

# Board of Supervisors Regular Meeting

April 4, 2022 | 7:00 p.m.

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

Mr. Ksiazek called the meeting to order at 7:01 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, Isaac Kessler.

## 2) Announcements and Special Items.

Mr. Ksiazek made the following announcements:

- a) Next Board of Supervisors Meeting – Monday, April 18, 2022 at 7:00 p.m.
- b) Local Government Month Proclamation - Mr. Ksiazek read the proclamation announcing that the month of April is Local Government month.
- c) Upcoming Events
  - Shred Event – Saturday, April 9, 2022 from 9:00 a.m. to 12 noon – Oxford Valley Mall
  - Earth Day – Saturday, April 23, 2022 from 11:00 a.m. to 2:00 p.m. – Core Creek Park

Chief Joseph Bartorilla thanked the following outside agencies for their assistance and help with the funeral procession of Trooper Martin Mack that went through Middletown Township on Thursday, March 31, 2022:

Captain Pete Feeney; who wrote the entire operation plans for the route consisting of about forty intersections and ramp closures, plus staffed the motor detail and honor guard for the funeral.

Police Chiefs John Godzieba, Langhorne Borough; Sean Perry, Pennndel Borough; John Hearn, Newtown Township; and Bucks County Park Ranger, Steve Mahwinney.

Langhorne-Middletown Fire Police Captain Larry Harvey and Lt. Joe Gordon; Eric Gartenmayer, Public Works Superintendent and The Department of Public Works.

On behalf of the Supervisors, Mr. Ksiazek thanked all departments and Chiefs that assisted the Middletown Township Police Department.

Mr. Ksiazek thanked Chief Bartorilla, Captain Pete Feeney, Middletown Police Department and the Department of Public Works; as well as everyone that was involved.

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

**4) Consent Agenda Items**

- a) Consideration of authorizing payment of April 4, 2022 Bills List in the amount of \$507,355.71.
- b) Consideration of approving the March 21, 2022 Minutes of the Public Meeting of Middletown Township Board of Supervisors.

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

**5) Consideration of approving the amended Land Development for Provco Pinegood Middletown, LLC, proposed WAWA, 639 East Lincoln Highway, Langhorne, PA 19047, original approval date of June 14, 2021.**

Jim Ennis, Director of Building & Zoning, noted that the Board received the June 25, 2021 Approval Letter from Jim Esposito of Curtin and Heefner, Township Solicitor, which covers the originally granted approval on September 3, 2019 and the amended approval on June 14, 2021 for the Wawa at 639 East Lincoln Highway, Langhorne, PA 19047. He shared that representatives from Wawa are present at tonight's meeting.

Mr. Ennis explained that Wawa recently appeared before Middletown Township's Zoning Hearing Board and requested variances from the Township's Zoning Ordinance on March 23, 2022. The requested variances were related to the number, size, location, and height for two freestanding signs at the Property. Variances related to the same types of signage were previously granted by the Zoning Hearing Board on January 11, 2019. The variances requested during the March 23, 2022 were technically a reduction, modification, and relocation of those previously granted in January 2019. The size and height of the signs will be less than what was granted in 2019.

Mr. Ennis explained that in order to maintain consistency with the Township codes and state regulations, an amendment of the land development is required. He explained that since the signage was part of the overall land development proposal and part of the review and consideration for approval, the relocation and modification of the two freestanding signs requires approval of an amended land development application.

***Action: Ms. Payne made a motion to authorize approval of the Amended Preliminary/Final Land Development application for the Wawa at 639 East Lincoln Highway, Langhorne, PA 19047. Approval of the amended application is specific to the two freestanding signs detailed on the Proposed Signage Plan prepared by Bohler Engineering and dated October 29, 2021; seconded by Ms. Quirple. Motion carried by a vote of 5-0.***

- 6) Consideration of adopting Ordinance #22-02, the 2018 Edition of the International Property Maintenance Code in lieu of the previously adopted 2015 Edition.

Stephanie Teoli Kuhls, Township Manager, stated that as of February 14, 2022, the Commonwealth of Pennsylvania moved to the 2018 edition of the Uniform Construction Code (UCC), International Property Maintenance Code and International Fire Code. She noted that Middletown Township adopted the 2018 Edition of the International Fire Code in February and the Board of Supervisors authorized advertisement of an ordinance updating the UCC and Property Maintenance Code.

Ms. Teoli Kuhls explained that Ordinance #22-02 will bring the Property Maintenance Code up to date, authorizing adoption of the 2018 edition. She noted that the Township will not need to officially update our UCC, as the ordinance was previously written to update automatically with the state.

***Action: Ms. Hannah made a motion to authorize the adoption of Ordinance #22-02, update the International Property Maintenance Code to the 2018 Edition; seconded by Ms. Quirple. Motion carried by a vote of 5-0.***

- 7) Consideration of authorization to draft an update and advertise the Township Stormwater Management Ordinances.

Isaac E. Kessler, P.E., Township Engineer, explained that as part of the Municipal Separate Storm Sewer System (MS4) Program, Act 167 has directed the Pennsylvania Department of Environmental Protection (PADEP) to develop a model ordinance that meets both Act 167 requirements and MS4 regulatory requirements. Mr. Kessler noted that the Township has a Stormwater Management and Earth Disturbance Ordinance (Chapter 430) and Stormwater Management for Neshaminy Creek Watershed Ordinance (Chapter 431).

He explained that the 2022 Model Ordinance requires any municipalities with an MS4 permit to make minor adjustments to their existing ordinances to be consistent with this latest model by September 30, 2022. Minor adjustments include clarification of the process of stormwater management in peculiar or unique conditions, and revisions to the ordinance to make it easier to follow and understand for residents and applicants.

Mr. Kessler explained that the request is for authorization to draft and advertise the updated ordinances, with the expectation they will be brought back before the Board to adopt these updates prior to the deadline later this year. These updates have been included in the anticipated work with the Township's MS4 Program this calendar year and do not have any additional budget impact.

***Action: Ms. Kane made a motion to authorize the drafting and advertisement of updated Stormwater Ordinances per the PADEP and MS4 Program requirements; seconded by Ms. Quirple. Motion carried by a vote of 5-0.***

- 8) Consideration of authorizing the purchase of one (1) Galion steel dump body, (1) plow, (1) spreader for a total of \$89,500.

Eric Gartenmayer, Public Works Superintendent, explained that the Board of Supervisors authorized the purchase of the Dump Truck cab and chassis at the February 22, 2022 Board of Supervisors meeting. He noted that he did not recommend purchase of the body at that time due to the fluctuations in cost. He reported that he was able to rebid the dump body and the price was reduced by \$9,000. He recommended approval of this new bid.

Mr. Ksiazek thanked Mr. Gartenmayer for waiting to purchase this item. He also questioned whether there were Redevelopment Authority (RDA) Funds to purchase the rest of the components. Mr. Gartenmayer confirmed that RDA Funds will cover the partial cost of the dump body, plow, and spreader. The remaining balance will be paid from the Capital Fund for this purchase.

Ms. Kane thanked Mr. Gartenmayer for doing due-diligence with the pricing.

*Action: Ms. Quirple made a motion to authorize the purchase of one (1) one Galion steel dump body, (1) plow, (1) spreader from H.A. DeHart & Son Thoroughfare, NJ for a total of \$89,500; seconded by Ms. Payne. Motion carried by a vote of 5-0.*

- 9) Consideration of authorizing purchase of electric vehicle charging station at Styer Orchard Market.

Nick Valla, Assistant Township Manager, reviewed that the Township installed two Level-2 electric vehicle (EV) charging stations at the Municipal Center and Public Works building for public use in 2020. Mr. Valla noted that staff is recommending purchase of two publicly-accessible ChargePoint Level-2 EV stations (four plugs) to be located in front of the Styers Market. This purchase would include the stations, a one-year warranty, and three years of networking services.

Mr. Valla explained that during this past summer the Styers Market parking lot was prepared by Public Works to take on installation of the stations. The proposed stations would be located in front of the market to the right (north) end of the building.

He explained that there is a rebate program available called Driving PA Forward, which is a program administered by DEP, funded by the settlement from the Volkswagen emissions scandal. Currently, the Township can receive an \$16,000 rebate for the two stations. Mr. Valla reviewed that \$45,000 is budgeted from the Capital Fund for this project. With the rebate and COSTARS discount, the anticipated Township net cost will be \$25,442.

Ms. Quirple questioned the projecting cost in the future. Mr. Valla confirmed that there is a subscription cost that is built in which is less than \$1,000.

Ms. Kane questioned how the rate that is being charged is set. Mr. Valla responded that the energy cost is based on Township energy costs plus a small administrative fee. He also noted that rates can be assessed prior to the new stations being installed.

Ms. Quirple questioned the usage of the current stations. Mr. Valla confirmed that the Township does advertise the availability of the charging stations and that there are about 15 unique users a month. There has been a fluctuation from as high as 35 users to as low as 10 users a month. He noted that especially with people that can walk to and from the stations, they will leave their vehicles for charging.

Mr. Ksiazek confirmed that the request is for the Board's authorization of purchase and install the EV Charging stations. Mr. Valla confirmed that is correct.

Ms. Kane questioned the current rebate available. Mr. Valla confirmed as the availability for EV charging stations become more common, the rebate is expected to continue to decline.

***Action: Ms. Quirple made a motion to authorize application to the Driving PA Forward electric vehicle charging station rebate program and authorization of the purchase of two electric vehicle charging stations from National E Solutions in the amount of \$41,442; seconded by Ms. Payne. Motion carried by a vote of 5-0.***

#### 10) Consideration of authorizing an electricity supply agreement for Township electrical accounts.

Nick Valla, Assistant Township Manager, noted that Middletown Township periodically shops the marketplace for energy suppliers to obtain more competitive rates than offered by PECO. He explained that the Township's current three-year electricity supply contract with Constellation Energy expires in April 2023 and the Township is currently shopping the market for a new contract that would take effect May 2023. Mr. Valla confirmed that electricity delivery would remain with PECO.

Mr. Valla stated that the Township currently pays \$0.05282/kilowatt-hour (kWh), and has paid approximately this amount since 2017. He explained that prior to 2017, the Township paid \$0.07778/kWh. The Township has benefitted from an artificially-low market rate over the past five years. Mr. Valla explained that due to global volatility in the energy market, rates are now returning to levels seen in 2014 with no expectation of a tapering. A new contract with the same provisions is expected to result in a thirty percent (30%) increase over current rates.

Mr. Valla stated that the Township currently spends approximately \$8,900 per month on electric supply across all its accounts. There will be no impact to the 2022 budget because the new contract will take effect in May of 2023. The impact of the new contract will be incorporated into the 2023 budget.

Mr. Valla stated that the current contract has a provision that has not proven to be necessary. This "usage" provision (costing \$647/month) protects against dramatic changes in energy use. Review of historical energy use shows that the Township is far from triggering the need for this protection

Mr. Ksiazek questioned if the recommendation is to eliminate the use protection and move to 100% green, that savings would then offset the increase of going to green energy. Mr. Valla confirmed that was correct.

Mr. Ksiazek confirmed that the reason to doing this now even though it would not take in effect a year from now. Mr. Valla responded the market is volatile currently and not expected to improve in the near future. Prices today are still less than what the Township was paying 8 years ago.

Ms. Kane questioned if there was a provision in the contract that would protect the Township if the market rate does go much lower than what we would be paying, would the Township reset or look at other market rates. Mr. Valla stated that unfortunately the Township would not be able to do so, as that is part of the contract locking into a specific rate for a specific term. Mr. Valla response that the board will have an option to review about going 100% green and reduce to a lower level in future supply contracts. He added that the price of green energy has increased until recently, when it dropped for the first time. He stated that several factors could impact green energy prices in either direction.

Ms. Kane questioned can the Township be sure that we are not paying the high inflation now and locked into a higher rate. Mr. Valla stated that the volatility is at a maximum and from last year's natural gas contracts rates would barely change from even month to month.

Mr. Valla noted that the contract does have a provision in it that there is no material adverse change and the current rate would not be impacted with a huge reduction in supply.

Mr. Ksiazek stated that he very happy about idea of the Township going to 100% green energy; which is in line with the Township's Climate Action Plan.

Ms. Kane stated that she was concerned about going 100% going green too early, as it is a newer energy. She expressed that she is in favor of going green but concerned about locking in to early and competition will drive the market down.

Ms. Kane questioned the Township has shopped with other brokers. Mr. Valla stated the Township used the same broker it has used since 2016 and that he is confident that their rates are competitive.

*Action: Mr. Ksiazek made a motion to authorize Township staff to enter into an agreement with Freepoint Energy Solutions to supply electricity for a term of 36 months, beginning on May 1, 2023 Payne seconded by Ms. Payne.*

*The motion carried on a 4-1 vote with Ms. Kane in opposition.*

## 11) Other Business.

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

Mr. Kessler expressed how great it was to see Ms. Payne and wished everyone happy holidays who celebrates this month.

Ms. Kane thanked all residents for taking time from their day to honor and support Trooper Martin Mack and his family.

Ms. Hannah thanked everyone who helped with Trooper Martin Mack's funeral procession. Ms. Hannah also reminded everyone that April 16<sup>th</sup> is Community Clean Up Day.

Ms. Payne stated that it was a pleasure to see Supervisor Kane in person. Ms. Payne expressed how thankful she is for the support of the community and that how wonderful it felt to be in person at tonight's meeting. She expressed how great it felt so be back at the meetings in person along side of the other Supervisors.

Mr. Ksiazek welcomed Ms. Payne back and expressed that is has not been the same without Ms. Payne in person at the meetings.

## 12) Adjournment.

*Action: Ms. Quirple made a motion to adjourn the Public Meeting of the Middletown Township Board of Supervisors at 7:36 p.m. Ms. Payne seconded. Motion carried by a vote of 5-0.*