

# BOARD OF SUPERVISORS REGULAR MEETING - VIRTUAL

MAY 4, 2020 | 7:00 P.M.

PRESENT (via iCloud - GoToMeeting

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	}	
ISAAC KESSLER, P.E., TOWNSHIP ENGINEER	}	

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

Mr. Ksiazek called the meeting to order at 7:00 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, and Isaac Kessler along with several Department Directors.

2. Announcements and Special Items.
  - a. Next Board of Supervisors Meeting - **Monday, May 18, 2020 @7:00 p.m.**
3. **Consent Agenda Items.**
  - a. Consideration of authorizing payment of May 4, 2020 Bill List in the amount of \$1,525,181.01.
  - b. Consideration of approving the April 13, 2020 Minutes of the Public Meeting of the Middletown Township Board of Supervisors.

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

4. COVID 19 Update: Township Operations.

Ms. Teoli Kuhls advised that although the Municipal Center is closed the Township is up and running with employees working both remotely and in the building. The Fire Marshal and Police Departments are fully staffed and working the entire time doing an excellent job staffing the front lines during this pandemic. The Department of Public Works is fully staffed starting today and are working two staggered shifts. The Parks & Recreation Department are gradually coming back to the office and have been very creative in coming up with ideas to serve the community throughout the crisis with virtual programming and are strategizing on the upcoming summer recreation programs.

Ms. Teoli Kuhls advised that if residents that have signed up for summer camp are having financial issues and would like to receive a refund they are being processed and there will be no penalty fee charged. The Parks & Recreation Department are working on some way

to handle the upcoming Summer Recreation Program. More information will be forthcoming.

In the Finance and Administration Departments things have been running very smoothly with bills being paid and questions and concerns from residents being handled. We are working on launching a Citizens Request Portal which will be highlighted at the next Board of Supervisors Meeting.

The goal at this point is to transition the staff from tele work back into the building, doing it gradually by following the governor's orders. The building will remain closed until such time we will move into one of the targeted areas set forth by the governor. The main concern is keeping employees and visitors safe.

At this time, Ms. Teoli Kuhls Introduced Pat Ennis, Building & Zoning Director. She stated that Mr. Ennis is a Professional Engineer and a lifelong resident of Lower Bucks County. Mr. Ennis worked with former Building & Zoning Director Pat Duffy for 3 weeks before he retired.

Mr. Ennis advised that his department is operational although remotely since the shutdown. One person is working in the office and one at home. The department has been responding and sending permits out and only inspecting new and outdoor structures at this time.

The Zoning Hearing Board is planning to have a virtual meeting on May 27<sup>th</sup> and will start Planning Commissions as well. Code enforcement is back up and running.

Mr. Ksiazek welcomed Mr. Ennis and asked if there are creative ways to do inspections. Mr. Ennis stated that single issues are handled by using FaceTime.

5. Consideration of authorizing preparation and advertisement of a bid for the 2020 Sediment Reduction Initiative – Stormwater Basin Retrofit Project.

Mr. Ennis explained that the 2020 Sediment Reduction Initiative includes the modification of five drainage basins to promote sediment removal and improved water quality in the Neshaminy Creek and Mill Creek watersheds. Basins will be modified with low level outlet control structures to increase retention time, allowing sediment and suspended solids to settle out before discharging from the basins. Wetland and wildflower seed mixes will be planted in the basin promoting nutrient removal from runoff. Riprap aprons will also be placed at storm pipe end sections to reduce the flow velocity and sediment disturbance.

The following basins are proposed for the project:

Base Bid:	Swan Pointe Highland Gate Basin Sturbridge Basins
Bid Alternate #1:	Lakeview Estates
Bid Alternate #2:	Firefighters Park Basin

The budget for the 2020 Sediment Reduction Initiative is \$201,250. The cost estimate for the base bid and bid alternates #1 and #2 is \$200,000. A Pennsylvania Department of Environmental Protection (PaDEP) growing Greener Grant in the amount of \$175,000 has been awarded to Middletown Township. A 15% match of \$26,250 is required by the Township.

**Action:** *Ms. Strouse moved to authorize the preparation of bid documents and the advertisement to solicit bids for the Township's 2020 Sediment Reduction Initiative—Stormwater Basin Retrofit. Ms. Payne seconded.*

Mr. Tosti recommended looking into reducing the cost by using Township design time as part of the \$26,000. Mr. Ennis confirmed that staff time is eligible as "in kind" match to the grant.

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

6. Board Appointments:

- a. Consideration of appointing Kieran Hastings to the Zoning Hearing Board for a term to expire December 31, 2021.

**Action:** *Mr. Tosti moved to appoint Kieran Hastings to the Zoning Hearing Board for a term to expire December 31, 2021. Ms. Quirple seconded. Motion carried by a vote of 5-0.*

- b. Consideration of appointing Michael Lutz to the Planning Commission for a term to expire December 31, 2020.

**Action:** *Mr. Tosti moved to appoint Michael Lutz to the Planning Commission for a term to expire December 31, 2020. Ms. Payne seconded. Motion carried by a vote of 5-0.*

7. Consideration of approving an updated Personnel Policy for Middletown Township employees.

Nick Valla reviewed the proposed updated personnel manual. The proposed manual contains existing policies with updated language, as well as new policies to address personnel matters in the modern workplace. This policy manual applies to all non-uniform employees. Policies largely reflect those in the collective bargaining agreements. If any policies in this manual differs from those in the collective bargaining agreements, the collective bargaining agreements shall prevail.

Ms. Payne asked Mr. Valla how long it has been since the policy was updated. Mr. Valla advised the policy was last updated in 2000.

**Action:** *Ms. Strouse moved to adopt the Middletown Township Personnel Policy Manual for non-uniform employees. Mr. Tosti seconded. Motion carried by a vote of 5-0.*

8. 1st Quarter Financial Report.

Mega Bhandary, Finance Director presented the First Quarter Financial Report reporting on the following: Revenue and Expense summary actuals versus budget; Revenue by category

actuals versus budget; Expenses by category actuals versus budget; Investments overview; and Pension update.

Ms. Teoli Kuhls provided an update on the impact of COVID-19 on the finances of the Township. She stated the good news is that Middletown entered the pandemic on solid financial footing, with strong fund balances and having just received a AAA Bond rating. She reiterated the information shared in the 1<sup>st</sup> quarter report and noted that, at the end of April, the revenues and expenditures are still tracking close to budget.

In anticipation of 3<sup>rd</sup> and 4<sup>th</sup> quarter impact to revenues, the staff is initiating cost cutting measures and many projects are being paused. In addition, the Board has given direction that all Capital expenditures will be viewed on a case by case basis.

Ms. Teoli Kuhls noted that several key revenues will be impacted by the crisis: Earned Income Taxes, Real Estate Transfer Taxes, Mercantile Taxes, Amusement Taxes, Local Service Taxes and License and Permits.

She concluded by confirming to the Board of Supervisors and the community that staff is monitoring these revenue sources very closely on a week-to-week basis.

Ms. Strouse thanked the staff for the job they are doing. Mr. Ksiazek thanked Ms. Teoli Kuhls and Ms. Bhandary for the presentation. He stated that there is going to be an impact on the Township and it will be a couple of months before we feel the impact of the virus.

#### 9. Public Comment.

Mr. Ksiazek read the following Public Comment submitted by Vincent Aurillio of 45 Dawn Road of the Sycamore Ridge Development:

*This submission is regarding an issue originally presented to the Middletown Township Board of Supervisors at their meeting on 15 July 2019 and a subsequent email on 16 July 2019. The stormwater drainage extending from Dawn Road to Mill Creek moves through an underground pipe, between my house and 47 Dawn Road, to an exposed swale between the two yards, through a wooded area and another buried drainage pipe before arriving at the creek. The drainage pipe just prior to the creek became blocked resulting in the storm water backing up and flooding the woods and my yard (photos previously submitted). Due to the initial flooding, falling trees and other debris, the original path of the storm water has been altered and flooding continues periodically, depending on rainfall amounts. With this blockage, water becomes stagnant and a place for breeding insects and the ground is further softened with many trees now leaning to an even greater extent.*

*In addition, prior to the flooding, I inquired about erosion occurring above the opening of the pipe at the entrance of the swale. This specific area is only seven feet from my home's foundation. At that time, I was told there was not much that could be done given the township budget, and the grass should be enough to keep the erosion from worsening. With that erosion in mind when the flooding problem occurred, I inquired about the possibility of connecting the two sections of pipe, that from the street and the one in the woods, to allow for an unobstructed path for the stormwater from the street to the creek. In subsequent conversations with Isaac*

*Kessler of Remington and Vernick Engineers, I've asked about the possibility of other options as well, such as extending the pipe from Dawn Road so that the outlet is at the property line into the woods, or if the swale is to remain open, a head wall at the opening as protection against erosion.*

*Recently, when a contractor visited my property, it was brought to my attention that bidding was requested for a project. Since I had not heard anything from the township, I phoned Isaac Kessler for information. In the initial conversation, and another after my contacting the Board of Supervisors via email, Mr. Kessler has explained that it has been determined that the swale must remain and the proposed project is to remove debris from the area, line the swale with turf padding and replace the pipe to the creek with one of slightly larger diameter. Supposedly, this is to hopefully correct the flooding problem. Given the impact the water has had on the ground between the swale and the outlet pipe, I am not hopeful.*

*My inquiries regarding potential solutions for this problem are focused on multiple concerns. While the flooding forced me to approach the township a second time, my concern regarding erosion and public safety remain. This is not about adding square footage to my yard, as has been expressed by Mr. Kessler. I contend that if a stormwater drainage system were being installed today, it would not be accomplished this way. And as a township property owner, I prefer that any work performed and taxpayer money spent, address and resolve all concerns. I kindly request that the Board of Supervisors review this issue further as well as the following related questions/concerns.*

- *If swale is to remain open:*
  - o *establish water flow to outlet pipe, so as not to become stagnant*
  - o *installation of a head wall to prevent erosion*
  - o *maintenance responsibility and cleaning of vegetation growth*
- *In wooded area:*
  - o *maintenance responsibility and liability for falling trees from erosion*

*In closing, I would like to emphasize one final point. I have always felt that the existing swale and open stormwater pipes pose a hazard to curious children in the neighborhood. This should be of greatest concern as you work to find the solution. Please feel free to contact me with any questions you may have.*

Mr. Kessler reported on this issue and advised that he is in contact with Mr. Aurillio and will continue to work to resolve this problem.

#### 10. Other Business.

Mr. Tosti advised about a scam concerning stimulus checks. He also advised that residents can vote by mail in the upcoming primary election by registering at VotesPA.com until May 26, 2020. Mr. Tosti also stated the County Commissioners want the importance of the 2020 Census to be noted.

Ms. Strouse appreciates the efforts of everyone for running these virtual meetings. She also stated that it is great that all of the police officers are back to work and healthy.

Ms. Payne said during these hard times she appreciates everyone trying to keep everyone safe. She said it is important to social distance and to wear masks.

Mr. Esposito said it is good to see everyone and to stay safe.

Ms. Teoli Kuhls aid "hats off" to the Township team and wished the best to all residents.

11. Adjournment.

*Action: Ms. Strouse moved to adjourn the Public Meeting of the Middletown Township Board of Supervisors at 7:47 p.m. Mr. Tosti seconded. Motion carried by a 5-0 vote.*