together as a community.

Mr. Tosti thanked Officer Melissa Robison, the Police Department and neighboring Police Departments for Shop with a Cop that was held Sunday, December 6, 2020. Officer Robison did a fabulous job organizing the event. Mr. Tosti thanked the Neshaminy PTO and teachers from Maple Point who came to help. He also would like to be a part of this even every year. He wished everyone a Happy Holiday and said to stay safe.

Mr. Esposito said that an Executive Session was held on November 24<sup>th</sup> to discuss a personnel matter.

Mr. Kessler wished everyone Happy Holidays and a Happy New Year.

Ms. Teoli Kuhls thanked the Township Team for all their hard work during this very tough year. She also thanked Officer Robison for spearheading the Shop with a Cop Program. Ms. Teoli Kuhls wished everyone a Merry Christmas and a Happy New Year.

Mr. Ksiazek said that it has been a difficult year and thanked Ms. Teoli Kuhls and all Department Directors, professionals, etc.

## 13. Adjournment.

***Action: Mr. Tosti moved to adjourn the public meeting of the Middletown Township Board of Supervisors at 9:09 p.m. Ms. Payne seconded. Motion carried by a vote of 5-0.***