

# BOARD OF SUPERVISORS REGULAR MEETING - VIRTUAL

FEBRUARY 16, 2021 | 7:00 P.M.

## PRESENT

TOM TOSTI, Chairperson }  
ANNA PAYNE, Vice Chairperson }  
DAWN QUIRPLE, *Secretary* } Board of Supervisors  
AMY STROUSE }  
MIKE KSIAZEK }  
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. Tosti called the meeting to order at 7:00 p.m. After the Pledge of Allegiance, Ms. Quirple called roll. All Supervisors were in attendance (virtually) along with the Township Manager Stephanie Teoli Kuhls, Solicitor James Esposito, Engineer Isaac Kessler and department directors.

2. Announcements and Special Items.

- a. Next Board of Supervisors Meeting – Monday, March 1, 2021 @ 7:00 p.m.

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

Mr. Tosti provided the following information prior to opening the meeting to public comment. The Styer farm was purchased by the Township in 1999. The leases were up in June 2020 for the store and December 2020 for the farm. The Barberides were given written notice in December 2019 that the lease was expiring. We had discussions with the Heritage Conservancy to take over the property. Both parties knew of this and the Heritage Conservancy would have made the decision of the new leases. That fell through around July/August.

The Township extended the lease for the store to December 2020 and then both of the leases until January 2021. Both parties knew the Township was going to one lease as they were notified in November. There has been a history of problems between the two lessees.

Both parties submitted proposals as the leases were extended for both parties allowing review of the proposals. A committee of two Supervisors interviewed both parties and reported back to the Board. The Board made a decision at the February 1<sup>st</sup> Public Meeting. Since that time some misinformation has been circulated to the public; such as, families were surprised that there was not communication leading up to the vote. Both parties knew the Township was going with one lease. We notified them about the meeting and both parties were at the meeting. The 30 days to vacate is incorrect as the extended lease says 5 days and the old lease says 30 days. Not sure where that information came from.

What is proposed is that the Barberides have until March 31<sup>st</sup> to vacate. The rent for February and March will not be paid, but the Barberides must catch up on their taxes and leave Township property. That is 2 months from the time of the notification.

Mr. Tosti does not believe the Township should be in the real estate business and the goal was to have the Heritage Conservancy take the property. There was never any intention of having anyone vacate in 5 days and never had a conversation to have them vacate in 30 days. We are not out to harm anyone but knew someone was not going to get their lease renewed. We feel this is best for the Township moving forward and that as always been our goal as the Township.

Allan Reichenbach, 980 Buchanan Drive, Langhorne asked who brings in more revenue. Will the Township be providing the Fields with startup capital? Will the lease be reworked if the Fields aren't profitable? Why change the lease now? He asked if the store is profitable why shut it down?

Mr. Tosti said the store is not being shut down and there has been an ongoing issue of produce not being sold at the store for 20 years and to continue this issue by extending the lease would not be beneficial for the farm or the store. The reason he chose the proposal from Tim Field is that it had a better outlook moving forward and the other proposal did not have a farmer to run the orchard.

Ms. Strouse stated that as someone that conducted the interviews, Tim Field's proposal showed an integrated farm to store set of offerings that is really exciting and keeps the authenticity of the local community.

Alex Reinhard, 1801 Old Lincoln Highway, Langhorne asked if the Township will be providing the Fields with startup capital and will there be a reworking of the lease? Mr. Tosti explained that this is a 20 year lease and the Township will not be providing the Fields with startup capital.

Lauren Lareau, 1801 Old Lincoln Highway, Langhorne asked why the lease was separate 20 years ago. Ms. Lareau asked if one plan was better than the other.

Mr. Ksiazek said the Board is not interested in trying to figure out what happened 20 years ago. The Board's thought process was much more forward looking. Mr. Ksiazek said that as much as the Township doesn't want to be commercial landlords, we are and we need to figure out what the best use of this community asset is. The clear intent of Walter "Pop" Styer when he farmed the land and sold it to the Township was that it continue to be farmed and there be farming education opportunities and that the store be a true farm store with the products grown on the farm be sold at the store.

Ms. Quirple said she was involved in the interviews with both parties and there was a glaring difference between the proposals. The Fields plan was more precise with good follow through. She was looking at what was going to be the best for the future of the farm and the store. Ms. Quirple stated that the Barberides are lovely people and the Board is not here to say who is right or wrong, she was looking at what would be the best for the farm and the future of the orchard.

Ms. Strouse reiterated for those who may have come in late that the appeal of the Field's proposal was the true farm to store integrated operation very much working in sync by selling the farm products at the store and educating kids and adults who may not have knowledge of agriculture about where food products come from.

Mr. Ksiazek agreed with Ms. Quirple and said that at no time did anyone disparage the Barberides plan. Two plans were received from two groups of people that had different visions. Mr. Ksiazek said the Barberides had some very interesting ideas and he told them that when he sat down

with them. Tim Field's plan was better thought out, was more realistic with more detail that could be put into motion tomorrow. The Barberides plan had ideas that were more open-ended and did not show how they would come to fruition.

Sharon Barberides, 6 Berkley Drive, Yardley said they had a well-trained team of farmers ready to work, should Mr. Field chose not to work with them. She went into great detail about the time and work that her husband, Dave Barberides has put into the store over the past 20 years. She said they offered free school tours to every Neshaminy school student from Kindergarten through 1<sup>st</sup> grade. Fundraising opportunities and cooking classes were also offered along with nutrition classes.

Ms. Barberides watched her husband work 2 jobs for many years to support the store and their family because it was tough work. Now when the store is able to support them, the Township is taking it away. Ms. Barberides asked the Board how they plan to make this right.

Mr. Tosti stated that the Barberides have hired an attorney who is communicating with the Township Solicitor over steps moving forward and it would be out of line for the Board to discuss this at this time.

Melanie Reinhard, 1801 Old Lincoln Highway stated her dissatisfaction with the farm store lease being terminated with the Barberides.

Aaron Goldstein, a resident from Yardley asked how much rent the Fields have paid in the past 10 years. Why were the Barberides charged rent?

Ms. Teoli Kuhls explained that in the second 10 years of the orchard lease the decision was made to not implement rent because of the difficulties that were placed on the farmer because of the 2 leases. The leases are totally different as the business of running a farm and a retail store are 2 different leases. The going rate for leasing a farm in Bucks County is \$50 to \$200 per acre per year and the going rate for the rent of a store is \$7,000 per month. The Barberides paid \$2,700 per month the first portion of the lease and have been paying \$3,300 monthly which is nearly 50% of market value.

Resident, 846 Madison Avenue, against the proposed plan to have one lease.

Mr. Tosti read the following into the public record from Patricia Rhimer, Middletown resident:

*"Hello Middletown Board of Supervisors. It is with the greatest respect that I submit this comment regarding the decision made by the Middletown BOS regarding The Market at Styers.*

*I have read all of the commentary from all of the parties, including the BOS. I do not pretend to understand why it was so necessary that a single party hold the lease for both the orchard and the market, but I will give the BOS the benefit of the doubt that this was needed and was not a decision made to hurt the folks that run the market. That said, there is no way I can support giving the current lease holders of The Market at Styers only 30 days to close down shop. If you indeed did not make a decision to hurt them, then why would you push for a move-out date that DOES hurt them both financially and emotionally?*

*Any of us who have lived in a home for an extended period of time know how difficult it is to pack up and move elsewhere. It can take weeks and even months to clean out, pack up, and sell off things that we no longer need. And that is just a personal home. This business has been in place for 20 (NOTE TWENTY!!)*

years. The accumulation of not just products that they sell, but also all of the equipment that they use is a huge undertaking to clear out, sell off, and clean up. To make issues more complex, we are dealing with a pandemic that has lasted over a year. Having moved last June, I can tell you that the pandemic is no respecter of those details. It was incredibly challenging and costly.

Additionally, the challenge of asking both the management and all of the many employees to find employment in such a short period of time is exasperating. Most of them are hard workers and would prefer to find employment rather than file for unemployment benefits. This is something we should respect greatly and we should be giving them more time to come up with alternative jobs.

Furthermore, regardless of whether or not they knew you would be making a quick decision, I don't know of a single person who ever packs up their house and has it ready to go based on a "possibility" of moving. You cannot ask a business to get ready ahead of time when in fact that would jeopardize their future in the event they maintained the lease. That is just poor business judgment.

I am respectfully asking the BOS to make a decision to extend the time for the current Market at Styers folks by at least another 90 days if not until end of June 2021. You have an opportunity to show that your decision making extends beyond just some financial or political decision to one that also reflects the hearts and compassion of the people that the board represents. I hope that you will show that compassion for the organization that has built up a successful business, has a huge and loyal following, and has served our community well."

#### 4. Consent Agenda Items.

- a. Consideration of authorizing payment of February 16, 2021 Bill List in the amount of \$1,058,619.85.
- b. Consideration of approving the February 1, 2021 Minutes of the Public Meeting of the Middletown Township Board of Supervisors.
- c. Consideration of enacting Resolution #21-07R declaring a snow emergency limited state of emergency.
- d. Consideration of authorizing the addition of one volunteer to the Parkland Fire Company Volunteer Incentive Program.

**Action:** *Ms. Quirple moved to approve consent agenda items A – D as listed above; seconded by Ms. Payne. Motion carried by a vote of 5-0.*

5. Consideration of authorizing advertisement of a Public Hearing and associated Ordinance for the Zoning Map Amendment request submitted by TLC Reedman, LP, S.R 213, East Old Lincoln Highway, Langhorne, PA 19047.

**Action:** *Mr. Ksiazek moved to authorize advertisement of the proposed Ordinance amending the Zoning Map as petitioned by TLC-Reedman, LP in order to hold a public hearing on such proposed ordinance. Seconded by Ms. Payne. Motion carried by a vote of 5-0.*

6. Consideration of authorizing the purchase of three Automated External Defibrillators (AEDs).

James McGuire, Fire Marshal advised the staff is requesting to purchase three (3) AEDs. The new AEDs are upgraded technology and will reduce our annual costs, due to the fact that the squad will provide new AED pads when used. The three (3) units will be used on the

primary fire engine, primary special service chase unit and in the supervisor's vehicle (which will be the backup unit in the event that one of the others goes out of service or needs to be downloaded from a run). These units are used multiple times a week and on busy days several times a day.

This item is in the 2021 Capital Budget. The cost of a new AED is \$3,650. The staff was able to get a discounted price from Zoll by joining together with the Emergency Squad bringing the price down to \$2,920, for a total cost of the three (3) units of \$8,760.

***Action: Ms. Strouse moved to purchase three (3) automated external defibrillators from Zoll Medical Corporation for the Department of Fire & Emergency Management for a total cost of \$8,760; seconded by Ms. Payne. Motion carried by a vote of 5-0.***

7. Consideration of authorizing the preparation and advertisement of the 2021 Road Program.

Mr. Ennis said the 2021 Road Paving Program includes 1-1/2" milling and 1-1/2" paving, sealing, base repair and line striping for approximately 5.35 miles of Township roads as the Base Bid. Additionally, the ADA Curb Ramp Program will be included in the Base Bid. Bid Alternate #1 includes the milling, paving and striping at Twin Oaks Park Parking Lot #2. Bid Alternate #2 will be the Basin Retrofit of five Township stormwater basins. Bid Alternate #3 will be for the traffic striping of Township Roads and Bid Alternate #4 will be for striping of Snowball Drive. The project list is as follows:

Base Bid Roads:

Georgetown	– Hampton Drive, Canton Lane, Healy Way, Hampton Court, Danby Lane, Bromley Way, Healy Court, Shelton Lane and Concord Place
Fairways	– Fairway Drive and Par Drive
Golf Club	– Golf Club Drive
Parkland	– Walsh Avenue, Virginia Avenue, Russel Avenue, Poplar Street
Other	– Carter Avenue, Rising Sun Avenue, Pleasant Avenue, Wistar Road, Beechwood Avenue and Tollgate Road

Base Bid ADA Ramps: Georgetown, Fairways, Golf Club & Idlewood & Upper Orchard Road

Bid Alternate #1: Twin Oaks Park parking lot #2.

Bid Alternate #2: Basin Retrofits; Swan Pointe, Sturbridge, Highland Gate, Firefighters Park and Lakeview Estates

Bid Alternate #3 & 4: Township Road Traffic Striping

Mr. Ennis stated that the Budget for the 2021 Road Program including alternates is \$1.7 million. The project will be funded from the Public Works Capital Reserve Fund and the Highway Fund. A PaDEP Growing Greener Grant in the amount of \$175,000 has been awarded to Middletown Township and will be used for Bid Alternate #2.

*Action: Mr. Tosti moved to authorize the preparation and advertisement of bid documents for the Township's 2021 Road Paving Program; seconded by Ms. Strouse. Motion carried by a vote of 5-0.*

8. Presentation of the Q4 2020 Financial Report.

Mega Bhandary, Finance Director presented the 4<sup>th</sup> Quarter Financial Report. She highlighted the fact that General Fund revenues came in \$2.1 million below budget. She explained that the most significant revenue category impacted was Amusement Tax due to the impact of the COVID-19 crisis on Sesame Place.

Expenses in 2020 came in almost exactly as budgeted. There were more than \$300,000 of additional COVID-19 expenses that were offset by spending reduction.

Ms. Bhandary provided an overview of the Capital Fund highlighting that more than \$3 million of Capital projects were deferred. She concluded with an overview of Investment Fund and Pension Plan performance.

After the presentation, Mr. Tosti thanked the staff for a job well done.

9. Other Business.

Mr. Esposito advised that the Board met in Executive Session prior to this evening's meeting to discuss litigation and real estate matters.

Mr. Tosti recognized the Middletown Township Police Department for receiving accreditation for the 4<sup>th</sup> year in a row and the 3<sup>rd</sup> time for Chief Bartorilla. This puts our police force at the time and to earn it is something is top of the line. If the Department were to receive the accreditation one more time they would be considered senior in the accreditation process. He also reminded residents to remove vehicles from the street prior to the upcoming snow storms.

Mr. Tosti also stated that Mr. Field needs the support of the residents to allow him to move forward in the process to have the business be a success.

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

Melanie Reinhard, 1801 Old Lincoln Highway, Langhorne said that her email had been blocked and asked if the Township was blocking emails concerning Styers.

Ms. Teoli Kuhls explained that the Township was not blocking incoming emails. She went on to explain that the Township's network security includes an email filter that blocks questionable emails.

Resident from Morrisville asked about the proposals provided by the Fields and Barberides and if they provided financial statements.

Bill Watkins, 35 Trail Road, Levittown asked how long each of the current supervisors has lived in the Township. He asked how the Township was informed of the change in the leases.

Lori Goldstein, Yardley resident and neighbor of the Barberides read a statement about the Farm Store.

Donna Salvucci, Swan Pointe, Langhorne asked about the COVID-19 vaccination and where information could be found. Ms. Quirple advised that the State has a website that shows a list of pharmacies and hospitals where the vaccine will be available. Ms. Payne said the County started the mass vaccination today with 5,000 emails going out and more shipments of vaccines coming in each week.

Ms. Salvucci checked to make sure that the proposed traffic signal at Woodbourne and Swift Roads are still on the schedule. Ms. Teoli Kuhls advised that Phil Wursta, Township Traffic Engineer is scheduled to make a presentation for the March 1<sup>st</sup> meeting.

11. Adjournment.

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