

Board of Supervisors Regular Meeting

Monday, December 12, 2022 | 7:00 p.m.

1) Call to Order.

Mr. Ksiazek called the meeting to order at 7:00 p.m.

Mr. Ksiazek shared the Board's condolences to the Schweiker family on the passing of Mary Schweiker. He shared that Mary was a long time Chairperson of the Parks & Recreation Board. He added that Mary was a strong and tireless advocate in making Middletown Township a great place to live, especially through its park system. She will always be remembered for developing the iconic events like the Easter Egg Hunt and the Holiday Open House. Mr. Ksiazek expressed that the Schweiker family is in our thoughts and prayers and concluded by calling for a moment of silence in honor of Mary Schweiker.

2) Roll Call.

After the Pledge of Allegiance Ms. Quirple called roll. Supervisors Ksiazek, Payne, Quirple, 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, Isaac Kessler.

3) Announcements.

- Next Board of Supervisors Meeting – Reorganization scheduled for Tuesday, January 3, 2023 at 7:00 p.m.

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

Sheldon Post, Red Rose Gate, thanked Mr. Valla and expressed appreciation to all involved in the installation of the Neighborhood Sign Program.

5) Consent Agenda Items

- Consideration of authorizing payment of December 12, 2022 Bills List in the amount of \$2,008,510.15.
- Consideration of approving the November 14, 2022 Minutes of the Public Meeting of Middletown Township Board of Supervisors.
- Consideration of approving Payment Certificate #4 for the 2022 Road Program to James D. Morrissey, Inc. in the amount \$40,359.53.
- Consideration of approving Payment Certificate #1 for the 2022 Middletown Township CDBG Curb Ramp Replacement Program to NJS Concrete in the amount \$181,328.42.
- Consideration of approving Financial Security Release #1 for the Oxford Valley Mall Multi-Family Redevelopment in the amount \$576,765.00.
- Consideration of Farm Fund Long Term Advance Debt Forgiveness.

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

- 6) Consideration of Preliminary/Final Land Development for proposed construction of warehouses at 1600 E. Old Lincoln Highway, (Northern and Southern industrial Sites), S/LD #22- 05, M-1 Light Manufacturing Zoning District.

Mike Malloy, Esq. representing the applicant, 213 Industrial LLC, provided an overview of the project which proposes the construction of two warehouse facilities on two separate parcels in the M-1 Light Manufacturing Zoning District. He reviewed the applicant's prior attendance at the Board of Supervisor's meeting in which the Board noted major concerns such as proposed landscaping and buffering.

Mr. Malloy reviewed the overall site plans which included the proposed buffering adjacent to the residential neighborhood that abuts the proposed project. He added that the design changes to the northern site included changes truck parking and turning area. The applicant additionally has created and resigned buffering, bermining, and stormwater management facilities, which will create a larger distance from the residential neighborhood.

Mr. Malloy reviewed the existing day and nighttime conditions as well as the proposed day and night sound conditions with the proposed sound wall. He noted that with the proposed sound wall and buffering should reduce the amount of truck and traffic noise.

Mr. Malloy commented that the applicant will provide a \$1 million dollars contribution towards the installation of an adaptive signal system installation which will benefit the entire community.

Mr. Malloy reviewed in detail the proposed construction phasing, starting with the installation of the sound barrier at start of construction, erosion and sediment controls, demolition of the existing bridge and the construction buildings simultaneously.

Mr. Ksiazek thanked the applicant for the effort that was made on several levels, allowing for community engagement, the willingness to make good faith changes, and improvement to direct areas most important to the Board members and residents of the community.

Ms. Quirple expressed appreciation for the improvements made and keeping the community in mind with this project

The following members of the public expressed their concerns in opposition of the project:

Susan Corleto, 1739 Third Street
Michelle Mckay, 1921 Second Street
Fred Weiner, 1903 Second Street
Ed Calvello, 314 Hulme Ave
Sue & Adam Landman, 1721 Second Street
Eric Bruno, 79 Sweetgum Road
Connie Doyle, 720 Langhorne Yardley Road

Susan Corleto, 1739 Third Street, requested information on a Township Growth Plan. Mr. Ksiazek noted that the Township Comprehensive Plan is available on the Township website.

Ms. Kane asked for further clarification regarding the light system. Corey Green, Kimley Horn provided a response to Ms. Kane's question in detail

Mr. Malloy commented that the demolition of the bridge will take place on off-peak hours.

Action: Mr. Ksiazek made a motion to grant Preliminary/Final Land Development approval for the E. Old Lincoln Highway Industrial Site, S/LD #22-05, 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. PennDOT Highway Occupancy Permit (HOP) approval and Township concurrence of roadway improvements must be completed.*
- 3. Applicant to contribute \$1 Million for the Township to review and expand the existing Lincoln Highway Adaptive System to the proposed site traffic signal and along the Maple Avenue and North Flowers Mill Road system.*
- 4. Noise barriers and buffers to be constructed as first stage of work on site to limit disturbance to neighboring properties.*
- 5. All comments still outstanding in review letters shall be fully addressed for plans to be considered final.*

Seconded by Ms. Payne. Motion carried on a 4-1 vote with Ms. Kane in opposition.

- 7) Consideration of Preliminary/Final Land Development the Stone Farm Age-Qualified Community at 1551 Langhorne-Newtown Road, TMP #22-005-007, S/LD #22-07, RA-2 and RA-3 Residential Zoning Districts.

Attorney Rob Gundlach represented the applicant, Stone Meadow Farm and FoxLane Homes. Mr. Gundlach provided an overview of the project (see attached).

Joe Morrissey, FoxLane Homes reviewed in detail the open space/planting requirements, as well as the proposed locations of trails, birdhouses, park benches, water feature, and the types of landscape plantings.

Mr. Morrissey explained that FoxLane Homes has also met with neighboring residents and held public meetings to coordinate the design plans along the property boundaries, open space, and throughout the proposed development.

Mary Sly, 197 Iron Rock Court staff, shared information on how to protect the wildlife on the property.

Linda Mead, 325 Toll Gate Road, requested additional notification of Township meetings for neighbors. She reviewed the proposed changes to the landscape plan and added her feedback.

Mr. Ksiazek thanked Linda Mead and Jeff Miller, and everyone involved in the Save Stone Meadows Farm.

Ms. Kane noted her appreciation for the leadership, knowledge, and efforts from the members of Save Stone Meadows Farm over the years.

Jeff Miller made closing remarks by stating that it has been a pleasure working with the Board and the Township to see this project through.

Action: Ms. Quirple motion to grant Preliminary/Final Land Development approval for the Stone Farm Age-Qualified Community, S/LD #22-07, 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. Full compliance by the Applicant with the terms of the Stipulation of Settlement approved by the Court of Common Pleas of Bucks County by Order dated May 18, 2022 for the Land Use Appeal of KTMT Stone, LP (Case #2019-08733).

3. All comments still outstanding in review letters shall be fully addressed for plans to be considered final.

Seconded by Ms. Kane as amended.

Eric Nordberg , 122 Granite Hill Court expressed concerned about the traffic that will impact Route 413. He suggested improving roadways for the good of the community and its residents.

Mr. Gundlach confirmed that the applicant will follow all Township review letters and accept the items listed in the Bucks County Planning Commission review letters.

Motion carried by a vote of 5-0.

8) Consideration of Middletown Township Department of Public Works (DPW) Phase 1 – Fueling System.

Township Engineer, Isaac Kessler, P.E. explained that the Department of Public Works (DPW) Phase 1 Fueling System project involves removing the existing underground tanks which have their permit expiring this upcoming year and replacing them with two above ground tanks and fuel pumps. The location of these tanks and pumps will be consolidated into one new location.

Mr. Kessler explained that there were no discrepancies were found in the bid submitted by the low bidder, Scott Building Corporation, in the amount of \$1,532,230.00.

Ms. Kane questioned the amount that was budgeted for this project. Mr. Kessler responded that the original amount that was budgeted for the fuel pumps and tanks was \$1 million.

*Action: Mr. Ksiazek made a motion to award of the Base Bid to Scott Building Corporation for the Department of Public Works (DPW) Phase 1 Fueling System in the total amount of \$1,532,230.00, contingent upon funds being available.
Seconded by Ms. Quirple. Motion carried by a vote of 5-0.*

9) Consideration of Middletown Township Department of Public Works (DPW) Phase 1A – Winter Operations.

Isaac Kessler, Township Engineer explained that the Department of Public Works (DPW) Phase 1a focuses on the Winter Operations which included the salt shed replacement, and relocation of the brine tanks and building.

Mr. Kessler noted that the law requirements and therefore was determined to not be qualified. He added that the second lowest bidder met did meet all Township bid package requirements, but the bid amount was quite higher than the budgeted amount.

Mr. Kessler suggested that the Board might want to review and work with Eric Gartenmayer, Superintendent of Public Works to rework the bid specifications.

Ms. Teoli Kuhls added that the administrative staff is recommending that the project be re-bided.

Ms. Kane questioned which Responsible Contactor Ordinance (RCO) that the contractor failed to comply with.

Ms. Payne questioned if re-ridding would help lower the cost.

Action: Ms. Kane made a motion to reject all bids. Seconded by Ms. Quirple. Motion carried by a vote of 5-0.

10) Consideration of Act 57 Tax Resolution #22-33R.

Mr. Esposito provided an overview of Act 57 of 2022 and the requirements for Middletown Township to enact the Resolution that directs the Tax Collector to waive certain percentages charges for tax bills that are inadvertently sent to property owners.

Action: Ms. Quirple made motion to adopt Resolution No. 22-33R, which directs the Tax Collector to waive additional charges for real estate taxes under certain specific circumstances beginning in 2023, in accordance with Pennsylvania Act 57 of 2022, amending the Local Tax Collection law. Seconded by Ms. Payne. Motion carried by a vote of 5-0.

11) Consideration of approving the 2023 Budget and Budget Resolution #22-34R.

Ms. Teoli Kuhls explained that the Board of Supervisors authorized advertisement of the 2023 Preliminary Budget at their November 14th Public Meeting. The budget has been appropriately advertised and has been on display for public review. The budget is ready to be posted online once approved by the Board this evening. Also, before the Board is Resolution #22-34R which sets the tax rates for the upcoming year.

Mr. Ksiazek thanked everyone for their tremendous effort by the Board of Supervisors and all Township staff, in particular Ms. Teoli Kuhls, Mr. Valla, Ms. Bhandary, and Department Directors.

Action: Ms. Kane made a motion to approve the 2023 Budget and Budget Resolution #22-34R. Seconded by Ms. Payne. Motion carried by a vote of 5-0.

12) Other Business.

Mr. Kessler wished everyone happy holiday season.

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

Ms. Teoli Kuhls thanked the Township Staff for a great year of work in 2022 and wished everyone a wonderful holiday season.

Ms. Payne thanked everyone who worked hard on the budget and for the community and Township for their support over the year.

Ms. Kane & Ms. Quirple thanked the Police Department for the success of the Shop with a Cop event.

Ms. Quirple also thanked Save Stone Meadows Farm, especially Jeff and Linda Mede for their work over the years.

Mr. Ksiazek thanked Paul Kopera, Director of Parks & Recreation for a great Holiday Open House event.

All Supervisors wished everyone a happy holiday season.

13) Adjournment.

Action: Ms. Quirple moved to adjourn the public meeting of the Middletown Township Board of Supervisors public meeting at 8:50 p.m., seconded by Ms. Payne Motion carried by a vote of 5-0.