

## **Board of Supervisors Regular Meeting**

**Monday, August 15, 2022 | 7:00 p.m.**

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

Mr. Ksiazek called the meeting to order at 7:00 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, Assistant Township Manager, Nick Valla, Solicitor James Esposito, and Township Engineer, Leanna Colubriale.

Mr. Ksiazek noted that tonight is the first meeting in the newly renovated Public Hall, vision, and he thanked Stephanie Teoli Kuhls, Township Manager for her work on the project, as well as the Department of Public Works who completed all the work. He added that he is proud and honored that the Township has a meeting room that reflects the standing of the Township and that residents can also be proud of.

### 2) Announcements.

a) Next Board of Supervisors Meeting – Tuesday, September 6, 2022 at 7:00 p.m.

b) Upcoming Events:

- i) Beer Garden – Saturday, September 10, 2022, at Styer’s Orchard – Noon to 5:00 p.m.
- ii) Environmental Advisory Council Presentation on Promoting Environmental Health of Lake Luxembourg – in the Public Hall on Tuesday, September 20<sup>th</sup> at 6:30pm

### 3) Special Items.

a) Summer Recreation Program – Sunshine Foundation Donation

Carol Garner, Core Creek Park Site Supervisor, shared a project she led with her campers called, "A Little Kindness Matters". Ms. Garner explained that this project started as a treasure chest decorating craft at camp to which Carol gave the kids a penny and encouraged them to make the penny grow. She added that through their own creativity, the children at the Core Creek Park site raised through picking up extra chores around the house or helping a neighbor. In addition to the camper’s contributions, money was collected from the pool snack bar over the summer as well as from a community car wash at the Middletown Senior Center.

On behalf of the Parks and Recreation Summer Camp Kids, Ms. Garner and Middletown Community Park Site Supervisor, Nicole Tener donated \$2,500 to the Sunshine Foundation. The Sunshine Foundation answers the dreams of children, ages three through eighteen, who have severe or profound physical/developmental/intellectual challenges or trauma from physical/sexual abuse, and whose families have limited income.

Kate Sample, President of the Sunshine Foundation accepted the check on behalf of the organization and thanked everyone for supporting the program.

Ms. Garner thanked the Board of Supervisors for sharing her story and closed by stating that “one small act can help to change the world”.

Mr. Ksiazek thanked the Summer Recreation Program for supporting the Sunshine Foundation.

#### 4) Public Comment. *Non-Agenda Items only.*

Sheldon Post, 31 Rockwood Drive, expressed traffic concerns related to land development within the Township and requested an update on Phase 2 of the Neighborhood Sign Program.

#### 5) Consent Agenda Items

- a) Consideration of Authorizing Payment of August 15, 2022 Bills List in the Amount of \$1,576,597.33.
- b) Consideration of Approving the July 18, 2022 Minutes of the Public Meeting of Middletown Township Board of Supervisors.
- c) Resolution #22-17R Sustainable Pennsylvania Community Certification – Platinum Certified.
- d) Resolution #22-18R Emergency Response Agency.

*Action: Ms. Payne made a motion to approve consent agenda Items A-D as listed Above, seconded by Ms. Kane. Motion carried by a vote of 5-0.*

#### 6) Consideration of Langhorne Gables Phase II Drainage Project Bid.

Leanna Colubriale, Township Engineer, explained that the bidding process for the Langhorne Gables Drainage Improvements Project has been completed. Ms. Colubriale noted that two (2) bids were received and opened on August 5, 2022.

Ms. Colubriale explained that the two bids for this project came in well above the amount allocated for this project in the 2022 budget. She added that while the market price for pipes has risen considerably this calendar year, her office believes rebidding this project during the winter months (January 2023) would result in better pricing and more competitive bids. She added that her office will work with staff to plan for the entirety of this project in the 2023 budget as well as identify possible grant funding opportunities.

Mr. Ksiazek asked Ms. Colubriale to explain why the time of year matters in terms of prices we are receiving for the project. Ms. Colubriale explained that bidding outside of construction season often gets lower prices.

Ms. Hannah asked what could be done for the residents to support them during this time as they have been experiencing a lot of flooding. Ms. Colubriale suggested working with the

Department of Public Works making sure inlets are clean to help prevent excess rainfall from backing up.

Ms. Kane requested contacting the residents in those areas that have been in regular contact with the Township to provide an update as to where we are with the project.

*Action: Mr. Ksiazek made motion to reject all bids received and opened on August 5, 2022, or the Langhorne Gables Drainage Improvements Phase II project due to sufficient funds not available, and to rebid the project with it to be planned for the 2023 budget year, seconded by Ms. Payne.*

Eric Bruno, 79 Sweetgum Lane, suggested echoscope plantings, in this area to minimize runoff.

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

- 7) Consideration of entering into an Agreement of Sale to purchase the 1.94-acre Comcast plot adjoining Firefighters' Park, TMP# 22-020-041-002.

Ms. Teoli Kuhls explained that Firefighters' Park is a 13-acre park in Middletown Township. She added that the Township has come to an agreement with Comcast to purchase the 1.94-acre Comcast plot adjoining Fire Firefighters' Park for \$11,500.

She explained that the Township has received a PECO Green Region Grant this year in the amount of \$10,000 to offset this purchase. She added that an appraisal was completed to confirm the value.

*Action: Mr. Ksiazek made a motion to adopt Resolution #22-20R authorizing the Township Manager execute documents to effectuate the transfer with the Township Solicitor's approval, seconded by Ms. Payne.*

- 8) Consideration of Approving Ordinance #22-05, updating the Middletown Township Stormwater Management Ordinance.

Ms. Colubriale noted that Pennsylvania Department of Environmental Protection (PADEP) manages the permitting of the Township MS4 Program and provides updates and revisions every few years for Stormwater Management Ordinances. She added that these updates have been requested to all municipalities as part of this year's MS4 programs and have completed these to satisfy the Township's compliance with this requirement.

Ms. Colubriale stated that the ordinance updates were made available to the public for comments and are now ready tonight for consideration for the Board of Supervisor's approval. The approved Stormwater Management Ordinance chapters will be provided to the PADEP as part of the Township's annual MS4 report as well.

*Action: Ms. Payne made a motion to approve the updated Middletown Township Stormwater Management chapters per the PADEP requirements, seconded by Ms. Quiple. A motion carried by a vote of 5-0.*

- 9) Consideration of Allowing the Middletown Community Foundation, a non-profit 501(c)(3) to host two (2) Beer Gardens on Middletown Township Property.

Ms. Teoli Kuhls explained The Middletown Community Foundation (MCF) has been a great asset to our community. Since its inception, the MCF has provided about \$180,000 in scholarship money to 176 college bound students, \$32,000 in funds to support the Middletown PD K-9 unit, \$4,000 annually in fee assistance to parents to send their children to Middletown's Summer Rec Program run by the Parks & Recreation Department, and during the pandemic provided \$40,000 in grants to provide recreational equipment to children during the pandemic.

Because the Beer Gardens are proposed for are Saturday, October 8, Firefighters' Park "Parkland Day", from Noon – 5 p.m. and Thursday, December 8, Municipal Center "Holiday Open House", from 5:30 p.m. to 9:30 p.m.

Because the Beer Gardens are held on Township property, the Board of Supervisors must waiver the requirements of Township Ordinance 337-103(D) which permits alcohol on Township property.

Mr. Ksiazek added that the Township has had several Beer Gardens in the past and they have been successful Both as a fundraising and community-building event.

*Action: Mr. Ksiazek made a motion to suspend Ordinance 337-103(D) for Saturday 10/8 and Thursday 12/8 in order for the Middletown Community*

*Foundation to host Beer Gardens on Township Property, seconded by Ms. Payne.*

Mr. Ksiazek commented this may be something the Township may want to think about in the future to figure out a more permanent way for a non-profit 501c3 like The Middletown Community Foundation doesn't need to come back before the Board for approval.

*Motion carried by a vote of 5-0*

10) Consideration of Authorization to Advertise Bid for Middletown Country Club Golf Cart Path Project

Ms. Teoli Kuhls, noted that The Middletown Country Club, located in both Langhorne Borough and Middletown Township, is owned by Middletown Township with operation and management handled through a Lease Agreement with Agro Golf Corporation.

She explained that over the past 14 years, there has been a positive relationship with the Lessee and there have been several capital improvements projects that were coordinated in a cooperative manner:

- Improvements to the pool, irrigation system, and clubhouse building were funded through a township borrowing that was incorporated into the annual lease payment.
- A green reconstruction project was funded through the Township Capital Fund in 2019
- Hazard tree removal at the property has been coordinated cooperatively with funding from both the Township and Agro Golf Corporation.

Ms. Teoli Kuhls commented that the Township is looking to assist Agro Golf Corporation in planning for a major improvement to the cart path network throughout the golf course. She explained that the first step to move this project forward is to authorize the preparation and advertisement of bids for the project.

Ms. Teoli Kuhls added that the Township Engineer and Agro Golf Corporation have been working together to design the project if the price is favorable. Agro Golf Corporation has requested that the Township fund the project, with Agro Golf Corporation covering the costs through increased annual lease payments.

Mr. Ksiazek commented that he sees the County Country Club as a community asset that benefits the residents of the community.

*Action: Ms. Quirple made a motion to authorize preparation and advertisement*

*of a Bid for the Middletown Country Club Cart Path Project, seconded by Ms. Payne. A motion carried by a vote of 5-0.*

11) Consideration of Authorization to Advertise RFP for Transportation and Community Development Initiative (TCDI) Multimodal Improvement Plan.

Nick Valla, Assistant Township Manager, explained that in late June, Middletown Township was awarded an \$85,000 Transportation and Community Development Initiative (TCDI) grant by the Delaware Valley Regional Planning Commission (DVRPC) to conduct a multimodal improvement plan. Mr. Valla added that this grant focuses on planning transportation initiatives.

Mr. Valla noted that this plan will assess viable locations to improve pedestrian facilities (including sidewalks, crosswalks), add bike lanes, identify opportunities to improve bus shelters, and improve access to other transportation options. He added offering multiple, interconnected non-single occupancy vehicle transportation options to residents not only reduces greenhouse gas emissions, but it also leads to a safer, healthier community.

Mr. Valla added that the Township must seek proposals from a list of pre-qualified consultants for this project from Delaware Valley Regional Planning Commission (DVRPC).

*Action: Ms. Payne made a motion to authorize preparation and advertisement of a request for proposals to conduct a multimodal improvement plan, seconded by Ms. Quirle. A motion carried by a vote of 5-0.*

12) Discussion of Bucks County Water & Sewer Authority (BCWSA) Sale.

Stephanie Teoli Kuhls, Township Manager, provided a brief background on the Bucks County Water & Sewer Authority (BCWSA), which was established in 1962 and currently provides services to about 100,000 households in 31 municipalities in southeastern PA. She added that Middletown Township sold its sewer and water systems to BCWSA in 2001 and 2002 respectively.

Ms. Teoli Kuhls noted that on July 13, 2022, the BCWSA Board voted to give private utility, Aqua Pennsylvania, the exclusive right to negotiate a sale of the public sewer system for an anticipated price of \$1.1 billion. She added, following the announcement of the offer by Aqua, the Bucks County Association of Township Officials (BCATO) issued a letter to the Bucks County Commissioners, expressing "grave" concerns over the impact of privatization. She explained that BCATO also created a sample opposition resolution for member municipalities to consider adopting. There are currently ten municipalities that have either approved this resolution or are considering adoption in the coming weeks.

Ms. Teoli Kuhls noted that she has been following this issue and the BCWSA held a meeting for its municipal partners on July 25th and provided a presentation outlining its commitment to its customers. She added that during this meeting, there was significant discussion over transparency and the lack of notice for municipal input. She added that the BCWSA messaged the benefits of \$1.1 billion to Bucks County and its taxpayers and explained a plan to create ratepayer protections that would be in place for ten years.

Ms. Teoli Kuhls noted that BCWSA also held two public open house meetings that were well attended by residents in opposition to the sale. She mentioned commented that there are grassroots community organization, Neighbors Opposing Privatization Efforts (NOPE) that have also been active in opposing the sale.

Ms. Teoli Kuhls expressed that she will continue to monitor the situation. Mr. Ksiazek thanked Ms. Teoli Kuhls attending the meetings and relaying information back to the Board.

Mr. Ksiazek shared his concerns about transferring this vital public service from a non-profit Authority to a for-profit business, as well as what this would mean for residents of the Township who are serviced by BCWSA.

Mr. Ksiazek explained that this will give the Board an opportunity as a Township to add our voice to the conversation.

***Action: Mr. Ksiazek made a motion to authorize adoption of Resolution #22-19R, opposing the sale of the Bucks County Water and Sewer Authority's assets to Aqua Pennsylvania, seconded by Ms. Quirple.***

Ray Post 5 Teal Drive, expressed his opposition of selling the BCWSA.

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

### 13) Discussion of 2023 Budget Calendar.

Ms. Teoli Kuhls noted the Proposed 2022 Budget Calendar:

August 29 <sup>th</sup>	Board of Supervisors - Capital Planning Meeting (5:30 p.m.)
October 3 <sup>rd</sup>	Board of Supervisors Meeting (7:00 p.m.)
October 17 <sup>th</sup>	Budget Workshop Meeting (6:00 p.m.)
October 24 <sup>th</sup>	Budget Workshop Meeting (6:00 p.m.)
November 14 <sup>th</sup>	Board of Supervisors Meeting – Budget Presentation (7:00 p.m.)
December 12 <sup>th</sup>	Board of Supervisors Meeting – Consider Budget Approval (7:00 p.m.)

Mr. Ksiazek encouraged residents to attend the Budget Workshop Meetings.

#### 14) 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. Teoli Kuhls wanted to also recognize the following staff members for their assistance with the Public Hall renovations: John Balent, Keith Roach, Glenn Roach, Matt Pashley, and Bob Reece from the Public Works Department, Nick Valla, Christina Bernhardt, Ashley Casey, and Chad Megeed from the Township Manager's Office.

Ms. Hannah thanked the residents for their participation with Public Comments at tonight's meeting. Personally, Ms. Hannah also thanked the Township Board of Supervisors and staff members for their condolences & thoughtfulness during her father's passing.

Mr. Ksiazek echoed and thanked all residents who participate during the Public Comment section of the meetings and reminded the residents that meetings will return to twice a month in September.

#### 15) Adjournment.

*Action: Mr. Ksiazek moved to adjourn the public meeting of the Middletown Township Board of Supervisors public meeting at 7:56 p.m.; seconded by Ms. Quirple. Motion carried by a vote of 5-0.*