

# Board of Supervisors Regular Meeting September 7, 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  
 LEANNA COLUBRIALE, 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 the meeting in person along with the Township Manager Stephanie Teoli Kuhls, Solicitor James Esposito, Engineer Leanna Colubriale and department directors. Supervisor Payne attended the meeting virtually.

2. Announcements and Special Items.

- a) Next Board of Supervisors Meeting – Monday, September 20, 2021 @ 7:00 p.m.
- b) Upcoming Events:
  - Celebration of Life for Former Township Manager John Burke (*Saturday, September 11, 2021 @ 11:00 a.m. – Community Park Barn*)
  - Vietnam Veterans Memorial Dedication (*Sunday, September 26, 2021 @ 11:30 a.m. – Veterans Park*)

Mr. Tosti noted that the memorial will include 95 names of servicemen from Lower Bucks County, including 94 killed in action and one missing in action. The memorial sculpture is being created by Abbe Godwin, a highly regarded creator of works memorializing members of the armed services. The memorial will honor the legacy and memory of those from 19 surrounding Buck County municipalities.

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

Dana Krane, 1532 Franklin Street; questioned any plans fix the damage done to Silver Lake Road as a result of Hurricane Ida. Mr. Tosti confirmed that the road paving will be addressed as part consent agenda item at tonight’s meeting. Ms. Teoli Kuhls added that if approved as a consent agenda item, the work could be completed within a week.

## 4. Consent Agenda Items

- a) Consideration of authorizing payment of September 7, 2021 Bill List in the amount of \$1,312,374.27.
- b) Consideration of approving the August 16, 2021 Minutes of the Public Meeting of Middletown Township Board of Supervisors.
- c) Consideration of authorizing release of professional services escrow for Provco Pinegood Middletown, LLC, for the Wawa Conditional Use application located at 639 Lincoln Highway, Langhorne, PA 19047 in the amount of \$4,294.00.
- d) Consideration of approving Change Order #1 for the LED lighting installation project at Twin Oaks Park in the amount of \$35,805.00.
- e) Consideration of approving Change Order #2 to the 2021 Road Paving Project for Silver Lake Road reconstruction of installation of pedestrian path in the amount of \$ 91,134.90.
- f) Consideration of approving Resolution #21-25R, declaring a State of Emergency in Middletown Township for the flooding impact of Hurricane Ida beginning 5:00 p.m. September 1, 2021.

***Action: Mr. Ksiazek made a motion to approve consent agenda items A-F as listed above; seconded by Ms. Payne.***

Mr. Tosti noted that consent item "e" does include a pedestrian path and the paving of Silver Lake Road.

***Motion carried by a vote of 5-0.***

5. Consideration of Preliminary/Final Land Development Plan for a storage facility, 300 Woodbourne Road, Langhorne, PA 19047, TMP 22-047-198-006, S/LD#21-04 in the Commercial Zoning District.

Michael J. Meginniss, Begley, Carlin & Mandio; on behalf of the applicant PV Assess Management, LLC, introduced the project located at 300 Woodbourne Road at an existing Aldi site located in the Commercial C Zoning District. Also representing the applicant at the meeting was John Alejnikow, P.E., Bohler Engineering and present virtually was Eugene Poverni.

Mr. Meginniss noted that the application was presented to the Zoning Hearing Board in April and was granted variances; subjected to the condition that the maximum building height of the proposed self-storage structure is 37 feet.

He explained that the applicant proposes to demolish the one-story building and construct a three-story self-storage building. This also includes parking, access roadways, lighting, landscaping, grading, utilities, and stormwater management.

Mr. Meginniss confirmed that the proposed site will be a fully climate-controlled facility, all aspects of the facility will be kept to the interior of the site. This is not a 24/7 facility but there will be remote access. He noted that an updated review letter was received from the Township Engineer and that all items will comply and will be satisfied with the approval from the Board of Supervisors.

Mr. Meginniss brought to the Board's attention that the applicant requested a partial waiver to not install sidewalk along the access drive off of Woodbourne Road. The Applicant proposes sidewalk from Woodbourne Road along the access drive to the building entrance and does not continue the sidewalk to the rear of the property that is a wooded area near the back of the parking lot of the existing CarMax.

Mr. Ksiazek questioned whether the plan language should be amended to correctly identify the partial waiver of sidewalks in the rear of the property. Mr. Meginniss concurred that whatever the Township finds as appropriate verbiage is fine.

Mr. Tosti questioned whether there is proposed sidewalk along the frontage of Woodbourne Road. Mr. Meginniss confirmed there will be sidewalk along the frontage and the side access road to a stopping point. He noted that there was discussion at the Planning Commission meeting of extending the sidewalk to the rear wooded parcel in the future. Mr. Meginniss confirmed that the applicant did not feel that it was necessary when they designed the site.

Ms. Strouse questioned who owned the vacant parcel behind the proposed site. Mr. Esposito confirmed that the property is owned by Possell and briefly reviewed the history of the property. Mr. Esposito and Ms. Teoli Kuhls recommended that the applicant place money in escrow in the event that the parcel is developed then the Township can extend the sidewalk. Ms. Strouse felt the escrow was a great suggestion for future development of the vacant parcel. Mr. Meginniss agreed with Mr. Esposito's escrow recommendation. Mr. Esposito confirmed that an escrow amount can be determined by the square footage amount needed.

***Action: Ms. Strouse made a motion grant Preliminary/Final Land Development approval for Self-Storage Facility at 300 Woodbourne Road, S/LD #21-04, 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. Inside storage to be permitted only. RVs, campers, boats, or trailers are prohibited to be stored on-site.
3. Hours of operation to be between 6:00am and 10:00pm.
4. Use of this facility as a construction yard or operation site by contractors is prohibited.
5. Tractor-trailers are not permitted for loading and unloading at the site. No vehicles greater than the 30-ft x 29-ft loading space to be permitted.
6. The applicant shall place an escrow funding in the amount calculated by Township officials intended for future potential sidewalk.

Mr. Tosti expressed how beneficial it was that the hours of operation have been changed. He did question how the site will be monitored as tractor-trailers are not permitted. Mr. Poverni confirmed that this condition is listed in the contracts. He also noted that there is someone on site during business hours and that these sites are not designed for tractor-trailers.

Dana Krane, 1532 Franklin Street; questioned whether the Township needed additional storage facility and if this project will be in line with climate control.

Mr. Tosti replied to Ms. Kane that it would be nice to see the building occupied and not vacant. This proposed project will not create much traffic.

Mr. Ksiazek added that the Board of Supervisors does not have the ability to pick and choose the businesses that come into the Township and, as long as the project is consistent with the township ordinances; the owner has the right to develop the property.

*seconded by Ms. Quirple. Motion carried by a vote of 5-0.*

6. Consideration of awarding the 2021-2022 Consortium Rock Salt contract to Morton Salt, Inc. of Chicago, IL.

Eric Gartenmayer, Superintendent Department of Public Works, stated that Middletown Township has a long history of participating in joint contracts through the Bucks County Consortium. The 2021/2022 Consortium Salt Bid was recently opened with Morton Salt, Inc. of Chicago, IL as the lowest bidder at the rate of \$57.88 per ton delivered. Mr. Gartenmayer provided the Board of Supervisors with the Bid Tabulation Sheet. Use of salt varies from year to year, based upon weather conditions. Because of these fluctuations, we typically budget conservatively. The 2021 proposed budget includes \$150,000 for snow and ice operating supplies in the Highway Aid Fund.

Mr. Tosti questioned whether the price is higher or lower than last year. Mr. Gartenmayer provided rates from past years and confirmed that the price is higher than last year.

*Action: Mr. Tosti made a motion to award the 2021-2022 Consortium Bid for Rock Salt to Morton Salt Inc., Chicago, IL at the rate of \$57.88 per ton; seconded by Mr. Ksiazek. Motion carried by 5-0.*

7. Consideration of authorizing advertisement of Ordinance #21-06 regulating massage parlors.

Joseph Bartorilla, Chief of Police, stated that over the past few years, our township has seen an increase in the number of illegal massage and prostitution establishments within our township. He noted that this has been a long-standing issue in many Bucks County and Montgomery County communities. He stated that a local ordinance will provide the Township with enforcement abilities and regulatory authority needed to limit these types of establishments. Having an ordinance in place will allow us to be proactive in addressing what is becoming a significant quality of life issue in our township. These types of criminal enterprise "businesses" are often deeply involved in human trafficking, child abuse, tax evasion, and other crimes that involve the safety of women and children. Many of these women and children are here working in these places against their will. Chief Bartorilla thanked Mr. Esposito for his help in preparing the proposed ordinance.

Mr. Tosti questioned whether other municipalities have been successful in hindering these types of activities. Chief Bartorilla expressed that many municipalities that have this ordinance in place have deterred the activity.

Mr. Ksiazek discussed with Chief Bartorilla the enforcements actions that can be done by the Township. Mr. Esposito confirmed that this is a yearly application process. Chief Bartorilla confirmed that this is focused on the illegal business and not for any legit businesses within the Township.

Ms. Strouse confirmed that the fees will be just what is needed to cover administrative costs. Mr. Esposito confirmed that the fee will be placed in the fee schedule.

*Action: Mr. Ksiazek made a motion to authorize the advertisement of Ordinance #21-06 regulating massage parlors; seconded by Mr. Tosti Motion carried by 5-0.*

#### 8. 2022 Budget Calendar.

Ms. Teoli Kuhls noted the Proposed 2021 Budget Calendar:

October 4 <sup>th</sup>	Board of Supervisors Meeting
October 18 <sup>th</sup>	Budget Workshop Meeting
October 25 <sup>th</sup>	Budget Workshop Meeting
November 15 <sup>th</sup>	Board of Supervisors Meeting – Budget Presentation
December 6 <sup>th</sup>	Board of Supervisors Meeting – First Opportunity to Consider Budget Approval
December 20 <sup>th</sup>	Board of Supervisors Meeting – Final Opportunity to Consider Budget Approval

#### 9. Discussion of 2022 Redevelopment Authority Grant Program.

Ms. Teoli Kuhls introduced the agenda item explaining that there was no action required by the board at this evening's meeting but that, ideally, the board would give Ms. Teoli Kuhls an idea of its priorities for the program at its next meeting. She then reviewed the list of proposed grant applications for the 2022 RDA Grant Program:

• <b>Police Vehicles</b>	<b>\$225,000</b>
Four (4) Dodger Chargers	
Two (2) Harley Davidson Motorcycles	
• <b>Public Works Vehicles</b>	<b>\$255,000</b>
One (1) Large Dump Truck	
One (1) Small Dump Truck	
• <b>Police Technology</b>	<b>\$10,000</b>
Police Drone	
• <b>William Penn Fire Company</b>	<b>\$47,085</b>
Chief's Vehicle	

- **Penndel Fire Company** **\$47,085**  
Chief's Vehicle
- **Penndel Middletown Emergency Squad** **\$130,000**  
2022 Ambulance Chassis

10. Consideration of appointing James Henderson, Jr. to the Human Relations Commission.

*Action: Mr. Tosti moved to appoint James Henderson, Jr to the Human Relations Commission; seconded by Mr. Ksiazek. Motion carried by a vote of 5-0.*

11. Consideration of accepting the resignation of Kieran Hastings from the Planning Commission.

*Action: Mr. Ksiazek moved to accept the resignation of Kieran Hastings from the Planning Commission; seconded by Ms. Quirple. Motion carried by a vote of 5-0.*

12. Other Business.

James J. Esposito, Esq. noted that the Board of Supervisors had an executive session and discussed ongoing litigation & employment matters.

Ms. Teoli Kuhls recognized and thanked to the dedicated Middletown staff for their efforts during Hurricane Ida.

Mr. Ksiazek wished the best to all the school children starting back to school this year.

Ms. Strouse commended the Middletown staff for directly fixing the roads and for moving so quickly to place projects on tonight's agenda as a result of Hurricane Ida.

Ms. Quirple commended the Middletown Police Department and emergency management for all their efforts during Hurricane Ida. She also thanked Mr. Esposito for his preparation of regulating massage parlors with the Township.

Ms. Payne reiterated her appreciate for the staff and all they did during Hurricane Ida. She also thanked the staff and community for their well wishes and support.

Mr. Tosti thanked the entire staff for their work during the hurricane. Mr. Tosti noted that he is hoping to meet with Bristol Township and Tullytown Borough for Middletown Township to have a seat on Lower Buck County Joint Municipal Authority board to help have Middletown Township voice on the board for the Levittown residents.

13. Adjournment.

*Action: Mr. Ksiazek moved to adjourn the public meeting of the Middletown Township Board of Supervisors public meeting at 7:43 p.m.; seconded by Ms. Quirple. Motion carried by a vote of 5-0.*