

Board of Supervisors Regular Meeting

Tuesday, June 11, 2024 | 7:00 p.m.

1) Call to Order, Pledge of Allegiance

Mr. Ksiazek called the meeting to order at 7:01 p.m.

2) National Anthem performed by Nadia D'Agostino

Before welcoming Nadia D'Agostino to the dais, Mr. Ksiazek provided a short bio of Ms. D'Agostino.

He thanked Ms. D'Agostino for performing the National Anthem.

3) Roll Call

After the Pledge of Allegiance Ms. Quirple called roll. Supervisors Ksiazek, Hannah, Payne, and Kane attended the meeting along with the Township Manager Stephanie Teoli Kuhls, Assistant Township Manager Nick Valla, Solicitor James Esposito, and Township Engineer Isaac Kessler.

Ms. Quirple announced that Chief Joseph Bartorilla, Director of Building and Zoning, Jim Ennis, and Director of Public Works, Eric Gartenmayer, and Director of Parks & Recreation, Paul Kopera, were in attendance.

4) Upcoming Meetings/Events

a) Next Board of Supervisors Meeting – Monday, July 8, 2024, at 7:00 p.m.

5) Special Items

a) Recognition of Officer Nelson Webb's Retirement

Chief Joseph Bartorilla provided a brief background of Officer Nelson Webb's 28-year career with the Middletown Township Police Department.

Chief Bartorilla shared that Officer Webb started his career in law enforcement in 1990 when he joined the Penndel Borough. After six dedicated years of service to the citizen of Penndel Borough, Officer Webb transitioned to the Middletown Township Police Department (MTPD) in 1996.

He added that throughout Officer Webb's tenure with the MTPD has had numerous achievements as field training officer for many years, guiding and instructing new officers to perform their duties with skill and precision. Additionally, Officer Webb role on both the county Special Emergency Response Team and the Motor Unit further speak to his dedication and commitment.

Chief Joseph Bartorilla concluded by congratulating Officer Webb on his well-deserved retirement.

On behalf of the Board Mr. Ksiazek congratulated Officer Webb and thanked him for his dedicated years of service to Middletown Township.

b) Student Athlete Recognition – Kennedi Dobson

Mr. Ksiazek shared that Kennedi Dobson is a 17-year Junior at Neshaminy High School will be competing at the United States Swimming Olympic Trials.

He shared that Kennedi has qualified for 5 separate events which start on June 15th and conclude on June 23. She has qualified to swim against the very best in the USA to represent our country in France next month at the Olympics. Only .31% of all registered swimmers in the US qualify to race next week at Trials. The events are 200 freestyle, 400 freestyle, 800 freestyle, 200 backstroke, 200 individual medleys.

On behalf of the Board of Supervisors, Mr. Ksiazek wished Ms. Dobson the best of luck.

c) Pride Month Proclamation

Mr. Ksiazek read the proclamation out loud.

d) Juneteenth Proclamation

Mr. Ksiazek read the proclamation out loud.

e) African American Museum of Bucks County (AAMBC) Construction Update

Linda Salley, Executive Director of the African American Museum of Bucks County (AAMBC) providing an update on the ongoing construction at the African American Museum of Bucks County. She shared that she is happy to report that one million dollars has been raised, with the goal of raising an additional \$2 million dollars more to help with the construction of the museum. Ms. Salley provided details of the work that was able to be completed.

Mr. Ksiazek noted that anyone who saw the building when the construction was started would sure be excited about the substantial progress that has been made. He added that the community is eager for the museum to open.

Ms. Salley announced that the museum is expected to open by the Spring of 2025.

Ms. Salley announced that the African American Museum of Bucks County will be holding a Juneteenth fundraising event on Saturday, June 22nd at Mayor's Park starting at 10:00 a.m. All are welcomed to attend.

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

Pam Jakubek, 2183 Langhorne Yardley Road, expressed concerned about trash pickup going to once a week; speeding along Langhorne Yardley Road during the construction; safety of the students in the construction area; and the dangerous construction performed while school is in session.

Bob Feather, 96 Highland Park Way, thanked Chief Bartorilla who assisted with the parking of trucks and trailers out front of their homes in Highland Park. He then requested that the Township perform another noise sampling from the refrigeration trucks that idle at the Langhorne Square Shopping Center. He also specified that the noise sampling should be done between 5:30 a.m. and 6:00 a.m.

Ms. Quirple questioned what time the noise testing was done previously by the Township. She commented that she has walked by Mr. Feather's property for the last three weeks between 6:00 a.m. and 6:15 a.m. and has only seen one truck idling.

Mr. Feather noted that Monday and Fridays are the days that are most frequent for trucks to be idling.

Mr. Ksiazek noted that multiple decibel readings were completed at times and locations provided by Mr. Feather with feedback from the Township Engineers, noting that there were no violations of the noise ordinance.

Mr. Ksiazek added that he is requesting feedback from Mr. Feather as to what was unreliable about the last sampling and what he is requesting the Township to do differently with the second request for sampling.

Mr. Feather is requesting that the noise sampling be done during the morning hours of 5:30 a.m. and 6:00 a.m. and evening hours of 6:00 p.m. for approximately one hour while the trucks are idling with the refrigeration units running.

Mr. Ksiazek noted that the Board will take Mr. Feather's concerns into consideration and look at the sampling that was completed before and have a discussion.

7) Consent Agenda Items

- a) Consideration of authorizing payment of June 11, 2024, Bills List in the amount of \$1,175,495.79
- b) Consideration of approving the May 13, 2024, Minutes of the Public Meeting of Middletown Township Board of Supervisors.
- c) Consideration of barn agreement with the Neshaminy School District.

- d) Consideration of Department of Public Works Yard Improvements Phase 1A – Change Order #4 for a negative \$39,565.23 for balancing of final quantities completed for water pipe, bollards, and site materials.
- e) Consideration of Department of Public Works Yard Improvements Phase 1A – Payment Certificate #6 in the amount of \$947,693.99 for completed work per the contract items.
- f) Consideration of S. Flowers Mill Road Drainage Project – Payment Certificate #1 in the amount of \$11,309.98 for completed work per the contract items.

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

- 8) Consideration of Orchard Square Apartments Preliminary/Final Land Development Plan Approval, TMP #22-012-613-OC2, S/LD #23-7, AO Apartment Office Zoning District.

Matt McHugh, Attorney presented on behalf of the Applicant stated that the Applicant proposes to expand the Orchard Square Apartment development by adding 72 additional dwelling units in five two-story buildings and a community clubhouse.

Mr. McHugh provided a background of the Scully Company, longtime apartment management of the Orchard Square Apartments, now current owner of the complex.

He then provided an overview of the history of the project dating back to the beginning of the lengthy zoning process which started in the summer of 2022. At this time, Mr. McHugh noted that the Applicant had met with Township staff and residents revising the plan after hearing various opposition of the proposed plans.

Mr. McHugh noted that Zoning Hearing Board variances have been granted and all Township concerns as noted in Township review letters are a will comply by the Applicant.

John Alejnokov, Civil Engineer from Bohler Engineering, on behalf of the Applicant highlighted and reviewed the proposed plan in detail of the existing and proposed conditions for the Board of Supervisors and members of the audience. Also in detail, Mr. Alejnokov reviewed the proposed grading, utilities, lighting, landscaping, erosion & sediment control, and stormwater management. He also provided specific details of the waivers being requested.

Mr. Alejnokov noted that the Applicant is aware that there are concerns about stormwater management and that he feels that the Applicant is addressing these concerns. He added that the on top of the proposed stormwater management basins, the Applicant as agreed to install two additional stormwater rain gardens and additional plantings to help reduced the potential for stormwater runoff.

He then reviewed the existing vegetation that is to be maintained and proposed understory plantings that will help augment the buffering along Granite and Fairhill Avenues. Mr. Alejnokov reviewed in detail the types of proposed diversified plantings, noting that additional buffering is being planted than required per the ordinance. This was a concern that was voiced by the residents.

Mr. Alejnokov reviewed the waiver request one by one and reviewed in detail.

Mr. Ksiazek confirmed that the Applicant will be submitting a fee in lieu of sidewalk. Mr. Alejnokov confirmed that the Applicant will provide a fee in lieu.

Mr. Ksiazek confirmed with Isaac Kessler, Township Engineer, that he and his offices support all the requested waivers. He confirmed was correct and that he has reviewed all the waivers with the Applicant.

Mr. Ksiazek confirmed with Mr. Kessler that he also supports the Applicant's presentation with respect to the improvements they are making and the impact it will have on the stormwater in the area. Mr. Kessler noted that the proposed stormwater designs will help better manage the current stormwater management design.

Ms. Kane questioned if there were proposed renderings of the buildings. At this time, there were not any available.

Mr. Kane is concerned about the parking along Fairhill Ave and the possibility of headlights going onto their property. Mr. Alejnokov commented that was one of the concerns that was heard, and the Applicant has proposed enough plantings to help minimize headlights coming into the neighbor's property.

Mr. Kane questioned the Applicant's waiver to disturb the tree protection zone and if they will be going above to replant those plantings. Mr. Alejnokov confirmed that the Applicant is trying to maximize the plantings.

Ms. Payne questioned how many total current units are there. Mr. Alejnokov noted there are 84 units.

Jessica Scully, President of Scully Company, noted that she expects the rent to be 15-20% higher in the newer units. Mr. Alejnokov confirmed there were 36 one-bedrooms, 28 two-bedrooms, and 8 three-bedrooms being proposed.

The following residents were in opposition of the project:

Pam Jakubek, 2183 Langhorne Yardley Road
Chris & Kathy Koch, Fairhill Avenue
Russ and Angeline Doherty, 1539 Old Lincoln Highway
Lance, 98 Queen Lily Road
Luzca Ranza, Apartment One
Lane Shasche, Apartment
RJ Saturnino, 521 Granite Avenue
Kathy Heran, Existing Orchard Square Tenant

The following concerns were raised by the residents listed above:

- Sidewalk connectivity for students of Neshaminy High School
- Concern about the existing vegetation buffering plantings along Fairhill Ave
- With the construction of additional apartment buildings will be additional cars speeding on Old Lincoln Highway
- Security of the construction area from trespassing
- Requirements of the usage of Clubhouse (i.e. rentals for parties)
- Not enough Parking spaces for the additional units
- Tax revenue and additional taxes for school district
- Water pressure for existing buildings
- Concerns about not enough green space on property
- Proposed stormwater management facilities
- Requesting construction sequence (i.e. hours of construction)

The Applicant's Attorney and Engineer addressed each of the concerns individually and in detail.

Action: Mr. Ksiazek made a motion to grant Land Development Plan approval for the Orchard Square Apartments at 1801 Old Lincoln Highway, S/LD #23-07, 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.

Seconded by Ms. Kane.

Ms. Kane commented that she agrees with the concerns that were raised by the residents at Public Comment. She added that unfortunately this is zoned for apartments and the Applicant meets all the requirements of the Township's ordinances.

Ms. Kane questioned if the motion can be adjusted to address the concerns of headlights onto adjacent properties.

Mr. Ksiazek amended the motion to add a condition That the applicant provide additional buffering to the Township's Engineering satisfaction.

Mr. Koch noted that he was more concerned about shielding security lighting than vehicular headlights. Mr. Kessler noted that the Township Engineering office will work with the Applicant to make sure that the lighting is shielded and complies with the Township ordinance.

Motion carried by a vote of 5-0.

9) Langhorne Yardley Road Intersection Project Update.

Donald Jacobs, P.E., Traffic Planning and Design (TPD) provided an update on the Langhorne Yardley Road Intersection which included a summary of the design of the project, as well as the proposed general staging for the construction.

Mr. Jacobs reviewed in detail an overview plan of the Langhorne Yardley Road Intersection which involves improving two signalized intersections formed by Woodbourne Road, Bridgetown Pike and Landghorne Yardley Road as roundabouts do.

He reviewed the project improvement of Bridgetown Pike and Langhorne Yardley Road as the existing signal will be replaced by a single lane roundabout which will provide sufficient capacity but increase safety. He then noted that the project improvement of Woodbourne Road and Langhorne Yardley Road will remain signalized but there will be auxiliary lanes added with left hand lanes on all four approaches.

Mr. Jacobs shared that bicyclists will be accommodated by five food paved shoulders throughout the entire project area, as well as trails accommodation of pedestrian along the park frontage on Woodbourne Road and Bridgetown Pike.

He reviewed in detail the staging sequence of the proposed construction and the project preparation that has taken place thus far.

Mr. Jacobs shared that the construction would start this year continuing through 2025 with the roundabouts itself requiring a detour starting Summer 2025. He noted that the detour had a 60-calendar day maximum.

He shared that there has been communication and coordination with emergency management and first responders.

Ms. Hannah requested clarification of the proposed detour. Mr. Jacobs explained in detail.

Ms. Hannah questioned the final completion date. Mr. Jacobs noted that completion is expected in May 2026.

Ms. Kane questioned when the section of Langhorne Yardley Road would be scheduled for completion. Mr. Jacobs noted around the same time.

Ms. Kane recommended taking into consideration the existing issues of the CSX train at Woodbourne Road.

Stephanie Teoli Kuhls, Township Manager, noted that PennDOT oversees the detouring.

Ms. Kane questioned the woodland areas that have been removed. Mr. Jacobs noted that there are five basins being created by this project that will have wild flow mixed growing.

Mr. Valla noted that there is a representative from Pennoni, the project manager for PennDOT, if any resident has any questions.

Jeremy Burton, Pennoni (on behalf of PennDOT) addressed Ms. Payne's question regarding the coordination of the Langhorne Yardley Road Intersection Project and the Route One Project. He noted that the project did not have any connection and that the staging area for the Langhorne Yardley Road Intersection Project would be at Core Creek Park.

Ms. Bower addressed the concern that her property does have a well and water and sewer. She noted that the well is incorrectly labeled on the project plan. Ms. Bower wanted to make sure that the contractor was aware of this inconsistency.

Mr. Ksiazek thanked Mr. Jacobs and Mr. Burton for being in attendance and answering questions and to keep the Township posted on any changes and development to the Langhorne Yardley Road Intersection Project.

10) Consideration of enacting Ordinance #24-01 Tax Incentive.

Nick Valla, Assistant Township Manager, explained that at the March Board of Supervisors meeting, the Board authorized advertisement of an ordinance to provide a \$500 tax credit to qualified volunteers from either their real estate (RE) tax or their earned income tax (EIT) liability.

Mr. Valla added that if the volunteers meet the criteria outlined in the ordinance, which is responding to 25% of their agency's calls or 25 hours of service to include administrative volunteers, and residents of Middletown Township. He added that this would be compounded by the Neshaminy School District \$800 and Bucks County have \$1,000 RE tax incentives. Noting, that This would supplement the \$250 annual stipend program that the Township currently does.

He explained that the Township's incentive program would increase the total tax incentive to local volunteers to \$2,500 annually across all three local taxing agencies. He added that using available volunteer data, it is projected that approximately 80 volunteers will qualify for one or both tax incentives, with an estimated maximum budget impact of \$40,000 per year beginning in 2025. This is expected to be offset by increased EIT revenue.

Action: Mr. Ksiazek moved to enact Ordinance #24-01 providing a tax credit of up to \$500 from either the Township real estate tax or earned income tax for qualified volunteers, seconded by Mr. Payne.

Ms. Payne commented that she was pleased to see that Both property taxes and earn income taxes are eligible as there are volunteers who rent, which is comprehensive and allows for a maximized benefit.

Motion carried by a vote of 5-0.

11) Consideration of Authorizing the purchase of Axon In-Vehicle Cameras and Body Worn Cameras.

Chief Bartorilla explained that back in October of 2023 the Board of Supervisors authorized the procurement of In-Vehicle Cameras and Body-Worn Cameras from LensLock, Inc. He shared that during the implementation phase in early 2024, our IT team identified several critical security and infrastructure concerns associated with the LensLock system. Fortunately, LensLock agreed to the return of their equipment at zero cost to the township, ensuring a smooth transition to a more suitable solution.

He explained that, considering these developments, the Middletown Township Police Department is recommending the purchase of 37 In-Vehicle Cameras (ICVs) and 61 Body-Worn Cameras (BWCs) from Axon. He noted that Axon police camera systems are utilized by about 70% of law enforcement agencies nationwide, including locally within Bristol Township, Bensalem Township, Northampton Township, and the Philadelphia Police Department.

Regarding budget impact, Chief Bartorilla explained that the initial cost for 2024 amounts to \$180,282, with a recurring annual expenditure of \$109,135 for the subsequent four years, with a total contract value of \$616,824. While this figure exceeds the initial projection for LensLock by \$96,000, he noted that over the 5-year contract term, the superior performance and reliability of Axon warrant this additional investment.

He added that with the current Pennsylvania Commission on Crime and Delinquency Grant (PCCD), totaling \$168,932, offsets the overall expenditure, resulting in a total Township cost of \$447,892 over the 5-year period.

Mr. Ksiazek thanked Chief Bartorilla, the Middletown Police Department, and Chad Megeed, IT Manager, for prioritizing our network security. He added that Axon will be more suited to the size and complexity of the Middletown Police Department, while the budget impact maybe larger, security, safety and quality are more important.

Action: Ms. Quirple moved to authorize the purchase of a 5-year contract with Axon, Inc. for 37 In-Vehicle Cameras and 61 Body Worn Cameras. This purchase includes unlimited cloud video storage and amounts to a total of \$616,824, with payments spread out over 5 years; seconded by Ms. Payne.

Ms. Hannah questioned when the training would start for the body worn cameras. Chief Bartorilla noted that Axon is working as fast as they can and will hopefully have the Township up and running within 60 days from approval.

Ms. Payne questioned how long footage stays on the cloud. Chief Bartorilla commented that it remains forever.

Motion carried by a vote of 5-0.

12) Consideration of authorizing the purchase of one (1) John Deere Z950M ZTrak mower.

Eric Gartenmayer, Director of the Department of Public Works explained that the Public Works Department has provided a quote and proposals for one John Deere Z950M ZTrak Mower. He added that this purchase was included in the 2024 Budget and will be funds will be allocated from the Road Machinery Fund.

Mr. Gartenmayer noted that currently the department utilizes several zero turns (Club Cadet Model), that model is over 15 years old and due for replacement. Adding that the zero turns are heavily used throughout the grass cutting season to cut the Township Parks and parts of the green belts where the tractor cannot cut.

Action: Ms. Hannah moved to authorize the purchase of one (1) John Deere Z950M ZTrak equipped with Qwik chute grass blocker, 60" side discharge mower deck and fully adjustable suspension seat with armrests from Deere & Company of Cary, NC for a total of \$13,008.68, seconded by Ms. Payne. Motion carried by a vote of 5-0.

13) Consideration of rejecting bids and rebidding of Middletown Community Park barn deck.

Paul Kopera, Director of Parks and Recreation reminded the Board of Supervisors that at the December 2023 meeting, the Board authorized the submission of bids to replace the wooden deck at the Barn. He explained that the new outdoor deck project was placed on PennBid and noted that following the bid opening, none of the three bidders met the Township's Responsible Contractor Ordinance (RCO).

At this time, Mr. Kopera is asking that the Board allow him to reject all the bids and rebid the project.

Ms. Kane questioned which part of the Township's Responsible Contractor Ordinance was not

complied with. Mr. Kopera noted that section of the ordinance that specifically states that you must graduate an apprenticeship to journeyman in each of the last five years. He added that none of the firms met that requirement.

James Esposito, Township Solicitor, noted that he reviewed all the documentation submitted and the second lowest bidder did submit proper materials to comply with the RCO, however they submitted ones for a subcontractor and the general contractor did not comply with the requirements.

Ms. Kane expressed that this is her third year as a Board of Supervisors, and this consistently keeps happening. Adding that during her research, Middletown Township has the most restrictive RCO's within the state.

Ms. Kane requested that the Township staff and professionals start recommending to the Board of Supervisors how the ordinance can be updated. She explained that she understands the spirit of the ordinance today which ensures that we have the correct professionals with the correct skills doing the job but the ordinance is too restrictive.

Ms. Kane requested that at a subsequent meeting that this topic be discussed. She also added the amount of money that is being spent on resources, time and staff standpoint on each of the subsequent bids.

Action: Ms. Kane moved to reject all bids to replace the Wooden Deck on the Barn building located within Middletown Community Park and advertise and rebid this project on PennBid, seconded by Ms. Quirple. Motion carried by a vote of 5-0.

14) MS4 Presentation

Isaac Kessler, Township Engineer provided an annual overview of the MS4 Program for the Township and Board of Supervisors. He added by reviewing some of the projects and objectives of the MS4 Program.

As a refresher, Mr. Kessler explained that the MS4 Program is the Municipal Separate Storm Sewer System, which is a permit for the Pennsylvania Department of Environment Protection (PADEP). This program related and looked at how the sewer systems discharges to the streams and the waterways, which has a goal of reducing pollutants into our streams and waterways.

He noted that the projects that come out of the MS4 Program are really geared towards mitigating flooding issues, water quality and capacity for the streams. He provided and reviewed the Township's MS4 watershed map.

Mr. Kessler reviewed that the Township's MS4 watershed map identifies storm drains and pipes, outfalls areas to the streams, areas with pollutant risks, and pollutant reduction requirements.

He then provided a list of proposed Township projects that could help improve and achieve Township reduction goals over the five-year permit cycle.

Mr. Kessler concluded by noting that an annual report goes to the Department of Environmental Protection (DEP), which shows the progress of the Township, what projects are planned and how they might be able to be achieved by budget planning or grant funding. He noted that he will continue to provide updates on projects that are identified to move the Township's MS4 Program forward.

15) Discussion of Stormwater Advisory Committee.

Ms. Teoli Kuhls provided an update from the last meeting that the Board of Supervisors authorize that Township staff start working on the Stormwater Advisory Committee. She noted that the Township did seek applications from interested residents who would like to join the committee. She added that there were approximately seven applications received.

She explained that Township staff has meet to discuss from a timeline standpoint. She mentioned that the Board members will receive copies of the applications and be able to appoint committee members at the next meeting in July. In between now and then Ms. Teoli Kuhls shared that staff will be working to engage the Township's Environmental Advisory Committee.

Ms. Teoli Kuhls noted that once the committee is organized during August, large property owners will be contacted and two public meetings on this topic will be held in September and October.

She reminded the public if anyone has interested in being apart of the committee to send their letters if interests to the attention of the Township Manager's office.

Mr. Ksiazek questioned when the deadline for residents to submit letters. Ms. Teoli Kuhls extended the deadline to Friday, June 21st.

Mr. Ksiazek encouraged any residents interested to send in their letters of interests as this is an extremely important issue.

Mr. Ksiazek questioned how many committee members the Township is looking for. Ms. Teoli Kuhls commented possibly between five and seven.

16) Other Business.

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 wished everyone a happy Fourth of July.

17) Adjournment.

Ms. Payne moved to adjourn the public meeting of the Middletown Township Board of Supervisors public meeting at 9:24 p.m., seconded by Ms. Kane. Motion carried by a vote of 5-0.