

Board of Supervisors Regular Meeting

May 2, 2022 | 7:00 p.m.

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

Mr. Ksiazek called the meeting to order at 7:02 p.m. After the Pledge of Allegiance, Ms. Quirple called roll. Supervisors Ksiazek, Quirple, Payne, and Kane attended the meeting, along with the Township Manager Stephanie Teoli Kuhls, Solicitor James Esposito, and Township Engineer, Isaac Kessler. Supervisor Hannah was absent.

a) Next Board of Supervisors Meeting – Monday, May 16, 2022 at 7:00 p.m.

b) Cystic Fibrosis Month Proclamation
Ms. Payne read the Proclamation into the record.

Mr. Ksiazek announced National Air Quality Awareness Week is May 2-8, 2022. It marks the beginning of “ozone” season, when the Greater Philadelphia region typically begins to experience poor air quality from high levels of ground-level ozone. National Air Quality Awareness Week kicks off efforts to reduce summertime air pollution.

c) Upcoming Events:

- i) Woof-a-palooza – Sunday, May 8th – Registration begins at 7:30am at Forsythia Crossing Park.
- ii) Community Conversations with Middletown HRC – Understanding and Appreciating the Native American Experience – Monday, May 9th at 7:00 p.m. in the Public Hall.
- iii) 10th Annual Sports Block Party – Friday, May 13th – JV games starting at 4:30 p.m. at the Middletown Community Park.
- iv) Parkland Fire Company 100th Anniversary Event – Saturday, May 14th

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

The following Langhorne Borough residents spoke in opposition to the US Route 1 RC3 Project:

Chris Blaydon, 245 W. Maple Avenue
Nancy Culleton, 207 W. Richardson Avenue
Paul Schneider, 233 N. Bellevue Ave
Jean White, 149 W. Richardson Ave

The following Middletown Township residents spoke in opposition to the US Route 1 RC3 Project:

Kathleen Horwatt, 1229 W. Maple Avenue
Paul Shanahan, 507 S. Bellevue Avenue
Francis Grous, 360 Greenridge Drive
Deborah Tyl, 197 W. Marshall Ave
Property owners of Picernos Gas, LLC, 452 S. Bellevue Ave
Lisa Littlefield, 501 Corporate Drive

3) Consent Agenda Items

- a) Consideration of Authorizing Payment of May 2, 2022 Bills List in the Amount of \$351,065.74.
- b) Consideration of Approving the April 18, 2022 Minutes of the Public Meeting of Middletown Township Board of Supervisors.

Action: Ms. Quirple made a motion to approve consent agenda Items A & B as noted on the agenda; seconded by Ms. Payne. Motion carried by a vote of 4-0.

4) Consideration of the McHale's Kitchen & Bath Preliminary/Final Land Development Plan, 2462 Trenton Road, Levittown, PA 19056, TMP 22-051-195 & 22-051-195.001, S/LD #22-01.

Michael Meginnis, Begley, Carlin, & Mandio, L.P., explained that the project is located at 2462 Trenton Road in a P Professional Zoning District. The Applicant proposes to extinguish the common lot line and construct a 4,800 square-foot office building, which also includes parking, lighting, landscaping, grading, utilities, and erosion control. Mr. Meginnis added that the proposed office building will be utilized by McHale's employees as an administrative office building.

Mr. Meginnis noted that there will be a reduction in impervious surface as the proposed office building is being built on existing impervious surface. Mr. Meginnis clarified that waivers being requested have been withdrawn in regards to sidewalk installation and offsite curbing. He then reviewed in detail the waivers being withdrawn with the Board.

Mr. Meginnis also clarified the Planning Commission question about crushed stone being pulled out to Trenton Road. He stated that is not accruing presently and will not occur.

Ms. Kane questioned if sidewalks will be installed or if a fee-in-lieu of is being requested. Mr. Meginnis confirmed that sidewalks will be installed.

Action: Ms. Quirple made a motion to grant Preliminary/Final Land Development approval for the McHale's Kitchen & Bath, 2462 Trenton Road, S/LD #22-01, 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.*

Seconded by Ms. Payne. Motion carried by a vote of 4-0.

- 5) Consideration of the Popeye's Restaurant Preliminary/Final Land Development Plan, 1791 E. Lincoln Highway, Levittown, PA 19056, TMP 22-047-198-003, S/LD #21-09.

Michael Meginnis, Begley, Carlin, & Mandio, L.P., explained that the project is located at 1791 E. Lincoln Highway in a C Commercial Zoning District. The Applicant proposes to demolish the existing structure and a portion of the existing parking lot to construct a 2,145 square-foot Popeye's restaurant with drive-thru and sit-down service, which also includes parking, lighting, landscaping, grading, utilities, erosion control, and stormwater management.

Mr. Meginnis reviewed in detail with the Board the Special Exception that was granted at the September 8, 2021 Zoning Hearing Board Meeting for the proposed drive thru and the waivers that are being requested. He also reviewed the preexisting nonconformities of the property.

Mr. Meginnis noted that all items in the review letters are a "will comply" except for the waivers being requested. He reviewed in detail the requested waivers.

Action: Ms. Payne made a motion to grant Preliminary/Final Land Development approval for the Popeye's Restaurant, 1791 E. Lincoln Highway, S/LD #21-09, 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.*

Seconded by Ms. Kane. Motion carried by a vote of 4-0.

- 6) Consideration of Authorizing the Preparation and Advertisement of an Ordinance Memorializing the No Parking Zone on Golf Club Drive.

Stephanie Teoli Kuhls, Township Manager explained that the Windybush development, off Maple Avenue, consists of a one-way loop, connected by a two-way entrance road. Ms. Teoli Kuhls noted that while reviewing a traffic concern at the request of the Homeowners Association (HOA) with the Citizens Traffic Commission (CTC), it was discovered that the no parking zone currently in place on Golf Club Drive is not documented in the Township's parking ordinance.

Action: Mr. Ksiazek made a motion to authorize the Township Solicitor to draft and advertise an ordinance amending Chapter 470 of the Middletown Township Code of Ordinances to designate left side of the entirety of the one-way portion of Golf Club Drive as a no parking zone, seconded by Ms. Quirple. A motion carried by a vote of 4-0.

7) Consideration of Enacting Ordinance #21-09 Age-Qualified Overlay.

James Esposito, Township Solicitor summarized at the last Board of Supervisor's meeting, he recommended to the Board that at the conclusion of the hearing, that the Board continue the vote on the Ordinance to tonight's meeting. He stated that the reason for continuing the vote for the Ordinance is due to its relationship with the Settlement discussions for the Stone Farm litigation.

Mr. Esposito reported to the Board that all signatures required for the Settlement were received. He then recommended that the Board make a motion on the proposed Ordinance.

Action: Mr. Ksiazek made a motion to approve and adopt the proposed Ordinance of Middletown Township Amending the Township Zoning Ordinance and Zoning Map in order to create an Age-Qualified Overlay Zoning District at the property located along Route 413, Tollgate Road, and Fulling Mill Road in Middletown Township, Bucks County, Pennsylvania, more formally known as Bucks County Tax Parcel I.D. No. 22-005-007, seconded by Ms. Payne. A motion carried by a vote of 4-0.

8) Consideration of Authorizing the Purchase of 2022 New Holland Powerstar Turbo Diesel 90 HP Tractor Equipped with Alamo 17' Dual-wing Interstater with Rear Flail Mower for a Total Cost of \$142,296.25.

Eric Gartenmayer, Superintendent of Public Works stated that the Department's current tractor is a 2005 model and is due to be replaced. The tractor is primarily used for cutting large areas of the nearly 800 acres of grass maintained by the Township and also used for roadside mowing when needed.

Mr. Gartenmayer noted that the proposed tractor has a 17' cutting width and can mow more than sixteen acres per hour, as compared to the 2.8 acres per hour of a typical zero-turn mower. The tractor recommended for purchase would have an even greater mowing ability than the current tractor, as well as an enclosed cab. He added that research was completed and the New Holland came in at a lower price. He noted that the price is slightly higher than budgeted due to the prices rising.

Mr. Gartenmayer did research on tractors, closed cab will keep safe and continue working during weather conditions. \$140,000 is budgeted in the Capital Fund in 2022. Due to rising costs, the best price available currently is \$142,296.25.

Mr. Ksiazek commented that \$140,000 was budgeted in the Capital Fund in 2022, and due to rising costs, the best price available currently is \$142,296.25. Mr. Gartenmayer confirmed that was accurate.

Action: Ms. Quirple made a motion to authorize the purchase of one (1) 2022 New Holland Powerstar enclosed 90 horsepower Tractor equipped with Alamo 17' dual wing Interstater with rear flail mower from Cherry Valley Tractor Sales of Marlton, NJ for a total of \$142,296.25; seconded by Ms. Payne. A motion carried by a vote of 4-0.

9) Consideration of Authorizing Preparation and Advertisement of Bid Documents for the Swift Road/Woodbourne Road Signalization Project.

Stephanie Teoli Kuhls, Township Manager provided background on the project, noting that concerns were brought to the Township by residents of the Swan Pointe development in 2017. This matter was noted on three Citizen Traffic Commission agendas in 2018, with extensive discussion regarding safety of the intersection. She further explained that traffic engineer, TPD conducted a warrant analysis on the intersection in February of 2018 that found the signal to be warranted based upon traffic volume.

The 2019 and 2020 Capital Budgets included funding for the Swift Road and Woodbourne Road Signal Project as "priority 2" projects. In late 2020, during the 2021 Budget process, numerous residents from the Swan Pointe neighborhood spoke out in public meetings in favor of prioritizing the project in the 2021 Budget. Public discussion of the project was held during four meetings in October and November of 2020.

Ms. Teoli Kuhls noted that the 2021 Capital Plan included funding for the project at the "priority 1" level. Township engineer RVE completed survey work in the Spring of 2021 while TPD coordinated signal design with PennDOT. The project was ultimately not able to be bid during the 2021 construction season so the funding was shifted to the 2022 Capital Plan.

Ms. Quirple commented on the residents' concerns of possible cut through traffic due to the back up from the second light. Mr. Wusrta did not feel that there would be significant backups as only 7 vehicles could back up at one time. He added that PennDOT will monitor for the first 90 days and there will be no incentive for cut through.

Ms. Kane noted that she is familiar with the intersection and questioned whether we have thought through the impact of Wawa? Ms. Kane also questioned if the queueing was based on times of today or 2018. Mr. Wusrta confirmed the queueing is from 2018, with growth volume contemplated. Ms. Kane noted that she has heard significant feedback from residents about the signal. Mr. Wusrta commented that a multi-way stop sign has been looked at, as the signal is the best way to address the problem.

Ms. Quirple questioned that this was originally supposed to be in two phases. Mr. Wusrta confirmed it will be in one phase and provided the construction phase details.

Ms. Kane questioned if any residents along that route would be impacted directly with the road widening from a noise pollution standpoint. Mr. Wusrta reviewed the details of the proposed road widening.

The following residents spoke in opposition of the proposed traffic signal:

Richard Brodsky, 355 Cottonwood Drive, concerned about the impact of Eagles Mere.

Gregory Notta, 308 Swift Road, believes the traffic signal is not necessary and does not believe there are enough accidents.

Patrick Mallon, 385 Cottonwood Drive, property backs up to this intersection. Mr. Mallon questioned why other measures have not been attempted.

John Notta, 308 Swift Road, does not feel that the proposed signal will reduce the amount of accidents.

The following residents spoken in support of the proposed traffic signal:

Dawn Smith, 512 White Swan Way, feels that the light is necessary as she has seen danger.

Natalie O'Donnell, 65 Danby Way, expressed that this is a known dangerous intersection and stated that worrying about a cut through is not reason to ignore the safety concern.

Donna Salvucci, 144 Pine Glen Road, stated that she has been working on this issue since 2017. She noted that approximate 10-15 homes see and have responded to screeching of tires and near misses.

Virginia Walsh, 313 White Swan Way, highlighted safety concerns that need to be addressed.

Mike Cannon, 363 White Swan Way, stated that it is important for both developments to work together as one community to find a solution to the issue at this intersection.

Ms. Kane questioned whether this had been brought to any specific agenda Boards attention prior to tonight's meeting. Ms. Teoli Kuhls noted that the issue was scheduled for discussion at 3 of the meetings of the Citizens Traffic Commission and was also discussed during Capital Project Budget discussions.

Andy Warren, 294 Shady Brooke Drive questioned the number of vehicles that go through the intersection and if there a list of dangerous intersections in Bucks County.

Joseph Bartorilla, Chief of Police reviewed the intersection and the high volume of vehicles that pass through daily. Chief Bartorilla explained that trying four way stop sign is a possibility. He noted that the proposed traffic light is needed by only at certain times. He added that some type of traffic control device is needed.

Ms. Kane questioned if we have done a traffic detail in the past. Chief Bartorilla stated that 15 details have taken place over the years.

Mr. Ksiazek thanked Mr. Wursta and Ms. Teoli Kuhls for their thorough review on the project, and well as the Chief Bartorilla for his input.

Ms. Kane questioned if there can be communication between the residents and the Board members to see what is needed and what can be done so the community is not divided. She added that she feels that soliciting the resident's feedback would go a long way.

Ms. Quirple expressed that there is no reason for delay and noted that a possible meeting with the residents could be beneficial.

Ms. Payne supports meeting with the residents while the process is moving forward.

Mr. Ksiazek questioned the advertising and bidding process with Mr. Esposito. Ms. Teoli Kuhls commented that there is time for community outreach.

Mr. Ksiazek noted that this project has been discussed with the Board for several years. He added that he is open to suggestions and ideas on how to better involve the public.

Ms. Kane questioned if there is ability to adjust the plan that is in place today. Mr. Esposito commented that Mr. Wursta will be preparing the bid based on the plans that were shown at the meeting.

Andy Warren, 294 Shady Brooke Drive questioned if answers to the residents questioned will be answered. Mr. Ksiazek commented that the Board hopes to have answers by the time the Board meets

Action: Mr. Ksiazek made a motion to authorize the preparation and advertisement of bid documents for the Swift Road/Woodbourne Road Signalization Project, seconded by Ms. Quirple.

Gregory Notta, 308 Swift Road questioned if the traffic engineering report will be available for review. Ms. Teoli Kuhls commented that she will work on providing those documents for review. Mr. Notta agreed with Ms. Payne in regards to communication and discussing further with the residents.

A motion carried by a vote of 4-1. Ms. Kane opposed.

10) Other Business.

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

Ms. Payne thanked the Township for celebrating Cystic Fibrosis month. Ms. Payne applauded the residents that came out tonight for the open dialogue in regards to the proposed traffic signal.

Mr. Ksiazek thanked the residents who came out and offered their feedback and comments about the proposed traffic signal.

11) Adjournment.

Action: Mr. Ksiazek made a motion to adjourn the Public Meeting of the Middletown Township Board of Supervisors at 9:18 p.m. Ms. Quirple seconded. Motion carried by a vote of 5-0.