

Board of Supervisors Regular Meeting

August 16, 2021 | 7:00 p.m.

PRESENT

TOM TOSTI, Chairperson	
ANNA PAYNE, Vice Chairperson (Virtually)	}
DAWN QUIRPLE, Secretary	} Board of Supervisors
AMY STROUSE	}
MIKE KSIAZEK	}
STEPHANIE TEOLI KUHL, TOWNSHIP MANAGER	
JAMES J. ESPOSITO, ESQ., TOWNSHIP SOLICITOR	
ISAAC KESSLER, P.E., TOWNSHIP ENGINEER	

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

Mr. Tosti called the meeting to order at 7:03 p.m. After the Pledge of Allegiance, Ms. Quirple called roll. Supervisors Tosti, Quirple, Strouse and Ksiazek attended the meeting in person along with the Township Manager Stephanie Teoli Kuhls, Solicitor James Esposito, Engineer Isaac Kessler and department directors. Supervisors Payne attended the meeting virtually. The National Anthem was led by Grace Bilardo.

2. Announcements and Special Items.

- a. Next Board of Supervisors Meeting – Tuesday, September 7, 2021 @ 7:00 p.m.
- b. Recognition of Jim Hewins for completion of cross-country bike ride

Mr. Tosti introduced Mr. Hewins who is a community member and volunteer firefighter for the William Penn Fire Company. He congratulated Mr. Hewins’ on the completion of his cross-country bike ride which started at the foot of the Golden Gate Bridge in San Francisco on April 29th and ended in Yorktown Virginia on July 24th covering 3,980 miles. Mr. Hewins cross-country bike ride took him through California, Nevada, Utah, Colorado, Kansas, Missouri, Illinois, Kentucky and finally Virginia. The route took him through National Parks, National Forests, National Recreation areas and many historic sites. Mr. Tosti noted, if interested in the entire journey you can go to crazyguyonabike.com and search either using “Jim Hewins” or his journal title, which is "If It Weren't So Damn Windy, This Trip Would Be A Breeze".

PA State Representative Frank Farry (who also represented the offices of PA Representatives Tina Davis and John Galloway), Congressman Brian Fitzpatrick, and Nick Diasio, representing State Senator Tommy Tomlinson’s office, all recognized Mr. Hewins for his accomplishment.

- c. Summer Rec “A Little Kindness Matters” Recognition - Carol Garner

Mr. Tosti recognized Carol Garner, Core Creek Park Site Supervisor, who started something weeks ago from a treasure chest craft Summer Recreation the camp did on Pirate

Week. She put a penny in each chest and asked the kids to make it grow. She encouraged each child to do things around the house, pick up lost change, help a neighbor, anything they could do to raise money that they will donate to the Red Cross for help with all the disasters that are happening around us. One child even set up a lemonade stand to help. The fundraiser will be concluded on August 11th with an Ice Bucket Challenge at Core Creek Pavilion 2, during camp. Ms. Garner shared that the campers were able to collect \$300.00 will donate the money to the Red Cross in honor of Detective Christopher Jones. She stated "remember kindness matters, kindness is contagious, and the universe always supports a good intention."

Mr. Tosti thanked Ms. Garner for the wonderful story and for what she is doing and teaching the children.

d. Middletown Athletic Association U10 Softball Team Recognition

Mr. Tosti recognized the Middletown Athletic Association U10 Softball Team after completing a two-month regular season in the MAA in-house program on different teams, these selected girls had to try-out in the heat, meet their teammates for the first time, understand each other's strengths, understand the coaching philosophy and new rules, then fought through the District 21's bracket during rain storms, excessive heat, and family holiday time - to advance to play in the District championship in Bristol Borough on July 7th. They managed to win the District Championship that day by the score of 14-4.

Mr. Tosti, PA State Representative Frank Farry (who also represented the offices of PA Representative Tina Davis and John Galloway), Congressman Brian Fitzpatrick, and Nick Diasio, representing State Senator Tommy Tomlinson's office, all presented certificates to the following MAA U10 Girls Softball Team:

Team: Joey Autumn Grose, Rilynn Webb, Aubrie Demi, Ella Hughes. Jamison O'Donnell, Ella Kramer, Peyton Greer, Perry Luchko, Lily Mee, Sloane Walters, Sienna White, Madison Wengert, and Presley Tochterman. Dennis O'Donnell; Head Coach, Drew Walters; Assistant Coach, and Colleen Perry-Luchko; Assistant Coach.

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

Andy Warren, 294 Shady Brook Lane, commended the Board of Supervisors and Middletown Township staff on the excellent National Night Out event. He thought that the event was a wonderful community event.

Mr. Warren also complimented the Middletown Township bike officers whom he saw riding around in residential neighborhoods. He noted several positive responses he had heard from residents in regards to the bike officers and their patrols.

4. Consent Agenda Items.

- a. Consideration of authorizing payment of August 16, 2021 Bill List in the amount of \$2,167,199.82.
- b. Consideration of approving the July 12, 2021 Minutes of the Public Meeting of Middletown Township Board of Supervisors.

- c. Consideration of approving Resolution #21-23R, for Official Sewage Facilities Plan revisions for the Pennswood Village Health Center & Building additions, 1382 Langhorne-Newtown Road, TMP#22-004-004-001.
- d. Consideration of approving Resolution #21-24R, for Official Sewage Facilities Plan revisions for the 1010 Woodbourne Road, DRJTBC Southern Operations and Maintenance Facility, TMP#22-031-078, 22-031-079-003, 22-031-077-001, & 22-031-088.
- e. Consideration of approving Change Order #1 for the Neighborhood Sign Program in the amount of \$3,200.00 to Quality Services Plus of Bristol, PA.
- f. Consideration of Payment Application #6 and Change Order #3 for the Langhorne Gables Drainage Improvement Project.

Action: Mr. Ksiazek moved to approve consent agenda items A-F as listed above; seconded by Ms. Quirple;

Andy Warren, 294 Shady Brook Lane, questioned the following consent items:

- Consent #4d: questioned the location of the DRJTBC Southern Operations and Maintenance Facility and the average daily flow of sewage permitted. Mr. Warren mentioned that he was specifically questioning the annualizing of the yearly average. Isaac Kessler, Engineer confirmed that Township submits the facilities plan and is reviewed by DEP for property permitting.
- Consent #4e: questioned the change order for the Neighborhood Sign Program. Ms. Teoli Kuhls confirmed that one additional park sign is being added as well as four park additional sign components to acknowledge granting agencies at selected parks.
- Consent #4f: questioned the change order amount for Change Order #3. Mr. Kessler confirmed that there is no cost associated with the change order, but that the change order was to extend the contract.

Motion carried by a vote of 5-0.

5. Consideration of authorizing release of a bid for the 2021 Guiderail Project.

Isaac Kessler, P.E., Township Engineer, reviewed a series of seven (7) locations throughout the Township that have been identified for guide rail improvements and/or new installations. Improvements include replacing older guide rail sections and, in some areas, extending the guide rail protections to meet current standards. The locations as part of this project include: S. Flowers Mill Road – southeast corner at culvert with Mill Creek, Big Oak Road – south side at culvert between Rapture Trailer and 3D Systems driveways, Big Oak Road – north side at the bend, Big Oak Road – south side at intersection with Township Line Road (adjacent to RR crossing), Village Road – both north and south sides at culvert crossing (between Wood Duck Ln and Basil Rd), Silver Lake Road – west side approaching the culvert and bend with Village Road, and Silver Lake Road – east side at the culvert and bend with Village Road. The Department of Public Works is working with Traffic Planning & Design to finish a few design elements and is then ready for public bid.

Mr. Tosti questioned which guide rail sections would be new and which will be replaced. Mr. Kessler noted that a majority of the sections were extensions of existing guiderails. Patrick J. Ennis, Director of Building & Zoning, stated to the best of his knowledge there will be some existing sections and some new sections to meet the updated standards for guide rails and shoulder protection.

Ms. Quirple questioned the estimated timeline for completion. Mr. Kessler noted that he would have to follow up with the Department of Public Works for that estimate. Stephanie Teoli Kuhls explained that the project could be completed by the end of the year depending on delivery of materials.

Action: Ms. Strouse made a motion to authorize the advertisement to solicit bids for the Guide Rail Improvements Project, seconded by Anna Payne; Motion carried by a vote of 5-0.

6. Consideration of authorizing advertisement of a bid to replace the asphalt shingle roof and gutters on the barn building located within Middletown Community Park.

Paul Kopera, Director of Parks and Recreation, requested approval to advertise a bid for work to remove and replace the asphalt shingles and gutters on the Barn building that resides within Middletown Community Park. The bid specifications will require the installation of a new architectural-type asphalt shingle with an estimated 25-year warranty and installation of 460 linear feet of gutters and downspouts. The roof size is approximately 8,300 square feet. It is critical that we get the roof replaced before too much interior damage results. This project received authorization to bid at the January 19 and April 19 Board of Supervisors meetings. None of the previous bids received were from responsible contractors. The 2021 Capital Budget includes \$99,000.00 in improvements for Middletown Community Park and of that amount, \$65,000.00 was planned for the new roof and gutters on the Barn.

Action: Mr. Tosti made a motion to authorize the advertisement to solicit bids for the new asphalt roof and gutters Pproject on the barn at Middletown Community Park; seconded by Mr. Ksiazek; Motion carried by a vote of 5-0.

7. Consideration of authorizing the Middletown Community Foundation, a 501c3, to host two (2) beer gardens on Middletown Township property.

Paul Kopera, Director of Parks and Recreation, reported on the success of the Middletown Community Foundation (MCF) in supporting the community. Since its 2002 inception, the MCF has provided about \$180,000 in scholarship money to 176 college bound students, \$32,000 in funds to support the Middletown PD K-9 unit, \$4,000 annually in fee assistance to parents in order to send their children to Middletown's Summer Rec Program run by the Parks & Recreation Department, and during the pandemic provided \$40,000 in grants to provide recreational equipment to children during the pandemic. The proposed beer gardens are meant to be fund raisers for the MCF in order for them to continue their efforts in the community. We are seeking relief of the Township Ordinance 337-103(D) in order to host two MCF

Beer Gardens on Township Property.

- Saturday, Oct. 2, Firefighters' Park "Parkland Day", 1-5 PM
- Thursday, Dec. 9, Municipal Center "Holiday Open House", 5:30-9:30 PM

Mr. Kopera noted that Middletown ran four successful Pop Up Beer Gardens in 2019 and we plan to continue that success with annual beer garden events. Each event will take place with music, food trucks, and activities for young and old.

Ms. Strouse noted that extensive research was completed by the Board of Supervisors in 2019 for the same request. She wanted to confirm that there was not lack of interest but that past events held have been very safe and very responsible.

Action: Ms. Strouse made a motion to suspend Ordinance 337-103(D) for Saturday 10/2 and Thursday 12/9 in order for the Middletown Community Foundation to host the Beer Gardens on Township Property; seconded by Ms. Quirple; Motion carried by a vote of 5-0.

8. Consideration of authorizing a land appraisal of the 1.94-acre plot adjoining Firefighters' Park. The tax parcel is 22-020-041-002.

Paul Kopera, Director of Parks and Recreation, noted that the Comcast Corporation owns the 1.94-acre plot adjoining the 13 acres of Firefighters' Park. Vegetation blocks the road to the tennis courts that Department of Public Works has to keep open.

Mr. Kopera explained that Comcast is interested in selling the parcel to the Township. The first step for the Township is to have the property appraised in order to proceed with the purchase. The plan is after the purchase, the property will be cleaned up and left green to enlarge the beauty of the park's footprint. The 2021 operating budget will cover the cost of the appraisal. The Capital Budget will cover the subsequent purchase, if that occurs.

Mr. Tosti questioned whether the Comcast would still be considering donating the land to the Township. He confirmed to Mr. Kopera to have the property appraised and then discuss with Comcast about the possibility of still donating the land use the money to revitalize the land and create more open space.

Action: Ms. Strouse made a motion to authorize the appraisal of Tax Parcel 22-020-041-002 by an appraisal company as approved by the Township Manager and Township Solicitor in an amount not to exceed \$750.00; seconded by Mr. Ksiazek; Motion carried by a vote of 5-0.

9. Consideration of authorizing the backstop repair and installation of higher fencing at Twin Oaks Park, Field 1 for \$11,280.00.

Paul Kopera, Director of Parks and Recreation, Twin Oaks Park, Field 1, also called the Majors Field, is home to the 10-12 boys division. It is a high-use field next to the busy intersection of Woodbourne Road and Twin Oaks Drive. This fence project will 1) repair the existing 30' high backstop, 2) replace the backstop's lower fencing and 3) install new 10' high fencing strategically down the third base line. The new 10' high fencing better protects the spectators, motor vehicle traffic and certain homes on Twin Oaks Drive from foul balls. This is a project delayed by the 2020 pandemic. Northeast Fence & Iron Works, Inc. has a good reputation and has completed excellent work for LAA at Community Park on the quad fields. This Twin Oaks Park fence project is below the threshold of \$11,500 so it does not require any formal bids. The 2021 Capital Budget includes \$575,000.00 for the upgrades to Twin Oaks Park LED Lights. This purchase totals \$11,280.

Mr. Tosti questioned about the first base line that goes out to Woodbourne Road? Mr. Kopera confirmed that there 40 feet and gully on that side and that there are no issues on that side. Mr. Tosti confirmed that the fencing will protect the residents and the Twin Oaks area on the parking lot on the third base side.

Ms. Strouse questioned that this is a budgeted item from Capital budget amount that has already been set aside for improvements at Twins Oak Park. Mr. Kopera confirmed that there is extra budgeted money from the LED lighting project for the fence project.

Action: Mr. Ksiazek made a motion to execute a contract for the repair and installation of fencing equipment from Northeast Fence & Iron Works, Inc. in the amount of \$11,280.00; seconded by Ms. Payne; Motion carried by a vote of 5-0.

10. Consideration of authorizing a contract to Mercury Systems, LLC, of Bristol in the amount of \$23,982 for the fire alarm systems upgrade.

Patrick J. Ennis, Director of Building & Zoning, explained that the existing Fire Alarm System in the Municipal Building is 20 years old and was original to the building. This contract will be to install a new fire alarm control panel and upgrade the system equipment to improve detection and safety throughout the building. Mercury Systems, LLC is a Costars approved Contractor, Contract Number: 040-017. This project will be funded from the Capital Fund.

Action: Ms. Strouse made a motion to award a contract to Mercury Systems, LLC, of Bristol in the amount of \$23,982 for the Fire Alarm System upgrades; seconded by Dawn Quirple; Motion carried by a vote of 5-0.

11. Consideration of authorizing advertisement of the Middletown Township Auditing Services RFP.

Mega Bhandary, Finance Director, explained that Middletown Township currently works with Bee Bergvall Co. for all audit services. The RFP isn't a reflection on the incumbent's work, but rather a best management practice to assure objectivity in the audit process and to assure competitive fees for those services. Bee Bergvall Co. was awarded an audit services contract in 2011, which was the last time an Audit Services RFP was advertised for Middletown Township. Middletown Township would like to invite qualified Certified Public Accountants, duly registered in the Commonwealth of Pennsylvania, to submit proposals for Financial audit services. The RFP will be available on Penn Bid, upon approval from the Board of Supervisors beginning August 17th, 2021. All bid submissions will be due on Friday, October 1, 2021 at 12:00PM (EST) and the final award will be presented on November 1, 2021 for the 2021-2022 audit period.

Mr. Tosti questioned the term of the contract. Ms. Bhandary confirmed that it is a one-year contract with the Township's sole option to extend it.

Ms. Strouse questioned if there is a best management practice of how often we should be switching auditing firms, as Middletown Township has won several times the Financial report award each year. Ms. Bhandary explained that there is not a certain time period but it is best management practices to do this process. She does suggest to look at every five years to keep up with the market.

Action: Ms. Strouse made a motion to authorize the advertisement of the Auditing Services RFP; seconded by Mr. Tosti; Motion carried by a vote of 5-0.

12. Second Quarter 2021 Financial Report.

Mega Bhandary, Finance Director presented the Second Quarter Financial Report. Ms. Bhandary reported on Expenses by Category, COVID19 costs and reimbursements, and provided an Investments Overview and a Pension Update. She noted that as we are halfway through the year, she will continue to monitor all Township finances.

Mr. Warren questioned whether the public is able to receive a copy of Ms. Bhandary's presentation. Ms. Teoli Kuhls noted that the Township will provide a copy to Mr. Warren.

13. Presentation of Climate Action Plan.

Nick Valla, Assistant Township Manager, began his presentation by introducing Professor Marleen Troy, Professor of Environmental Engineering, at Wilkes University, who was in attendance virtually. He also recognized three students from Wilkes University; Allie Faunce, Trevor Welsh, and Kayla Acker-Carter who are all environmental engineering students.

Mr. Valla stated that in August 2020, Middletown Township was admitted into the PA Department of Environmental Protection's (DEP's) Local Climate Action Program, which assists municipalities in developing a local Climate Action Plan (CAP) at no direct cost. As part of the second-ever class of this program, Middletown Township is poised to become the first and only municipality in Bucks County to adopt a CAP. Mr. Valla noted that following his presentation, the CAP document will be made available at www.middletownbucks.org/CAP and in the Municipal Center for review.

Mr. Valla explained that this Draft CAP comes to the Board of Supervisors with unanimous recommendations from both the EAC (July 26, 2021) and Planning Commission (August 4, 2021). Given the significance and potential impact of the CAP, we are advising a two-step (preliminary/final) adoption process to provide ample time for public review and feedback of the CAP document.

Mr. Ksiazek commended and thanked Mr. Valla and the entire team that was involved putting together the Climate Action Plan. He stated that this a critical component in the Townships of reaching its goals of addressing climate change.

Mr. Tosti questioned how could the public could provide their input on the proposed CAP. Mr. Valla responded that the public could reach out to him directly via his email, his contact intimation located on the website or via a Board of Supervisors or attend the September 20th Board of Supervisors meeting.

Mr. Tosti also questioned the monitoring process and if this is something built into the plan, which results will be provided every five years. Mr. Valla responded that the Delaware Valley Regional Planning Commission (DVRPC) does the study every five years, which is available publicly online.

Ms. Strouse thanked Mr. Valla and Wilkes University partners for the incredible body of work. She expressed that she is very excited about the opportunity to try to do something about the impact of climate locally.

Ms. Strouse noted that Mr. Valla stated that this plan will be the first of its kind in Bucks County. She questioned whether we could take this plan as an example to Bucks County or neighboring municipalities. Mr. Valla responded that he has already had discussions with the Environmental Advisory Committee to share the Township's CAP with neighboring municipalities and the County Consortium.

Mr. Valla expressed that having the Climate Action Plan in place may help with future grant funding efforts.

Mr. Ksiazek questioned whether Professor Marleen Troy will remain involved to ensure that the Township is meeting our target for the greenhouse gas emissions baseline. Mr. Valla confirmed that the Department of Environmental Protection will be the ones to assist the Township, especially in the early years of this program. Professor Marleen Troy thanks Mr. Valla as she noted that he was a pleasure to work with. She confirmed that DEP will help assist but she would be more than happy to help.

Public Comment:

Andy Warren, 294 Shady Brook Lane, questioned the LED street light \$125k savings with the DVPRC Plan with all Lower Bucks municipalities coordination. Mr. Valla confirmed that was correct.

Mr. Warren also questioned whether the CAP was already paid for or will this be voted on to pay to be paid for. He also questioned the total cost. Mr. Valla confirmed that there was no cost, except for staff time.

Ms. Quirple questioned whether there was a smaller assessment prior to the five years, to receive some feedback. Mr. Valla confirmed that DVRPC will likely have a GHG inventory published in the next 1-2 years.

Action: Mr. Tosti made a motion to move to preliminarily adopt and advertise the Middletown Township Climate Action Plan; seconded by Mr. Ksiazek; Motion carried by a vote of 5-0.

14. Other public comment. (Only applicable if initial Public Comment period exceeds the 30-minute time limit.) None.

15. Other Business:

James J. Esposito, Esq. noted that the Board of Supervisors had an executive session and discussed ongoing litigation & employment matters.

16. Adjournment.

Action: Mr. Tosti moved to adjourn the public meeting of the Middletown Township Board of Supervisors public meeting at 8:24 p.m.; seconded by Ms. Quirple. Motion carried by a vote of 5-0.