

Board of Supervisors Regular Meeting

December 6, 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 7:04 p.m. After the Pledge of Allegiance, Ms. Quirple called roll. Supervisors Tosti, Quirple, Strouse and Ksiazek attended in person, along with the Township Manager Stephanie Teoli Kuhls, Solicitor James Esposito, Engineer Isaac Kessler and department directors. Supervisor Payne attended the meeting virtually.

2) Announcements and Special Items.

- a) Next Board of Supervisors Meeting (tentatively) – Monday, December 20, 2021 @ 7:00 p.m.
- b) Upcoming Events:
 - i) Holiday Open House – Thursday, December 9th @ 5:30 p.m. – 8:30 p.m. at Middletown Municipal Center
- c) Moment of Silence in Honor of Sgt. Mark Wert – Chief Joe Bartorilla

Chief Joe Bartorilla shared remarks about Sgt. Mark Wert’s tenure and dedication to Middletown Township.

- d) Recognition of Paula Kearns, Executive Director of the Middletown Community Foundation

Mr. Tosti, PA State Representative Frank Farry, Representative Tina Davis (who also represented Representative John Galloway), Ryan Oister, representing Congressman Brian Fitzpatrick office, all presented plaques, certificates and citations to Paula Kearns, Executive Director of the Middletown Community Foundation who will be stepping down from her position.

- e) Recognition of Supervisors Tom Tosti & Amy Strouse

Mr. Ksiazek, PA State Representative Frank Farry, Representative Tina Davis (who also represented Representative John Galloway), Ryan Oister, representing Congressman Brian Fitzpatrick office, all presented plaques, certificates, and citations to Board of Supervisors Tom Tosti and Amy Strouse for their years of service and dedication to Middletown Township.

3) Public Comment. *Non-Agenda Items only.*

Michael McGuffin; 507 Bellflower Road, recognized Mr. Tosti & Ms. Strouse on behalf of the Middletown Township Zoning Hearing Board for their years of service to Middletown Township.

Bill Appleton; 5 Forsythia Drive East, recognized and thanked Mr. Tosti & Ms. Strouse for their participation in the community.

4) Consent Agenda Items

- a) Consideration of authorizing payment of December 6, 2021 Bills List in the amount of \$1,287,566.00.
- b) Consideration of approving the November 15, 2021 Minutes of the Public Meeting of Middletown Township Board of Supervisors.
- c) Consideration of approving Change Order #5 for the Langhorne Gables Drainage Improvement Project, in the amount of \$31,936.09, and Payment Certificate #8 in the amount of \$22,584.10.
- d) Consideration of Payment Certificate #4 for the 2021 Road Paving Project in the amount \$444,829.94.
- e) Consideration of approving Resolution #21-36R, for Sewer Facilities Planning Module, for the Oxford Valley Mall Multi-Family Redevelopment, 2300 Lincoln Highway, Langhorne.

Action: Mr. Ksiazek made a motion to approve consent agenda Items A-E as listed above; seconded by Ms. Quirple. Motion carried by a vote of 5-0.

5) Consideration of the Preliminary/Final Land Development Approval, 900 Wheeler Way TMP 22-021-0066, S/LD #21-07, M-1 Light Manufacturing Zoning District.

Michael McGinnis, Begley, Carlin & Mandio, LLP, on behalf of the applicant, stated that the project is located at 900 Wheeler Way in the M-1 Light Manufacturing Zoning District. The Applicant proposes to demolish the existing warehouse and replace it with a new warehouse of approximately the same footprint. Also included are parking, access roadways, lighting, landscaping, grading, utilities, and stormwater management. McGinnis explained that five (5) variances were granted at the July 15, 2021 Zoning Hearing Board Meeting and two (2) waivers are requested. This plan was reviewed by the Middletown Township Planning Commission at their November 3, 2021 meeting, and was recommended for approval.

Matthew Schlindwein, PE, on behalf of the property owner, Greek Development reviewed the concept of the property changes as the existing building is to be demolished and rebuilt to attract tenants.

Mr. Tosti questioned if Mr. Schlindwein had a proposed tenant due to the waivers being requested. Mr. Schlindwein confirmed that they do not have a proposed tenant as of yet, but confirmed that waivers were more about the orientation of those items.

Ms. Quirple questioned the number of current and proposed tenants. Mr. Schlindwein confirmed there are three current tenants in the current building and with post-construction, there would still be one tenant in the remaining building, and one or two tenants in the new building. He also shared existing tenants at their current location in Bristol Township.

Mr. Ksiazek questioned how long Greek Development expects the demolition and construction to take place. Mr. Schlindwein responded that the expectation is within a year and have a tenant start with fit out work in mid-year 2023.

Jeffrey Skinner, Atlas Technical Consultants reviewed the existing and proposed site design improvements. Mr. Skinner stated that the site design will not change. He noted the proposed additions of a fire lane on the back side of the building for better access as well as truck driveway that will help with any truck disruption to the traffic along Wheeler Way, as well as parking lot upgrades.

Action: Mr. Tosti made a motion to grant Preliminary/Final Land Development approval for Warehouse Facility at 900 Wheeler Way, S/LD #21-07, 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. All remaining review letter comments are to be addressed in full to the satisfaction of the Township.***

Seconded by Ms. Strouse. Motion carried by a vote of 5-0.

- 6) Consideration of approving terms for Collective Bargaining Agreement with Teamsters Local 107 – January 1, 2022 through December 31, 2024.

Nick Valla, Assistant Township Manager stated that the current collective bargaining agreement (CBA) with Teamsters Local 107 expires at the end of 2021. Negotiations have been ongoing and led to tentative agreement in mid-November. The Teamsters voted to accept the terms of this agreement on November 23, 2021.

Mr. Valla noted some of the highlights such as a new three-year term spanning 2022 to 2024, realigned pay scale in 2022; 3.5% wage increases in 2023-2024, updated job titles to phase out "traditional" titles, memorializing existing benefits/practices on Parental Leave, healthcare premium contribution, long-term and short-term disability, and ability to sell back two weeks of vacation time per year and changes for Fire & Emergency Management employees.

Mr. Tosti expressed his support and recognized the staff for being beneficial to the Township.

Action: Mr. Tosti moved to approve the terms of a Collective Bargaining Agreement Between Middletown Township and the Teamsters Local 107 for a term January 1, 2022, to December 31, 2024; seconded by Ms. Quirple. A motion carried by a vote of 5-0.

7) Consideration of approving the 2022 Budget and Budget Resolution #21-37R.

Ms. Teoli Kuhls explained that the Board of Supervisors authorized advertisement of the 2022 Preliminary Budget at their November 15th. Public Meeting. The budget has been appropriately advertised and has been on display for public review. The budget is ready to be posted on line once approved by the Board this evening. Also, before the Board is Resolution #20-37R which sets the tax rates for the upcoming year.

Ms. Strouse and Mr. Tosti noted that this is the sixth balanced budget with no tax increase. They both thanked the staff for their efforts for a balanced budget once again.

Action: Ms. Strouse made a motion to approve the 2022 Budget and Budget Resolution #21-37R; seconded by Ms. Quirple. A motion was carried by a vote of 5-0.

8) Consideration of enacting Ordinance #21-07 Alternative Energy ordinance.

James J. Esposito, Township Solicitor explained that the proposed ordinance was sent to the Bucks County and Township Planning Commissions for review and comment. The Planning Commissions recommended approval with the following suggested revisions: i) add a provision for the Township Historic Preservation Commission to be consulted for historic properties; ii) the provisions regarding standards for streets and building placement should be moved to the Subdivision and Land Development Ordinance to provide flexibility to the Township from relief from such provisions; and iii) a provision to provide a minimum time period after approval in order to receive the "bonuses".

Mr. Esposito noted that these minor revisions have been made to the proposed ordinance. He confirmed that the proposed ordinance has been properly advertised with the Bucks County Courier Times, and a copy of the proposed ordinance has been sent to the Bucks County Law Library.

Dana Kane; 1532 Franklin Road, questioned the incentives and bonuses that were specifically picked for the proposed ordinance. Mr. Esposito confirmed that they were picked and reviewed by the Bucks County Planning Commissions.

Ms. Kane questioned if the incentives and bonuses can be changed after the Board becomes more comfortable with them. Mr. Esposito confirm that the ordinance change be changed at any time.

Action: Ms. Quirple made a motion to approve and adopt the proposed Alternative Energy Ordinance to provide for Regulations and Incentives for Alternative Energy Systems within Middletown Township; seconded by Ms. Strouse. Motion carried by a vote of 5-0.

9) Consideration enacting Ordinance #21-08 for Langhorne Gables stop signs.

Nick Valla, Assistant Township Manager noted that at the November 15th, the Board of Supervisors authorized drafting and advertisement of an ordinance to make the intersection of Parkview and Buttonwood Avenues in Langhorne Gables an all-ways stop, as well as to memorialize 17 existing stop signs that were not properly reflected in the Township's stop sign ordinance (§470-213). The legal advertisement was published on Monday, November 29, 2021.

Action: Ms. Strouse move to enact Ordinance #21-08 amending Chapter 470 of the Middletown Township Code of Ordinances to designate the intersection of Parkview and Buttonwood Avenues as an all-way stop, and to memorialize the existing stop signs in the Langhorne Gables neighborhood; seconded by Ms. Payne. Motion carried by a vote of 5-0.

10) Consideration to draft and authorize Fire Code Ordinance.

James J. Esposito, Curtin & Heefner LLP briefly explained the proposed Fire Code ordinance, which will amend Chapter 190 of the Middletown Township Code of Ordinances to replace the 2015 International Fire Code with the 2018 International Fire Code as the official fire code of Middletown Township.

Action: Mr. Tosti made a motion to authorize the preparation and advertisement of the proposed ordinance to replace the 2015 International Fire Code with the 2018 International Fire Code as the official fire code of Middletown Township; seconded by Mr. Ksiazek. A motion is carried by a vote of 5-0.

11) Consideration of authorizing the purchase of a Cellebrite machine and related equipment for the Police Department.

Joseph Bartorilla, Chief of Police, explained that Middletown Township Police Department seizes hundreds of cell phones annually that are used in crimes such as drug deals, fraud, robberies, rapes, and other crimes. Chief Bartorilla expressed that many times a warrant or consent is obtained to look at the phone and download the evidence from it and other times a warrant is obtained but the owner of the phone refuses to provide the code to access the phone.

Chief Bartorilla stated that a Cellebrite machine is a valuable investigative resource in investigating any crimes related to cell phones or where a cell phone is a key piece of evidence. The Cellebrite machine and its related equipment is a one-time.

Ms. Strouse confirmed that the proposed Cellebrite machine will be used only when consent is given to open it, or when proper legal procedures (warrant) are followed. Chief Bartorilla confirmed that is correct.

Action: Mr. Tosti made a motion to move to authorize the purchase of a Cellebrite machine and related equipment from Cellebrite in the amount of \$19,460.00; seconded by Ms. Payne. A motion carried by a vote of 5-0.

12) Consideration of authorizing the purchase of in-car technology for Police vehicles.

Joseph Bartorilla, Chief of Police explained that the original plan was to replace all police vehicle MDTs by 2025 when Microsoft ends Windows 10. Chief Bartorilla noted that the Windows 10 version is no longer supported and the current MDTs cannot be updated because the newer version of Windows 10 does not work with the built-in cellular. Also, the existing MDTs are no longer being supported by the manufacturer. They are roughly about six years old. Due to security risks, we need to replace them. He noted that roughly one PC costs \$6,000 without any accessories. Looking for a cost-effective solution for the township, we settled on Microsoft Surface 7+s. He stated that the total cost to replace 36 MDTs with Microsoft Surface 7+s, 36 four-year accidental warranty, and 36 mounts is \$75,153.24.

Action: Ms. Strouse moved to authorize the purchase of 36 Microsoft Surface 7+s, 36 4-year accidental warranties and mounting equipment in the amount of \$75,153.24; seconded by Ms. Payne. Motion carried by a vote of 5-0.

13) Consideration of authorizing replacement of the Municipal building surveillance camera system.

Chad Megeed, IT Support Specialist, explained that the Municipal Center was built in 2001 with an analog surveillance camera system that was installed for the security of the building and for use by the Police Department to monitor prisoners in their cells. A system upgrade was done in 2011 and that the exterior cameras have required repair and replacement, along with the original DVR system. There are no upgrades available for the recording software and only limited access to replacement parts. He explained that the image quality is quite poor and not up to current industry standards.

Mr. Megeed noted the upgrade includes new high-speed ethernet cable runs, installation of 36 cameras, and a large capacity DVR and software. The quote was prepared using COSTARS contract pricing.

Ms. Quirple questioned when installation will begin. Mr. Megeed confirmed tentatively late January, depends on status of equipment delivery. She also questioned if there would be additional cost for installation and Mr. Megeed confirmed that everyone was included in the final total.

Action: Mr. Tosti moved to award the replacement of the Building Surveillance Camera System to Prism Works Technology, in the amount of \$51,655.00; seconded by Ms. Payne. Motion carried by a vote of 5-0.

14) Consideration of awarding the Middletown Township Financial Auditing Services contract.

Mega Bhandary, Finance Director explained that Middletown Township currently works with Bee, Bergvall & Co. for all audit services. As part of a best management practice, Middletown Township's Board of Supervisors authorized advertisement of a Financial Audit Services RFP in August and that all bid submissions were due on Friday, October 1st.

Ms. Bhandary explained that the Township's overall past experience with Bee, Bergvall & Co, their ability to build strong teams and relationships, the services covered in their pricing and their references, compared to other audit firms are key reasons for awarding them the contract. The \$3,000 price difference annually, outweighs the extra time and care it will take for Middletown Township's staff to switch to a new audit firm. Bee, Bergvall and Co is very familiar with Middletown Township and has partnered with Middletown Township for the past 11 years in preparing the Financial Statement and the GFOA Comprehensive Annual Financial Plan.

Mr. Ksiazek questioned that there would have be an informal cost of staff time to put in the legwork to transition, which offsets the savings of the new firm. Ms. Bhandary confirmed that was correct.

Action: Mr. Ksiazek moved to award a contract to Bee, Bergvall & Co. for Middletown Township's Financial Auditing Services; seconded by Ms. Quirple. A motion carried by a vote of 5-0.

15) Public Works Yard Improvements – Isaac Kessler, P.E.

Isaac Kessler, P.E. presented a slide show of the following proposed improvements to the Public Works site:

Phase 1 to include above-ground fuel tanks for gas and diesel: Existing underground fuel tanks permit expiring, environmental improvements to replace tanks with above ground tanks, relocate to improve vehicle circulation, canopy for improved safety, improve card reader system

- Pumps used by DPW, Police, all local fire companies and Boroughs in the area.

Mr. Kessler noted that they are requesting authorization for advertisement and bidding.

Phase 1A to include the following for Winter Operations: Replace existing salt shed with new structure with greater capacity, ability to load/unload within shed, environmental improvements with salt operations in the yard, replacement and relocation of brine operations to consolidate winter operations and existing brine tank was Intended as a temporary tank.

- Brine Hopper and Equipment to be relocated to Proper Structure rather than in a garage bay.
- Replacement salt shed to centralize winter operations will allow for more appropriate capacity for township needs. This will also centralized winter operations (with Brine equipment) in one area of the yard.

Mr. Kessler noted consensus for budget item to be bid in early 2022.

16) Consideration of authorizing bid for installation of fuel tank system at Public Works facility.

Eric Gartenmayer, Public Works Superintendent, of the Department of Public Works had researched the needs for the fuel management system replacement due to the age of the existing system. Mr. Gartenmayer noted that the fuel tanks are currently at the end of their life cycle and will require replacement or upgrading. The new upgrade would encompass two new above ground tanks, a gas island, and monitoring system.

Action: Mr. Ksiazek moved to authorize the advertisement of a bid for the fuel tank replacement; seconded by Ms. Payne. Motion carried by a vote of 5-0.

17) Resignations:

- a) Consideration of accepting the resignation of Jovon Smith from the Human Relations Commission.
- b) Consideration of accepting the resignation of Kathleen Simpson from the Human Relations Commission.
- c) Consideration of accepting the resignation of Barry Harrison from the Planning Commission.

Action: Mr. Ksiazek moved to accept all resignations from the Human Relations Commission and Planning Commission; seconded by Mr. Tosti. Motion carried by a vote of 5-0.

18) Other Business.

Mr. Tosti questioned Ms. Teoli Kuhls about adding an Alternate Member to the Zoning Hearing Board. Ms. Teoli Kuhls confirmed that the Board can appoint up to three Alternate Members. Mr. Esposito stated that the MPC and Zoning Hearing Board ordinance allows for the Board to appoint through a resolution.

Isaac Kessler, P.E. expressed that is has been a pleasure working with Mr. Tosti & Ms. Strouse and wishes them all the best.

James J. Esposito, Esq. noted that the Board of Supervisors had an executive session to discuss personnel matters. Mr. Esposito thanked Mr. Tosti & Ms. Strouse for their dedication to Middletown Township.

Ms. Teoli Kuhls thanked both Mr. Tosti & Ms. Strouse for their support of the Township staff, dedication to the Township and wishes them the best. Ms. Teoli Kuhls addressed Ms. Strouse and Mr. Tosti personally. She expressed that they will be missed by the entire Township.

Mr. Ksiazek stressed how the Board will miss both Mr. Tosti and Ms. Strouse strong voices and guiding hands.

Ms. Quirple thanked Mr. Tosti and Ms. Strouse for their leadership and support.

Ms. Payne wished everyone a Happy Hanukkah to everyone that celebrates.

Ms. Payne expressed how the community has been better off for having the leadership of both Ms. Strouse and Mr. Tosti. Ms. Payne thanked them both for their leadership, friendship and guidance of the Township.

Ms. Payne wished the community Happy Holidays and Happy New Year.

Ms. Strouse and Mr. Tosti each closed the meeting with remarks to the Township staff and community members.

19) Adjournment.

Action: Mr. Ksiazek motioned to adjourn the Public Meeting of the Middletown Township Board of Supervisors at 8:46 p.m. Ms. Strouse seconded. Motion carried by a vote of 5-0.