

Board of Supervisors Regular Meeting

Monday, July 18, 2022 | 7:00 p.m.

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

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

2) Announcements and Special Items.

- a) Next Board of Supervisors Meeting – Monday, August 15, 2022 at 7:00 p.m. the Township Public Hall
- b) Upcoming Events:
 - i) Movie in the Park – Pixar’s *LUCA* – Thursday, July 28th 6:45 with movie at dusk (Community Park)
 - ii) National Night Out – Tuesday, August 2nd 6-9 p.m. (Municipal Center Parking lot)

3) Special Items.

- a) Proclamation Designating July as Disability Pride Month – Ms. Payne recognized the Human Relations Commission for recommending the Proclamation to the Board of Supervisors. Ms. Payne then read the proclamation aloud.
- b) Mr. Ksiazek acknowledged Stephanie Teoli Kuhls, Township Manager for her 10th anniversary at Middletown Township. Mr. Ksiazek reviewed the highlights and accomplishments of Ms. Teoli Kuhls during her tenure. He thanked her for her dedication and efforts. On behalf of the Board of Supervisors, Ms. Payne presented flowers to Ms. Teoli Kuhls.

Ms. Teoli Kuhls thanked the Board of Supervisors and the Middletown Township staff for the wonderful recognition.

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

5) Consent Agenda Items

- a) Consideration of Authorizing Payment of July 18, 2022 Bills List in the Amount of \$3,115,600.52.
- b) Consideration of Approving the June 13, 2022 Minutes of the Public Meeting of Middletown Township Board of Supervisors.
- c) Consideration of Approving Agreements of Sale for Right of Way area and Temporary Construction Easements with PennDOT for land along Langhorne Yardley Intersection.

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

- 6) Consideration of the CFT Plaza (Panda Express) Preliminary/Final Land Development Approval, 2029 Lincoln Highway, Langhorne, PA 19047, TMP 22-040-025-008, S/LD #21-06, C Zoning District.

John VanLuvanee, Eastburn & Gray, introduced himself as the Applicant's attorney and Vu Le from Klover as the Applicant's Architect. Mr. VanLuvanee provided an overview of the project located at 2029 Lincoln Highway that proposes to demolish the existing free-standing restaurant and construct two restaurant pad sites with drive-thru. He noted that the applicant will construct one pad site restaurant and all infrastructure for the parcel. The applicant will return when development of the second pad site is proposed.

Mr. VanLuvanee noted the existing conditions and nonconformities of the property were identified and that variances were required in order to move forward. He shared that variances were granted at the December 8, 2021 Zoning Hearing Board Meeting, including approval to allow two drive-thru restaurants on-site.

Mr. Ksiazek questioned that if it is still the Applicant's intention to lease the second pad site. Mr. VanLuvanee confirmed that the site is intended to be developed and as noted that a Land Development submission will be received when the tenant is found.

Mr. VanLuvanee reviewed the proposed elevation and renderings of the proposed Panda Express with the Board of Supervisors.

Ms. Kane questioned if the identity of the second restaurant was known. Mr. VanLuvanee confirmed that the second restaurant has not been confirmed.

Ms. Kane questioned if the restaurant will be a drive thru. Mr. VanLuvanee confirmed it will be very likely that there will be a drive thru. Ms. Kane had hopes that the family sit down style restaurant would have been proposed.

Mr. VanLuvanee confirmed the orientation of the main entrance and drive-thru of the Panda Express for Mr. Ksiazek and Ms. Hannah. Mr. Le confirmed that the second pad site's drive thru will mirror the proposed Panda Express.

Ms. Kane questioned the landscape plan. Mr. Le confirmed that the proposed landscape plan meets all required ordinance requirements.

Ms. Quirpele questioned how cars will exit the property. Mr. Le confirmed that cars will exit onto Old Lincoln Highway. Mr. VanLuvanee added that there is private easement area that will be available if needed.

Ms. Kane questioned if there is proposed left hand into the property from Old Lincoln Highway. Mr. Le confirmed that is not proposed. Mr. VanLuvanee noted there is a pending PennDOT High Occupancy Permit (HOP) under review.

Mr. Ksiazek questioned Mr. Kessler, Township Engineer if there were any objection to the waivers being requested.

Mr. Ksiazek questioned the construction timeline and Mr. Le confirmed typically 200-220 days.

Mr. Le reviewed the current rear access of the property out to Woodbourne Road. This plan was reviewed by the Middletown Township Planning Commission at their June 1, 2022 meeting, during which it was unanimously recommended for approval by a vote of 6-0 with recommended conditions.

Action: Ms. Quirple made a motion to grant Preliminary/Final Land Development approval for CFT Plaza (Panda Express), 2029 Lincoln Highway, S/LD #21-06, 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. Proposed construction involving the 2nd restaurant building will go through an additional land development approval process involving the Planning Commission and Board of Supervisors at a later time.

Seconded by Ms. Payne.

Any Warren questioned if the proposed sidewalks will connect to an existing sidewalk.

Mr. Le confirmed there are no existing sidewalks to connect to. Ms. Quirple explained that the idea is provide sidewalk to connect to future development.

The motion carried by a vote of 5-0.

- 7) Consideration of Authorizing contract for Implicit Bias Training for Township Volunteers, Appointed and Elected Officials.

Ms. Teoli Kuhls reported on a proposal for Implicit Bias Training for volunteers, elected and appointed officials that was authorized by the Board of Supervisors following a recommendation by the Human Relations Commission in January 2022.

She noted that DNG Consulting successfully led Township staff Implicit Bias Training last fall. The proposed training will include a 90-minute session on September 22nd from 6:30 to 8:00 p.m. in a hybrid format. There will be three facilitators, with varying experiences, leading the session.

The HRC supports this proposal and encourages the Board of Supervisors to move forward with their recommendation.

Action: Ms. Payne made a motion to approve a contract with DNG Consulting in the amount of \$2,235, seconded by Ms. Hannah.

Andy Warren questioned if this training at the cost mentioned will be required each time a new Boards & Commissions member is appointed. Mr. Ksiazek explained at this time this is a one-time concordance unless determined that it is required in the future.

Ms. Teoli Kuhls added that for future Board and Commission Members that possibly a video or online module is done for the type of training.

Mr. Warren stated that he feels it would be beneficial for future Boards and Commission members to receive the same training.

Ms. Kane added that she is required by her employer to have the same type of training and that the training should be available for future Boards and Commission members as they are appointed.

Motion carried by a vote of 5-0.

8) Consideration of Authorizing the Preparation and Advertisement to Bid Phase 1A of the Department of Public Works Yard Improvements.

Isaac Kessler, Township Engineer noted that the proposed project will improve the efficiency of the Department of Public Works Yard for winter operations.

Ms. Quirple questioned what is the next Phase that would come next. Mr. Kessler commented that the Phase 2 would be looking into the older building. He added that this project is broken down into five Phases.

Ms. Hannah asked Mr. Kessler to explain the benefits of centralizing the salt operations. Mr. Gartenmayer explained that the benefit would be to have the operation stream right behind the shop and not have the salt moved throughout the Department of Public Works Yard. Mr. Gartenmayer reviewed in details. Mr. Ksiazek added that with the new operations this will

be safer, cleaner and the Department of Public Works will not be wasting less salt and using less time.

Action: Ms. Payne motioned to authorize the preparation advertisement to bid Phase 1A of Department of Public Works Yard Improvements, seconded by Ms. Payne. A motion carried by a vote of 5-0.

- 9) Consideration of Authorizing Award of the 2022 Middletown Township Community Development Block Grant (CDBG) Curb Ramp Replacement Program to NJS Concrete, LLC for a total amount of \$209,655.00.

Mr. Kessler noted that there were three total bids for this project ranging in price and that the alternate bid includes some crosswalk striping and signage to go along the curb ramps.

Mr. Kessler explained that the lowest bid was reviewed but unfortunately there was incomplete paperwork, signatures and missing items that were required for the bid package as well as not complying with the Responsible Contractor Ordinance (RCO) and was not acceptable.

Mr. Kessler explained that the second low bidder, NJS Concrete, LLC submitted a base bid in the amount of \$204,525.00 with Alternate Bid No. 1 in the amount of \$5,130.00. No discrepancies were found with the bid submitted by the second low bidder.

Mr. Ksiazek asked Mr. Kessler to quickly run through which locations are in the base bid and which were included in the alternate. Mr. Kessler explained that the base bid is all the curb ramp locations themselves and includes the area focused on In Cobalt Ridge, includes some areas around the school there and the new playground. He added going forward the Township is looking at trying to have a plan of future years of different neighborhoods that still need some attention for the ramps. Mr. Kessler noted that the alternate bid is the striping and the signage that would go with if there is and is approximate three locations.

Ms. Kane noted that the difference between the low bid and the high bid is extreme and questioned if we know where the market is and if NJS is aligned with the market. Mr. Kessler commented that NJS is the second lowest bidder and that the third bidder was very close within a few thousand dollars of each other.

Action: Mr. Ksiazek made a motion to authorize the award of the 2022 Middletown Township Community Development Block Grant (CDBG) Curb Ramp Replacement Program to NJS Concrete, LLC for a total amount of \$209,655.00. Seconded by Ms. Payne. A motion carried by a vote of 5-0.

- 10) Consideration of awarding the 2022-2023 fuel Consortium Contract to Petroleum Traders Corp., of Fort Wayne, IN for unleaded gasoline; Riggins Inc., of Cumberland, NJ for heating fuel; and

Riggins Inc., of Cumberland, NJ for low sulfur diesel.

Eric Gartenmayer, Public Works Superintendent explained that the Township has been a participating member of the Bucks County Consortium for numerous years. Mr. Gartenmayer noted that he had provided the Board with the estimate of how much fuel, which is based on what was used for the previous year. He added that with the current gas prices, the estimate fluctuates.

Action: Ms. Kane made a motion to award the 2022-2023 Fuel Consortium contract to Petroleum Traders Corp., of Fort Wayne, IN for unleaded gasoline with an estimated amount of \$260,000 Riggins Inc., of Cumberland, NJ for heating fuel with an estimated amount of \$18,000, on an as needed basis; and Riggins Inc., of Cumberland, NJ for low sulfur diesel with an estimated amount of \$63,000, seconded by Ms. Quirple. Motion carried by a vote of 5-0.

- 11) Consideration of authorizing the purchase of two (2) John Deere Z950M ZTrak equipped with Qwik chute grass blocker, 60" side discharge mower deck and fully adjustable suspension seat with armrests for a total of \$24,391.50.

Eric Gartenmayer, Public Works Superintendent reported on the proposed purchase that will replace aging equipment and commented that \$35,000 was included in the 2022 Budget for this purchase.

Ms. Kane questioned the life expectancy. Mr. Gartenmayer confirmed 10-15 years are expected.

Action: Ms. Payne made a motion to authorize the purchase of two (2) John Deere Z950M ZTrak equipped with Qwik chute grass blocker, 60" side discharge mower deck and fully adjustable suspension seat with armrests from Deere & Company of Cary, NC for a total of \$24,391.50, seconded by Ms. Kane. Motion carried by a vote of 5-0.

- 12) Consideration of authorizing the purchase of a Special Use Vehicle Storage Building for the Police Department for a total \$21,715.00.

Joseph Bartorilla, Chief of Police explained that this purchase that was originally budgeted for 2020 but the purchase was deferred due to supply shortages and the soaring cost of the building materials. He added that prices have some what stabilized and three bid were received all from local companies

Chief Bartorilla explained that the Police Department needs a storage building to house the department's special use vehicles properly - ATVs, bicycles and motorcycles. He noted that currently these items are being stored in areas that were not meant to house them.

Action: Ms. Payne made a motion to authorize the purchase of the Special Use Vehicle Storage Building from Elite Structures for \$21,715.00,

seconded by Ms. Quirple. Motion carried by a vote of 5-0.

13) Q2 Financial Report.

Mega Bhandary, Finance Director presented the Second Quarter Financial Report, providing an overview of the Second Quarter 2022 Revenue and Expenses compared to Budget. Ms. Bhandary also reported on the Township's Investment Fund and Pension Plans.

Ms. Payne asked Ms. Bhandary to explain what the ARPA Funding is. Ms. Bhandary commented that the ARPA Funding is the American Rescue Plan Funding that was received from the COVID Pandemic that Bucks County received from the Federal Government.

Ms. Kane questioned if the balance of the Investment Fund needs to stay over the \$40 million. Ms. Bhandary confirmed that is correct.

14) Other Business.

Ms. Teoli Kuhls thanked the Board of Supervisors, Middletown Township Community, and Township staff for their support and noted that she is honored to serve as Township Manager.

The members of the Board of Supervisors each congratulated Ms. Teoli Kuhls on her 10 years at Middletown Township and accomplishments during that time. The members each shared personal appreciations for Ms. Teoli Kuhls and the service she has provided to the Board of Supervisors, staff and community members of Middletown Township.

15) Adjournment.

Action: Ms. Payne made a motion to adjourn the Public Meeting of the Middletown Township Board of Supervisors at 8:11 p.m. Ms. Quirple seconded. Motion carried by a vote of 5-0.