

Board of Supervisors Regular Meeting

Monday, August 12, 2024 | 7:00 p.m.

1) Call to Order, Pledge of Allegiance

Mr. Ksiazek called the meeting to order at 7:02 p.m.

2) Roll Call

After the Pledge of Allegiance, Ms. Quirple called roll. Supervisors Ksiazek, Hannah, Payne, and Kane were in attendance. Also present were Township Manager Stephanie Teoli Kuhls, Assistant Township Manager Nick Valla, Solicitor James Esposito, Township Engineer Isaac Kessler, Chief Joseph Bartorilla, Director of Building and Zoning, Jim Ennis, and Director of Parks & Recreation, Paul Kopera.

Mr. Ksiazek announced that there are sign-up sheets for Public Comment in the back of the room.

3) Upcoming Meetings/Events

a) Next Board of Supervisors Meeting – Monday, September 9, 2024, at 7:00 p.m.

4) Special Items

a) Summer Recreation Program Charity Carwash benefiting the Fostering Hope PA.

The Summer Rec Program proudly shared how their amazing campers from all three locations worked together this summer to raise \$2,000 for Fostering Hope Lower Bucks.

Carol Garner, Core Creek Park Camp Supervisor, explained that through personal donations, a successful charity car wash, and generous contributions from Kyle Gertz and the rest of the Joseph A. Fluehr III Funeral Home team, 'Kids Helping Kids' initiative made a real impact in supporting local foster children this summer.

Ms. Gardner, and Nicole Tener, Community Center Camp Supervisor, presented a check to representatives from Fostering Hope.

Mr. Ksiazek thanked the campers and Parks and Recreation staff for their incredible efforts.

5) Conditional Use Hearing

a) Circus Event at the Oxford Valley Mall, September 12th through September 15th.

James Esposito, Township Solicitor opened the Conditional Use Application Hearing for Garden Brothers Circus to hold a 4-day circus event (September 12th through 15th). Mr. Esposito noted that the event will be held on the property located at 2300 East Lincoln Highway, Langhorne, PA, Tax Map Parcel # 22-057-044, at a location within the Oxford Valley Mall property.

Mr. Esposito 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, in which the Oxford Valley Mall property is located.

Mr. Esposito read all exhibits into record. He then requested that the Applicant provide a description of the event.

Kylee Sheppard, Executive Director of Garden Family Shows, provided an overview of the logistics, event setup and the general schedule of events.

Mr. Esposito requested Jim Ennis, Director of Building and Zoning, provide the Board with additional conditions determined by his review and agreed upon by the Applicant. Mr. Ennis reviewed the approval and conditions in detailed.

Mr. Ennis also confirmed that the Applicant will post escrows for all fees associated with services provided by the Middletown Township Fire and Emergency Services and the Middletown Township Police Department.

Ms. Sheppard confirmed that attendance would range on average from 800 to 1,000 people per show.

Ms. Quirple questioned the times of the performances. Mr. Ennis reviewed in detail the series of performance times.

Mr. Esposito closed the hearing, and with there being no further evidence and testimony from the Applicant and no further questions from the Board of Supervisors or the Public.

Action: Mr. Ksiazek made a motion to approve Conditional Use Application #24-1 proposing a four-day circus event running from September 12th to September 15th at the Oxford Valley Mall site containing the address of 2300 Lincoln Highway, Langhorne, PA 19047 and the Bucks County Tax Map Parcel number – 22-057-044. Recommendation is based on the documents submitted with the application.

Recommendation is further based on the following:

- 1. Exhibits presented to the Middletown Township Planning Commission during their July 11, 2024, meeting and to the Board of Supervisors at their August 12, 2024 meeting.*
- 2. Full compliance with the applicable requirements contained in Section 500-2411 of the Middletown Township Zoning Ordinance.*
- 3. Full compliance with the applicable requirements contained in Article II of Middletown Township's Amusements Ordinance.*
- 4. Compliance with the June 14, 2024 review letter from Alan Welsh, Middletown Township Fire Marshal.*
- 5. Compliance with the June 20, 2024 review letter from Issac E. Kessler, P.E., Middletown Township Engineer.*

6. Compliance with the July 5, 2024 review letter from Phil Wursta, P.E., Middletown Township Traffic and Transportation Engineer.

7. Assurance all necessary permits and approval from Middletown Township will be obtained prior to the starting of the event.

8. The posting of a \$3,000 escrow to cover police, fire, and emergency services during the event's duration.

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

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

Dave Cahill, 462 Cynthia Ave, Penndel, questioned Penndel Volunteer Fire Company's current income. Stephanie Teoli Kuhls recommended that she and Mr. Cahill can discuss his concerns further.

Eric Bruno, 79 Sweet Gum Road, expressed kudos to the Department of Public Works for tree removal in Red Rose during the last storm.

Joe Kontz, 87 Forsythia Drive, expressed concerns and issues with the Building and Zoning Department staff, Township rules and regulations on recent building and zoning approvals and permits received. Ms. Teoli Kuhls provided information in response to Mr. Kontz's comments.

Lance Sagers, 98 Queen Lily Road, questioned if there was a follow up to his Public Comment from last month's meeting regarding approval of high-density land developments within the Township. Mr. Esposito explained the legal process of implementing restrictions on approval of high-density land developments within the Township.

7) Consent Agenda Items

- a) Consideration of authorizing payment of August 18, 2024, Bills List in the amount of \$2,158,740.16.
- b) Consideration of approving the July 8, 2024, Minutes of the Public Meeting of Middletown Township Board of Supervisors.
- c) Consideration of 2024 Liquid Fuels Road Program – Change #1 for a negative \$0.97 for adjusting quantities and contract items for line striping associated with the contract.
- d) Consideration of 2024 Liquid Fuels Road Program – Payment Certificate #1 in the amount of \$331,368.47 for completed work per the contract items.
- e) Consideration of Oxford Valley Mall Multi-Family Redevelopment (S/LD #20-68) – Financial Security Release #6 in the amount of \$360,399.50 for completed work per the land development escrow and financial security agreements.
- f) Consideration of Stone Farm Age-Qualified Community (S/LD #15-8) – Financial Security Release #1 in the amount of \$812,091.00 for completed work per the land development escrow and financial security agreements.

- g) Consideration of 2240 Durham Road (S/LD #21-3) – Financial Security Release #2, (Final) in the amount of \$13,988.70 for completed work per the land development escrow and financial security agreements.
- h) Consideration of Barner Subdivision & Land Development (364 Cedar Ave & 400 Bluebell Ave) Financial Security Release #1 in the amount of \$99,301.10 for completed work per the land development escrow and financial security agreements.

Action: Ms. Quirple made a motion to approve consent agenda items A-H seconded by Ms. Kane. Motion carried by a vote of 5-0.

- 8) Consideration of Preliminary/Final Land Development Plan Approval for a Residential Community of sixty-six (66) townhomes, 1700 Woodbourne Road, Langhorne, PA 19047, TMP#22-055-201, S/LD #24-03, P – Professional Zoning District.

Rob Gundlach, Attorney for the Applicant, explained that the Applicant is proposing to demolish the existing buildings and interior roads to construct a new townhome community with sixty-six (66) townhomes with associated roadways, sidewalk, grading, landscaping, erosion and sediment control, and stormwater management.

Mr. Gundlach covered how this use was previously denied by the Zoning Hearing Board, but a Stipulation of Settlement with the Township was established when the Zoning Hearing Board decision was appealed by the Developer. He stated that the applicant will comply with all remaining comments on Township review letters

Ms. Kane asked if there were visuals of the proposed home renderings. Mr. Gundlach provided color renderings.

Ms. Payne questioned the responsibilities of the Homeowners Association (HOA). Mr. Gundlach reviewed in detail that the HOA would be responsible for ownership and maintenance of the open space, mowing, landscaping, roadways including snowplow and maintenance of the roads.

Ms. Payne confirmed that there will not be any Roads connecting to the Cobalt Ridge neighborhood. Mr. Gundlach confirmed there are no connecting roads being proposed.

Ms. Payne questioned the price point of the proposed townhomes. Mr. Gundlach confirmed \$500,000 and up, depending on the options of the home.

The following residents expressed concerns and opposition regarding the approval of this development.

Eric Bruno, 79 Sweet Gum Road, expressed concern about what the construction of the proposed townhomes will do to the community.

Vincent Hargadon, 41 Spindletree Road, expressed concern for what will happen to the staff that is currently working in the building with DELTA Community Supports/ ERA Food Pantry. He mentioned that he would rather see the parcel of land become a park.

Beth Pollack, 22 Firtree Road, expressed her concern for the traffic that will be created around the existing church. She also expressed her concern about the ERA Food Pantry closing due to the construction of the townhomes.

Mr. Gundlach closed by expressing that the Applicant worked with residents who are immediately adjacent to the area over the past two years and shared that they are excited for the improvements.

Mr. Ksiazek provided a follow up to Ms. Pollack's concern of the visual appearance of the community and he noted that there will be an area of trees and landscaping along the frontage.

Mr. Ksiazek echoed Mr. Gundlach that there has been very positive feedback from residents who will be immediately impacted. Mr. Gundlach noted that letters of support have been received and sent to the Township. He added that the Applicant will continue to meet with the residents of Cobalt Ridge addressing stormwater issues that arise.

Ms. Kane expressed the difficulty that the Board of Supervisors has when saying no to proposed developments that go above and beyond what is required by Township ordinances. She reviewed the ways that the Applicant went above what is required.

Ms. Quirple expressed that she agrees with many of the residents' concerns and echoed Ms. Kane's comments.

Ms. Payne expressed her concern for affordable housing and the price of these proposed townhomes. She asked Mr. Gundlach to confirm that the applicant is making a \$200,000 contribution to the Home Assistances Trust Fund. Mr. Gundlach confirmed.

Action: Mr. Ksiazek made a motion to grant Preliminary and Final Subdivision & Land Development Plan Approval for a Residential Community Comprised of sixty-six (66) Townhouses, 1700 Woodbourne Road, Langhorne, PA 19047, TMP 22-055-201, P - Professional Zoning District, S/LD 24-3, 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. Any remaining review comments shall be addressed in full.*
- 3. Applicant shall comply with the conditions to the Stipulation of Settlement dated February 23, 2024.*

- 4. Applicant has agreed to meet with affected residents along Cobalt Ridge Drive North*

to review and address stormwater concerns in their backyards.

Seconded by Ms. Quirple. A motion carried by a vote of 4-1. Ms. Payne was in opposition.

- 9) Discussion of Lennar Orchards Tract, 111 townhouse development, Woodbourne Road, Langhorne, PA TMP #22-057-004, in the MR-Multi-Residential Zoning District, S/LD #18-8.
 - a) Consideration of Settlement of Litigation
 - b) Consideration of Final Major Subdivision and land Development Plan

Mr. Esposito began by summarizing the history of the matter. The Lennar Orchards Tract Preliminary/Final Land Development was denied by the Board of Supervisors in January 2020. At the time, the Board of Supervisors, as well as multiple residents expressed concerns about traffic congestion, noise, air quality, and opposition to the ten (10) waivers requested.

This denial was immediately appealed to the Bucks County Court of Common Pleas in February of 2020.

In June 2021, the Court of Common Pleas reversed the Board's decision and ordered the Township to approve the plan. The following month, July 2021, the Township filed a Notice of Appeal to the Commonwealth Court.

In December 2023, the Commonwealth Court held that the Board of Supervisors properly denied the application on the waiver issue, however the Court remanded a portion of the case to the Court of Common Pleas, finding that the Board of Supervisors violated its duty of "good faith."

Mr. Ksiazek noted that this Land Development predates several of the members currently on the Board.

Mr. Ksiazek followed up by explaining that the Board of Supervisors understands the frustration when residents see development they aren't in favor of and would like the Board to vote against. He noted that the Applicant was allowed to take the Township to court and that the Board must spend tax dollars wisely. The Board has a responsibility to make decisions that are legal and sound, as well as valid legal basis under Township ordinances to deny a Land Development.

Ms. Quirple noted that the Board of Supervisors has agonized over this and are just as unhappy as the residents are about the approval.

Ms. Hannah expressed that the Board of Supervisors hands are tied and that they try to find the best decisions possible as a responsibility to the residents.

Ms. Kane noted that this property was re-zoned as multi-residential and that the members of the Board of Supervisors in 2006 decided that this was what made sense. She also commented settling this means that the Board will stop the taxpayer funding and potential litigation that may come

forever after.

Ms. Payne noted that if it wasn't for the market crash years ago this project would have otherwise been completed.

Action: Mr. Ksiazek made a motion to grant preliminary and final major subdivision/land development plan approval for a 111 unit townhouse community located along Woodbourne Road, TMP#22-057-004, S/LD No. 18-08, with the following conditions:

- 1. Applicant shall enter into a Stipulation and Settlement Agreement with Middletown Township, to the satisfaction of the Township Solicitor, whereby the parties shall waive any and all claims that they may have against each other related to the property, Middletown Township's review of its Application and Development Plans, and the litigation occurring in the Court of Common Pleas, Docket No. 2020-01326 and the Commonwealth Court, Docket No. 870-CD-2021;*
- 2. Applicant shall comply with the January 8, 2020 review letter of the Township Engineer;*
- 3. Applicant shall comply with the January 9, 2020 review letter of the Township Traffic Engineer;*
- 4. Applicant shall obtain PennDOT approval of Highway Occupancy Permit (HOP) and provide a copy of such approval to the Township prior to the issuance of any building permits;*
- 5. Applicant shall comply with the terms and conditions of the Stipulation and Court Order from the Bucks County Court of Common Pleas, entered into between Applicant and the Township filed June 4, 2018, except to the extent inconsistent with the Approved Plans;*
- 6. Applicant shall submit construction cost estimates, subject to review and approval by the Township Engineer for use in preparing any financial security agreement to be entered into by Applicant and the Township;*
- 7. Applicant shall enter into a Land Development Agreement and Financial Security Agreement with the Township in a form reasonably acceptable to the Township Solicitor;*
- 8. Applicant shall enter into a Stormwater Maintenance Agreement with the ownership for maintenance of any and all stormwater management facilities shown on the Plan or located on the Property, in a form reasonably satisfactory to the Township Solicitor;*
- 9. Applicant shall be required to pay Middletown Township for any outstanding administration and professional fees, as well as place into escrow with the Township the estimated costs for engineering inspection fees, Township administration fees and Township legal fees during the construction period in the amount of 10% of the estimated construction costs;*
- 10. Applicant shall be required to pay a Traffic Impact fee in an amount as determined by the Township Traffic Engineer, prior to the issuance of any building permits; and*
- 11. Applicant shall provide the Township with final record plans that address all review comments from the Township Engineer, Township Planning Commission, Township Traffic Engineer, Township Lighting Consultant, and the Township Fire Marshall, and in a form acceptable to the Solicitor for recording with the Bucks County Recorder of Deeds.*

Seconded by Ms. Hannah.

Eric Bruno, 79 Sweet Gum Road, thanked Mr. Ksiazek for delaying and blocking this project in back in 2020 and not giving up to the developer.

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

- 10) Consideration of Settlement and Declaration of Deed Restriction: Appeal of Frederick W. and Dawn A. Belser (936 Virginia Avenue Langhorne, PA) to Zoning Hearing Board Decision dated August 27, 2021, Bucks County Court of Common Pleas Docket No. 2021-04965.

Mr. Esposito summarized the history of the Zoning Hearing Board Decision and Appeal of Frederick W. and Dawn A. Belser (936 Virginia Avenue Langhorne, PA). He explained that the appeal was of the Zoning Hearing Board (ZHB) decision, dated August 27, 2021, as well as the terms of the Stipulation of Settlement and related Declaration of Deed Restrictions that the property owners, Frederick W. and Dawn A. Belser agreed to execute as a part of the ZHB decision.

He explained that the property owner was keeping (12) chickens, four (4) goats, and one (1) duck at the Property and maintained a converted children's playhouse as a "farm building," which is not permitted for the keeping or raising of livestock. In addition, "farm buildings" are not permitted in Middletown except in the Residential Agricultural Districts (i.e., RA-1, RA-2, and RA-3).

He explained that the Settlement and Declaration of Deed Restrictions is that the Property Owners intend to move from the Property within the next year. As a result, the Property Owners have agreed to a Stipulation and Agreement to remove the animals at issue from the Property by no later than September 30, 2025.

The Property Owners also agreed to enter a Declaration of Deed Restrictions, which will be recorded with the Bucks County Recorder of Deeds and explicitly prohibits the keeping of birds, bees, poultry, and livestock (e.x., chickens, goats, ducks, etc.) at the property.

Ms. Payne questioned if the Township has received any complaints since the original complaint was received. Mr. Esposito confirmed that he was not aware of any within the last year or so.

Action: Ms. Hannah made a motion to approve the Township to settle the matter and enter into the proposed Stipulation and Agreement for an Agreed Order of Court with the Appellants, for the Land Use Appeal of Frederick W. and Dawn A. Belser to the ZHB Decision dated August 27, 2021, Bucks County Court of Common Pleas Docket No. 2021-04965, and authorize the Township Solicitor, consultants and staff to take the necessary actions to carry out the terms of such Stipulation, seconded by Ms. Payne. A motion carried by a vote of 5-0.

- 11) Consideration of awarding 5-year Collection, Transportation and Disposal of Residential Solid Waste, Recyclables and Yard Waste contract.

Ms. Teoli Kuhls reviewed the timeline of public activity regarding this contract, noting that the first discussion of the topic was held in March at the Board of Supervisors Meeting. In April, the Board authorized development and advertisement of bid specifications. The bids were opened in June and further discussion took place in July.

She reviewed the bid tabulations that were received by Waste Management to maintain the existing level of 2x a week manual collection, change to twice a week automated collection and the option to change to once-a-week automated collection.

She then highlighted Township public information efforts to communicate with residents:

- June 13 Trash Talks E-news
- June 27 Trash Talks E-news
- June 27 Survey Launched
- June General E-news
- Social Media
- Cable Access
- Press/News Coverage – Levittown Now, Fox 29
- Postcard Mailer

Ms. Teoli Kuhls then reported on results of the citizen survey that generated nearly 3,500 responses:

- 48.7% prefer to keep current twice-a-week manual trash collection
- 43.5% in favor of switching to automated collection once-a-week
- 7.8% support automated twice-a-week collection

- 61.5% support once-a-week month collection
- 38.5% support once-a-week bulk collection

Ms. Ksiazek announced that Ms. Payne is going to address some questions and concerns that many residents had about the trash contract and asked team members to respond.

1. How does the bid process work, and why can't we counter or negotiate the pricing?

Mr. Esposito explained that Pennsylvania purchasing laws mandate that local governments seek bids for this type of service. The Township is required to award to the "lowest responsible bidder". He added that the Township is not permitted to negotiate with bidders.

2. Can resident contact a trash hauler on their own and pay for them to pick up an extra day a week if needed, why do they have to participate in our program?

Ms. Teoli Kuhls responded that Middletown Township has a "single hauler" trash contract that has been in place for decades. This type of contract allows for residents to benefit from group purchasing.

3. For the residents who are carved out of being able to participate in automatic, will they have to pay the manual price, or do they pay the contracted price for whatever we pick regardless.

Ms. Teoli Kuhls responded that all residents will pay the same amount regardless of the layout of the development.

4. How many people were mailed a post card vs how many responded.

Ms. Teoli Kuhls responded that noted that all 12,250 households were mailed the post card and that there were 3,496 responses to the survey.

5. What is the reason for the stark increase, and will people lose jobs if we switch to automatic?

Ms. Payne noted that a representative from Waste Management was present at the meeting. Jennifer Smith addressed this concern by noting that there are rising costs of fuel, equipment and hiring employees, as well as a changing market for disposal of trash and recycling. Adding that Waste Management has confirmed that no workers will lose their jobs due to the change to automated collection.

7. Does the township or anyone on the Board receive a "kick back" or incentive for choosing waste management or a signing bonus of any sort?

Ms. Payne confirmed that there is no incentive for choosing a hauler.

Ms. Hannah clarified the confusion that if residents did not want the larger toter that they could request a smaller toter. Ms. Teoli Kuhls confirmed that if moving to automated collection, after the first quarter of 2025, if residents feel the toter is too large that they can request a smaller toters.

Mr. Ksiazek confirmed that if moved to automated collection that bulk pick up is moved to once a month, there could be an on-demand option for bulk pickup as well. Jennifer Smith, Area Manager for Waste Management, confirmed that is accurate.

Ms. Quirple questioned if there would be exception for people with disabilities. Ms. Teoli Kuhls confirmed that there are currently exceptions for people with disabilities if they let the Township know, we can then inform the hauler. She added that the hauler can then make accommodations for those residents. Ms. Quirple confirmed that the information will list on the Township website.

Ms. Kane confirmed that yard waste and tree pickup after the holidays will remain the same. Ms. Teoli Kuhls confirmed that is correct.

Ms. Kane questioned if the recycling would remain once a week pickup. Ms. Teoli Kuhls confirmed that is correct.

Mr. Ksiazek expressed that no matter what decision is made tonight the Board recognizes that half of the residents in the Township will be happy and half will be unhappy, as the survey results had come in 50-50. He added that this will be a difficult decision and if the price could remain the same then the situation would be entirely different.

The following residents spoke in opposition of changing the Township's current trash collection:

Blake Hayman, 141 Oakridge Drive, questioned who the other bidders were. Ms. Teoli Kuhls noted that the other bidders were J.P. Mascaro and Whitetail Disposal. She added the bid results are available to the public if requested. Mr. Hayman expressed his concern that some of the Waste Management workers could be Middletown Township residents and contribute to the Township's earned income tax.

Mr. Ksiazek responded to Mr. Hayman's concern about the Waste Management workers that it has been represented to the Township repeatedly over and over again by Waste Management that which decisions is made there will be no employees losing jobs

Philip Morganti, 113 Hollybrooke Drive, raised the question of having a central designated location for trash and recycling collection pickup in Hollybrooke neighborhood. Mr. Ksiazek thanked Mr. Morganti for his suggestion and noted that the Board will take that into consideration.

Joe Finsterbush, 22 Cloister Road, requested that there be bulk pickup once a week and expressed that if not the Township will become a dumping ground.

Eric Jacobs, 213 Cambridge Drive, expressed his concern to maintain the current twice-a-week manual trash collection service, adding that this is a quality-of-life issue which is important to many of the residents.

Mr. Ksiazek asked Jennifer Smith, Area Manager for Waste Management, to speak in response to the bulk pickup concerns the residents had. Ms. Smith explained that residents would have the option of going online, through their mobile app, or through customer service to schedule a bulk pickup request outside of their regularly scheduled collection day. She added that the turnaround time for pickup is typically 2-3 days.

Ms. Quirple questioned that if you request a bulk pickup and someone comes by and collects it before Waste Management does can the resident cancel the request. Ms. Smith confirm that is correct.

Ms. Payne requested that Ms. Smith address some of the customer service-based upgrades that will be implemented in this bid contract. Ms. Smith explained that each resident will have their own account number that is tied to their address. She noted that this is not new to Waste Management but new to the Township. Additionally, she added this will make things easier and streamlined for the residents.

Ms. Hannah questioned the concern of addressing the recycling process to address the contamination problem. Ms. Smith explained that a new Waste Management facility in Philadelphia has new technology that will be able to sort through those recyclable materials. Ms. Smith added that Waste Management can partner with the Township to communicate information on how to properly recycle and provide resource information about recycling.

Ms. Quirple questioned whether residents could purchase a second recycling toter. Ms. Smith confirmed that was correct.

Ms. Payne questioned, regarding bulk pickup, can residents request additional on-demand pickups as needed. Ms. Smith confirmed that was correct and that there would be a fee for the number of items being picked up not on your bulk pick-up day. Adding that should the Board go this way; the fees will be determined.

Ms. Smith confirmed that if going to once a month bulk pick up that there is a two-item limit.

Ms. Teoli Kuhls confirmed that bid is structured right now that if the Board decided to go once a month collection for two bulk items, and then there would be a fee for on demand if you wanted more than once a month bulk pickup.

Ms. Teoli Kuhls added that there are a lot of good things coming from a customer service standpoint such a mobile app, email address as residents are frustrated with the 1-800 number, as well a unique account number that will allow their concerns to be tracked.

Ms. Kane questioned how new residents will get set up with their appropriate account number. Ms. Smith responded that they would need to contact Waste Management and let them know they will be moving into the Township.

Ms. Kane questioned the resident's concerns of the automated truck being able to access the toters with street parking. Ms. Smith explained that some of the trucks would have helpers or that the section would remain manual.

Ms. Smith noted that included in the bid is that educational material will be shared with residents no matter which option the Township chooses.

Ms. Payne confirmed that if requesting an additional 96 gallon cart there is a \$12 monthly fee for the collection and toter.

Ms. Teoli Kuhls expressed to the Board that if the automated option is chosen the staff is recommending that the toters be owned by Waste Management.

Vince Airilo, Sycamore Ridge, thanked Mr. Ksiazek for his email about why there was no once a week manual collection option. He questioned how the trash fees would be incorporated into the real estate bills. He also questioned how the fee would be paid if requesting an additional toter. Ms. Teoli Kuhls explained that the fees for a second cart would be billed directly from Waste Management.

Blake Hayman, 141 Oakridge Drive, expressed that he would like to see Summit Trace remain manual collection as automated would be difficult with the layout of the development's street and on street parking.

Ms. Kane expressed that this is a tough decision and that the Board has heard all the residents' concerns to keep what is currently in place.

Mr. Ksiazek expressed that the Board needs to make a rational decision with what makes the most sense. He noted that to keep the current level of service with a 75 percent increase would be a hardship for residents.

Action: Mr. Ksiazek made a motion to award the 5-Year Contract for Collection, Transportation and Disposal of Residential Solid Waste, Recyclables and Yard Waste to Waste Management Incorporated with the once-a-week automated collection with monthly bulk waste, seconded by Ms. Hannah.

Ms. Kane expressed that we are now asking our residents to pay more and get less service and bulk service only once a month.

Ms. Quirple noted that she hears Ms. Kane's concerns, even having the same concerns and receiving answers.

Ms. Teoli Kuhls noted that the specific on demand service is not in the bid, but Waste Management had offered an on-demand service.

Mr. Ksiazek amended the motion to incorporate monthly bulk waste option with an on-demand component.

Seconded by Ms. Hannah.

Ms. Quirple, Ms. Hannah and Mr. Ksiazek expressed that the Township has to be responsible to all Township residents.

Melissa, Highland Park questioned what residents should do with their current cans once the Township moved to automated. Ms. Smith noted that once Waste Management knows which contract is chosen, they will then be able to determine how they will be able to collect the old cans.

Ms. Teoli Kuhls noted that if there is a change to automated collection there will be educational material provided to the residents.

A motion carried by a vote of 3-2. Ms. Payne and Ms. Kane opposed.

12) Consideration of authorizing the purchase of one (1) AccuBrine Maker for a total of \$74,092.00.

Ms. Teoli Kuhls shared that the Department of Public Works researched the PA State Contract Costars list for items that would best serve the Department. The department has utilized an Accubrine System in the past. Parts to repair this model are no longer available. The Township is looking to upgrade to the current Accubrine system.

Funds were allocated for this purchase from the 2024 Capital Fund. Residual funds from an RDA grant for Public Works vehicles are being used to offset the cost of this purchase.

Action: Mr. Ksiazek made a motion move to authorize the purchase of one (1) Accubrine Brine Maker from Cargill of North Olmsted, OH for a total of \$74,092, seconded by Ms. Quirple. Motion carried by a vote of 5-0.

Ms. Kane questioned the if there was a reallocation to complete this purchase. Ms. Teoli Kuhls commented that Eric Gartenmayer, Director of Public Works shifted around some of the items that needed to be purchased.

A motion carried by vote of 5-0

13) Maple Point Drive/Langhorne-Yardley Road Pedestrian Crossing Project.

Nick Valla, Assistant Township Manager shared that the Township was awarded Multimodal Transportation Fund (MTF) Grant from the PA Department of Community and Economic Development (DCED) to install a pedestrian crossing signal at the existing crosswalk on Langhorne-Yardley Road at Maple Point Drive.

Mr. Valla explained that this project consists of two main elements: minor roadway and curb ramp construction, and signal equipment. He noted that staff is recommending splitting these elements across two separate contractors to advance the project forward and control costs.

Ms. Kane questioned what the cost of the road construction, as well as what that project, would entail. Mr. Valla reviewed the construction details in full.

Mr. Valla confirmed Ms. Kane's question pertains to the Responsible Contractor's Ordinance (RCO) and that this project needs to be bid as it is expected to exceed the state bid limit. He then reviewed that there are limited contractors that do qualify for this project.

Ms. Kane reiterated that she would like the Board of Supervisors to discuss at a future meeting about the Responsible Contractor's Ordinance (RCO).

Ms. Payne questioned if this project would interfere with the current Langhorne Yardley Road project causing more traffic. Mr. Valla confirmed that this project is a good distance away to not cause any additional traffic.

Mr. Ksiazek expressed that he is glad to see this project moving forward as the Board has heard from a lot of residents that there is a serious need for this.

Action: Mr. Ksiazek made a motion to authorize a contract with COSTARS vendor Armour & Sons Electric, Inc., of Langhorne, PA, for the purchase and installation of pedestrian signal equipment for the Maple Point Drive Pedestrian Crossing Project in an amount not to exceed \$90,210, seconded by Ms. Payne. Mr. Ksiazek then made a motion to authorize the Change Order #1 to the 2024 Road Program contract with James D. Morrissey, Inc., of Philadelphia, PA, in an amount not to exceed \$75,000, seconded by Ms. Payne.

Both motions carried by a vote of 5-0.

- 14) Consideration of authorization of an agreement with Simone Collins for consultation services for the Comprehensive Parks, Recreation, Open Space, Greenways & Trails Plan.

Patrick Graham, Program Coordinator, shared that in 2023 the Middletown Parks & Recreation received a grant from the Department of Conservation and Natural Resources (DCNR) to complete a new Parks Comprehensive Plan. He explained that the grant requires a 50% match.

Mr. Graham shared that this plan guides the department's decision-making over the course of a 10–15-year period. Adding that in the spring, the Board of Supervisors gave permission for the township to request proposals from consultants. He shared that this process culminated in the selection of three consultant firms to be interviewed by the project Steering Committee, township staff, and two members of the Board of Supervisors.

He noted that the committee is recommending that the proposal submitted by Simone Collins for consultant services is authorized in the amount of \$110,000, with the Township DCNR grant match totaling 55,000, after the DCNR grant match. He noted that the funding would come from the capital fund for the remainder of 2024 and 2025.

Ms. Hannah noted that Simone Collins has a lot of Township background information from previously working with the Township in the past.

Ms. Payne expressed her excitement.

Action: Ms. Quirple move to execute a contract for consultant services for the Comprehensive Parks, Recreation, Open Space, Greenways, and Trails plan with Simone Collins not to exceed \$110,000, seconded by Ms. Payne. Motion carried by a vote of 5-0.

15) Discussion of 2025 Budget Calendar.

Ms. Teoli Kuhls noted the Proposed 2025 Budget Calendar:

August 26 th	Board of Supervisors - Capital Planning Meeting (5:30 p.m.)
October 14 th	Budget Workshop Meeting (6:00 p.m.)
October 21 th	Board of Supervisors Meeting (7:00 p.m.)
October 28 th	Budget Workshop Meeting (6:00 p.m.)
November 18 th	Board of Supervisors Meeting – Budget Presentation (7:00 p.m.)
December 16 th	Board of Supervisors Meeting – Consider Budget Approval (7:00 p.m.)

Ms. Kane expressed to residents that the Budget Workshops are the times where decisions are made for next year. She encouraged the residents to attend provide feedback.

16) Other Business

Mr. Valla announced that the Middletown Community Foundation is still collecting school supplies.

Mr. Esposito announced that the Board of Supervisors held an executive session prior to this meeting to discuss ongoing litigation and personnel matters.

Ms. Payne reminded all residents that tomorrow there is a ribbon cutting at Forsythia Crossing Park from 12:00 p.m. until 2:00 p.m. with special appearance Gritty from the Philadelphia Flyers.

Ms. Hannah thanked the residents who attended tonight to help make decisions.

Mr. Ksiazek echoed Ms. Hannah's comments and thanks the residents who attended tonight and who have come out over the past several months and public input helps make these difficult decisions that the Board has to make.

17) Adjournment.

Ms. Quirple moved to adjourn the public meeting of the Middletown Township Board of Supervisors public meeting at 10:21 p.m., seconded by Ms. Payne. Motion carried by a vote of 5-0.