

Board of Supervisors Regular Meeting

February 7, 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, Hannah and Kane attended in person, along with the Township Manager Stephanie Teoli Kuhls, Solicitor James Esposito, Assistant Township Manager Nick Valla, and Engineer Isaac Kessler. Supervisor Payne attended the meeting virtually.

2) Announcements and Special Items.

- a) Next Board of Supervisors Meeting – Tuesday, February 22, 2022 @ 7:00 p.m.
- b) Community Hero Recognition – Cory Hemberger

Cory Hemberger was recognized by Chairperson Mike Ksiazek for his bravery and heroism demonstrated in January when he saved two boys who fell through a frozen lake in Yardley. Citations for Mr. Hemberger were presented on behalf of Representatives Frank Farry, Tina Davis, and John Galloway; Senator Tommy Tomlinson; and Congressman Brian Fitzpatrick.

- c) Retirement Recognition of John Balent

Mike Ksiazek, Chairperson; Stephanie Teoli Kuhls, Township Manager; and Eric Gartenmayer, Superintendent of Public Works all both congratulated Mr. Balent on his years of service to Middletown Township and all the tremendous work he has accomplished during his tenure. Citations for Mr. Balent were presented on behalf of Representatives Frank Farry, Tina Davis, and John Galloway; Senator Tommy Tomlinson; and Congressman Brian Fitzpatrick.

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

No public comments were made.

4) Consent Agenda Items

- a) Consideration of authorizing payment of February 7, 2022 Bills List in the amount of \$1,037,079.04.
- b) Consideration of approving the January 18, 2022 Minutes of the Public Meeting of Middletown Township Board of Supervisors.
- c) Consideration of approving the Settlement Agreement with Akash Patel and Lower Bucks County Joint Municipal Authority regarding 120 Roberts Avenue and the installation of bollards around a fire hydrant.
- d) Consideration of approving Change Orders 5-7 and Final Payment for the 2021 Road Improvement Program Payment to James D. Morrissey in the amount of \$174,671.92.
- e) Consideration of approving Escrow Release #1 for Cairn University in the amount of \$495,949.80
- f) Consideration of approving the Final escrow Release for SAFStor Real Estate Co, LLC in the amount of \$536,212.50.

- g) Consideration of approving Resolution #22-05R, declaring a Snow Emergency on January 28, 2022.

Action: Mrs. Quirple made a motion to approve consent agenda Items A-G as listed above; seconded by Ms. Hannah.

Andy Warren, Shadybrook Drive, asked for the amount of the original bid of the Road Program in reference to item 4d. Mr. Kessler stated the original bid was for \$1,586,716. The final value of the original bid and change orders comes to \$1,638,370.02.

Motion carried by a vote of 5-0.

5) Consideration of Preliminary and Final Land Development, Maple Point Elementary School, 2250 Langhorne Yardley Road, Langhorne, PA, TMP 22-031-002, RA-2 Zoning District.

John Torrente, Solicitor for Neshaminy School District, briefly introduced the proposed elementary school proposed at the Maple Point Middle School site. Neshaminy School District is proposing to construct a new elementary school and associated infrastructure adjacent to the existing Middle School. The project includes new parking lots, play areas, tennis courts, relocated athletic fields, relocated emergency drill gathering areas, a paved fire lane, retaining wall, parent and bus drop off loops, lighting, stormwater management, and erosion control. No zoning variances are required.

The School District's proposal includes a request for six waivers:

1. Section §440-301.A & E - to permit a combined preliminary/final land development submission.
2. Section §440-304.D(3)(e) - to not depict all existing buildings, underground utilities, and wetlands within 200 feet of the site.
3. Section §440-417.C - to not provide street trees five (5) feet behind and parallel to roadway rights-of-way and to not provide a ten (10) foot wide landscape easement behind the right-of-way.
4. Section §440-421.E(1) - to not provide raised planting beds every twelve (12) parking spaces. The Applicant strives to maximize the parking and area queues as much as possible on campus.
5. Section §440-421.E(2) - to not provide parking stalls ten (10) feet wide by twenty (20) feet long (9' x 18' proposed).
6. Section §440-508.A - to not provide concrete monuments at property corners that fall in paved areas.

Additionally, Mr. Torrente stated that the School District would like an additional waiver from Section §440-606 of the Middletown Township Subdivision & Land Development Ordinance, requiring a cash escrow or letter of credit. Mr. Torrente stated the School District plans to issue a bond in the amount of \$35 million for the purpose of constructing the proposed project.

Mr. Torrente stated that the School District is seeking preliminary and final land development approval, and that the School District complies with all comments made on review letters by the Township and its consultants. Mr. Torrente stated a sketch plan was brought before the Middletown Township Planning Commission in September 2021 and for formal review in December 2021. He stated most comments focused on traffic in the area, as well as inquiries about sustainable features.

Superintendent Rob McGee provided history about Neshaminy School District's progress in updating schools throughout the district. He stated that Pearl Buck Elementary School needs repair to continue meeting the needs of the district, which would cost about \$26 million and be done over three years while students are present. The School Board determined a new school would be a more viable option.

Scott Downie, architect from the Spiezle Architectural Group, provided an overview of the proposed elementary school. It is a two-story, 119,000 sq. ft. building. Mr. Downie provided details outlining the proposal's conformance to the Middletown Township Climate Action Plan.

Ron Monkres, P.E., Gilmore & Associates, provided an overview of the site plan. Ms. Quirple asked for clarification about the requested waiver pertaining to street trees. Mr. Monkres clarified that they are requesting a waiver to plant the required number of trees at other parts of the property as opposed to only along the street.

Stacey Jensen, traffic consultant from Gilmore & Associates, stated that the traffic impact studies performed comply with PennDOT and Middletown Township requirements. She added that the two existing driveways on Woodbourne Road and Langhorne-Yardley Road will remain as the only two roadway access points to the property. A traffic signal will be installed at the Woodbourne Road entrance to the school. A flashing school signal would be installed on Woodbourne Road. On Langhorne-Yardley Road, a left-turn lane to enter the school will be added. A rapid-flashing beacon signal will be added to the existing crosswalk near Briggs Road on Langhorne-Yardley Road. She added that any remaining comments on Traffic Planning & Design's review letter will be complied with.

Mr. Ksiazek asked if a right-turn lane entering the school from Langhorne-Yardley Road would be added. Ms. Jensen stated that the traffic study did not warrant a right-turn lane.

Ms. Kane asked if the proposed traffic improvements were based on current or anticipated future traffic conditions. Ms. Jensen stated the improvements are based upon future conditions consistent with a typical elementary school.

Phil Wursta, Township Traffic Engineer from Traffic Planning & Design, stated that minor changes to the two entrances to the school may occur once formal plans are submitted to PennDOT.

Ms. Hannah asked about drop-off and pick-up times at the two schools, expressing concern that parents may come earlier than anticipated and cause a backup. Ms. Jensen stated the middle school dismisses at 2:55pm, with busses leaving at 3:05pm. The elementary school would dismiss at 3:35pm. Mr. McGee added that middle school start time is 7:55am, and elementary school start time would be 9:10am. He added that parents are allowed on campus if they arrive early for pickup as to not cause a backup on the surrounding roadways.

Mr. Ksiazek asked about cut-through traffic in surrounding neighborhoods. Mr. McGee stated that this proposal would alleviate the existing traffic concerns and backups caused by the middle school. The additional space will allow for more traffic to be housed on campus.

Mr. McGee provided a presentation about existing traffic conditions at Maple Point Middle School. He added that the School District is willing to work with the Township to resolve future issues that may arise.

Ms. Quirple asked if students residing in Levittown attending Pearl Buck Elementary School would attend the new school or another existing Levittown-area school. Mr. McGee said in the short-term, the students would attend the new school, but that the school district is working toward a model where two elementary schools feed into one middle school.

Ms. Kane asked if the School District had any plans in place for what to do with the Pearl Buck site once students are moved to the new school. Mr. McGee said there are no plans in place currently.

John Allen, President of the Neshaminy Board of School Directors, stated that Neshaminy School District has no intention of selling the Pearl Buck site to developers.

Karen Fried, 260 Pintail Court, expressed support for the school, but stated concerns with traffic.

Tina Reger, 53 Teal Drive, expressed opposition to the school, citing traffic concerns.

Steven Pirritano, Neshaminy School Board Director, explained that the school district's meetings about this project have all be advertised as required by law. Mr. Torrente stated that the School District has complied with all notice requirements. He added that typically a project like this would require zoning relief, which would cause notices to be sent, and that was not the case with this project.

Mr. Esposito stated that the Township does require notices to be sent be for land development projects, which exceeds states requirements. Ms. Teoli Kuhls stated all residents within 500 feet of the proposed development are notified when a property is brought to the Planning Commission.

Kimberley Ewing, Forsythia Gate, stated her desire to use existing school buildings in Levittown.

Bill Schoenemann, 27 Dilworth Lane, expressed support for the school.

Mr. Torrente addressed questions about other former school sites in the School District.

Ms. Jensen clarified questions about the traffic flow of the new elementary school. She stated that there is significantly more space for queuing at the proposed site.

Karen Fried, 260 Pintail Court, stated that traffic issues are not being resolved.

Eric Nordberg, 122 Granite Hill Court, expressed concern about his school taxes increasing and about the potential traffic issues caused by the narrow tunnel on Woodbourne Road.

Jim Flynn, Aspen Avenue, asked about the timeline for the school project and its timing as compared to the school.

Mike Caputo, Penndel, expressed his support for the school.

Action: Ms. Hannah made a motion to grant Preliminary/Final Land Development approval for the Maple Point Elementary School, S/LD #21-05, 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. All comments still outstanding in review letters shall be fully addressed for plans to be considered final.

3. Neshaminy School District will work with the Township Staff and Police Department to investigate options to address concerns regarding traffic queues during drop-off and pick-up times for the Middle School.

Mr. Ksiazek asked Mr. Esposito if the motion needed to include language about the requested waiver to remove the escrow requirement. Mr. Esposito stated that it is listed as a waiver and does not need to be part of the motion.

The motion was seconded by Mrs. Quirple. Motion carried by a vote of 5-0.

6) Consideration of enacting Ordinance #22-01, adopting the 2018 Edition of the International Fire Code.

Don Harris, Interim Fire Marshal/Director of Fire & Emergency Management, stated that the Commonwealth of Pennsylvania is planning to update the statewide code standard to the 2018 edition from the present 2015 edition standard.

Mrs. Quirple asked for clarification about the false fire alarm fee and who it would apply to. Mr. Harris stated that this fee is applied to commercial properties who have more than three false fire alarms in a given year.

Action: Mrs. Quirple moved to enact Ordinance #22-01 adopting the 2018 International Fire Code; seconded by Mrs. Kane. Motion carried by a vote of 5-0.

7) Consideration of authorizing advertisement of an ordinance adopting the 2018 Edition of the Uniform Construction Code.

Jim Ennis, Director of Building & Zoning, stated that like the fire code, the building code and property maintenance codes are being updated to the 2018 edition.

Action: Mrs. Quirple moved to authorize the Township Solicitor to draft and advertise an ordinance adopting the 2018 edition of the Uniform Construction Code and the 2018 edition of the Property Maintenance Code; seconded by Ms. Payne. Motion carried by a vote of 5-0.

8) Police Vehicle Purchases

- a) Consideration of authorizing purchase of three (3) 2021 Ford Utility Police Interceptor AWD from Fred Beans Ford of Doylestown for a total cost of \$102,000.
- b) Consideration of authorizing purchase of Two (2) 2022 Ford Utility Police Interceptor AWD Hybrid from Fred Beans Ford of Doylestown for a total cost of \$74,336.
- c) Consideration of authorizing purchase of Interior/exterior lights, siren, and other related outfitting equipment for the five (5) Ford Utility Police Interceptor AWDs from 10-8 Emergency Vehicle Services for a total cost of \$43,688.
- d) Consideration of authorizing purchase of vehicle wrap and decals for the five (5) Ford Utility Police Interceptor AWD vehicles from Boyd Geyer Sign Corp, for a total cost of \$8,000.

Chief of Police Joe Bartorilla stated that the total cost of the proposed vehicles is \$228,024. \$128,536 has been awarded by the Bucks County Redevelopment Authority and an additional \$43,773 has been recovered from an insurance claim. The Township's share from the Capital Fund amounts to \$55,715.

Mr. Ksiazek commended Chief Bartorilla for including two hybrid police vehicles in his request.

Mrs. Kane asked if these would be the first hybrid police vehicles in use by the Police Department. Chief Bartorilla confirmed that they would be. Mrs. Kane asked if the savings from use of the hybrid vehicles would be tracked. Chief Bartorilla confirmed that they would be, and added that hybrid vehicles are in use by several neighboring municipalities who gave positive reviews.

Action: Mr. Ksiazek moved to authorize the purchase of three (3) 2021 Ford Utility Vehicles and two (2) 2022 Ford Utility Hybrid Vehicles to be fully outfitted as marked patrol units; seconded by Mrs. Quirple. Motion carried by a vote of 5-0.

- 9) Consideration of authorizing purchase of Heavy-Duty Tilt-Back Tire Changer, Motorized Wheel Balance and Balancer Pin Kit from Brian Kennedy Snap-On Tools of Newtown, PA for a total cost of \$18,339.

Eric Gartenmayer, Superintendent of Public Works, stated that the current tire changing machine is approximately 15 years old and does not meet the full demand of the Township's mechanics. He added that having an in-house machine reduces the amount of work that is contracted to an outside vendor. Mr. Gartenmayer stated that this equipment was budgeted and that he has received three quotes.

Action: Mrs. Quirple moved to authorize the purchase of one (1) Heavy-Duty Tilt-Back Tire Changer, (1) Motorized Wheel Balancer with Raised Display, and (1) Balancer Plate Pin Kit from Brian Kennedy Snap-On Tools of Newtown, PA for a total of \$18,339.00; seconded by Mrs. Kane. Motion carried by a vote of 5-0.

- 10) Consideration of authorizing purchase and installation of playground equipment at Cobalt Ridge Playground from Marturano Recreation Company, of Spring Lake, NJ, for a total cost of \$235,158.86.

Paul Kopera, Director of Parks & Recreation, stated that the existing playground in Cobalt Ridge was installed in 2005 and needs replacement. He stated that he worked with Mrs. Quirple and Ms. Payne to make this playground accessible to children with various physical abilities. He added that the cost before the Board is only for the playground, stating that Marturano Recreation Company is donating the labor for the installation of the playground. The project was budgeted for \$210,000 in the Capital Fund, but supply shortages and inflation have driven the project cost up to \$235,158.86.

Mr. Ksiazek thanked Mr. Kopera, Mrs. Quirple, and Ms. Payne for creating a playground that is designed for children with special needs.

Action: Mrs. Quirple moved to execute a contract for the purchase and installation of playground equipment from Marturano Recreation Company, a Costars vendor, in the amount of \$235,158.86; seconded by Ms. Payne. Motion carried by a vote of 5-0.

11) Board Appointments

- a) Consideration of appointing Robert Culp, James McFadden and John McHale to the Technical Code Board of Appeals for 5-year terms to expire 12-31-26.

Mr. Ksiazek stated that Messrs. Culp, McFadden, and McHale are all past members of the Technical Code Board of Appeals whose terms have expired.

Action: Mrs. Kane moved to re-appoint Robert Culp, James McFadden, and John McHale to the Technical Code Board of Appeals for a term to expire 12-31-26; seconded by Mrs. Quriple. Motion carried by a vote of 5-0.

- b) Consideration of appointment to Board of Auditors for a term to expire 12-31-23.

Action: Mr. Ksiazek moved to appoint Linda Pascali to fill the vacancy on the Board of Auditors; seconded by Ms. Hannah.

Mr. Ksiazek invited other nominations to the Board of Auditors.

Action: Mrs. Kane moved to appoint Patrick Moser.

Mrs. Kane implored the Board of Supervisors to follow the desire of the electorate by appointing a republican to a seat vacated by a republican. She stated his credentials and expertise.

Mrs. Kane's motion failed for lack of a second.

Tayna Rinkus, Sunny Hill, stated that the vacancy should be filled with a republican.

Jane Davison-Barton, Poplar St., requested to hear the qualifications for Ms. Pascali. Mr. Ksiazek shared Ms. Pascali's credentials.

Andy Warren, Shadybrook Drive, asked why a republican is not being appointed to fill the vacancy. Mr. Ksiazek stated that it has been common for prior boards to oust volunteers from the opposing political party, and that he and his colleagues have not done so. He added that the Auditor position was vacated by a sponsored republican who posted hate speech and conspiracy theories. Mrs. Quriple stated that Ms. Pascali has an equally admirable resume to that of Mr. Moser's.

Mrs. Kane stated that the voters are seeking bipartisanship and that Ms. Pascali's appointment disregards their vote.

Patrick Moser, Walnut Terrace, asked if Mr. Ksiazek attempted to contact him. Mr. Ksiazek stated he only spoke with Ms. Pascali.

Patrice Marshall, E. Parker Street, stated that the seat should be filled by a republican.

Motion carried by a vote of 4-1, with Mrs. Kane dissenting.

12) Middletown Human Relations Commission Update – Bernadette Hannah

Ms. Hannah gave a brief presentation about the Human Relations Commission and their role in the Township. She concluded by communicating the Human Relations Commission's recommendation to implement annual anti-bias and anti-discrimination training for all elected officials, employees, and volunteers receiving direct support from the Township. Ms. Teoli Kuhls stated that this training is currently in place with employees.

13) Other Business.

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

Ms. Teoli Kuhls requested consideration of an emergency authorization to replace the HVAC system in the indoor range within the Police Department. The space is used by multiple area Police Departments for critical weapons training. She is requesting authorization for replacement at a cost of \$15,751.00.

Action: Mr. Ksiazek moved to authorize the gun range coil replacement with Burns Mechanical for a price of \$15,751; seconded by Mrs. Quirple. Motion carried by a vote of 5-0.

Mrs. Kane congratulated Mr. Balent on his retirement, and recognized the anniversary of the passing of Detective Christopher Jones. She thanked local first responders for the work they do in service to the community.

Mrs. Quirple thanked Mr. Kopera for his work on purchasing an accessible playground.

Mr. Ksiazek commended Public Works for their efforts during the most recent snow storm.

14) Adjournment.

Action: Mrs. Quirple made a motion to adjourn the Public Meeting of the Middletown Township Board of Supervisors at 9:38 p.m. Ms. Hannah seconded. Motion carried by a vote of 5-0.