

## Board of Supervisors Regular Meeting

Monday, June 13, 2022 | 7:00 p.m.

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

Mr. Ksiazek called the meeting to order at 7:04 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, Tyler Williams.

### 2) Announcements and Special Items.

a) Next Board of Supervisors Meeting – Monday, July 18, 2022 at 7:00 p.m., to be held at the Middletown Senior Center located at 2142 Trenton Road. Mr. Ksiazek noted that the Public Hall will be closed at this time for renovations.

b) Upcoming Events:  
Annual 4<sup>th</sup> of July Parade – July 4<sup>th</sup> at 9:00 a.m. Mr. Ksiazek encouraged everyone to attend.

Mr. Ksiazek announced that the Board of Supervisors held an executive session prior to this meeting to discuss personnel matters. No action taken.

### 3) Special Items.

a) Middletown Community Foundation Scholarship Presentations

Jim Merrill, President, Middletown Community Foundation noted that since 2002, the Middletown Community Foundation has awarded 172 scholarships totaling \$176,000 to Middletown Township High School Seniors in recognition of their service to our community. This year, Mr. Merrill presented scholarships to the following recipients: Christina Inkler; Olivia Jacobson, Richard L. Tosti Scholarship; Hannah Murray, Becky Marseglia Scholarship; and Aaron Lewis.

Mr. Ksiazek thanked Jim Merrill and the Middletown Community Foundation for all that they do for the community and Mr. Ksiazek also congratulated all of the scholarship winners.

b) Retirement Recognition – Tom Scott, Department of Public Works

Eric Gartenmayer, Public Works Superintendent, Chief Joe Bartorilla Chief of Police; Stephanie Teoli Kuhls, Township Manager; and Mr. Ksiazek all congratulated Mr. Scott on his dedicated years of service to Middletown Township Each spoke kind words and highlighted the tremendous hard work and dedication Mr. Scott has provided during his tenure.

The following officials presented citations to Tom Scott on his retirement of more than 40 years of service to Middletown Township: Senator Robert Tomlinson's office, Congressman Brian Fitzpatrick's office and Representative Tina Davis, Representative John Galloway, and Representative Frank Farry's office.

c) Presentation of PECO Green Region Grant

Ted Dorand, PECO External Affairs Manager, Bucks County presented a \$10,000 check from PECO for the Green Region Grant for acquisition of land adjacent to Firefighters' Park.

Mr. Dorand added his congratulations to Tom Scott on his retirement and acknowledged the Department of Public Works employees and emergency responders as they do a tremendous job assistance PECO during major storms with opening roads and addressing customer concerns.

Mr. Ksiazek thanked PECO for this type of program that benefits municipalities and encourages the Township to keep doing these types of initiatives.

d) Proclamation Designating June as Pride Month – Mr. Ksiazek read the proclamation aloud.

e) Proclamation Designating June as Gun Violence Awareness Month – Mr. Ksiazek read the proclamation into aloud.

f) Consideration of Resolution #22-16R, urging state and federal lawmakers to adopt common-sense legislation that would reduce gun violence.

Mr. Ksiazek noted that as a Board that something needed to be done to prevent these horrific acts, so that our children and educators are safe in schools. He added that the proposed Resolution would urge State and Federal law makers to enact legislation to address the gun violence.

Mr. Ksiazek read the proposed Resolution aloud.

Mr. Ksiazek recognized that there are several State and Federal level efforts that have been proposed and are underway to reduce gun violence.

Ms. Hannah, Ms. Quirple and Ms. Kane all provide their personal input on Resolution #22-16.

Mr. Ksiazek thanked his fellow Board members for speaking up on this topic. He noted that the Resolution being proposed presents an opportunity for our Township, our home, our community to add our voice to the National conversation and urges the State and Federal law makers to push forward and pass these laws.

*Action: Ms. Quirple made a motion to approve Resolution #22-16R. seconded by Ms. Hannah.*

Bill Appleton, 4 Forsythia Drive; Lauren Lareau, 1801 Old Lincoln Hwy; and Anne Baber, 1382 Newtown Langhorne Rd; expressed their support of Resolution #22-16R.

Andy Warren, 294 Shady Brook Drive, expressed his opinion on reducing gun violence.

*Motion carried by a vote of 5-0.*

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

5) Consent Agenda Items

- a) Consideration of Authorizing Payment of June 13, 2022 Bills List in the Amount of \$2,170,298.53.
- b) Consideration of Approving the May 16, 2022 Minutes of the Public Meeting of Middletown Township Board of Supervisors.
- c) Consideration of approval of the Development Agreement with Oxford Valley Owner I LLC for Phase 1 of the development of the Oxford Valley Mall Multi-Family Apartments, with all conditions included therein, in substantially similar form as attached hereto as approved by the Township Solicitor.

*Action: Ms. Payne made a motion to approve consent agenda items A-C as listed above; seconded by Ms. Quirple.*

Andy Warren, 294 Shady Brook Drive, questioned how many apartments were approved for the development of the Oxford Valley Mall Multi-Family Apartments. Ms. Teoli Kuhls responded that the project 614 total units across two phases.

Mr. Warren had several in regards to agenda items #7, 8, and 12. Ms. Teoli Kuhls provided information for each of Mr. Warren's questions.

*Motion carried by a vote of 5-0.*

6) Presentation of 2021 Audited Financial Statements – Jenn McHugh, Bee Bergvall & Co.

Jenn McHugh from Bee Bergvall & Co., reviewed the services provided by Bee Bergvall & Co. in addition to the audit in detail. Ms. McHugh stated that for audit planning purposes a risk assessment is considered and are very common to Townships. Ms. McHugh reviewed the components of the Financial Statement Reports.

Ms. McHugh reviewed some highlights of the 2021 Audit which included Government-wide Full Accrual (excluded pension funds and escrows): cash and investments totaling \$63.8 million; Capital assets totaling \$56.2 million; Bonds, notes, and leases payable \$17.8

million; Net pension liability and deferred items \$7.5 million; and OPEB liability and deferred items \$12.9 million.

Ms. McHugh noted that there were no new accounting standards implemented for 2021. She added that for 2022, the GASB 84 will need to be implemented. Ms. McHugh reviewed the new accounting standing in detail.

Ms. McHugh thanked the Township for having Bee Bergvall & Co. perform the audit and thanked the Finance Department staff for all of the help and support.

Ms. Kane stated that there did not seem to be any areas in the audit that needed to be addressed such as any weaknesses or such a policy changes that should be enacted. Ms. McHugh noted that nothing came to light during the audit.

7) Consideration of authorizing advertisement of Langhorne Gables Phase II Drainage Project Bid.

Tyler Williams, Township Engineer, explained that the bid documents for the Langhorne Gables Phase II Drainage Project have been finalized and at this time would like to request approval to advertise for public bid. Mr. Williams explained that the Township proposes to add stormwater infrastructure in the Langhorne Gables neighborhood. He added that there is currently either no or deteriorated infrastructure in this area of the Township and that this area is planned to be addressed with this project.

Mr. Williams noted that Phase I was completed this past year, which included installation of stormwater infrastructure along Cypress Avenue, a portion of Longview Avenue, and Buttonwood Avenue, and included the replacement of the culvert structure on Willow Avenue. He mentioned that Phase II project will include area upstream of Phase I, mostly along Longview Avenue and the side streets that are connected to this storm sewer system that discharges to the tributary to the Neshaminy Creek watershed, which will also address a portion of deteriorated pipe infrastructure in the Mill Creek watershed.

Mr. Williams added that the base bid, or priority area, includes storm sewer infrastructure improvement along Longview Avenue from Buttonwood Avenue to Jefferson Avenue also including connection on the side roads of Willow Avenue, Adams Avenue, Jefferson Avenue, and a portion of Adams Avenue at its dead end near the Township boundary.

Mr. Williams stated that the Alternates to the bid are also proposed to be included with the contract if budget permits. Alternate #1 includes storm sewer improvements on Clay Avenue and Fir Avenue. Alternate #2 includes improvements on additional portions of Adams Avenue, Harrison Avenue, and Jefferson Avenue.

Ms. Kane questioned where the Township stands from a base bid to an alternative and will they all be done within budget? Mr. Williams explained that it is difficult to say and will all depend on how the bid come in and maybe impacted by the nature of the economy right now. He did add that he fully expects to fit the base bid in the budget.

Ms. Kane noted that speaking with residents about the drainage issues on Fur Avenue and Clay Avenue. She added that the Township had performed work to alleviate the drainage issues in this area but was not successful. Ms. Kane expressed concern that how do we insure that the proposed work and money being spent will fix these drainage issues.

***Action: Ms. Payne made a motion to authorize the advertisement to solicit bids for the Langhorne Gables Phase II Drainage Project,***

Walter Class, 736 Clay Avenue; provided details of the drainage issues on Clay Avenue, which have not been resolved even after studies were completed and work performed on the pipe. His major concern is about the safety of his home. He questioned what the Township will do for the future of the pipe on Clay Avenue.

Mr. Ksiazek confirmed that tonight's action is only to advertise the bid for the project. He added that the design of this particular project did include consideration and review of the 2012 study that Mr. Class had mentioned.

Mr. Williams commented that in the current condition, that the stormwater in the backyards of Fir Avenue comes out to Clay Avenue will be diverting water flow to 50% to Fir Avenue and 50% to Clay Avenue. He added that in this area there is gravity sewer and strained with the elevations on site.

Mr. Ksiazek commented that with the proposed water being diverted, the situation should improve. Mr. Williams added that the system was that installed there is working as intended and that that that goal of the project is help remove the water faster.

Mr. Ksiazek noted that he has faith in the professionals, but if this project does not improve the issues he asked to Mr. Class to come back and notify the Board of Supervisors.

Ms. Kane reiterated that anything the Township can do so to make sure this does not continue in the future. She added that the Township will follow up that the project does work and there are not increased issues for the residents of this area.

Mr. Ksiazek stated that Board of Supervisors are very focused on committed to fixing this issue.

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

- 8) Consideration of authorizing enacting Ordinance#22-04 Memorializing the No Parking Zone on Golf Club Drive.

Nick Valla, Assistant Township Manager explained that Windybush is a development off of Maple Avenue that consists of a one-way loop, connected by a two-way entrance road, all signed as Golf Club Drive. Mr. Valla noted that the Township ordinance will memorialize the existing parking restriction which has existing no parking signage already in place.

Mr. Valla commented that the Homeowners Association (HOA) supports this recommendation to memorialize the existing parking restriction. He added that memorializing these signs will give the Police Department better enforcement power.

Mr. Valla confirmed that a legal advertisement was posted to the Bucks County Courier Times on June 5, 2022.

*Action: Mr. Ksiazek made a motion to enact Ordinance #22-04, amending Chapter 470 of the Middletown Township Code of Ordinances to designate the left side of the entirety of the one-way portion of Golf Club Drive as a no parking zone; seconded by Ms. Payne. A motion carried by a vote of 5-0.*

- 9) Consideration of authorizing advertisement of the 2022 ADA Accessible Ramp Project.

Tyler Williams, Township Engineer noted that Middletown Township constructs curb ramps at the corners of public streets and at public facilities each year in an ongoing effort to comply with the Americans with Disabilities Act. Mr. Williams stated that the neighborhoods chosen for curb ramp construction each year are typically the same areas where roads are repaved in the following year or two.

Mr. Williams explained that for 2022, the staff is recommending construction of curb ramps at select intersections in the Cobalt Ridge and Quincy Hollow neighborhoods, which will be located near Walter Miller Elementary School, Cobalt Ridge Park (which will soon feature ADA-accessible play structures), and the proposed replacement footbridge site.

Mr. Williams noted that a Community Development Block Grant (CDBG; federal funding administered by Bucks County) was awarded to the Township for this project with no match requirement.

*Action: Ms. Payne made a motion to authorize the preparation and advertisement of bid specifications to complete the 2022 ADA Curb Ramp Program, seconded by Ms. Quirple. A motion carried by a vote of 5-0.*

10) Consideration of authorizing the purchase of two (2) motorcycles for the Police Department.

Chief Joseph Bartorilla, explained that the Middletown Township Police started the Motor Unit in late 2016, and since that time the motor unit has been a great success and is used extensively for traffic/school zone safety and enforcement, escort duty, public relations and daily routine patrols. He added that the bulk of the motor unit is daily patrol work.

Chief Bartorilla explained that a motorcycle only has half of the work life of a car or SUV. Chief Bartorilla noted that it is now time to start a rotation of replacements for the motorcycles before they require more maintenance, and while they still retain some trade in value.

Chief Bartorilla noted that there are currently five (5) police motorcycles. He suggested that it is now time to start a rotation of replacements for the motorcycles before they become problematic from a maintenance point of view, and while they still retain some trade in value.

Ms. Kane acknowledged and thanked Chief Bartorilla for supporting a local business with the purchase of these motorcycles. Chief Bartorilla added the original motorcycle purchase was from the same business.

***Action: Ms. Kane made a motion to authorize the purchase of two (2) fully equipped 2022 Harley-Davidson Police Road King model motorcycles, seconded by Ms. Payne.***

Eric Renaud, Snowball Gate, questioned the final cost of the purchase. Mr. Ksiazek confirmed the cost at \$40,810.72 for the purchase of two motorcycles.

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

11) Middletown Township MS4 Program – TMDL/PRP Public Comment.

Michael DeAngelis, EIT, Senior Engineering Technician; Remington and Vernick Engineers, presented the stormwater management program and explained that MS4 stands for Municipal Separate Storm Sewer System. The goals of the MS4 Program are to improve Township's waterways, inform the public about improvements in the Township, reduce pollution loads, monitor illicit discharge and construction violations; and manage stormwater and drainage infrastructure.

Mr. DeAngelis noted that the Public Comment Period is the time to answer any questions with the plan and to receive public comment. He added that the public participation period for this plan began on June 1<sup>st</sup> and will be ending on June 30<sup>th</sup>. He noted that the Department of Environmental Protection (DEP) is currently reviewing and drafting the permit for the Township. Mr. DeAngelis stated that this is the time for any feedback to be taken into

consideration for adjustment for the overall plan.

Ms. Payne questioned how residents can submit their feedback. Mr. DeAngelis commented that feedback can be directed to Christina Bernhart at [cbernhardt@middletownbucks.org](mailto:cbernhardt@middletownbucks.org) or the link posted on the Township website.

Walter Class, 736 Clay Ave questioned the Department of Environmental Protection (DEP) and the ongoing issues on Long View and Fir Avenues. Mr. DeAngelis explained that current menu with the plan are more just plan projects that meet DEP requirements and reduction requirements. He added the collapsing pipe on Long View Avenue and Fir Avenue pipe on could be considered as a potential project for the approved permit.

## 12) Consideration of appointing an alternate to the Zoning Hearing Board.

Mr. Ksiazek explained that currently the Middletown Township Zoning Hearing Board does not have an alternate member. He added that the Zoning Ordinance does allow for an alternate member to allow for circumstances where a member of the Zoning Hearing Board was available to attend.

Mr. Ksiazek noted that Mr. Downing was a past interim member of the Board of Supervisors. Mr. Ksiazek provided a brief background of Mr. Downing.

***Action: Mr. Ksiazek moved to appoint Doug Downing the Zoning Hearing Board; seconded by Ms. Quirple.***

Ms. Kane noted that she had spoken with Mr. Downing and expressed that he will be a great candidate to the Zoning Hearing Board as their alternate.

Ernie Peacock, Zoning Hearing Board Chairperson, thanked the Board of Supervisors for appointing an alternate to the Zoning Hearing Board. Mr. Peacock looks forward to Mr. Downing serving on the Zoning Hearing Board.

Ms. Kane reminded the community that the Township is always in need of volunteers for Boards and Commissions.

***Motion carried by a vote of 5-0.***

## 13) Consideration of authorizing purchase of dias seating.

Stephanie Teoli Kuhls, Township Manager, explained that this is the fourth and final contract proposal for the renovation of the Public Meeting Room. Proposed improvements include: purchase and installation of a permanent dais and desks, new carpeting, upgraded seating



and enhancement of audio/visual amenities. She explained that tonight's proposed contract is for the dais seating from, Kershner Office Furniture of King of Prussia, a Costars vendor. The proposed contract includes the purchase of eleven (11) mid-back chairs.

Ms. Teoli Kuhls noted that the total Public Hall renovation project budget was \$100,000 and the total cost is currently at \$108,000, which is Fair given the ongoing rampant inflation.

***Action: Mr. Ksiazek made a motion to approve a contract with Kershner Office Furniture of King of Prussia at a cost of \$8,889.50., seconded by Ms. Payne. A motion carried by a vote of 5-0.***

#### 14) Other Business.

Ms. Teoli Kuhls announced that Middletown Township received for the fourth year in a row the GFOA Distinguish Budget Award. Ms. Teoli Kuhls congratulated the Finance Department and Township Managers Office.

Mr. Ksiazek commended Mega Bhandary, Ms. Teoli Kuhls, Mr. Valla and the rest of the Finance Department and Administration for their incredible work.

Ms. Hannah thanked the Middletown Community Foundation for supporting the youth and congratulations to all scholarship winners. Ms. Hannah thanked Tom Scott for his years of service. She stated how happy she was that the Board was able to pass the resolution to reduce gun violence.

Ms. Payne and Ms. Quirple commended the Board for coming together and working on an agreement for the resolution to reduce gun violence. She also expressed her excitement for the Pride Month Proclamation.

Ms. Quirple wished everyone a Happy 4<sup>th</sup> of July. Ms. Quirple reminded all residents that fireworks are illegal in Middletown Township.

Mr. Ksiazek reminded everyone that the annual 4<sup>th</sup> of July Parade will start at 9:00 a.m. starting at Veterans Park.

#### 15) Adjournment.

***Action: Ms. Payne made a motion to adjourn the Public Meeting of the Middletown Township Board of Supervisors at 7:50 p.m. Ms. Quirple seconded. Motion carried by a vote of 5-0.***