

Board of Supervisors Regular Meeting

March 15, 2021 | 7:00 p.m.

Hybrid/Virtual

PRESENT

| | | |
|--|--------------------|------------------------|
| TOM TOSTI, Chairperson | <i>(In Person)</i> | } |
| ANNA PAYNE, Vice Chairperson | | } |
| DAWN QUIRPLE, Secretary | | } Board of Supervisors |
| AMY STROUSE | | } |
| MIKE KSIAZEK | <i>(In Person)</i> | } |
| STEPHANIE TEOLI KUHL, TOWNSHIP MANAGER | <i>(In Person)</i> | |
| JAMES ESPOSITO, ESQ., TOWNSHIP SOLICITOR | <i>(In Person)</i> | |
| ISAAC KESSLER, P.E., TOWNSHIP ENGINEER | <i>(In Person)</i> | |

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

At the beginning of the meeting, Mr. Tosti read the public comment instructions into the record.

Mr. Tosti called the meeting to order at 7:00 p.m. After the Pledge of Allegiance, Ms. Quirple called roll. Supervisors Tosti 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 Strouse, Payne and Quirple attended the meeting virtually.

2. Announcements and Special Items.

- a. Next Board of Supervisors Meeting - Monday, April 5, 2021 @7:00 p.m.
- b. Middletown Community Foundation Check Presentation for Police K9

Jim Merrill of the Middletown Community Foundation presented a ceremonial check in the amount of \$10,000 for the police K-9 Unit. Chief Joe Bartorilla, Captain Pete Feeney and K-9 Officer Kevin Eckenrode accepted the check with K-9 Officer Jax.

Mr. Tosti thanked the Middletown Community Foundation for the work they do.

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

Kurt McKay, Langhorne Gardens provided comment on parking of tractor trailers at the Oxford Valley Mall.

Marguerite Lorenz, 771 Sparrow Lane, Langhorne addressed the Board with questions regarding the Styers Farm Market. Ms. Lorenz expressed concern after reading Mike Field's proposal and the use of volunteers.

Tim Field responded to the question about the use of volunteers on the farm.

Cameron Barkan of Yardley provided comment related to Styers Market. He asked about the qualifications of the person chosen to run the market.

Mr. Ksiazek stated the person that was chosen is qualified and is not a co-owner as was stated.

Ms. Strouse said she looks forward to see how the farm store and orchard will be operating in the upcoming months.

Mr. Tosti said he feels confident that the right decision was made and has confidence in Tim Field.

4. Consent Agenda Items.

- a. Consideration of authorizing payment of March 15, 2021 Bill List in the amount of \$1,031,775.98.
- b. Consideration of approving the March 1, 2021 Minutes of the Public Meeting of the Middletown Township Board of Supervisors.
- c. Consideration of enacting Resolution #21-09R, Newtown-Langhorne Road and George School/Crestview Avenue Traffic Signal Improvement

Action: Mr. Ksiazek moved to approve Consent Agenda Items A-C as listed above; seconded by Ms. Quirple. Motion carried by a vote of 5-0.

5. Public Hearing for Zoning Map Amendment - TLC Reedman, LP, S.R 213, East Old Lincoln Highway, Langhorne, PA 19047, C Commercial Zoning.

Mr. Esposito opened the hearing for the Zoning Map Amendment presented by TLC Reedman, LP. He stated that the public notice was advertised in the *Bucks County Courier Times* on March 1, and March 8, 2021.

Attorney Robert Gundlach represented the applicant and provided an overview of the application which includes a request that eight parcels be rezoned back to M-1 Light Manufacturing from C Commercial. He noted that in 2017 the Board of Supervisors agreed to zone these parcels C Commercial from the original M-1 Light Manufacturing designation. The applicant is requesting to go back to the M1 Light Manufacturing zoning due to the changing circumstances in the marketplace.

Mr. Gundlach introduced three witnesses to support the presentation. Peter Clelland reviewed exhibits A1 thru A4 including an aerial plan of the eight parcel rezoning plan. A site plan as well as a fiscal impact analysis was provided by an outside consultant.

John Wichner, McMahon Associates reviewed his credentials. He presented Exhibit A5 of the proposed roadway plan and exhibit A6 and a trip generation letter exhibit A7, the final.

Witness for the applicant was planner John Kennedy. John reviewed his credentials, Exhibit A8 and provided an overview of the positive impact that the rezoning would have on the community. Mr. Kennedy also outlined that the proposal was consistent with the Township's Comprehensive Plan.

Mr. Tosti and Ms. Strouse asked several questions regarding the proposal. The questions related to traffic and trips generated by the trucks. Mr. Ksiazek asked if there has been preliminary discussions with prospective renters of the warehouse facility.

Kurt McKay and Michele McKay, Langhorne Gardens stated that they do not oppose the rezoning, but are concerned with the increase in traffic.

6. Consideration of enacting Ordinance #21-03 Amendment to Township Zoning Map.

Action: Mr. Ksiazek moved to approve and adopt Ordinance #21-03 amending the Zoning Map as petitioned by TLC-Reedman, LP in order to change the zoning designation of 8 properties located along Routes 213 and Interstate 95 in Middletown Township, from C-Commercial Zoning District to the M-1 Light Manufacturing Zoning District; seconded by Mr. Tosti. Motion carried by a vote of 5-0.

7. Discussion of Preliminary/Final Land Development Plan for, BT 213 Properties, LP, 1600 East Old Lincoln Highway, Langhorne, PA 19047, S/LD #20-72.

Attorney Dan Rowley represented the applicant explaining that the proposal called for additional parking security and lighting for the parcel. He noted that two variances were received from the Zoning Hearing Board in February. After providing a general overview of the project, Mr. Rowley noted that there were two requested waivers:

1. Applicant requested 12 raised planting beds instead of the required 30.
2. Applicant requested 2 shade trees instead of 30. He noted that the trees would still be planted on the parcel, just not in the planting beds.

Mr. Rowley also explained that the applicant was attempting to move the use away from the residential neighbors and that the trees would be planted to provide a buffer. It was noted that the Township Planning Commission recommended approval of this land development plan in March.

Engineer Anthony Caponigro then provided additional details regarding the site plan. After further discussion a motion was made as follows:

Action: Mr. Ksiazek moved to grant Preliminary/Final Land Development approval for BT 213 Properties, 1600 East Old Lincoln Highway, S/LD #20-72 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. *Revised plans to be submitted addressing any and all outstanding review letter comments, items listed as part of the conditional recommendation by the Middletown Township Planning Commission in their March 3, 2021 meeting, and any and all items determined during this meeting of the Board of Supervisors.*

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

8. Consideration of enacting Ordinance #21-04 Apartment Inspections.

Mr. Esposito explained that the purpose of this ordinance is to consolidate and amend the Middletown Township Housing Code Tenant Inspections Ordinance, also known as Ordinance No. 86-8 (the "HCT Ordinance") and the Annual Apartment Inspections for Fire Code Compliance Ordinance, §190-107, (the "fire Ordinance").

Generally, there is some overlap between the HCT Ordinance and Fire Ordinance Inspections, namely the following inspections: Safe walkways to units, apartment numbers visible on units, smoke detectors, ground fault interrupters (if installed), dryers, heating units (water, oil and gas), fuel-burning equipment, cooking appliances, and electrical equipment (wiring, appliances, switches, and outlets).

The proposed ordinance will repeal the HCT Ordinance and amend the Fire Ordinance to allow the Building & Zoning Department, in addition to the Fire Department, to perform residential, annual apartment inspections under the Fire Ordinance. The ordinance will require bi-annual inspections of Apartment Complexes. It is the intention of the Township to have the Building and Zoning Department conduct the apartment inspections for the fire code compliance, as well as property maintenance code and construction code compliance. The ordinance also requires owners, landlords, and property managers to obtain an inspection and Certificate of Approval prior to the rental of a Rental Dwelling to a new or initial tenant. The Building and Zoning Department will continue to inspect the rental dwellings for Code compliance before any rental to a new or initial tenant.

Action: Mr. Tosti moved to enact Ordinance #21-04 pertaining to the Consolidation and Amendment of the Fire and Housing Code Tenant (HCT) Inspections at Chapter 377, Article II, and Repeal Chapter 190, Article 1, Section 190-107 and Ordinance #86-8; seconded by Ms. Payne. Motion carried by a vote of 5-0.

9. Consideration of awarding contract for Fire Services Study to Dynamix Consulting.

Mr. Valla stated that the Board authorized advertisement of an RFP to retain a consultant to conduct a fire services study in December 2020. Five (5) firms responded in February. Upon review of the proposals, two firms, Dynamix Consulting and ROBB Consulting were interviewed virtually by a committee of the Board of Supervisors and staff on March 4, 2021. Dynamix Consulting is a new firm based in Florida, led by former consultants of ESCI (a major emergency service consulting firm) with decades of experience in fire services and administration.

Key to the committee's recommendation of Dynamix is their extensive use of data to identify and explain their recommendations. They also have extensive experience working in and reviewing volunteer, career (paid), and combination (volunteer/career hybrid) fire service systems. The study will be completed by summer 2021.

This project is budgeted in the 2021 Capital Plan for \$35,000. All five (5) proposals exceeded the budget. Upon discussion and negotiation, Dynamix Consulting reduced their initial proposal by more than \$12,000 to \$43,672. Mr. Valla advised that implementing recommendations of the study may incur additional operating costs in future years.

Action: Mr. Tosti moved to award a contract for a Comprehensive Fire Services Study to Dynamix Consulting in an amount not to exceed \$43,672; seconded by Ms. Quirple. Motion carried by a vote of 5-0.

10. Consideration of awarding the Consortium Road Material Supplies Contract to Eureka Stone Quarry, Chalfont, PA in an amount not to exceed \$61,000.

Mr. Gartenmayer stated the Township has been a participating member of the Bucks County Consortium for numerous years. The Public Works Department submitted an estimate on road material items to be used in the upcoming year with all items to be purchased on an as needed basis. Funding for road material has been allocated in the 2021 Budget in the amount of \$61,000.

Action: Mr. Ksiazek moved to award the 2021-2022 Road Material Supplies Contract to Eureka Stone Quarry, Chalfont, PA in an amount not to exceed \$61,200; seconded by Mr. Tosti. Motion carried by a vote of 5-0.

11. Other Business.

Ms. Strouse thanked the Middletown Community Foundation for their generous donation.

Ms. Payne welcomed K-9 Officer Jax.

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

Action: Mr. Ksiazek moved to adjourn the public meeting of the Middletown Township Board of Supervisors at 8:43 p.m.; seconded by Ms. Payne. Motion carried by a vote of 5-0.