

MIDDLETOWN TOWNSHIP  
BOARD OF SUPERVISORS  
PUBLIC MEETING  
February 18, 2020

PRESENT

MICHAEL KSIAZEK, CHAIRPERSON }  
TOM TOSTI, SECRETARY } BOARD OF SUPERVISORS  
ANNA PAYNE }  
DAWN QUIRPLE }  
STEPHANIE TEOLI KUHL, TOWNSHIP MANAGER  
JAMES ESPOSITO, ESQ., TOWNSHIP SOLICITOR  
ISAAC KESSLER, P.E., TOWNSHIP ENGINEER

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

Mr. Ksiazek called the meeting to order at 7:05 p.m. After the Pledge of Allegiance, Mr. Tosti called the roll. All Supervisors were in attendance with the exception of Ms. Strouse who was away on business. Also in attendance were the Township Manager Stephanie Teoli Kuhls, Solicitor James Esposito, Engineer Isaac Kessler, department directors and interested citizens.

2. Announcements and Special Items.

- a. Next Board of Supervisors Meeting - Monday, March 2, 2020 @7:00 p.m.

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

None.

4. **Consent Agenda Items.**

- a. Consideration of authorizing payment of February 18, 2020 Bill List in the amount of \$814,648.32.

- b. Consideration of approving the February 18, 2020 Minutes of the Public Meeting of the Middletown Township Board of Supervisors.

- c. Consideration of approving Resolution #20-09R application to PennDOT for traffic signal at Newtown Langhorne Road (SR 413) and George School/Crestview Avenue.

- d. Consideration of enacting Resolution #20-10R, Act 537 Plan, 131 N. Hawthorne Avenue.

***ACTION:*** Mr. Tosti moved to approve consent agenda items A thru D as listed above. Ms. Payne seconded. Motion carried by a vote of 4-0.

5. Public Hearing - Liquor License Transfer – Giant Food Stores, LLC, 168 North Flowers Mill Road, Langhorne. Consideration of enacting Resolution #20-11R.

Mr. Esposito opened the hearing. He noted that the hearing was publicly advertised and proof of publication was received. The applicant was represented by Ellen Freeman, Esq.

Ms. Freeman noted that Giant will be remodeling a section of their existing grocery store at 168 North Flowers Mill Road, Langhorne in order to operate a beer and wine garden and eatery. Giant's intentions are to sell beer, referred to in the Liquor Code as malt and/or brewed beverages, and wine for on-premises consumption and "to go" from this location. In order to sell beer and wine in its restaurant in Middletown Township in accordance with its business plan, Giant must secure a restaurant or eating place liquor license.

No Middletown Township restaurant or eating place liquor license is available for purchase. As a result, Giant has entered into an agreement to purchase an eating place liquor license currently located outside of the Township and plans to move the license into the Township. Ms. Freeman stated that if Middletown Township approves Giant's inter-municipal transfer request, Giant will convert the eating place license into a restaurant license, pursuant to the conversion provisions of the Liquor Code.

To date, the Pennsylvania Liquor Control Board (PLCB) has approved liquor licenses at 128 Giant locations. One Hundred Thirteen (113) of these locations, including one already in Middletown Township, are currently selling beer and wine for consumption on premises and both beer and wine "to go". Another Giant location in Middletown Township has just been approved by the PLCB and is slated to open early 2020. Ms. Freeman stated that to date, none of these locates have ever been cited by the Pennsylvania Liquor Control Enforcement Agency ("LCE") for any violations of the provisions of the PA Liquor Code pertaining to sales to minors and sales to intoxicated persons.

Hearing closed.

***Action: Mr. Tosti moved to deny the Inter-Municipal Liquor License transfer application of Giant Food Stores, LLC to permit transfer of Pennsylvania Liquor License Number E-4991 FROM Warrington Township to Giant Food Stores, LLC in Middletown Township located at 168 North Flowers Mill Road, Langhorne, Pa. Ms. Payne Seconded.***

Resident of 50 Black eyed Susan Road, Langhorne stated that the proposed transfer of the liquor license to Giant would be convenient but that the Giant is too small to accommodate a beer garden.

***Motion carried by a vote of 3-1 with Mr. Ksiazek voting in favor.***

6. Consideration of approving the Final Minor Subdivision and Land Development Plan for Albert Lykon, 615 Ford Avenue, Hulmeville, PA.

Albert Lykon, the applicant stated that the property located at 615 For Avenue is in the R1 Zoning District and he proposes to subdivide the existing lot into two (2) lots and construct two (2) single family dwellings (one on each lot). The proposed property is bordered by adjacent property owners and paper streets (Wilson Avenue and Wesley Avenue).

Dan Baronoski, 536 Ford Avenue, Hulmeville, PA expressed concern about the stormwater management for the proposed lots.

**Action:** *Mr. Ksiazek moved to approve the final minor subdivision and land development plan for Albert Lykon, 615 Ford Avenue, Hulmeville, PA, TMP #22-039-012, S/LD #19-7 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. Any remaining comments in the Township Engineer's Review Letter, as well as revisions agreed upon at the February 5, 2020 Planning Commission Meeting, shall be addressed and a revised plan shall be submitted.*
- 3. The retaining wall details and calculations must be submitted, reviewed and approved prior to issuance of a building permit.*
- 4. Applicant shall enter into easement agreements with all applicable abutting property owners along the paper street for the proposed driveway and utility lines proposed through the paper street. Such easement agreements shall be recorded and in a form reasonably satisfactory to the Township Solicitor.*
- 5. Applicant shall enter into a maintenance agreement with all applicable abutting property owners along the paper street for maintenance of the proposed driveway on the paper street. Such agreement shall be in a form reasonably satisfactory to the Township Solicitor.*
- 6. 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.*

*Ms. Quirple seconded. Motion carried by a vote of 3-1 with Mr. Tosti opposed.*

7. 2019 Q4 Financial Report – Mega Bhandary, Finance Director

Mega Bhandary, Finance Director presented the Fourth Quarter Financial Report. Ms. Bhandary reported on Revenues and Expenses by Category, provided an Investments Overview and a Pension Update. She also spoke of the 2019 Distinguished Budget Presentation Award; 2019 Audit and CAFR; 2019 Liquid Fuels Audit; 2021 Budget and Capital Plan; Banking Services RFP; Fund Balance Policy and other automation and efficiency building projects.

The Board thanked Ms. Bhandary for her presentation.

8. Consideration of approving the purchase of Police Department Mobile Data Terminals (MDTs).

Ms. Teoli Kuhls explained that the Police Department vehicles have on-board computers that allow reporting and data access for officers on patrol. The Township last upgraded these Mobile Data Terminals (MDT) in 2015. In order to keep them functioning at a high level, the Township discussed a plan to replace five (5) MDTs per year. These computers are a highly valuable resource to officers on patrol. Similar to desktop computers, regular replacement ensures that the MDTs are functioning properly when officers need them.

The MDT replacement plan was discussed during the 2020 Budget process and included in this year's Capital Budget in the amount of \$30,000. The quote received from Patrol PC (CoStars Vendor) to replace four (4) MDTs is \$23,560.74.

***Action: Mr. Ksiazek moved to authorize the purchase of four (4) MDTs from Patrol PC in the amount of \$23,560.74. Mr. Tosti seconded. Motion carried by a vote of 4-0.***

9. Consideration of approving the purchase of Barracuda Security Gateway.

Ms. Teoli Kuhls stated that the current email spam filter is seven (7) years old and is lacking additional security features to help prevent email-borne threats. It is recommended that our current Barracuda Security Gateway appliance be replaced with a cloud based solution.

The key additional features are attachment scanning, link protection, and email continuity. The 2020 Budget includes \$10,000 for this project. The quote received from Prismworks for a 3-year subscription for Barracuda cloud security is \$8,670.42. Ms. Teoli Kuhls advised that Prismworks is a CoStars vendor.

***Action: Mr. Ksiazek moved to authorize the purchase of Barracuda Cloud Security Gateway from Prismworks for \$8,670.42. Ms. Payne seconded. Motion carried by a vote of 4-0.***

10. Consideration of authorizing advertisement for the Woodbourne Road Quiet Zone Project.

Isaac Kessler, Township Engineer advised that this project is primarily funded by a Multimodal Transportation Fund Grant (MTF) in the amount of \$177,800 which was issued in 2016. Approvals have been obtained from various agencies and stakeholders of the project area, including but not limited to PennDOT, SEPTA, CSX, FRA, and BCCD. The Public Utility Commission (PUC)'s Secretarial Letter was issued in September 2019 and the PennDOT HOP approval was received on February 5, 2020. The Township has also received approval of extending the grant for the project's anticipated construction time frame, which would be in the summer of 2020.

The scope of the project involves improvements to the approaches for the at-grade rail crossing (3 tracks) at Woodbourne Road Station. Also included is the replacement of the two (2) existing gate arms with a quad-gate layout, adjusting the stop bars for stopped vehicles, revising the crosswalk layout and ADA accessibility for pedestrians, and revising the layout of sidewalk on the side of the station to provide a safer and more direct pathway for pedestrians to cross the tracks along Woodbourne Road. These improvements will permit a "No Train Horn" designation for the trains along a total length of 1.25 miles of the railroad.

SEPTA will be responsible for the relocation and installation of the quad-gates and warning signals, which will be done in conjunction with CSX. The contractor awarded this project will work with the other agencies as described in the PUC Secretarial Letter for the improvements to the project area.

Mr. Tosti asked for clarification of length of track the "No Train Horn" would include. He also inquired how long the road would be closed and whose responsibility the gate arms would be.

Mr. Kessler explained that the gate arms are the responsibility of the railroad and the project would not be a complete road closure.

***Action:*** Mr. Ksiazek moved to authorize the advertisement to solicit bids for the Woodbourne Road Quiet Zone Improvements Project. Mr. Tosti seconded. Motion carried by a vote of 4-0.

11. Consideration of authorization to advertise and solicit bids for the Township's 2020 Road Paving Program.

Mr. Duffy stated that the 2020 Road Paving Program Includes the 1-1/2" milling and 1-1/2" paving, sealing, base repair and line striping for approximately 3.6 miles of Township roads as the Base Bid. Additionally, Bid Alternate #1 includes the milling, paving and striping at Firefighters Park, paving of driveway area at 700 Hulmeville Avenue and paving the driveway to Harris Park. Bid Alternate #2 will be a replacement culvert in township open space behind Sycamore Ridge. The project list is as follows:

***Base Bid:***

Heatons Mill – Heatons Mill Dr. & Circle

Hampton Bridge – Branford Way, Colby Lane, Huntingdon Place, Windham Dr.

Sturbridge – Alberts Way, Bernick, Cambridge, & David Dr., Choate, Exeter,

Hanover & James Ct. and Waldon Road

Silverlake Road & Township Line Road

***Bid Alternate #1:***

Firefighters Park parking lot #2, 6' wide path to basketball court, 4' wide path for drainage

700 Hulmeville Ave. paved driveway & parking area

Harris Park driveway

***Bid Alternate #2:***

## Replacement culvert in Township open space

The budget for the 2020 Road Program is \$1 million with approximately \$400,000 being funded with Liquid Fuels. The balance will be funded from the Public Works Capital Reserve Fund and the Highway Fund.

Mr. Tosti inquired if the Department of Public Works will be doing the paving at the parking lot at Firefighters' Park. He also asked if the Township would be splitting the cost of the paving of Township Line Road with Lower Makefield.

Mr. Duffy explained that the parking lot at Firefighters' Park would be paved by the contractor and that the Township would not be splitting the cost of paving Township Line Road with Lower Makefield as Township Line Road is totally in Middletown Township.

**Action:** *Mr. Ksiazek moved to authorize the preparation of bid documents and the advertisement to solicit bids for the Township's 2020 Road Paving Program. Mr. Tosti seconded. Motion carried by a vote of 4-0.*

12. Consideration of authorizing the purchase of a 2020 Ford Utility Body Truck for the Fire and Emergency Management Office in the amount of \$95,910.35.

Mr. McGuire stated this vehicle will replace the current unit in the fleet that was purchased in 2007. The Township mechanic has recommended that this vehicle be replaced with the new vehicle due to problems and increased workload. The office responded to 986 emergencies in 2019 along with the daily office functions and special events.

This purchase for the Office of Fire/Emergency Management was included in the 2020 Capital Budget in the amount of \$96,000 and is being purchased from an approved CoStars vendor.

**Action:** *Mr. Tosti moved to authorize the purchase of a Ford F550 Utility Body Truck for the Fire/Emergency Management Office from Fred Beans Ford in the amount of \$95,910.35. Ms. Quirple seconded. Motion carried by a vote of 4-0.*

13. Consideration of authorizing the purchase of two (2) 2020 F-350 4x4 Pickup Trucks, two (2) snow plows, one (1) lift gate, and two (2) amber light bars for a total of \$92,001.

Mr. Gartenmayer stated that he researched the PA State Contract CoStars list and the vehicles chosen will best serve the Department of Public Works.

**Action:** *Mr. Tosti moved to authorize the purchase of one (1) 2020 F-350 4x4 SD Super Cab XLT and one (1) 202 F-350 4x4 SD Regular Cab XL from Fred Beans Ford, Doylestown, PA, two (2) Western 8'6" Pro Plus Snow Plows and (1) Thieman TT-15ETAL Lift Gate from U.S. Municipal, King of Prussia, PA two (2) Federal Signal 53" amber light bars from 10-8, New Holland, PA for a total of \$92,001. Ms. Payne seconded. Motion carried by a vote of 4-0.*

14. 2020 Trash/Recycling Public Information Update.

Nick Valla, Management Analyst stated that a five-year solid waste and recycling contract was awarded to Waste Management on September 16, 2019. The contract contains changes to customer service and schedules for holiday and yard waste collection.

A postcard with a detachable magnet will be mailed to 12,250 homes in the coming weeks. The mailing outlines changes beginning in 2020, as well as a magnet with the new Middletown-only customer service phone number, holidays effecting trash collection, and the yard waste schedule. The mailing also outlines several service elements that will not be changing, such as collection days and the use of resident-provided containers. The postcards will be created and mailed directly to residents from the manufacturer. They are being purchased using fund balance from the Sanitation Fund for \$0.77 each, postage included, for a total cost of \$9,657.50.

The new customer service phone number—1 (800) 255-8479—is a Middletown Township-only line to Waste Management. The mailing instructs residents to use the phrase “Middletown Township, Bucks County” when calling the number. The phone number can be used for general inquiries, reporting missed collections, and complaints.

The Township ordered an additional 500 unaddressed mailings to keep for residents who do not receive them, and for any new residents moving to the Township. The information was written generally so they will be relevant until the current Waste Management contract ends in 2024.

15. Other Business.

Mr. Ksiazek provided an update on the issues presented by Sheldon Post at the February 3, 2020 Public Meeting of the Board.

Ms. Teoli Kuhls introduced Jonathan Gregull a student at Holy Family University majoring in Communications and Social Media as the Township’s newest intern.

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

17. Adjournment.

***Action: Mr. Tosti moved to adjourn the Public Meeting of the Middletown Township Board of Supervisors at 8:18 p.m. Ms. Payne seconded. Motion carried by a vote of 4-0.***

