

Board of Supervisors Regular Meeting

Monday, December 16, 2024 | 7:00 p.m.

Agenda

1) Call to Order, Pledge of Allegiance

Mr. Ksiazek called the meeting to order at 7:00 p.m.

2) National Anthem performed by Neshaminy Middle School Honors Choir.

Mr. Ksiazek provided a short background of the Neshaminy Middle School Honors Choir and thanked her for her performance.

3) Roll Call

After the Pledge of Allegiance, Ms. Quirple called roll. Supervisors Ksiazek, Hannah and Kane were in attendance. Also present were Township Manager Stephanie Teoli Kuhls, Assistant Township Manager Nick Valla, Solicitor James Esposito, Township Engineer Dominic Cundari, Chief Joseph Bartorilla, Director of Building and Zoning, Jim Ennis, Director of Public Works, Eric Gartenmayer, Director of Finance, Laura Hucklebridge, and Director of Parks & Recreation, Paul Kopera. Supervisor Payne was absent.

4) Upcoming Meetings

a) Next Board of Supervisors Meeting - Reorganization Meeting - Monday, January 6, 2025, at 7:00 p.m.

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

James Belser, Valley View Road questioned the property at 659 Langhorne Yardley Road, which is currently listed for Sheriff Sale. He questioned what the next steps would be taken as there are current liens and violations associated with the property. James Esposito, Township Solicitor explained that the current violations are subject to the new property owners and will be provided with how to clear the existing violations.

Mr. Belser questioned the current lines and asked if they were staying with the new property owners. Mr. Esposito explained that some of the liens will be paid off by the sheriff sale and some liens will remain with the current property owner, Mr. Smith, and not transferred with the property.

Fran Grous, 360 Green Ridge Drive, brought to the Board of Supervisors attention that residents would like to see the Planning Commission and Zoning Hearing Board meetings streamed lived. She noted that this would be very beneficial to residents who are not able to come in person.

David Cahill, 462 Cynthia Ave, reiterated questions from his past attendance during Public Comment regarding the Pennel Fire Company.

Cecelia Ridge, 2644 Trenton Road, expressed her frustration with Waste Management as they do not collect yard waste each week.

6) Consent Agenda Items

- a) Consideration of authorizing payment of December 16, 2024, Bills List in the amount of \$2,582,569.36.
- b) Consideration of approving the November 18, 2024 Minutes of the Public Meeting of Middletown Township Board of Supervisors.
- a) Consideration of Change Order #1 for the 2024 Community Development Block Grant (CDBG) Curb Ramp Replacement Program for a negative \$28,703.44 for adjustment of final quantities.
- b) Consideration of Payment Certificate #1 for the 2024 CDBG Curb Ramp Replacement Program in the amount of \$147,626.73 for completed work per the contract items to-date.
- c) Consideration of Financial Security Release #7 for the Oxford Valley Mall Multi-Family Redevelopment (S/LD #20-68) in the amount of \$186,429.50 for verified completed work per the land development escrow and financial security agreements.
- d) Consideration of Financial Security Release #2 for the McHale's Kitchen & Bath Land Development at 2462 Trenton Road (S/LD #22-1) in the amount of \$103,663.50 for verified completed work per the land development escrow and financial security agreements.
- e) Consideration of Financial Security Release #1 (Final) for the 1600 E. Old Lincoln Highway Warehouse South Site (S/LD #22-5) in the amount of \$6,787,394.63 for verified fully completed site work per the land development escrow and financial security agreements.
- f) Consideration of Resolution #24-25R, Bank Resolutions
- g) Consideration of Memorandum of Understanding (MOU) with Volunteer Fire Companies for application to FEMA Assistance to Firefighters Grant (AFG)
- h) Consideration of Approval of Stipulations of Settlement for the Tax Assessment Appeals for properties at Oxford Valley Mall.

Action: Ms. Quirple made a motion to approve consent agenda items A-H seconded by Ms. Kane. A motion carried by a vote of 4-0.

Mr. Ksiazek reopened Public Comment for Non-Agenda Items only.

John Mack, 281 Stanton Place, Newtown Township Supervisor, discussed improving the pedestrian and traffic safety at Summit Square intersection with the Newtown Bypass. As Newtown Township Supervisor, he would like to see how Middletown Township and Newtown Township can move forward on this topic and address this issue. He added he would like to bring this to the attention of the Newtown Township's Planning Commission as they do not have a traffic commission.

Nick Valla, Assistant Township Manager, provided updates as to what the Citizens Traffic Commission had discussed regarding this issue at their July meeting.

Mr. Ksiazek noted that the pedestrian access is certainly something that has been a priority for the Board of Supervisors and are willing to keep talking with Newtown Township to work together and see what can be accomplished.

Christopher Nowakowski, 29 Alberts Way, reiterated his concerns about Hate Speech and that is beyond purview of Republican Committee.

Kristi Ann Morris, 211 S. Clearview Ave, expressed her position on her actions two years ago. She apologizes for her actions.

Gail Thibodeau, 312 Paxon Lane, requested that the Board of Supervisors look into the possibility of adding a digital sign by the entrance to the Oxford Valley Mall and near Styer Orchards alerting residents they are approaching freight trains.

Christopher Nowakowski, 29 Alberts Way, suggested that Ms. Morris apologize to the Jewish community.

Karla Jones, 255 Oakridge Drive, thanked Mr. Valla for his assistance with the crosswalk at Summit Trace Road and Newtown Bypass, adding that Middletown Township residents should be active in the process with Newtown Township.

Ms. Hannah requested that Mr. Valla speak to the Township's Multimodal Plan, and how the sidewalk projects are prioritized as part of this plan. Mr. Valla provided a detailed response noting Middletown's long-term goal of walkability improvements might look like throughout the Township.

Danielle, Woodstream, Summitt Trace, questioned clarification on the new process of Waste Management's bulk trash collection. Valla explained that bulk collection will be once a month on the third week of waste collection. He added that anything outside of that collection would incur a charge.

Lance Sagers, 98 Queen Lily Road, reiterated about his questions of PECO line maintenance happening near Quincy Hollow. Mr. Valla explained that he raised this matter with PECO officials recently.

Mr. Sagers also questioned the Comprehensive Plan that was discussed during the Planning Commission for the Wood Services application. Ms. Teoli Kuhls spoke about how a Comprehensive Plan is developed.

7) Conditional Use Hearing and Consideration of Piazza Volkswagen Land Development.

Ed Murphy, Attorney on behalf of the Applicant explained that the project is located at Business Route 1 & Woodbourne Road. The Applicant proposes redeveloping a 20,038 SF vacant building into a Volkswagen Automobile Dealership. The project includes removal of multiple curb openings/access points, a 1,335 SF building addition, new landscaped islands, stormwater piping, lighting, and erosion & sediment control.

James Esposito, Township Solicitor, opened the Conditional Use Hearing and Consideration of Piazza Volkswagen Land Development. Mr. Esposito read all exhibits into record.

Mr. Ksiazek called for any public comment. There was no public comment. The hearing was closed.

Action: Mr. Ksiazek made a motion to grant Preliminary/Final Land Development approval for Piazza Volkswagen Development, S/LD #24-05, 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, including the approvals of outside agencies (i.e. PennDOT) for completion of the plans in their jurisdiction.*
- 3. Applicant shall consider recommendation from Planning Commission to eliminate right-in/right-out driveway on Woodbourne Road due to traffic and safety concerns.*

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

8) Presentation by Newtown Bucks Joint Municipal Authority.

Prior to tonight's presentation, Mr. Ksiazek explained that the Newtown Bucks Joint Municipal Authority project is not located within Middletown Township's jurisdiction and Middletown Township does not have the authority over the project.

Mr. Ksiazek stated that Middletown Township invited the Newtown Bucks Joint Municipal Authority to present tonight and address residents' concerns as the area is on the Newtown boarder. He added that the members of the Township's Environmental Advisory Committee (EAC) were present at tonight's meeting.

The following representatives from the Newtown Bucks Joint Municipal Authority were in attendance and presented the attached presentation: Gerald Schenkman, Chairperson of the Newtown Bucks Joint Municipal Authority, Warren Gormley, Authority Manager, Theresa Funk, Garrett Fleming, Authority Engineer and Mike Menditto, Project Manager.

Warren Gormley, Special Projects Manager, provided a detailed background history of the Newtown Bucks Joint Municipal Authority.

Theresa Funk, from Garrett Fleming, Authority Engineer, provided a background of what has been accomplished over the past couple years by the Newtown Bucks Joint Municipal Authority, provided a detailed map which identified the proposed 17-acre site for the wastewater treatment plant and the current water connections.

Kevin Deeney spoke on behalf of the Middletown Township Environmental Advisory Council and provided his professional background with 46 years evaluating wastewater treatment plants. Other EAC members present were Andrew McAloon and Lauren Lareau.

Mr. Deeney recommended that the Middletown Township watches this project closely as to what are the standards being proposed by the state, adding that with that knowledge the Township can calculate what the impact will be on Core Creek.

Mr. Deeney noted that the EAC has not taken a position of opposition on this project but recommends that the Township should understand the project prior to developing comments to the regulatory staff involved in the Newtown Bucks Joint Municipal Authority proposed project.

Mr. Ksiazek commented that the Board of Supervisors appreciate Mr. Deeney's recommendation and comments.

Andrew McAloon commented that the additional water from the proposed wastewater treatment plant can only cause further flooding on Silver Lake Road and potential for more flooding damage to the roadway.

Ms. Kane requested that the Authority speak to the concern that this project will not contribute to more of the flooding that's occurring with Core Creek. Ms. Funk addressed Ms. Kane's question about the environmental and flooding impacts as only preliminary impacts have been made so far regarding this project.

Mr. Ksiazek thanked the EAC for their participation and their thoughtful comments as they are appreciated. He added that the Board of Supervisors will be leaning on the EAC members as the Township continues working through this process.

Gary Sondermeyer, 622 White Swan Way, spoke representing multiple neighbors in his development of Swan Point as they are extremely concerned with the potential impacts of the proposed sewer plant. He noted that his professional background includes 45 years an environment professional for the State of New Jersey in Environmental Protection.

Mr. Sondermeyer reviewed in detail the list of concerns that he and the residents have with the potential water treatment plant being proposed so close to their homes. He noted that he feels there is very limited information available about the proposed project. He added that the residents have had no notice of this project and no opportunity to voice on a critically important land use question of citing a sewer plant in the middle of 12,000 people, dozens and dozens of businesses in a very sensitive environmental area like Core Creek.

Mr. Sondermeyer voiced to the Board of Supervisors saying that if there is anything they can do to help please help these residents stop this project.

Mr. Ksiazek asked Ms. Funk why the Authority chose this exaction location. Ms. Funk noted that there are not many parcels available of the size needed.

Ms. Funk confirmed that the Authority Newtown Township here prior before any formal permit process.

Ms. Kane questioned what Newtown Township believes will be the overall cost to build and maintain on an overall basis. Ms. Funk responded that the cost is \$128 million dollars, which is the 30-year preliminary cost analysis.

Ms. Kane expressed her concern about the impact on Middletown Township and the significant increases on both Bucks County Water and Sewer Authority and Newtown Authority. Ms. Funk believes there is currently an over-demand on the regional system and that the proposed plant would only help the situation.

Ms. Kane questions if residents should expect any impact on their private wells. Ms. Funk responded there will be no impact.

The following residents spoke in opposition to this project:

Peter Jordan, 225 Pine Glen Road
Gary Deidloff, 111 Clear Creek Road
Toni Milovcich, 213 Adeline Place
Felicia Alexander, 442 White Swan Way

Mr. Ksiazek explained that he will continue with the public comment but wanted to be expressed that the Board of Supervisors hear what the residents are saying and share their concerns. He noted that the Board of Supervisors are committed to working with Township professionals to move forward to protect our residents of Middletown Township. He added that this is the beginning of the process of learning more as a municipal neighbor.

Bill Everett, 286 Hidden Spring Lane
Chuck Lotocki, 25 Pine Glen Road
Brant Warner, 101 Banks Road
Harry Patel, 650 White Ash Drive
Frank Falco, 39 Shadybrook Drive
Melissa Murray Ridney, 423 White Swan Way
Virginia King Walsh, 313 White Swan Way
Lori Link, 282 White Swan Way
Bradley Cooper, Newtown Township Resident
Donna Salvucci, 144 Pine Glen Road
Albert Holiday, 613 White Swan Way
Fred Thomas, 1515 Franklin Road
Jeff Walton, 160 Maple Point Drive
Lauren Lareau, 18 Seckelpear Road (Chairperson of the Middletown Township EAC)

Arlene Roloff, Northampton Township resident of behalf of her daughter
John Swider, 210 Clear Creek Road
Doug Reichert, 24 Pine Glen Drive
Mike Weaver, Silver Lake

Public Comments received via email prior to the meeting:

Alice Eaton, 236 Hidden Spring Lane
Toni Keller, 299 Swift Road
Nancy McCracken, 15 Pine Glen Road
Jessica Swirble, 105 Pine Glen Road
The McDonald Family
David Siegfried, 139 Mill Pond Place
Allison Hope, 282 White Swan Way
Jon DeStefano, 114 Pine Glen Road
Joan Marchesani, 141 Argyle Road
Eileen Guers, 200 Clear Creek Road
Miguel & Miriam Maldonado, 410 Ellis Rd
Dana Deidloff, 111 Clear Creek Road

Mr. Ksiazek thanked the representatives present tonight from Newtown Bucks Joint Municipal Authority and hoped that they keep the dialoged open and lines of communication open with the Township as there are questions and concerns that will arise.

He thanked the residents who shared their concerns and asked questions. He added that Middletown Township has the most impressive, intelligent and talented people in this community and expressed that he is proud to be part of this community.

He added that the residents' comments and concerns are noted as recognized by the Board of Supervisors.

9) Consideration of enacting Ordinance #24-06 to amend the Solid Waste and Recycling Ordinance.

Mr. Valla shared that On November 18th, the Board of Supervisors authorized advertisement of an ordinance to update Chapter 418 (Solid Waste & Recycling) of the Middletown Township Code of Ordinances with updates to definitions to better align with current practices and changes to solid waste and recycling collection. This ordinance applies to all residents and businesses, not just the residents served by the Township's single-hauler residential contract. He added that the Ordinance was duly advertised in the Bucks County Courier Times on December 8, 2024, by the Township Solicitor.

Action: Ms. Quirple made a motion to enact Ordinance #24-06 amending Chapter 418 of the Middletown Township Code of Ordinances updating the Solid Waste & Recycling Ordinance. Seconded by Ms. Hannah. Motion carried by a vote of 4-0.

10) Consideration of enacting Ordinance #24-07 updating School Zones.

On November 18th, the Board of Supervisors authorized advertisement of an ordinance to update Chapter 470 (Vehicles and Traffic) of the Middletown Township Code of Ordinances with the current list of schools in Middletown Township. The ordinance has not been updated since 1999. The Ordinance was duly advertised in the Bucks County Courier Times on December 8, 2024, by the Township Solicitor.

Ms. Quirple questioned the hours or post times of the school zones. Mr. Valla noted that the Police Department will be able to investigate and confirm.

Action: Mr. Ksiazek made a motion to enact Ordinance #24-07 amending Chapter 470 of the Middletown Township Code of Ordinances updating the School Zone ordinance. Seconded by Ms. Quirple. Motion carried by a vote of 4-0.

11) Consideration of enacting Ordinance #24-08 establishing Stormwater Fee.

Mr. Valla shared that this item was discussed lengthily at last month's meeting that the Stormwater Advisory Committee was established by the Board to investigate infrastructure concerns in the Township, potential infrastructure projects, and the feasibility of a Stormwater Impact Fee. He added that the Stormwater Impact Fee is a fee assessed to all properties to support the cost of providing, maintaining, and repairing stormwater management infrastructure. Mr. Valla stated that for residential properties, the committee is proposing a flat fee of \$5 per month (\$60 per year) for each residential parcel in the Township. For commercial properties (including multi-family residential parcels), the Committee is recommending the following tiered fee structure based upon impervious surface with a maximum fee of \$500 per month per parcel.

He added that the ordinance was duly advertised by the Township Solicitor on December 8, 2024 and this fee is slated to begin in 2025 if approved by the Board. He concluded that the staff is advising that if the Board wishes to establish a permanent Stormwater Advisory Committee, that pursuing additional legislation would begin in early 2025.

On November 18th, the Board of Supervisors authorized advertisement of an ordinance (new Chapter 428 of the Middletown Township Code of Ordinances) to establish a Stormwater Impact Fee. The Ordinance was duly advertised in the Bucks County Courier Times on December 8, 2024, by the Township Solicitor.

Ms. Kane questioned if any feedback was received once it was advertised. Ms. Teoli Kuhls noted that there was no feedback received from the public.

Lauren Lareau, 1801 Old Lincoln Hwy, questioned if the Board has considered an ordinance that would control the development of the Township. She added that it is development's fault that the Township needs to establish a stormwater fee.

Mr. Ksiazek responded that when land development application comes before the Board of Supervisors and if the application satisfy all Township ordinance pertaining to impervious coverage, that limits the Board's ability to object or deny a land development proposal on that basis.

Action: Ms. Quirple moved to enact Ordinance #24-08 adding Chapter 428 to the Middletown Township Code of Ordinances, establishing a Stormwater Impact Fee. Seconded by Ms. Hannah. Motion carried by a vote of 4-0.

12) Consideration of approving the 2025 Budget and Budget Resolution #24-26R.

Ms. Teoli Kuhls explained that the Board of Supervisors authorized advertisement of the 2025 Preliminary Budget at their November 18th Public Meeting. The budget has been appropriately advertised and has been on display for public review. She noted that before the Board is Resolution #24-26R which sets the tax rates for the upcoming year.

Ms. Kane noted that the Township is still operating with a deficit for the General Fund. Ms. Teoli Kuhls confirmed that the Township in the past has budgeted a deficit in the past and this is the first year that we have operated at a deficit.

Ms. Hannah commented that this year's budget may have been bare bones, but everyone worked very hard to just look at what is necessary to meet the Township's needs.

Ms. Teoli Kuhls noted that the establishment of the Stormwater Fund will help the Capital Fund.

Mr. Ksiazek commented that each year the Board members go through the budget process weighing and balancing several different factors. He added that looking to 2025, the Board will need to be more conservative with respect to spending. He thanked Township staff and directors in their willingness to really tighten their budgets and focus on critical projects.

Action: Ms. Ksiazek made a motion to approve the 2025 Budget and Budget Resolution #24-26R. Seconded by Ms. Quirple. Motion carried by a vote of 3-1. Ms. Kane was opposition.

13) Other Business.

Mr. Valla commended the Middletown Township Police Department for hosting another successful Shop with a Cop event, in which they shopped for over 350 local families in need. Mr. Valla expressed appreciation to Officer Melissa Robinson.

Mr. Esposito announced that the Board of Supervisors held an executive session on December 9, 2024, and prior to this meeting to discuss ongoing personnel matters.

Ms. Teoli Kuhls introduced and welcomed Laura Hucklebridge, Middletown Township's new Finance Director.

Ms. Kane thanked the residents, fellow Board members and Ms. Teoli Kuhls for working with Newtown at tonight's meeting to discuss the proposed wastewater treatment plant.

Mr. Ksiazek and all the members of the Board of Supervisors wished everyone happy holidays and a happy new year.

14) Adjournment.

Ms. Kane moved to adjourn the public meeting of the Middletown Township Board of Supervisors' public meeting at 10:40 p.m., seconded by Ms. Hannah. Motion carried by a vote of 4-0.