

Board of Supervisors Regular Meeting

November 15, 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 KUHLs, 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 7:01 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 – Monday, December 6, 2021 @ 7:00 p.m.
- b) Upcoming Events:
 - i) Community Cleanup and Tree Planting– Saturday November 20th – 8:30 a.m. – 10:30 a.m.
 - ii) Sustainability Webinar – Thursday, December 2nd –
 - iii) Shop with a Cop – Sunday, December 5th – 8:30 a.m. – 3 p.m. at Target Oxford-Valley
 - iv) Holiday Open House – Thursday, December 9th @ 5:30 p.m. – 8:30 p.m. at Middletown Municipal Center
- c) Proclamation declaring November 27, 2021 – Small Business Saturday

3) Public Comment.

Sheldon Post, Red Rose Gate; questioned the status of the sign program. Mr. Valla, Assistant Township Manager informed him that signs are being delivered and will be installed by Public Works in the coming weeks and months.

Elaine Miles, 217 Stoneybrook Court; concern about Core Creek fishing pier and potholes. The Township will relay message to the County. Mr. Tosti noted that Core Creek Park is owned and maintained by Bucks County.

James Flynn, 259 Aspen Ave; opposes the drive-thru proposed Dunkin Donuts at Maple Ave. Ms. Teoli Kuhls, Township Manager informed him that the subdivision land development application has yet not been received.

4) Consent Agenda Items

- a) Consideration of authorizing payment of November 15, 2021 Bills List in the amount of \$1,461,914.84.
- b) Consideration of approving the October 4, 2021 Minutes of the Public Meeting of Middletown Township Board of Supervisors and the Budget Work Session Minutes for October 18, and October 25, 2021.
- c) Resolution# 21-34R, Designation of Grant Agent for Disaster Relief and Emergency Assistance Act.

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

5) Stone Farm Settlement Plan Presentation/Discussion

Rob Gudlach, attorney for the applicant, presented the settlement plan for the pending litigation for the proposed development of the Stone Farm. Present with Mr. Gudlach at the meeting was Joseph Morrissey, President of FoxLane Homes, Gia Raffaelli, General Counsel for FoxLane Homes, Eric Clase Design Engineer for Gilmore & Associates, and Brian Keaveney Traffic Engineer from Pennoni & Associates.

Mr. Gudlach noted that the property is located at Route 413, Tollgate Road and Fulling Mill Road, Middletown Township, also known as Stone Farm. He provided the history and background of the property, as well as the present litigation matters.

Mr. Gudlach stated that in an effort to proactively communicate with residents about development matters and to move settlement discussions forward, the Developer submitted a draft text amendment to the Zoning Ordinance for an Age Restricted Overlay District, a preliminary traffic assessment report, colored renderings of the proposal, and a few other letters and reports.

Mr. Gudlach explained that the submitted alternate plans propose a 164 single-family attached twin home development, on approximately 45 acres of the Property, as an age restricted community. The Settlement Plans show 67 acres of the east side (Fulling Mill Road) and 25 acres of the east side (Route 413) of the Property being subject to conservation easements as preserved open space. The Township Engineer, Township Traffic Engineer and other Township consultants have done a preliminary cursory review of the Settlement Plans. The Settlement Plans would increase the open space, reduce the impervious surface area, reduce the peak hour traffic trips, and result in a fiscal surplus to the school district by eliminating school age children, compared to the previously denied Plans.

Public Comments:

The following residents spoke in opposition to the development of the property and the presentation/plan shared at the meeting:

Eric Nordberg, 122 Granite Hill Court
Antoinette Milovcich, 213 Adeline Place
Dana Kane, 1532 Franklin Road
Sharon Furlong, 133 E. Bristol Road
Jane DeFinnis, 313 Tollgate Road
Susan Charles, 1210 Brownsville Road
Jill Weinberg, 1382 Newtown Langhorne Road
Jeff Miller, 1567 Fulling Mill Road
Zack Sivertsen, Attorney for Save the Stone Farm
Jane Schwartz, 162 Meadowview Court
Linda Mend, 325 Tollgate Road
Anne Polis, 225 Green Valley
Tom Piacentino, 2759 Country Lane
Susan Hoskins, 992 Broadview Ave
Elaine Miles, 217 Stoneybrook Court

Mr. Gudlach and the professional staff in attendance discussed and shared the following items:

- Color rendering settlement plan, detailed settlement sketch plan, grading plan,
- Traffic impacts, trip generation chart, summary chart of proposed road improvements
- Fiscal impacts, fiscal impact summary chart,
- Age-Qualified Overlay District
- Proposed homes renderings (color examples of proposed exterior and interior)
- Clubhouse renderings (color examples of proposed exterior and interior amenities)
- Standard options for every home compliant to Middletown Township's Climate Action Plan

Mr. Morrissey explained that FoxLane Homes is requesting that the proposed zoning text amendment for the Age Qualified Zoning District be moved forward for review by both the Bucks County Planning Commission and the Township Planning Commission at their next meetings. He further explained that they would then ask that a hearing occur at the Board of Supervisor meeting to adopt the Zoning Text Amendment and possibly enter into a Stipulation of Settlement on the ongoing litigation. The Developer would then submit fully engineered plans to the Township to go through the Township's land development process based on the new Zoning Text Amendment and terms in the Stipulation of Settlement.

Mr. Tosti noted that the Middletown Township Planning Commission will review a proposed plan that is related to the Stone Meadows Farm (TMP 22-005-007) held at 7:00 p.m. on Wednesday, December 1, 2021 in the Public Hall of the Municipal Building, 3 Municipal Way, Langhorne, PA. The Bucks County Planning Commission will also be reviewing the zoning text amendment at their December 1, 2021 meeting.

Action: Mr. Ksiazek made a motion to send the proposed text amendment to the Township Planning Commission and the Bucks County Planning Commission for review; seconded by Ms. Strouse. Mr. Tosti is opposed. Motion carried by a vote of 4-1.

- 6) Consideration of the Preliminary/Final Land Development Approval, Chick-fil-A, Langhorne Square, 1501 E. Lincoln Highway, Langhorne, PA 19047, TMP# 22-047-011-002, C Commercial Zoning, S/LD 20-70.

Tyler Prime, the applicant's attorney, reviewed the project which is located at 1501 Lincoln Highway, located in the Commercial Zoning District. He stated that the Applicant proposes to develop a vacant parcel by constructing a Chick-fil-A fast food establishment with parking and drive thru service. Also included is grading, utilities, lighting, landscaping erosion & sediment control and stormwater management.

Mr. Prime explained that this plan was reviewed by the Middletown Township Planning Commission at their October 6, 2021 meeting and received a recommendation for conditional approval for the Preliminary/Final Land Development Plan. He noted that all items listed in the Township Engineer review letter are will comply items. A condition of the Planning Commission's recommendation was for the Lincoln Highway deceleration lane land development improvements funding be placed in an escrow account with the Township to have the work completed with the Township's assistance.

Justin Thorton, the applicant's Engineer, from Colliers Engineer, provide background and overview of the proposed site. Mr. Thorton reviewed the site location and proposed features. He highlighted the changes that have been made; northside driveway has been realigned to the driveway across the street, ADA sidewalk path to public sidewalk, to shopping center and neighborhood, pedestrian path to the bus stop, the applicant has agreed to donate \$100,000 for the future traffic signal, in addition to the traffic impact study, also proposed no parking signs near the existing Starbucks.

Mr. Tosti questions the proposed drive-thru process. Mr. Prime explained that there will be two lanes with one door to deliver the food to indivual cars. There will also be proposed crosswalks as warmings to vehicles.

Mr. Tosti noted his concern for the proposed traffic and the existing traffic from Highland Park. He questioned whether there has been discussion with the developer and the Shopping center landlord. He suggested that traffic be consist and flow one way.

Mr. Phil Wursta, Township Traffic Engineer confirmed that the Township, developer and the shopping center landlord are working together to coordinate a traffic signal between the proposed Chick-fil-a and existing Starbucks.

Mr. Tosti and Mr. Wursta discussed the future traffic signal, which will require permission from PennDOT permission, and potentially propose a driveway which will restrict a right in and right out. Mr. Wursta confirmed coordination with PennDOT in regards to this concern.

Ms. Quirple questioned the future traffic light at Highland Park Way. Mr. Wursta confirmed that other proposed developers will be required to provide impact fees. He explained that the developer is promising a \$100k donation in addition to the impact fees. The impact fees were calculated at approximately \$48,000.00.

Action: Mr. Ksiazek motion to grant Preliminary/Final Land Development Plan approval for Chick-Fil-A, 1501 East Lincoln Highway, S/LD #20-70, 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. Any remaining review comments shall be addressed in full.*
- 3. The applicant shall provide funds to be placed in an escrow account with the Township for the Lincoln Highway deceleration lane land development improvement work to be completed with the assistance of the Township.*
- 4. The applicant shall contribute \$100,000 towards a new traffic signal and intersection improvements at Highland Park Way and Lincoln Highway.*

Mr. Tosti thanked the residents of Highland Park and Highland Gate for their patience with the traffic concerns. He noted that the Township will continue to address the traffic issues coming from this area. Ms. Strouse agreed with Mr. Tosti's comments.

Public Comments:

Tom McDonald, Highland Park; questioned the landscaping plans to replace existing trees in the isles that will be removed. Mr. Thornton confirmed the proposed site landscaping.

Robert Notaro, Swan Pointe; potential raised a traffic concern. Mr. Thornton provided key differences between the Newtown location and the proposed location such a dual drive-thru lane and this location have a bigger kitchen inside.

Angeline Dogerty, 1539 Old Lincoln Highway; is concerned about the amount of trash that is left behind drive-thru locations.

Tom Piacentino, suggested a recommendation to the possible traffic concerns with the proposed project. Mr. Tosti confirmed that this is something the developer and the landlord of the shopping center are in discussion about. Ms. Strouse noted that although she can no speak on their behalf she does believe that the traffic concern of the shopping center is a main focus for the Township Engineer and the developer.

*Seconded by Ms. Strouse. Ms. Quriple opposed.
Motion carried by a vote of 4-1.*

- 7) Consideration of Awarding a Contract with Golden, Inc. Building Maintenance in the amount of \$40,560.00 for Cleaning Services for the Police Department, Administration and Public Works Offices.

Ms. Teoli Kuhls explained that an RFP for Cleaning Services for Township Buildings was advertised and posted on PennBid on August 16, 2021. A pre-bid walk

through was held on August 26, 2021 and bids were opened on September 20, 2021. She noted that the pricing was requested based upon a detailed scope of work and the following criteria: Police Department, Administration offices and Public Works offices.

Ms. Teoli Kuhls stated that four bids were received with Golden, Inc. Building Maintenance being the lowest bidder at \$40,560.00. References were supplied as the Township has not contacted with them in the past. She noted this is a one-year contract which will begin on January 1, 2022, with the option of three (3) one-year renewals.

Chief Joseph Bartorilla, expressed on behalf of their current cleaning service, Genevieve Barker's Cleaning Service who has been cleaning the Police Department for 2 years that he would share with the Board the excellent service that has been provided. He did note that he understands that Genevieve Barker's Cleaning Service did come in second as a lowest bidder.

Ms. Teoli Kuhls confirmed that the Township legally has to go with the lowest bidder. Ms. Quirple questioned if the Township could counter offer and Ms. Teoli Kuhls it was not permitted with public bidding.

Mr. Tosti noted that he has heard outstanding things about Genevieve Barker's Cleaning Service especially during COVID.

Ms. Strouse questioned if the Township could go with a one-year contract and rebid. Ms. Teoli Kuhls confirmed that could happen.

Action: Mr. Ksiazek motion to authorize a one-year contract with Golden, Inc. Building Maintenance in the amount of \$40,560.00 for Cleaning Services for Township Buildings; seconded by Ms. Payne; motion carried by 5-0.

- 8) Consideration of authorizing the purchase of one (1) 2021 BA118C Hydraulic Angle Broom skid steer attachment for a total of \$5,249.40.

Eric Gartenmayer, Public Works Superintendent, noted the Department of Public Works researched the PA State Contract Costars list for items that would best serve the Department and the above items meet Public Works criteria. The hydraulic angle broom skid steer will be used for street work such as cleaning up millings, and dirt off the roadways due to road construction and drainage projects. The skid steer will be used to clean multiple parking lots throughout the township. It can be used in assisting in snow removal. In a light storm it can be used to brush off snow from sidewalks and walking paths.

Mr. Tosti questioned if this request was in front of the Board in the past. Mr. Gartenmayer confirmed that the purchase was not made due to spending reductions in 2020.

Action: Ms. Quirple motion to authorize the purchase of one (1) 2021 BA118C Hydraulic Angle Broom skid steer attachment from Foley, Inc. of Piscataway, NJ for a total of \$5,249.40; seconded by Mr. Tosti; motion carried by 5-0.

- 9) Consideration of authorizing the purchase of one (1) 2022 John Deere Gator XUV865M HVAC, and (1) Western 74360 72" V-Plow and V-Box Spreader for a total of \$35,289.93.

Eric Gartenmayer, Public Works Superintendent, noted that the Department of Public Works researched the PA State Contract Costars list for items that would best serve the department to assist in winter operations. The John Deere Gator will be used to plow and salt walkways and to clear the walking path in all the parks throughout the township. It will also be used for multiple landscaping tasks, moving large stumps and logs. It will retrieve objects in the woods that our other equipment cannot get to. It will also be used for transportation and moving things during multiple township events such as July 4th and township sponsored runs.

Mr. Tosti questioned if this machine will help with snow removal on the walking paths.

Mr. Gartenmayer responded that about 7-8 years ago a similar type of machine was purchased but can not handle a couple inches of snow and that the requested piece of equipment will.

Action: Mr. Tosti motion to authorize the purchase of one (1) 2022 John Deere Gator XUV865M HVAC, and (1) Western 74360 72" V-Plow and V-Box Spreader from Deere & Company of Cary, NC for a total of \$35,289.93; seconded by Ms. Quirple; motion carried by 4-0.

- 10) Consideration to authorize advertisement of an ordinance to make the intersection of Parkview Avenue and Buttonwood Avenue an all-way stop.

Nick Valla, Assistant Township Manager, while reviewing a nearby traffic concern in Langhorne Gables with the Citizens Traffic Commission (CTC), the Police Department noticed and advised that the intersection of Buttonwood Avenue and Parkview Avenue, which is currently a one-way stop from the western approach on Parkview, should become an all-way stop. The current stop configuration is highly unconventional and does not align with current best practices for stop sign placement. He explained that the Police Department and CTC are advising the Board of Supervisors to turn this intersection into an all-way stop, which must be done by amending the stop sign ordinance (§470-213). It was also discovered that there is conflicting and redundant language in the ordinance about stop signs at the Longview/Fir and Harrison/Madison intersections.

Mr. Valla explained that there are also multiple stop signs currently erected in Langhorne Gables that are not properly accounted for in the ordinance. This proposed ordinance would resolve that. He noted the recommendation of revising the language to reflect the existing signage.

Action: Ms. Strouse motion to authorize the Township Solicitor to draft and advertise an ordinance 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. Quirple; Motion carried by 4-0.

11) 2022 Budget Presentation

Ms. Teoli Kuhls started the 2022 proposed budget presentation by stating that the entire budget presentation will be available on the Township website. She explained that the Township entered the pandemic in a sound financial position and 2021 was better than expected. The Township had a strong rebound in revenue sources such as COVID-19 grant reimbursements and American Resource Plan Act (ARPA) funds. She noted that the expected \$1.1 million transfer from the Investment Fund to General Fund in 2021 was not necessary and that there will be no proposed tax increase.

Ms. Teoli Kuhls then provided a detailed overview of General Fund Revenues and Expenditures, and highlighted other governmental funds. She reviewed the budget process that began back in September and with the first opportunity for the Board to consider adoption of the Final 2022 Budget at the December 6th meeting.

Ms. Teoli Kuhls concluded by thanking the Board of Supervisors, Department Directors and staff for their efforts in the budgeting process. She thanked Assistant Township Manager Nick Valla and Mega Bhandary, Director of Finance, for keeping the budget to the high standards that the Township had set a couple years ago.

Mr. Tosti commended the staff for the work they do to keep the Township under budget and keep the Township moving forward with projects.

Ms. Strouse commented the staff on how clear, professional and easy the budget is to read and for all the hard work that is put into preparing.

12) Consideration of authorizing advertisement of the proposed 2022 Budget.

Action: Mr. Tosti moved to advertise the 2022 Budget; seconded by Ms. Quirple. Motion carried by a vote of 4-0.

13) Other Business

James J. Esposito, Esq. noted that the Board of Supervisors had an executive session to discuss personnel matters.

Ms. Quirple commended the staff on the hard work on the budget especially the year we are coming out of. She also wished everyone a Happy Thanksgiving.

Mr. Tosti reminded everyone of "Shop with a Cop" Sunday, December 5th from 8:30 a.m. – 3 p.m. at Target Oxford-Valley

14) Adjournment.

Action: Mr. Ksiazek motioned to adjourn the Public Meeting of the Middletown Township Board of Supervisors at 10:31 p.m. Ms. Strouse seconded. Motion carried by a vote of 4-0.