

Board of Supervisors Regular Meeting

October 4, 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 7:00 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, November 15, 2021 @ 7:00 p.m.
- b) Budget Workshop - Monday, October 18th @ 6:00 p.m.
- c) Budget Workshop – Monday, October 25th @ 6:00 p.m.
- d) Government Finance Officers Association (GFOA) 2021 Budget Award

Mr. Tosti announced Middletown Township was awarded the Distinguished Budget Presentation Award by the Government Finance Officers Association (GFOA). He mentioned that the award represents a significant achievement reflective of a commitment by the Township to meet the highest principles of governmental budgeting. Mr. Tosti thanked staff and fellow board members for this achievement, as Middletown Township is receiving this award for the third consecutive year.

- e) Fire Prevention Month Proclamation

Mr. Tosti read the full proclamation, which proclaimed October 2021 to be designated as Fire Prevention Month.

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

Kurt Geiselhart, 2733 Village Road, commented as a Township resident and not as the former President of the Langhorne Middletown Volunteer Fire Company; expressing general comments in opposition for the Township handling of the Fire Study.

Andy Warren, Shadybrook Drive, expressed follow up comments to Mr. Geiselhart's remarks. Mr. Warren commended the Board of Supervisors for completing the study but has concerns about the implications of Mr. Tosti's comments regarding the former Director of Fire and Emergency Management.

4) Consent Agenda Items

- a) Consideration of authorizing payment of October 4, 2021 Bills List in the amount of \$2,131,777.78.
- b) Consideration of approving the September 20, 2021 Minutes of the Public Meeting of Middletown Township Board of Supervisors.
- c) Consideration of approving Payment Certificate #3 for the 2021 Road Paving Project in the amount of \$167,340.07 to James D. Morrissey for completed work, which incorporates Change Order #4 in the amount of negative \$7.00 for reduced quantities.

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) Hearing for Transfer of Liquor License application for Picerno's gas station (Kayi, Inc.) located at 452 S. Bellevue Ave, Langhorne, PA 19047.

James J. Esposito, Middletown Township Solicitor, opened for record the public hearing of Kayi, Inc. ("Kayi") which has made an application to Middletown Township requesting approval of an Inter-municipal Liquor License Transfer. Mr. Esposito stated that Kayi is proposing to transfer the license to the property located at 452 S. Bellevue Avenue, Langhorne, PA 19047, currently operating as the Picerno's Gas Station. Kayi is intending to run a take-out beer store from the Property. No liquor license is currently available to purchase in Middletown Township, so Kayi has entered into an agreement to purchase a liquor license that is currently located in Warrington Township, Bucks County.

Mr. John Rodgers, representing the applicant Kayi, Inc., reviewed the documents that were entered into record by Mr. Esposito. He provided background and proposed changes of the Picerno's Gas Station; such as hours of operation, sales of liquor on the property. He also provided certifications of the property owner and the proposed policy and procedures of the proposed liquor sales; noting the ability to consume one drink on-site.

Mr. Tosti asked the applicant for confirmation of what time the sales of liquor will conclude on site each day. The applicant confirmed 9:00 p.m. Ms. Quirple questioned the applicant as he stated that he would require property identification from anyone 40 years and younger. Her concern was why everyone is not required to show identification. The applicant confirmed that they will require identification of everyone regardless of age.

Mr. Tosti reviewed the submitted sketch plan and questioned the amount of seating proposed and if food would be served on site. The applicant responded the total amount of proposed seating and that food is proposed to be served on site.

Mr. Tosti also commented that there is a church located less than 100 feet from the property. Mr. Rodgers noted that they were made aware of the church during their zoning review.

Mr. Tosti mentioned to the applicant about the proposed Phase 2 of the PennDOT road construction. The applicant and their attorney stated that they were not aware of this proposed construction.

Mr. Ksiazek questioned the applicant whether there were no liquor licenses available within Middletown Township. Mr. Rodgers confirm that was correct and Middletown Township has reached their maximum licenses by the PA Liquor Control Board (PLCB).

Ms. Strouse questioned the proposed expanded hours of operation which were not included in the application. She also commented regarding having concerns of a burden on the Police Department if the transfer was approved.

Mr. Ksiazek questioned the applicant whether they would be encouraging on premises consumption or only to comply with the state. Mr. Rodgers confirmed that they are required to allow the consumption on premise by the LCB.

Ms. Strouse was concern about some inconsistency in the employee policy and guidelines that was presented to the Board. The applicant clarified the inconsistencies. Ms. Quirple noted that the Board would like to see consistencies with what they are stating and what would be on paper as policies of the store. Mr. Rodgers noted that the policies and procedures can be amended.

Ms. Payne questioned the applicant where his other convenience store locations are located. The applicant confirmed the locations for Ms. Payne.

Public Comment: Ms. Elizabeth "Becki" Gilbert, 502 South Bellevue Ave, lives directly across from Picerno's Gas Station; expressed her concerns for the sales and consumption of alcohol on the premises.

Action: Mr. Tosti made a motion to deny the Inter-Municipal Liquor License Transfer Application of Kayi, Inc. to permit transfer of Pennsylvania liquor license number R-286 from Warrington Township to Kayi, Inc. in Middletown Township located at 452 S. Bellevue Avenue, Langhorne, PA; seconded by Ms. Quirple. Motion carried by a vote of 5-0.

- 6) Consideration of the Preliminary/Final Land Development Approval, 2240 Durham Road, Langhorne, PA 19047, TMP 22-059-014, S/LD #21-03, R-1 Residence Zoning District.

Barry Archambault, Civil Engineer for the applicant, introduced the project located at 2240 Durham Road, an existing lot between Durham Road and Tanglewood Drive. He explained that the applicant proposes to subdivide the existing lot into three (3) lots and construct two single-family detached dwellings on each of the new lots (front facing Tanglewood Drive) while maintaining the existing single-family dwelling on the third lot. The project will also include grading, utilities, stormwater management, and erosion controls for the two developed lots on Tanglewood Drive.

Mr. Archambault noted that the applicant has received recommended approval from the Planning Commission and all items listed in the Township Engineer's review letter has been addressed or will comply prior to plan recommendation.

Mr. Tosti asked for clarification on the location of the proposed lot. Mr. McGrath, property owner and builder, confirmed the exact location and provided a detail review of the proposed lot and subdivision.

Isaac Kessler, P.E., Township Engineer, expanded upon further details of the proposed plan. Mr. Kessler reviewed details of each proposed lot.

Ms. Strouse questioned Mr. Kessler if there were any outstanding items in his review letter that should be addressed. Mr. Kessler confirmed that all comments will be stratified and will be complied prior to a final plan set.

Action: Ms. Quirple made a motion to grant Preliminary/Final Subdivision and Land Development approval for 2240 Durham Road, S/LD #21-03, 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. Confirmatory deeds shall be recorded at the time of plan recordation confirming the new legal descriptions for Lots 1, 2, and 3. The deeds shall be in a form acceptable to the Township Solicitor prior to recording with the Bucks County Recorder of Deeds.***

Seconded by Mr. Tosti. Motion carried by a vote of 5-0.

7) Consideration of enacting Ordinance #21-06 regulating massage parlors.

James J. Esposito, Township Solicitor, provided an overview of the proposed ordinance that was presented by Chief Bartorilla presented at the August meeting. Mr. Esposito note that the ordinance has been advertised by the Bucks Courier Times on September 22nd and 27th, 2021, and is ready for enactment by the Board of Supervisors.

Action: Mr. Ksiazek made a motion to enact Ordinance #21-06 regulating massage parlors; seconded by Ms. Strouse; motion carried by 5-0.

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

James J. Esposito, Township Solicitor, introduced the Alternative Energy Ordinance which is based upon a model ordinance drafted by the Bucks County Planning Commission ("BCPC"). The BCPC developed the Alternative Energy Ordinance in consultation with the Pennsylvania Department of Environmental Protection and the Delaware Valley Regional Planning Commission.

He expressed that we are asking the Board to authorize sending the ordinance to the Middletown Planning Commission and Bucks County Planning Commission for review, as well as authorizing advertisement of the ordinance for a public hearing after review and revisions by the planning commissions.

Ms. Strouse added that she would like to see the Alternative Energy Ordinance sent to the Middletown Township Environmental Advisory Council as well.

Mr. Ksiazek questioned whether the incentives were the same as the other municipalities who enacted this model ordinance. Mr. Esposito stated that incentives remained the same and that the ordinance was molded into our own ordinance. Mr. Esposito reviewed some of the changes that were suggested by the Township with the Board of Supervisors.

Ms. Strouse is pleased about the proposed ordinance, stating that this will allow the Township to hold builders to a higher standard.

Action: Mr. Ksiazek made a motion to send the proposed Alternative Energy Ordinance to the Middletown and Bucks County Planning Commissions and the Environmental Advisory Commission for review, as well as authorize advertisement of the proposed Ordinance in order to hold a public hearing on such proposed ordinance after review by the planning commissions; seconded by Ms. Payne. Motion carried by a vote of 5-0.

9) Consideration of Collective Bargaining Agreement with Middletown Crossing Guards Association 2022-2025.

Stephanie Teoli Kuhls, Township Manager, noted that the current collective bargaining agreement (CBA) with the Crossing Guards Association expires at the end of 2021. Discussions regarding a new CBA began with the Crossing Guards Association earlier this summer. The four-year agreement includes and proposed 3.5% wage increase each year. The total additional cost of the new contract is expected to be \$47,045 over four years. Neshaminy School District reimburses the Township for 50% of the cost of the crossing guards.

Action: Mr. Tosti moved to approve the Collective Bargaining Agreement Between Middletown Township and the Crossing Guards Association for a term of January 1, 2022, to December 31, 2025; seconded by Ms. Quirple.

Andy Warren, 294 Shady Brook Lane, questioned the total accumulation of sick days that will be added. Ms. Teoli Kuhls confirmed that they will now be able to accumulate a total of 20 sick days instead of 15.

Motion carried by a vote of 5-0.

10) Discussion of 2022 Capital Plan.

Ms. Teoli Kuhls, Township Manager, started her presentation by stating that this is an overview for the community and the Board of the larger capital project requests which will be presented by each individual department during the 2022 budget process. Individual department directors then presented departmental requests for the 2022 Capital Plan totaling \$10,723,000.

Ms. Teoli Kuhls concluded the presentation explaining that detailed discussion of all requests would take place at the scheduled 2022 Budget Workshops.

11) Other Business.

James J. Esposito, Esq. noted that the Board of Supervisors had an executive session on September 21, 2021 to discuss ongoing litigation. No action was taken.

Mr. Tosti recognized Ed Preston and the Vietnam Veterans Foundation, who recently led efforts to install installed a Vietnam Veterans monument in Veterans Park. He noted that Middletown Township is the only Township in Pennsylvania with a monument honoring Vietnam Veterans. Mr. Tosti encouraged anyone who has not visit the monument to do so. He also thanked the Department of Public Works for their assistance at the memorial unveiling.

Mr. Tosti also thanked everyone who participated and attended Parkland Day.

12) Adjournment.

Action: Mr. Ksiazek motioned to adjourn the Public Meeting of the Middletown Township Board of Supervisors at 8:15 p.m. Ms. Quirple seconded. Motion carried by a vote of 5-0.