

BOARD OF SUPERVISORS REGULAR MEETING - VIRTUAL

JULY 20, 2020 | 7:00 P.M.

PRESENT (via iCloud - GoToMeeting)

MICHAEL KSIAZEK, CHAIRPERSON }
TOM TOSTI, SECRETARY }
AMY STROUSE, VICE CHAIRPERSON }Board of Supervisors
ANNA PAYNE }
DAWN QUIRPLE }
STEPHANIE TEOLI KUHL, 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 7:03 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 - Monday, August 24, 2020 @7:00 p.m.

Mr. Esposito advised that an Executive Session was held prior to this evening's meeting concerning personnel and real estate matters.

3. Consent Agenda Items.

- a. Consideration of authorizing payment of July 20, 2020 Bill List in the amount of \$2,026,932.63.
- b. Consideration of approving the June 15, 2020 Minutes of the Public Meeting of the Middletown Township Board of Supervisors.

Action: Ms. Strouse moved to approve Consent Agenda Items A and B as listed above. Mr. Tosti seconded. Motion carried by a vote of 5-0.

4. Consideration of authorizing approval of a minor subdivision located at 320 Middle Avenue, Langhorne, in the R-2 Residential Zoning District, TMP #22-044-040 and #22-044-041.

Justin Costello and Carl Mockenhaupt applicant/owners of the property along with Robert J. Snyder, P.L.S. of Kelly & Close Engineers were in attendance. Mr. Snyder stated the applicant proposes to subdivide and redistribute the property into two new lots. Lot 1 will contain the existing dwelling and Lot 2 will contain a proposed two-story single-family detached dwelling.

Mr. Kessler advised that the applicant is in compliance with all review letters. The applicant and his engineer worked with the Township to avoid a variance that was requested for the proposed building coverage.

Action: Mr. Tosti moved to approve a minor subdivision located at 320 Middle Avenue, Langhorne, in the R-2 Residential Zoning District, TMP #22-044-040 and #22-044-041 with the following conditions:

Ms. Quirple seconded. Motion carried by a vote of 5-0.

5. Langhorne Yardley Road Intersection Improvements Project Update – Don Jacobs, P.E., Traffic Planning & Design.

Don Jacobs, P.E., and Phil Wursta of Traffic Planning & Design made a presentation on the proposed Langhorne Yardley Road Intersection Improvement Project. The project will include improvements at the Langhorne-Yardley Road intersections with Bridgetown Pike and Woodbourne Road, spanning the southern boundary of Core Creek Park. At the Bridgetown Pike intersection, a traffic circle is proposed in place of the existing "Y" shaped signalized intersection. At the Woodbourne Road intersection, Woodbourne Road will be reoriented to create a wider, realigned approach on the north side of the intersection. The Woodbourne Road and Langhorne-Yardley Road intersection will also have dedicated left-turn lanes on all four sides. Both intersections include major improvements for pedestrian access and crossing, including connections to existing trails and paths.

After the presentation, Mr. Tosti asked about an agreement with the School District. He also inquired if the Township will be responsible for the center of the roundabout.

Ms. Strouse thanked Mr. Jacobs and Mr. Wursta for all of their work on this project.

6. Consideration of authorizing award of 2020-2021 Fuel Consortium Contract to Petroleum Traders, of Fort Wayne, IN for unleaded gasoline; Papco Inc., of Aston, PA for heating fuel; and Riggins Inc., of Vineland, NJ for low sulfur diesel.

Mr. Gartenmayer advised that the Township received the Bucks County Consortium Fuel Bid participation request which was completed and returned prior to the deadline. The bids were posted on PennBid and opened on June 23, 2020. The results of those bids along with supporting documentation were forwarded to all participating townships. The 2020 Budget has allocated funds for fuel costs.

Mr. Tosti inquired if it is normal to have three (3) different suppliers. Mr. Gartenmayer explained that, yes, it is typical, and has been the case for a number of years.

Action: Mr. Tosti moved to award the 2020-2021 Fuel Consortium contract to Petroleum Traders, of Fort Wayne, IN for unleaded gasoline with an estimated amount of \$76,912.50; Papco Inc., of Aston, PA for heating fuel with an estimated amount of \$4,168.85; on an as needed basis; and Riggins Inc., of Vineland, NJ for low sulfur diesel with an estimated amount of \$23,450.00. Ms. Payne seconded. Motion carried by a vote of 5-0.

7. Consideration of authorizing advertisement of Ordinance #20-04, amending Pension Plan.

Ms. Teoli Kuhls advised that the 2020-2023 Collective Bargaining Agreement between Middletown Township and the Police Benevolent Association included three changes to pension benefits:

- Reduction of Deferred Retirement Option Plan (DROP) from 8 years to 5 years for officers hired on or after January 1, 2020;
- A provision to allow retirement at age 50 with 20 years of service at a reduced benefit; and
- Increase of survivor's benefit from 65% to 75%.

Ms. Teoli Kuhls advised that the adoption of this ordinance is a housekeeping item that does not have a budgetary impact.

Action: Ms. Strouse moved to authorize advertisement and drafting of an ordinance to amend the Police Pension Plan. Mr. Ksiazek seconded. Motion carried by a vote of 5-0.

8. Consideration of authorizing advertisement of Ordinance #20-05, anti-discrimination and establishment of Human Relations Commission.

Mr. Esposito explained the proposed ordinance, which establishes the Middletown Township Human Relations Commission, sets forth related anti-discrimination regulations and codifies by ordinance the regulations related to the Middletown Township Disabled Persons Advisory Board, which were previously established by Resolution No. 00-12R, as amended by Resolution No. 01-06R.

Ms. Payne inquired how many members would be on the Commission.

Mr. Ksiazek thanked Ms. Payne for spearheading this issue.

Action: Ms. Payne moved to authorize the advertisement of the proposed ordinance to codify by ordinance the regulations related to the Middletown Township Disabled Persons Advisory Board, which were previously established by resolution, and to create the Middletown Township Human Relations Commission pursuant to the Pennsylvania Human Relations Act. Ms. Quirple seconded. Motion carried by a vote of 5-0.

9. Consideration of authorizing advertisement of Ordinance #20-06, changing Cabot Blvd from No Parking to No Stopping, Standing or Parking Zone.

Nick Valla, Management Analyst advised that Cabot Boulevard is a business park next to the US-1/I-295 interchange, accessible only by Bristol-Oxford Valley Road. The primary issue is vehicles standing on the roadway waiting to access businesses. Cabot Boulevard is currently a "No Parking" zone, but this does not allow for enforcement against stopped or standing vehicles.

This issue is mostly related to the Amazon fulfillment center located here. Delivery vehicles were lined up for extended periods blocking traffic almost out to Bristol-Oxford Valley Road on

several occasions. The Police Department met with Amazon's site management earlier this year and confirmed several changes implemented by Amazon have improved these issues.

Amending the Township's parking ordinance (§470) to a "No Stopping, Standing, or Parking" zone would allow the Police Department more enforcement ability to keep traffic moving on Cabot Boulevard. Even though there are fewer problems now than when this issue first arose, this change will allow for enforcement should issues arise again.

Action: Ms. Strouse moved to authorize advertisement and drafting an ordinance to change Cabot Boulevard from a 'No Parking' to a 'No Stopping, Standing, or Parking' zone. Mr. Tosti seconded. Motion carried by a vote of 5-0.

10. Consideration of authorizing advertisement of the 2020 Handicap Ramp Bid.

Isaac E. Kessler, P.E., Township Engineer said this year's Handicap Ramp Program revisits the Georgetown neighborhood to construct ADA complaint ramps and improve pedestrian safety. This neighborhood had been included as an alternate bid with the 2018 program, but was not able to be included in the program due to budget limitations. Remington & Vernick Engineers has worked closely with Township staff to revisit the ramps in Georgetown for this year's program to achieve two main goals. One is to construct the ramps in the Georgetown Neighborhood prior to replacing the roadways. The repaving of these roadways is anticipated with next year's Road Program. Two is to utilize the shovel-ready construction plans and avoid spending time and costs on survey and design for this year's program. The resources of the township can be focused on bidding and constructing these ramps to continue this important annual program.

The intersection locations for the 2020 Handicap Ramp Program consist of the following:

- Fifteen (15) intersections along Danby Lane, Hampton Drive, and Canton Lane
- Total of forty-eight (48) ramp locations

The Handicap Ramp Program has \$225,000 set aside in this year's budget, and the construction of the ramps is anticipated to take place in the fall.

Action: Ms. Payne moved to authorize the advertisement to solicit bids for the Township's 2020 Handicap Ramp Program. Mr. Ksiazek seconded. Motion carried by a vote of 5-0.

11. Consideration of rejecting Middletown Community Park Bids for 1) installation of Rubberized Playground Surfacing, 2) installation of the Sutu Kickwall and 3) construction of a concrete slab for the senior fitness equipment.

Paul Kopera, Director of Parks & Recreation explained the Board authorized the advertisement and posting of three bids to complete the DCNR grant project at the Community Park. The bid projects consisted of the following:

1. The poured in place rubberized surfacing for the playground at Community Park,
2. The installation of the Sutu Kickwall, and

3. The construction of a 4,200 square foot concrete slab, to be placed between the entry and exit way of Community Park for senior fitness equipment.

Mr. Koperera recommended rejection of all bids for the following reasons:

1. There was only one bid for the poured in placed rubber surfacing contract (\$81,000) and the bidder did not meet the Responsible Contractor's Ordinance
2. The two bidders for the Sutu Kickwall installation (\$48,900 & \$82,993) did not meet the Township's Responsible Contractor Ordinance
3. There were seven bidders for the concrete slab that ranged from \$99,350 to \$178,700, all being significantly over budget.

Mr. Koperera concluded by noting that the poured in place playground project has been unsuccessfully bid three times and the Sutu Kickwall installation has been unsuccessfully bid twice. The next step will be to have Public Works do the earth work for the kickwall installation while having separate trades perform the electrical work and the kickwall installation footings.

Action: Mr. Tosti moved to reject all three (3) bids for the poured in place playground surfacing, the Kickwall installation and the concrete slab projects at the Middletown Community Park. Ms. Payne seconded. Motion carried by a vote of 5-0.

12. Consideration of authorizing preparation and advertisement of Reetz Avenue Drainage Project Bid.

Patrick Ennis, Director of Building & Zoning advised that Reetz Avenue is a Township road with no outlet that crosses Tributary No. 12 of the Neshaminy Creek. At the stream crossing location is a 60" corrugated metal pipe of approximately 60' in length. This pipe has deteriorated and rusted to the point where there are significant channel sections that are worn away. There is embankment erosion around the upstream headwall that is now exposing the pipe. The rehabilitation of Reetz Avenue Culvert will include the concrete lining and repair of the inside of the pipe along with embankment repairs and stabilization.

The project is expected to cost \$60,000 and will be funded by the emergency drainage project allocation of the Capital Fund.

Action: Ms. Payne moved to authorize preparation of the design, bid documents and the advertisement to solicit bids for the Rehabilitation of the Reetz Avenue Culvert Project. Mr. Tosti seconded. Motion carried by a vote of 5-0.

13. Q2 Financial Report

Mega Bhandary, Finance Director provided an overview of the Township's unaudited financial activity for Fiscal Year 2020, including revenue, expenditures and encumbrances made against the \$35,174,093 operating budget.

Summary of Revenue

- Overall the Township is tracking at 63% of Budget or \$22,228,007. We are \$1,333,906 behind in revenue compared to the same time last year.
- Total General Fund Revenues are at 45% of budget.
- Real Estate Tax revenues in the amount of \$8,681,934 or 94.4% of the budgeted amount were collected through the Tax Collector.
- Earned Income Tax has generated \$3,656,036 as of 06/30/2020. At this time last year we had generated \$4,253,599. This is quite a bit behind due to the impacts of COVID-19 and a higher than expected 2019 collection.

Summary of Expenditures

- Overall we are tracking at 37% of Budget, when you take out COVID-19 expenses, which is better than the same time last year by \$381,039 (\$209,963 with COVID-19 expenses).
- Total General Fund Expenditures are at 40% of budget
- Township staff has been asked to cut back on purchases that are not needed in order to balance out expenses to reduced revenue.
- The Finance Department is working alongside the Fire Marshal and the Township Manager to submit to the FEMA/PEMA grant for recovery of funds spent on COVID-19.

Ms. Teoli Kuhls provided a high-level overview of the status of key General Fund revenue sources at the six month mark of 2020. She noted that she and Ms. Bhandary have been monitoring revenues in these categories on a weekly basis. She reviewed a chart that compared 2020 budget with year-to-date collections and estimates for end of year. This chart illustrated that there will be approximately \$3.5 million less in revenues than budgeted.

Ms. Teoli Kuhls highlighted the fact that the Earned Income Tax has not been impacted as significantly as expected. Real Estate Transfer Tax is tracking approximately \$500,000 behind last year's collections. Amusement Tax is driven by Sesame Place and it is anticipated that only a small percentage of revenue budgeted in this category will be collected.

Ms. Teoli Kuhls noted that Middletown Township was fortunate to enter the crisis with solid financial footing, with strong fund balances and having just received a AAA bond rating. She explained that the 2020 capital plan has been dramatically cut back and the staff has been working to cut costs across all categories.

Mr. Ksiazek thanked Ms. Teoli Kuhls and Ms. Bhandary for the job they are doing and appreciated the update.

Mr. Tosti inquired if the permit fees are down due to the opening of business to have outdoor dining. Ms. Teoli Kuhls explained that the township waived fees for outdoor dining and tenting in an effort to assist small businesses in restarting operations. In addition, a decision was made to defer annual fire inspection fees for the remainder of the year

14. Middletown Township Comprehensive Plan Presentation - Isaac Kessler, P.E.

Isaac Kessler, P.E., Township Engineer and Ashton Jones, Professional Planner of Remington Vernick made a presentation on the Township 2020 Comprehensive Plan.

Mr. Kessler advised that in contrast to a traditional comprehensive plan, with the emphasis on tabulation of data and recommendations to guide actions after the plan is completed, an Implementable Comprehensive Plan (ICP) reflects ideas expressed during a planning and public participation process.

The four topics that provide the framework for the ICP and represent the four chapters that are at the heart of the Plan are as follows:

- Redevelopment and Housing
- Transportation
- Recreation
- Sustainability

Mr. Kessler provided the goals and strategies for redevelopment and housing, transportation, recreation and sustainability. Each of these topic areas were discussed heavily at Steering Committee meetings and the public open house, and it was out of these meetings that the specific strategies were developed. In the end, the final and arguably most critical component of this Implementable Plan is the strategies and implementation steps contained within. It is these strategies that allow for the flexibility necessary to develop within an ever-changing future.

In closing, Mr. Kessler stated the above key issues will require a collaborative effort from municipal and county officials, community organizations and concerned citizens.

Ms. Strouse thanked Mr. Kessler and Mr. Jones for the work they did on the Comprehensive Plan. She also thanked the residents who were involved in the steering committee for the Comprehensive Plan.

Mr. Ksiazek thanked Ms. Strouse for being the driving force behind the Comprehensive Plan.

Action: Ms. Strouse moved to authorize the advertisement of a public hearing to consider the approval of the Comprehensive Plan. Ms. Payne seconded. Motion carried by a vote of 5-0.

15. Other Business.

Ms. Quirple stated that it is nice to see the "Open for Business" signs around the Township. She reminded everyone to please be vigilant and wear masks and social distance.

Mr. Tosti agreed Ms. Quirple and also said to please wear mask and to cooperate so the Township can open up once again.

16. Public comment.

Mr. Ksiazek read emails from the following residents that are in opposition to Sesame Place opening on Friday, July 24th:

Brianna Newton, 914 Woodvale Avenue, Langhorne
Robyne Bertele, Langhorne
Colleen Skarzynski, Middletown resident
Sandy DiBerardino, 104 West Fairview Avenue, Langhorne
Kristi Corcoran, 510 Hulmeville Road, Langhorne

Ron Cosenza, 256 Barnsbury Road said that as a citizen of Middletown Township, he is 100% behind the opening of Sesame and any other business.

Ms. Teoli Kuhls provided the guidelines under which Sesame Place would be open as provided to her by a representative of Sesame Place.

Mr. Ksiazek referenced an email received from Susan and David Coleman, 39 Dolphin Road, Levittown. The following are concerns that Mr. & Mrs. Coleman brought to the Board's attention:

1. Use of fireworks in Deep Dale West, Sycamore Ridge, Deep Dale East and Highland Park.
2. Noise Ordinance and dogs that bark constantly.
3. Neighbor's security lights without shields intrude in the Coleman's bedroom 10-12 times a night.
4. High weeds at the intersection of Route 413 and Route 1
5. Individuals in Highland Park around Hale Road that are running a business out their home.

Ms. Teoli Kuhls to look into these issues and get back to the resident.

17. Adjournment.

Action: *Mr. Tosti moved to adjourn the public meeting of the Middletown Township Board of Supervisors at 9:03 p.m. Ms. Strouse seconded. Motion carried by a vote of 5-0.*