

# Board of Supervisors Regular Meeting

April 18, 2022 | 7:00 p.m.

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

Mr. Ksiazek called the meeting to order at 7:03 p.m. after the Pledge of Allegiance, Ms. Quirple called roll. Supervisors Ksiazek, Quirple, Payne, Hannah, and Kane attended the meeting, along with the Township Manager Stephanie Teoli Kuhls, Solicitor James Esposito, Assistant Township Manager Nick Valla, and Township Engineer, Leanna Colubriale.

## 2) Announcements and Special Items.

Mr. Ksiazek made the following announcements:

a) Next Board of Supervisors Meeting – Monday, May 2, 2022 at 7:00 p.m.

b) Proclamation for Parliamentary Emphasis Month

Mr. Ksiazek read the Proclamation and congratulated the members of the Parliamentarians of Bucks County that attended tonight's meeting.

c) Governor's Award for Local Government Excellence

Mr. Ksiazek announced that Middletown Township was awarded the Governor's Award for Local Government Excellence for Innovative Planning and Sound Land Use Practice. He commended his fellow Board of Supervisors for everything they did to allow the Township to win this award and for the Climate Action Plan enacted last year. He explained that the Climate Action Plan was done in efforts by all Board of Supervisors and in large part to Assistant Township Manager, Nick Valla, Township Manager, Stephanie Teoli Kuhls and the Environmental Advisory Council.

d) William Penn Fire Company – Years of Service Recognitions

Mr. Ksiazek recognized the following members of the William Penn Fire Company: Cheryl Chamberlain - 5 years, Associate Member; Riley Collins - 5 years, Firefighter; Tyler Horvath - 5 years, Firefighter; Katie McDevitt - 5 years, Associate Member; Michael Motz - 5 years, Associate Member; Chris Russell - 35 years, Firefighter & Trustee; Jeff Diegel - 45 years, Firefighter & Vice President; Rick Montonario - 50 years, Associate Member & Secretary; and John Diegel Sr. - 55 years – Firefighter & President.

Mr. Ksiazek announced that there was a Special Fire Service Study meeting that was held on Saturday, April 9<sup>th</sup>. He thanked all four volunteer companies and Middletown 244 for attending as well as the Board of Supervisors and staff. Mr. Ksiazek noted that it was a tremendous day having everyone together brainstorming strategies for solutions/common goals and objectives to move the fire services forward. He expressed gratitude again to the all members of the four volunteer fire companies and the Township Fire and Emergency Department for their time and effort.

- e) Upcoming Events
  - i) Earth Day – Saturday, April 23<sup>rd</sup> from 11:00 a.m. to 2:00 p.m. at Core Creek Park
  - ii) Woof-a-palooza – Sunday, May 8<sup>th</sup> – Registration begins at 7:30am at Forsythia Crossing Park.
  - iii) Community Conversations with Middletown HRC – Understanding and Appreciating the Native American Experience – Monday, May 9<sup>th</sup> at 7:00 p.m. in the Public Hall & virtually via zoom

3) Public Comment. *Non-Agenda Items only.* None.

#### 4) Consent Agenda Items

- a) Consideration of authorizing payment of April 18, 2022 Bills List in the amount of \$684,220.31.
- b) Consideration of approving the April 4, 2022 Minutes of the Public Meeting of Middletown Township Board of Supervisors.
- c) Consideration of approving the April 9, 2022 Minutes of the Special Meeting of the Middletown Township Board of Supervisors.
- d) Consideration of approving Resolution #22-12R, authorizing submission to the Delaware Valley Regional Planning Commission (DVRPC) Transportation and Community Development Initiative (TCDI) grant program.
- e) Consideration of an Escrow Release #2 for the 1222 W. Lincoln Highway Land Development in the amount of \$15,944.50.
- f) Consideration of Approval of Agreements of Sale for Right of Way area and Temporary Construction Easements with PennDOT for land along Brownsville Road.
- g) Consideration of approving Resolution#22-13R (Middletown Blvd & Mall Access) and Resolution#22-14R (Woodbourne Rd and 4<sup>th</sup> Street/Oxford Valley Mall Access) for TE 160, signal modifications.

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

5) Consideration of enacting Ordinance #21-09 Age-Qualified Overlay.

James J. Esposito, Township Solicitor opened the public hearing for proposed ordinance.

Mr. Esposito stated that the proposed Ordinance has been advertised, posted at the property, filed with the law library and sent to the owners of the affected property all in accordance with the Municipalities Planning Code and the Second-Class Township Code. He explained that the Township has as exhibits: an affidavit of publication from Courier Times that the notice was published twice on December 6<sup>th</sup> and 13<sup>th</sup>, correspondence to property owners about proposed ordinance, certification of posting at property and proof of filing with law library.

Mr. Esposito questioned if anyone would like party status. The following entered into party status: Zachary Sivertein, Eastburn & Gray, P.C., on behalf of Linda Mead and Jeff Miller; Rob Gundlach,

Fox Rothchild, on behalf of KTMT Stone, LP, the underlying property owners; the Estate of Ezra Stone, The Estate of Ezra Josef Seeger Stone & Francine Stone.

Mr. Esposito stated that the purpose of the proposed Ordinance is, "to create an overlay district over designated portions of the Township to allow development of a community of persons 55 years of age and over which provides for a variety of residential housing types and recreational facilities." He explained that the property that is currently designated to be included in the Age Qualified Overlay District is the 168-acre tract of land located along Route 413, Tollgate Road, and Fulling Mill Road referred to as the Stone Farm. The existing zoning districts of RA-2 and RA-3 will remain on the Stone Farm property, but this overlay district provides additional provisions that would apply to the areas within the overlay. Mr. Esposito reviewed the site regulations in detail.

Mr. Esposito noted that the Developer did a traffic impact analysis that shows an age qualified district would decrease traffic to 1/3 of what a single-family development would cause. He added that a fiscal impact analysis was also completed and showed an estimated positive surplus of tax revenue to the Township and School District of over \$1.5MM dollars compared to a single-family development due to no costs incurred to the School District.

Mr. Esposito added that the proposed Ordinance was sent to the Bucks County Planning Commission (BCPC) and the Township Planning Commission for review, and they found that it is compatible with the surrounding uses and is consistent with the Township's Comprehensive Plan. He stated that the BCPC did not have any concerns with the Ordinance, and the Township Planning Commission recommended approval of the Proposed Ordinance.

Mr. Esposito recommend to the Board that at the conclusion of the hearing, that the Board continue the vote on the Ordinance to the May 2nd Board of Supervisor meeting. He stated that the reason for continuing the vote for the Ordinance is due to its relationship with the Settlement discussions for the Stone Farm matter, which is the next agenda item for the Board. If the Board was inclined to approve both the Ordinance and Settlement, certain items in the Settlement will need to be obtained before the Ordinance should be enacted.

Mr. Esposito asked the Board if they had any questions.

Mr. Esposito opened the floor to anyone from the public that wishes to be heard concerning the proposed ordinance. There were none.

The hearing was closed.

***Action: Mr. Ksiazek made a motion to continue the vote on the proposed age-qualified overlay Ordinance till the May 2, 2022 Board of Supervisor meeting; seconded by Ms. Quirple.***

***A motion carried by a vote of 5-0.***

6) Consideration of Stipulation of Settlement of Land Use Appeal No. 2019-08733, KTMT Stone, LP v. Middletown Township Board of Supervisors, and Middletown Township.

James J. Esposito, Township Solicitor, noted that Metropolitan Development, through the entity KTMT Stone, LP filed a Subdivision and Land Development Application with Middletown in 2015 to develop the 168-acre tract of land, known as the Stone Farm. Specifically, the Developer sought to construct a residential development consisting of 124 single family residential dwellings with related infrastructure and improvements. After numerous Planning Commission meetings and a meeting with the Board of Supervisors, the Board denied the Application in November 2019. The Applicant filed a Land Use Appeal with the Court of Common Pleas of Bucks County, and the matter has been in litigation since. Jeff Miller and Linda Mead, representatives of the Save Stone Meadows Farm group intervened in the litigation. For the past 6 months, the parties have been having discussions in an attempt to settle the litigation. Many of these discussions have been held at the Board of Supervisors and Planning Commission meetings, as well as just general meetings between the public and the Developer.

Mr. Esposito explained that the parties, through their counsel, have drafted a de of Settlement, that incorporates the terms discussed and agreed upon in principal for a possible Settlement to the litigation. He noted that the Stipulation of Settlement is in final form, with exhibits attached, and it has already been signed by the Developer, as well as Linda Mead and Jeff Miller. The Stipulation of Settlement does also require the signatures of Francine Stone and Joyce Stone, as the executors of the Estate of Ezra Stone and the Estate of Josef Stone, which are the owners of the Stone Farm. He noted that those signatures are expected to be received soon.

Mr. Esposito reviewed the following specific terms of the Stipulation of Settlement with the Board: Conservation Easement, Subdivision of Property, Development of the Property, Roadway Improvements, Legal Fees.

As previously mentioned, Mr. Esposito noted that the Developer and resident intervenors have already signed the Stipulation and the Owners are expected to sign soon. He explained that if the Board is inclined to approve this Stipulation of Settlement, the Stipulation would be filed with the Court and would need to be approved by the Judge overseeing the case. He added that the Subdivision plan creating the 3 separate lots and the Conservation Easement would then be recorded, and the Developer would then proceed with its Land Development application and process with the Township.

Mr. Esposito noted that once the Final Land Development Plan receives approval and plans are recorded, the Litigation matter would be discontinued and ended by the parties. Mr. Esposito reiterated that the Ordinance for the Age Qualified Overlay District would need to be voted upon and approved prior to the Land Development application moving forward.

Mr. Ksiazek commented that the Township has come a long way from where all parties started, to where we are now with the proposed Conservation Easement. He explained that this Stipulation Agreement preserves the farm character of the property and will be a net positive impact to the Township and School District, as well as a decrease in traffic as compared to the original proposal.

Mr. Ksiazek stated how pleased he is that the Stipulation Agreement was reached and recognized the tireless efforts of Linda Mead, Jeff Miller, Save the Stone Farm Coalition, Metropolitan Group, Fox Lane Homes and the Board of Supervisors. He commented how everyone came together for an amazing accomplishment and something to be proud of.

Mr. Ksiazek noted that all of the tax payer expense that was used to fight this battle will be reimbursed and there will be no financial impact to the community members and the Save the Stone Farm Coalition.

Ms. Kane reiterated Supervisors Ksiazek's comments and thanked all of the parties including the residents that came out and continued to voice that we needed something better for the community.

Ms. Quirple especially wanted to thank Jeff Miller, Linda Mead and all of the community members who made the difference. She noted this was an achievement that so much of the property will be preserved.

Ms. Payne thanked the County of Bucks for all their hard work in preserving that much land. She applauded the community for their efforts in preserving the land.

***Action: Mr. Ksiazek made a motion to approve the Township entering into the proposed Stipulation of Settlement, with exhibits with the Appellant and all Intervenors, for the Land Use Appeal of KTMT Stone, LP, Bucks County Court of Common Pleas No. 019-08733, and authorize the Township Solicitor, consultants and staff to take the necessary actions to carry out the terms of such Stipulation of Settlement; contingent upon receipt of signatures of Francine and Joyce Stone; seconded by Ms. Payne.***

#### Public Comment:

Sharon Furlong, Bucks County Environmental Action, thanked the efforts of all involved. Ms. Furlong had several questions in regards to the Conversation Easement.

Mary Sly, 197 Ironrock Court, questioned the status of Summit Trace Open Space and requested that the Summit Trace Open Space be kept separate from the Stone Farm Open Space.

Eric Jacobs, 213 Cambridge Drive, expressed concerns regarding the impact of Development on traffic issues. Mr. Jacobs suggested removing one access on 413 to Tollgate Road as access.

Charles Alfonso, Laurel Oaks, noted that preserving land and trails is commendable, but expressed concern on how residents will park to access the trails. Mr. Esposito commented that there is a connection point from Core Creek Park.

Florence Wharton, 301 N. Bellevue Ave, questioned the surveying of the two lots on the Conservation Easement, proposed stormwater management, and who will be the holder of the easement. Mr. Esposito confirmed that the County of Bucks will be the easement holder and all necessary permits will still need to be obtain from the Township Building and Zoning Department.

Sharon Fleming, Bucks County Environmental Action, reiterated the concern of accessing and parking for the trails within the development. Mr. Ksiazek commented that a goal of the Township is continued connectivity from walking trails throughout developments within the Township into Core Creek Park. He noted that there are many areas within the Township of options to park and walk.

Paul Kopera, Director of Parks & Recreation suggested surrounding parking and trail options such as Core Creek Park and Saint Mary's Hospital and Rehab.

Jeff Miller, Save Stone Meadows Farm, thanked the Board of Supervisors for the kind words. He expressed that the Township and residents collectively worked through the process and five parties coming together to compromise.

Francis Grove, questioned the name of the builders. The builder was present at the meeting - Fox Lane Homes.

*A motion carried by a vote of 5-0.*

## 7) Q1 2022 Financial Report

Mega Bhandary, Finance Director presented the First Quarter Financial Report reporting on the following: Revenue and Expense summary actuals versus budget, Revenue by category actuals versus budget, Expenses by category actuals versus budget; Investments overview, and Pension update.

Mr. Ksiazek noted that the performance of the pension funds and investments is not unexpected. He also stated that it is always good financial news from a revenue and expenditure stand point.

Ms. Kane questioned if we expect any negative impact to the overall 2022 budget. Ms. Bhandary stated that overall budget is looking positive.

## 8) Consideration of Purchasing Meeting Room Dias Furniture from Paul Downs Cabinetmakers.

Stephanie Teoli Kuhls, Township Manager explained that the 2022 Budget includes an allocation for the renovation of the Public Meeting Room. Ms. Teoli Kuhls noted that the proposed improvements include: purchase and installation of a permanent dais and desks, new carpeting, upgraded seating and enhancement of audio/visual amenities. She

explained that the proposed dais, desks and lectern will significantly modernize the public meeting room and will allow for integration of technology for enhanced public access through hybrid and virtual meetings.

Ms. Teoli Kuhls provided and reviewed picture renderings of the proposed improvements and the layout of the Public Hall. She explained that that improvements will consist of in-house labor and several contracts. Ms. Teoli Kuhls reviewed in detail the proposed dais layout and that extensive technology that will be available to each Board member's seat, as well as the proposed carpeting and accent wall details.

Ms. Teoli Kuhls that the 2022 Budget includes \$100,000 for the renovation of the Public Meeting Room. She stated that she feels confident that the project will stay within budget.

Ms. Teoli Kuhls stated that the first contract being presented to the Board is for Paul Downs Cabinetmakers which is located in Montgomery County, PA with vast experience in building custom furnishings for local, state and federal entities. She noted that research was completed to get other options and there were two other options that were more than the presented contract. The contract with Paul Downs Cabinetmakers is for an overall contract of a total of \$51,825.

Ms. Teoli Kuhls explained that the Board will be presented with a technology and carpet contract over the next month. She expects that the Public Hall improvements will begin after the June meeting, as Public Works will start their portion. The July Board of Supervisors meeting will be held upstairs with the hopes of returning to the Public Hall in August; September at the latest.

Mr. Ksiazek noted that this project has been in the works for several years and is overdue. He expressed that it is important to bring the room in line with neighboring municipalities. More importantly, he noted bringing the Township into a modern age with technology is not even optional.

***Action: Ms. Payne motioned to approve a contract with Paul Downs Cabinetmakers of Bridgeport, PA in the amount of \$51,825; seconded by Ms. Quirple. A motion carried by a vote of 5-0.***

9) Consideration of authorizing the purchase of Palo Alto Firewall PA-450 Redundant Firewalls.

Chady Megeed, Technology Support Specialist, explained that Middletown Township's current Cisco Firewall has only a few months left of its support and warranty contract. He explained network firewalls are used to stop or mitigate unauthorized access to private data networks. He explained that Palo Alto-450 (PA-450) is one of the best firewalls solutions in the industry today that can confidently defend our organization from all threats. The new firewall classifies all traffic based on application, application function, user, and content.

Mr. Megeed noted that \$13,000 is budgeted in the 2022 Capital Fund budget. He commented that an additional server was also budgeted in 2022 for \$20,000 that is no longer needed due to the purchase of Office 365.

Mr. Megeed noted that Prism Works Technology located in Hummelstown, PA, a Pennsylvania COSTARS vendor, has provided a quote of \$21,280 for the PA-450 Redundant Firewalls, inclusive of three-year premium support and set up costs.

Ms. Quirple asked if the quote included three-year support. Mr. Megeed confirmed that was correct.

Mr. Megeed confirmed that with Microsoft 365, a lot of space will be freed up on the server and placed on the storage cloud.

Mr. Ksiazek noted the importance of Firewall in the prevention of cyber-attacks.

***Action: Mr. Ksiazek made a motion to authorize the purchase of Palo Alto Firewall PA-450 through Prism Works Technology in an amount not to exceed \$21,280.00; seconded by Ms. Quirple. A motion carried by a vote of 5-0.***

#### 10) US Route 1 Project.

Mr. Ksiazek noted that this is the second time that the Board of Supervisors opened a discussion on the topic of the US Route 1 Project.

Stephanie Teoli Kuhls, Township Manager reviewed the US 1 Improvement Project, Section RC3, which is the fourth section of the project that will directly impact Middletown Township.

Ms. Teoli Kuhls stated that PennDOT is encouraging public feedback and residents can visit the project website at [www.us1bucks.com/section-rc3](http://www.us1bucks.com/section-rc3). She explained that the project is currently in Preliminary Design Phase, with construction not anticipated until 2026. As discussed at the last meeting, Ms. Teoli Kuhls stated that PennDOT is looking for individual municipality feedback and that there is an anticipated Public Plans Display Meeting in the spring.

Ms. Teoli Kuhls presented a slide show depicting the existing conditions of US Route 1 as well as the proposed improvements that include removal of the concrete islands, two 12-ft travel lanes in each direction, with a 6-ft shoulder at center concrete barrier and a 14-ft paved shoulder on outer lanes.

Ms. Teoli Kuhls also explained that PennDOT is still considering installation of pedestrian/bicycle facilities in place of the access roads. She stated that if the access roads are converted to pedestrian/bicycle paths that there will be linkages for those pedestrian/bicyclists where the access roads will remain open.

Ms. Teoli Kuhls reviewed the proposed changes to the northbound ramp at Highland Road with a roundabout. She stated that this section is still in flux as some areas will remain where needed for access and circulation. She then moved on to review the next section which is a partial cloverleaf design, which will include two signalized intersections with through lanes.

Mr. Ksiazek reviewed the items that PennDOT is requesting from the Township, specifically a statement of support for the project and Township input on specific mediation requests. He added Township input on the conversion of access roads to pedestrian/bicycle paths.

Mr. Ksiazek opened the discussion to the public for their questions or feedback. He stated that the Board is always looking for more feedback/input from the public. He added that the Board is hopeful that the Public Plans Display Meeting planned for the spring will provide the public with additional details.

Mr. Phil Wursta, Traffic Engineer, reviewed the following: traffic studies that have been completed, traffic concerns from residents and neighboring municipalities on the impact on Maple and 413. Mr. Wursta reiterated from last meeting, that it is very important that this project move forward as this highway needs to be updated from its 1960's design. Mr. Wursta stated that the Township will need to consider what are the priorities such as predestination mobility and the quality of life issues that the Township would like to see.

Ms. Quirple stated that she is aware that neighboring municipalities are concerned about traffic within their areas and questioned if traffic impact studies have been completed on that impact. Mr. Wursta stated that traffic studies have been completed.

Ms. Quirple stated that she feels it is important to have the access roads converted to pedestrian/bicycle paths. Mr. Wursta stated that if the Board feels that way a letter should be sent to PennDOT stating that support.

Ms. Hannah questioned when PennDOT would like community feedback. Ms. Teoli Kuhls confirmed PennDOT is looking for community input right now through their website. She added that the plans will be displayed here when available.

Ms. Kane questioned if we heard from any residents after last meetings presentation. Ms. Teoli Kuhls stated that she had not heard from any residents.

#### Public Comment:

Francis Grous, would prefer to keep the access roads as it would be a disservice to convert into pedestrian/bicycle paths.

Brian Smiley, 120 East Marshal (Langhorne Bourgh) reminded all residents to access PennDOT Connects, which helps educate the community on PennDOT project for feedback.

Mr. Ksiazek noted that this project is very important and without question. He stated that the road is outdated and dangerous, which needs to be updated for the safety of Township residents, employees, and emergency management personnel. He also shared that it is important for the Township to share their position on the project.

Mr. Ksiazek recognized the concern of the Langhorne Borough resident that traffic will create an impact on the Borough.

***Action: Mr. Ksiazek made a motion to communicate general support for the Route 1 Project to PennDOT; seconded by Ms. Quirple.***

Carol Zetterberg, 129 West Marshall, Langhorne Open Space Organization, Director of Funding and Development expressed concerned that Langhorne Borough was not made aware of the project. Mr. Ksiazek reiterated that PennDOT is still in the design phase and is looking for community feedback.

Pat Carr, Langhorne Borough, expressed concerned about the closing of the access points and the notion of imputed traffic that will create more traffic.

Mr. Ksiazek acknowledged all comments from the residents of the Langhorne Borough.

***A motion carried by a vote of 5-0.***

Mr. Ksiazek tabled any further discussion about the US Route 1 Project and the details to a later date. Ms. Kane noted about emphasizing communication from PennDOT to all residents.

## 11) Other Business.

James J. Esposito, Esq. announced that the Board of Supervisors held an executive session prior to this meeting to discuss litigation matters.

Ms. Hannah recommends that all residents review the traffic study for the Route 1 project and provide input for the project, as it is greatly needed.

Mr. Ksiazek reiterated sincere appreciation and thanks to the four volunteer fire companies and Township Fire and Emergency and all other individuals involved in the Fire Study meeting.

## 12) Adjournment.

***Action: Ms. Payne made a motion to adjourn the Public Meeting of the Middletown Township Board of Supervisors at 9:37 p.m. Ms. Quirple seconded. Motion carried by a vote of 5-0.***