

# Board of Supervisors Regular Meeting

Monday, August 14, 2023 | 7:00 p.m.

## Agenda

### 1) Call to Order, Pledge of Allegiance

Ms. Payne called the meeting to order at 7:03 p.m.

### 2) Roll Call

After the Pledge of Allegiance Ms. Hannah called roll. Supervisors Payne, Ksiazek, Quirple, Hannah, and Kane attended the meeting along with the Township Manager Stephanie Teoli Kuhls, Assistant Township Manager Nick Valla, Solicitor Andrew Griffin, and Township Engineer Tyler Williams.

Ms. Hannah announced that Chief Joseph Bartorilla, Director of Building and Zoning Jim Ennis, Director of Parks & Recreation Paul Kopera, Chief of Fire and Emergency Services, Mark Antozzeski, and Superintendent of Public Works Eric Gartenmayer were in attendance.

### 3) Special Items

#### a) Summer Recreation Program Charity Carwash benefitting the Ronald McDonald House.

Carol Garner, Core Creek Park Site Supervisor, shared that camp is not just about fun and games but instilling important values. Ms. Garner explained that kindness is one such value that is harnessed throughout the eight weeks the campers and staff are together.

Ms. Garner noted that Program Specialist, Joanne Morelli dedicated a whole week for campers to show acts of kindness, such as sending cards to sick children at St. Mary's Hospital. In keeping with their motto from previous years, "kindness matters, kindness is contagious" she shared that all three campsites joined together and held a carwash raising \$2,310 which was presented Laura Van Tassel, a representative from the Ronald McDonald House Camp.

She also recognized Mike Kilmowicz from the Department of Public Works thanking him for his dedication to the summer recreation camp. She expressed her appreciation for Mr. Kilmowicz and all the things he does for the campers and staff each year.

Ms. Garner closed her presentation by saying that always remember "that in a world where you can be anything, always be kind."

Ms. Payne thanked the campers and staff for choosing the Ronald McDonald House Camp as the benefiting charity.

- b) Swearing in of Firefighter Darrel Martin and Department of Fire & Emergency Services staff.

Mark Antozzeski, Chief of Fire and Emergency Services provided brief introductions of Fighter Darrel Martin and Firefighter Riley Collins.

Darrel Martin is a long resident of Middletown Township. Darrel joined the Pennel Fire Company in 1997; where he has held every office including Fire Chief. He is currently the Assistant Chief and training officer. Darrel started at Middletown Township as a fulltime Firefighter on July 3<sup>rd</sup>, 2023.

Riley Collins is a lifelong Middletown Township resident. Riley is a 7-year member, training officer, and Lieutenant at William Penn Fire Company. He started as a Middletown Fire Inspector in 2019. His responsibilities include coordinating all fire prevention activities in the township and the department's social media pages.

Fighter Darrel Martin and Firefighter Riley Collins were then sworn in as Middletown Township Firefighters by Ms. Payne.

- c) Swearing in of Police Officers Robert Anselmi & Tyler Stanley.

Chief Joseph Bartorilla provided brief introductions of Police Officer Robert Anselmi and Police Officer Tyler Stanley.

Officer Anselmi served as a Police Officer for Bristol Township and is delighted to continue his career in law enforcement with the Middletown Township Police Department.

Officer Stanley served as a Police Officer with the City of Philadelphia and served honorably in the Marine Corps. He is honored to join the Middletown Township Police Department.

Chief Bartorilla stated that he is happy to have both Police Officer Robert Anselmi and Police Officer Tyler Stanley as the newest members of the Middletown Township Police Department.

Officer Anselmi and Officer Stanley were then sworn in as a Middletown Township Police Officer by Ms. Payne.

d) Middletown Police Department Recognitions.

Chief Bartorilla presented a series of commendations and squad citations to Middletown Township Police Officers.

The first set of commendations were for the burglary of the LugerMan Firearms store on May 30, 2023, which was burglarized by several individuals.

Three Middletown Township Police Officers received commendations for their work that morning, as well as an Officer from the Falls Township Police Department, and an Officer from the Trenton Police Department

Middletown Township Police Department: Officer Corey Huff, Officer Alex Moors, Officer Brian Agostino, and Officer Kevin Platenecky

Falls Township Police Department: Officer Jacob Blickley

Trenton Police Department: Officer Michael Manning

Chief Bartorilla presented a squad citation Sergeant Michael Russo for the work of him and his squad in response to the incident that morning.

The second set of commendations were for the arrest and conviction of two individuals for the homicide which occurred back in December of 2020 on Wheeler Way.

Middletown Township Police Department: Detective Wayne George, Detective Matthew Kroiss

County of Bucks: Detective Eric Landamia, Bucks County Detective David Hanks, and Deputy District Attorney A.J. Garabedian

Chief Bartorilla presented a squad citation to Lieutenant Steve Forman for the work he and several under his command did in investigating and helping to ensure successful prosecution of this homicide.

Next, Chief Bartorilla presented year of service certificates to several, members of our Police Department who have completed milestone years of honorable and dedicated service to the Middletown Township Police Department.

Retirement of Officer Michael Stum for 20 years of honorable service Middletown Township Police Department. Chief Bartorilla recognized Officer Stum as an accomplished crash reconstructionist investigator, having expertly handled and investigated thousands of crashes in his career,

including numerous fatal crashes.

He thanked Officer Stum for 20 years of dedicated service, committed service, and for serving the citizens of Middletown Township honorably for over 20 years.

Chief Bartorilla honored three members of the Middletown Township Police Department with plaques for their work in making the Township's National Night Out the amazing success that it is.

Officer Melissa Robinson, Officer Joe Cullura, and Animal Control Officer (ACO) Cheyenne Keen.

To conclude, Chief Bartorilla noted that the Middletown Township Police Department has one of the best K9 units in the region. Very sadly, last month the Police Department suffered the loss of retired K9 Nyxx, who had been a faithful, dedicated, and loving partner to Officer Kevin Eckenrode for many years. Chief Bartorilla read a short tribute in K9 Nyxx's honor and presented Officer Eckenrode a plaque in honor of K9 Nyxx's life.

#### 4) Conditional Use Hearing

a) Circus Event at the Oxford Valley Mall, Thursday, August 17th through August 20<sup>th</sup>.

Andrew Griffin, Township Solicitor opened the Conditional Use Application Hearing for Cirque Entertainment, LLC to hold a 4-day circus event (August 17-20). Mr. Griffin noted that the event will be held on that property located at 2300 East Lincoln Highway, Langhorne, PA, Tax Map Parcel # 22-057-020-001, at a location within the Oxford Valley Mall property. He added that Cirque Entertainment, LLC gained Conditional Use Approval in September of last year to hold a four-day circus event last year

Mr. Griffin explained that the request is a Conditional Use Approval under Section 2411.G.(1) of the Middletown Township Zoning Ordinance, to permit a Temporary Community Event in the GB District, which the Oxford Valley Mall property is located within.

Mr. Griffin asked if anyone in the audience would like to become a party to the Conditional Use Application. There were none. He then then submitted exhibits into the record.

On behalf of the Applicant, Jose Astsaitza provided an overview of the logistics, event setup and the general schedule of events.

Mr. Ksiazek confirmed with the Mr. Astsaitza that he has received all necessary Township permits from the Building and Zoning Department. Jim Ennis, Director of Building and Zoning confirmed permits have been approved and will be ready for pick up.

Ms. Quirple confirmed that an escrow had been submitted to cover Police and Fire and Emergency Services.

*Action: Mr. Ksiazek made a motion to approve the Conditional Use for a four-day circus event at 2300 East Lincoln Highway/Oxford Valley Mall, the applicant being Cirque Entertainment, LLC, seconded by Ms. Quirple. Motion carried by a vote of 5-0.*

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

None.

6) Consent Agenda Items

- a) Consideration of authorizing payment of August 14, 2023, Bills List in the amount of \$1,889,006.43.
- b) Consideration of approving the July 17, 2023, Minutes of the Public Meeting of Middletown Township Board of Supervisors.
- c) Consideration of approving Payment Certificate #4 for the Woodbourne Rd and Swift Rd Improvements to Scott Building Corporation in the amount of \$290,000.18, which incorporates Change Order #1 in the amount of \$5,163.42.
- d) Consideration of approving Payment Certificate #4 for the Department of Public Works (DPW) Phase 1 (Fueling Systems) Project to Scott Building Corporation in the amount of \$ 164,662.73.
- e) Consideration of approving Payment Certificate #2 for the 2023 Road Program to James D. Morrissey in the amount of \$52,585.16, which incorporates Change Order #2 in the amount of negative \$92,608.01 for reduced quantities.

*Action: Mr. Quirple made a motion to approve consent agenda items as A-E. Seconded by Mr. Ksiazek. Motion carried by a vote of 5-0.*

7) Consideration of authorizing Resolution #23-18R for Neshaminy School District School Resource Officer (SRO) Inter-Agency Agreement.

Chief Joseph Bartorilla explained that the School Resource Officers ("SRO") has been a great success for the Police Department and that the Township has a great working relationship and partnership with the Neshaminy School District. He added that the SRO Inter-Agency Agreement allows the Police Department to provide a third SRO with the Police Department. He stated that the Township recently authorized the hiring of a third SRO, with the Township and Police Department in agreement that the amount that the School District contributes for each SRO will increase to \$60,000.00 per year for each, compared to \$45,000 per officer under the previous arrangement.

Chief Bartorilla explained that the Neshaminy School District has agreed to such increase, and the agreement sets forth such increase, as well as the duties, hours, and other terms of the SROs. He confirmed that the SROs are direct employees of the Township/Police Department and subject to the chain of command of the Township/Police Department.

He thanked Neshaminy School District Superintendent, Jay Bowman, and the School District Board for their commitment to the SRO Program and their partnership with the Middletown Township Police Department.

Ms. Kane confirmed that the SRO is an employee of the Middletown Township Police Department. She also questioned if the SRO is onsite, even during when school is out during the summer. Chief Bartorilla confirmed that they are at the high school, it is a year-round campus, and the middle school SRO will patrol during the summer.

Ms. Kane questioned the percent of cost for the SRO that is covered by the School District. Chief Bartorilla confirmed that the school district's contributions cover approximately one-third of the cost of an officer's salary and benefits.

Ms. Payne confirmed that this request came directly from the School District.

Ms. Quirple questioned that even though they are only paying a third of the cost, their portion is more than what they originally paid. Chief Bartorilla reviewed the total amounts from the agreement.

Ms. Quirple commented that she feels this is a great program for our students and community.

***Action: Ms. Quirple made a motion approving Resolution No. 23-18R to authorize the Township Manager to enter into the proposed Intergovernmental Cooperation Agreement with the Neshaminy School District and the Middletown Township Police Department setting forth the terms and conditions for utilization of the Middletown Township Police Department's School Resource Officers, seconded by Ms. Kane. Motion carried by a vote of 5-0.***

**8) Consideration of authorizing the purchase of one (1) Field Pro 6040 Infield Groomer.**

Eric Gartenmayer, Superintendent of Public Works explained that the Department of Public Works will utilize the purchase of an infield groomer for the maintenance of Township ball fields. He added that currently the proper equipment is not being used. The infield groomer would make transporting equipment more efficient, and grooming done in a timelier manner.

Ms. Kane questioned how much has been budgeted for this purchase.

Mr. Gartenmayer confirmed that this purchase will increase the efficiency and be less time consuming for maintenance of the ball fields.

Ms. Quirple question the life expectancy of this piece of machinery. Mr. Gartenmayer stated that he expects at least 15 years.

*Action: Mr. Ksiazek made a motion to authorize the purchase of one (1) one Field Pro 6040 Infield Groomer from Turf Equipment and Supply, West Chester, PA for a total of \$32,631, seconded by Ms. Quirple. Motion carried by a vote of 5-0.*

9) Consideration of 2023-2024 Bucks County Consortium Fuel Bid.

Eric Gartenmayer, Public Works Superintendent explained that the Township has been a participating member of the Bucks County Consortium for numerous years. He added that this past May, the Township received the Bucks County Consortium Fuel Bid participation request.

Mr. Gartenmayer reviewed the reviewed the bid results with the Board members. that the only change to the bid results is the home heating fuel, which is Wilson of Wallingford, which is a new vendor. He noted that the total amounts listed in the bid result are estimated by the gallons used each year.

Ms. Kane requested that Mr. Gartenmayer review which Township vehicles utilize fuel for and how the total amounts have changed over the years. Mr. Mr. Gartenmayer provided responses in detail.

*Action: Ms. Quirple made a motion to award the 2023-2024 Fuel Consortium contract to Petroleum Traders Corp., of Fort Wayne, IN for unleaded gasoline with an estimated amount of \$270,000 Wilson of Wallingford., of Wallingford, PA for heating fuel with an estimated amount of \$25,000, on an as needed basis; and Riggins Inc., of Cumberland, NJ for low sulfur diesel with an estimated amount of \$85,000, seconded by Ms. Kane. Motion carried by a vote of 5-0.*

10) Consideration of awarding 2023 Community Development Block Grant (CDBG) ADA Curb Ramp Project to NJS Concrete, LLC.

Nick Valla, Assistant Township Manager noted that the Township received a \$220,000 Community Development Block Grant (CDBG) from Bucks County to complete ADA Curb Ramp Project in the Cobalt Ridge neighborhood.

Mr. Valla noted that the base bid can be awarded and be fully funded and that awarding the alternate bid would exceed grant funding by \$58,685. He noted that the Township may request additional funding from Bucks County to cover this overage, though additional funding is not guaranteed. The Township would be responsible for this additional cost if additional funding is not provided.

Mr. Valla explained that the Township has two options: award the base bid in the amount of \$186,350.00, and reject Alternate Bid #1, or award the Base Bid and Alternate Bid #1 in the total amount of \$278,685.00.

Ms. Quirple noted if there is a change additional funding is not available, she questioned what type of position the Township is to take on the cost. Mr. Valla responded that funding would have to be absorbed by the Township's Capital Fund.

Ms. Teoli Kuhls commented that there is funding in the Capital Fund. She then reviewed in detail the Board's options for the project.

Mr. Ksiazek requested that Mr. Valla remind the Board members what the alternate included. Mr. Valla stated that the alternate included additional ramp locations in Cobalt Ridge.

Ms. Kane questioned if there are any additional cost over and above what is already within the bids? Ms. Teoli Kuhls noted Remington Vernick's time for project preparation, inspections, and facilitation.

Mr. Ksiazek commented that he was in favor of awarding the alternate, with hopes that additional funding is received by the County.

*Action: Mr. Ksiazek made a motion to award the base bid and alternate bid #1 NJS Concrete, LLC for a total amount of \$278,685.00, seconded by Mr. Quirple.*

Ms. Kane asked how the number of ramps bid was determined in light of the funding received. Mr. Valla stated that the number of ramps was determined by the Township Engineer, in light of the amount of grant funding available.

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

## 11) Consideration of proposal for legal services for cable franchise renewal.

Stephanie Teol Kuhls, Township Manager shared that Middletown Township's two cable franchise agreements with Verizon and Comcast are ready for renewal. She noted that both agreements had 15-year franchise agreements terms with Verizon recently expired, and Comcast expiring in early 2024.

Ms. Teoli Kuhls explained that the negotiation process for cable franchise renewal is a highly specialized endeavor that will require the assistance of legal counsel experienced in this field. He noted that the Township recommends hiring the Cohen Law Group to assist the Township through this process. She noted that Dan Cohen of the Cohen Law Group assisted Middletown Township in its very successful negotiations in the past and has also represented many municipalities.



She explained in detail the changes of cable services over the past 15 years such as digital services, streaming, high-definition video, and on demand programming. She commented that Mr. Cohen will help assist with a grant called Public Education and Government (PEG) Channel which will provide assistance for the Township government access channel.

Ms. Teoli Kuhls reviewed that proposal from the Cohen Law Group which includes two main components: an audit of received franchise fee collections to ensure that the Township has received all fees to which it is entitled; and negotiation of two new franchise agreements.

She explained that the proposed fees for these services include a franchise fee audit, renewal negotiation, and government channel needs report; with a contract amount total of \$26,660, which is below the budgeted threshold.

Ms. Hannah questioned if any of the legal fees discussed will increase. Ms. Teoli Kuhls confirmed that they would not.

***Action: Mr. Ksiazek made a motion authorize acceptance of the proposal from the Cohen Law Group to provide Cable Franchise Renewal Services at a cost of \$26,660.00, seconded by Ms. Kane. Motion carried by a vote of 5-0.***

## 12) Discussion of Transportation Demand Management (TDM) Policy.

Mr. Valla introduced and explained that a Transportation Demand Management (TDM) policy outlines a community's strategy to increase transportation system efficiency. He noted that TDM policies encourage shifting to non-single-occupancy vehicle (SOV) modes to reduce roadway congestion, improve use of infrastructure, and reduce transportation-related emissions. A TDM policy is a specific goal of the Climate Action Plan and is consistent with the Comprehensive Plan.

He added that the Township is seeking the Board's conceptual support for eventually pursuing and developing a TDM policy, through a resolution and outlining a policy directivity to the staff.

Mr. Valla explained that Transportation Management Association of Bucks County (TMA Bucks) is submitting a grant application to help Middletown Township develop and implement a TDM policy. He noted that this would be the first TDM policy adopted in Bucks County.

He added that development of a TDM policy would be most likely in 2024 for adoption and implementation.

Mr. Ksiazek commented that he is a support of the TDM policy, and happy that TMA Bucks will be involved with the grant application.

Ms. Quirple commented that the TDM policy will be hand in hand with the Townships' Climate Action Plan and Multimodal Plan is exactly what the Township is trying to accomplish.

### 13) Discussion of 2024 Budget Calendar.

Ms. Teoli Kuhls noted the Proposed 2024 Budget Calendar:

August 28 <sup>th</sup>	Board of Supervisors - Capital Planning Meeting (5:30 p.m.)
October 9 <sup>th</sup>	Budget Workshop Meeting (6:00 p.m.)
October 16 <sup>th</sup>	Board of Supervisors Meeting (7:00 p.m.)
October 23 <sup>rd</sup>	Budget Workshop Meeting (6:00 p.m.)
November 13 <sup>th</sup>	Board of Supervisors Meeting – Budget Presentation (7:00 p.m.)
December 11 <sup>th</sup>	Board of Supervisors Meeting – Consider Budget Approval (7:00 p.m.)

### 14) Other Business.

Mr. Valla reminded the community that the Middletown Community Foundation is still collecting school supplies through the end of August.

Ms. Teoli Kuhls and each of the Board of Supervisors welcomed and congratulated the new Police Officers and Firefighters that were sworn in tonight. They also congratulated and thanked all the Police Officers that received citations for their dedication and service to the community.

### 15) Adjournment.

Ms. Quirple moved to adjourn the public meeting of the Middletown Township Board of Supervisors public meeting at 8:40 p.m., seconded by Ms. Hannah. Motion carried by a vote of 5-0