

Board of Supervisors Regular Meeting

Monday, May 13, 2024 | 7:00 p.m.

1) Call to Order, Pledge of Allegiance

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

2) National Anthem performed by Sandburg Middle School Chior

Before welcoming the Sandburg Middle School to the dais, Mr. Ksiazek provided a short introduction of the choir. He shared that the Carl Sandburg Middle School A Cappella Choir is a new group formed by choir director Eddie Tamanini. The group sings A Cappella arrangements of pop songs, standard choral works, and more.

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 Finance Mega Bhandary, 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 – Tuesday, June 11, 2024, at 7:00 p.m.
- b) Bucks County Police Memorial Day – Monday, May 20, 2024, at 12:00 p.m.
 - Middletown Township Memorial Ceremony honoring Detective Christopher Jones at the Municipal Center

5) Special Items

- a) Middletown Township Police Department Commendations

Chief Joseph Bartorilla recognized members of the Middletown Township Police Department:

Sergeant Mark McLeod responded to a critical situation involving a suicidal individual threatening to jump from the Route 1 overpass in Langhorne Manor Borough. Sergeant McLeod arrived and quickly assessed the scene, deployed his officers to secure the area, and calmly approached the distressed individual and through skillful de-escalation tactics and genuine empathy, he was able to gain the individual's trust and convinced them to move away from the edge.

Officer David Berry was dispatched to the Quincy Hollow section of the Township for a call of a suicidal subject threatening self-harm. After several minutes of talking with the individual, Officer Berry patiently de-escalated the situation, ultimately convincing the individual to relinquish the weapon and facilitated their transport to a hospital for immediate medical treatment.

Officer Berry is recognized for his composure, exceptional communication skills and commitment to de-escalation tactics preventing further tragedy and ensured the individual received critical mental health support.

Sergeant Stephen Andrews & K9 Jester, responded to a call of a vehicle theft in a progress in Langhorne Manor Borough which led to a pursuit through Middletown Township and ended up in a vehicle crash and fled on foot. The actions of Sergeant Andrews & K9 Jester reflect the highest standard of law enforcement and bring great credit to the entire Middletown Township Police Department.

Chief Joseph Bartorilla recognized the following members of the Middletown Township Police Department for their years of service:

30 years of Service – Lieutenant Stephen Forman

25 years of Service – Sergeant Matthew Kroiss & Officer Mary Alice Felt

20 years of Service – Officer Kevin Eckenrode & Officer Derek Leonhauser

Mr. Ksiazek thanked the members of the Middletown Township Police Department who were recognized tonight for their outstanding work and dedicated years of service to the community.

b) National Public Works Week Proclamation.

Mr. Ksiazek read the proclamation out loud.

Mr. Ksiazek asked that the members of the Board and audience members give a round of applause for the Department of Public Works.

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

Dori Brower, 1821 Langhorne Yardley Road, reiterated her comments from the last meeting on additional communication prior to the Langhorne Yardley Road and the Woodbourne Road Project. She also requested clarification on the staking that has taken place on her property.

Mr. Valla addressed Ms. Brower's comments as he has spoken to PennDOT and their contractor. He was able to provide information clarification for Ms. Brower and exactly what the staking represents.

Mr. Valla commented that he will reiterate to PennDOT and their contractor about communicating directly with Ms. Brower.

Lance Sagers, 98 Queen Lily Road, expressed his concerns regarding the trash service bids and proposed single use plastic ban.

James Henderson, member of the Human Relations Commission, shared that the month of May is Ehlers-Danlos Syndromes (EDS) Syndrome Awareness Month. Mr. Henderson shared that his friend, Jonathan LaSalle, recently passed away from this EDS Syndrome.

Mr. Ksiazek thanked Mr. Henderson for his time and awareness of EDS Syndrome.

7) Consent Agenda Items

- a) Consideration of authorizing payment of May 13, 2024, Bills List in the amount of \$2,473,527.07.
- b) Consideration of approving the April 8, 2024, Minutes of the Public Meeting of Middletown Township Board of Supervisors.
- c) Consideration of Department of Public Works PW Yard Improvements Phase 1A – Change Order #3 for a negative \$3.33 for replacing previous paving items with revised paving materials for the yard area.
- d) Department of Community and Economic Development (DCED) Grant Resolutions:
 - Consideration of Resolution #24-08R, authorizing submission of an application to PA Department of Community and Economic Development Flood Mitigation Grant Program.
 - Consideration of Resolution #24-09R, authorizing submission of an application to PA Department of Community and Economic Development Watershed Restoration and Protection Grant Program (VRPP).

Action: Ms. Payne made a motion to approve consent agenda items as A-D, seconded by Ms. Quirple.

Ms. Kane requested an overview of the Queen Anne Project.

Mr. Valla explained that this is a project that the Township has sought funding for in the past. He added that this is a streambank restoration project, which will improve stormwater quality in Queen Anne Creek.

Motion carried by a vote of 5-0.

8) Consideration of Oxford Rehabilitation & Healthcare Center Building Addition, Preliminary /Final Land Development Approval, TMP# 22-021-049-001-001, S/LD #23-9, RC Zoning District.

Brian Spray, P.E., Principal, Civil & Environmental Consultants, Inc, explained that the Applicant proposes to convert twenty (20) double occupancy rooms into forty (40) single occupancy rooms. He noted that to accomplish this, a 7,011 square foot addition to the existing building is required to house twenty (20) of the new single occupancy rooms. Mr. Spray reviewed the current and proposed layout, including the features of the proposed addition in detail.

Mr. Spray explained that the proposed location for the 7,011 square foot building addition is at the edge of the existing stormwater management basin. He reviewed that the Applicant is proposing an underground stormwater management system to offset the increased stormwater runoff. Adding that the Applicant has agreed to improvements on site to mitigate runoff from the property to neighboring properties.

Mr. Ksiazek confirmed that the increase of impervious coverage is being offset by building the addition on stilts, with an underground stormwater management. He added that the net impact will be net neutral in terms of impact to the impervious coverage. Mr. Spray confirmed that the impervious coverage will be either meet or reduce the way things are currently.

Ms. Kane conferred with Mr. Kessler that he has reviewed the issues that the residents had that the proposed updates will mitigate some of those issues that were raised. Mr. Kessler confirmed that was accurate and reviewed the meetings that were held addressing those issues.

Action: Ms. Quirple made a motion to grant Preliminary & Final Land Development Plan approval for Oxford Rehabilitation & Healthcare Center Building Addition, 300 E. Winchester Avenue, S/LD #23-9, 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 will comply with the recommended solutions to existing stormwater drainage issues, as noted in the Township Engineer's Memorandum, dated February 27, 2024, regarding the site meeting that took place between Remington & Vernick Engineers (RVE), The Applicant's Engineer, Brian D. Spray, P.E., Principal, Civil & Environmental Consultants, Inc., and a representative from Oxford Health Center.

Seconded by Ms. Payne. A motion carried by a vote of 5-0.

9) Consideration of Lease Surrender Agreement with Premier Media, LLC.

James Esposito, Township Solicitor, provided a background of a lease agreement between the Township and Premier Media, for the property that is located at the northeast corner of South Flowers Mill Road and Business Route 1. He noted that this is the right-of-way space owned by the Township for Premier's monument display digital billboard has been under litigation for the past few years.

Mr. Esposito followed up with the explanation that the Commonwealth Court decided a few months ago, that the Billboard in the right-of-way is no longer permitted due to specific language stated in the Township Zoning Ordinance. He noted that Premier Media had a contractual right to terminate the lease.

He explained that Premier removed the Billboard from the property a few weeks ago and has provided possession of the right-of-way back to the Township. Premier Media subsequently submitted to the Township the Lease Surrender Agreement.

Mr. Ksiazek provided for any resident who was not aware of this matter that the billboard was not owned by the Township, but it was located on Township property, for which there was a lease agreement. He added that the Township was in litigation as a formality as the owner of the property.

Action: Ms. Hannah made a motion to authorize the Middletown Township Manager to execute the Lease Surrender Agreement with Premier Media, LLC in order to properly terminate the Lease dated June 15, 2020, between Middletown Township and Premier Media, LLC, for the property located at the northeast corner of South Flowers Mill Road and Business Route, seconded by Ms. Payne. Motion carried by a vote of 5-0.

10) Consideration of authorizing drafting and advertisement of an ordinance to prohibit parking on Highland Park Drive near tributary to Mill Creek.

Mr. Valla noted that this request primary comes by way of the Department of Public Works and the Middletown Township Police Department, as there is a tributary currently flowing through the middle of Highland Park behind homes on Hollow Road and Harvest Road. He added that the Public Works Department uses this access point to maintain the tributary, including mowing and clearing debris that would otherwise lead to flooding in the neighborhood.

He noted that recently this access point has been blocked by parked vehicles, on Highland Park Drive. The Citizens Traffic Commission was advised of this recommendation via email as the issue arose after the April meeting.

Mr. Valla explained that the impact to the neighborhood is expected to be very minor as only about 100 feet of parking ability will be taken.

Mr. Ksiazek confirmed that tonight the Board is approving the advertisement of the proposed ordinance. Mr. Valla confirmed that was correct and that ordinance must be advertised and enacted potentially at the July Board of Supervisors meeting.

Mr. Ksiazek recommends notifying the residents will be most effective and consistent with what was done in the past. Mr. Valla added that the neighbors can certainly be notified.

Mr. Valla noted that the penalty will be consistent with any other Township parking ordinance and review potential verbiage for the no parking signage.

Action: Ms. Kane made a motion to authorize the Township to draft and advertise an ordinance amending Chapter 470 of the Middletown Township Code of Ordinances to prohibit parking at the tributary access point on Highland Park Drive between 88 Highland Park Drive and 100 Highland Park Drive, seconded by Ms. Payne. Motion carried by a vote 5-0.

11) Consideration of authorization of a contract with Durham School Services LP for bus services for the Summer Recreation Program.

Paul Kopera, Director of Parks & Recreation reminded that the Board member that at the March Board of Supervisors meeting, permission was given to Parks & Recreation to put the bus services for the Summer Recreation program out to bid.

Mr. Kopera noted that Durham School Services was the lowest, and only bidder for the project with a bid of \$21,830.32. Durham School Services has performed bus services for Parks & Recreation in the past.

Action: Ms. Quirple made a motion to execute a contract for s services for the 2024 Summer Recreation program with Durham School Services LP totaling \$21,830.32, second By Ms. Kane. Motion carried by a vote of 5-0.

12) 2023-2024 Grant Update.

Mr. Valla provided an update on the grant applications that have been awarded between 2023 and 2024, grant-funded projects underway, as well as grants that have been applied for and proposed applications.

A year ago, he explained that \$968,356.00 grants were awarded in 2022 - 2023, \$2,355,487.00 grants were awarded in 2024, and the Township has applied for a total of \$3,943.214.00 in grants.

For the full 2023-2024 Grant Update presentation – see attached.

Mr. Ksiazek thanked Mr. Valla and the team for their outstanding work on this year's grants. He noted the importance of these grants, especially being able to deliver to the necessary projects and infrastructure services to the residents while conserving their tax dollars.

Ms. Quirple echoed Mr. Ksiazek's comments and expressed her appreciation for the work that is being done for these grants. She thanked Mr. Valla for all his hard work.

13) Consideration of Authorizing Advertisement of Community Development Block Grant (CDBG) 2024 ADA Curb Ramp Program.

Mr. Valla shared that the Township was recently notified of a \$175,000 grant award from the Community Development Block Grant (CDBG) program administered by Bucks County to construct 24 ADA curb ramps at 10 intersections in Cobalt Ridge.

He explained that the Cobalt Ridge neighborhood is due for repaving in the coming years and constructing curb ramps ahead of road repaving is ideal as the road is cut into during construction of a curb ramp. He also expressed that continuous curb ramp construction assures the Township is making progress toward compliance with the Americans with Disabilities Act (ADA).

Mr. Valla noted that curb ramps were not originally programmed in the 2024 budget due to two years' worth of ramps being constructed in 2023. He added that the Township would be responsible for any construction costs exceeding the grant, and engineering costs, while CDBG will cover up to 100% of ramp construction.

He concluded by stating that the Board will have the opportunity to evaluate this project further once bids are received in July or August.

Mr. Ksiazek confirmed that the Township did not have curb ramps originally planned for this year. Mr. Valla confirms that was correct and that Township is always looking for receive funding from the CBDG program.

Ms. Kane questioned the Township responsibility for this project. Mr. Valla confirmed that More project management will be performed in house to keep costs down, recognizing that it was not originally planned for.

Ms. Payne questioned how much of the Cobalt Ridge neighborhood is left. Mr. Kessler reviewed the overall project plan identifying potential areas.

Ms. Kane questioned if there was sense of when the Township could potentially get to the Highland Gate section.

Action: Mr. Payne moved to authorize advertisement to solicit bids for the 2024 CDBG ADA Curb Ramp Program, seconded by Ms. Quirple. A motion carried by a vote of 5-0.

14) Discussion of Langhorne Gables Stormwater Project – Phase II.

Isaac Kessler, Township Engineer, explained that the Langhorne Gables Drainage Improvements Phase II project consists of new stormwater infrastructure in an area between Buttonwood and Jefferson Avenues, as well as improvements on side roads such as Adams Avenue, Clay Avenue, and Fir Avenue. Mr. Kessler reviewed the scope of this project which include improvements to areas of the Langhorne Gables neighborhood in need of stormwater infrastructure and drainage structure upgrades.

Mr. Kessler explained that at the time of its consideration in 2022, the Township has recommended to reject the received bids and plan to rebid due to insufficient funds for a project of this scale. Since that time, he noted that the Township has been awarded grant funding to help the project be positioned for budgeting as well as to pursue additional grant funding for the matching costs for this large stormwater infrastructure project.

He shared that the scope has been revisited along with the cost estimate to update these for current industry pricing and focusing on priority areas of the plans. This includes the Base Bid locations of Longview Avenue, Willow Avenue, Adams Avenue, and Jefferson Avenue drainage improvements, as well as an Alternate Bid #1 for Clay Avenue Drainage Improvements.

Mr. Kessler provided an updated cost estimate and scope of work description for this project to the Board of Supervisors. He noted that the Township will continue to work with staff to plan the most effective next steps to bring this project to a rebid of the plans and bid package, and then ultimately to construction.

Mr. Kane asked Mr. Kessler to give some specifics of the project details for the residents to understand better what the Township will be doing. Mr. Kessler reviewed and broke down the project specifications in greater detail.

Ms. Teoli Kuhls commented that the critical issue at the moment is obtaining the match for funding and applying for grant funding.

15) Discussion of implementation of stormwater fee.

Stephanie Teoli Kuhls, Township Manager explained that many of the items discussed tonight show the growing financial burden of stormwater management in Middletown Township. She added that Langhorne Gables neighborhood is a perfect example, which was built before modern storm water management existed.

Mr. Teoli Kuhls noted that with the increase severe weather circumstances that we are experiencing, the Township is currently spending approximately \$500,000 to \$1,000,000 annually on stormwater projects. She noted that over the past five budget years, she has discussed the idea of assessing a stormwater fee and tonight is the beginning of having a dialogue in public about that concept.

She added that one of the objectives of the stormwater fee is that there will be dedicated funding for capital projects. She noted that there would be an appointment of an advisory committee working with the stakeholders in the community such as large employers, residents, the Township's Environmental Advisory Committee, to name a few. This advisory committee will look at the needs of the community, projects in the pipeline, while looking at the financial structure while including the public.

James J. Esposito, Township Solicitor, explained that the stormwater fee is an assessment that a municipality or authority charges to all property owners in the municipality to finance the cost of stormwater management.

He noted that to implement the stormwater management fee most municipalities need to create a stormwater authority. However, Second Class Townships have an exception that they can create the stormwater fee itself without establishing a stormwater authority. He added that the stormwater authority's sole focus would be on managing and controlling the stormwater throughout the Township. A separate board would be appointed to run the authority. He added that it is likely that the Township staff and consultants would still be handling most of the work for such an authority anyway.

Mr. Esposito reviewed to establish a stormwater fee, the Township would need to establish an ordinance to that clarify the title, purpose, authority, enforcement and penalties, and review and appeal process. He also provided in detail that the ordinance should include property owners' exemptions or credits, for property owners with already established stormwater management facilities on their properties.

He also pointed out that there is current litigation in West Chester Borough on the assessment of the stormwater fee and whether or not stormwater fees meet the definition of a tax. He reviewed in detail the case of *Borough of West Chester v. Pa. State System of Higher Education*. He added that this litigation case is something that the Township will want to monitor while moving forward.

Mr. Esposito concluded by reviewing the next steps of establishing this concept.

Ms. Teoli Kuhls noted to the Board of Supervisors and the public attending tonight's meeting that there were hard copies of articles available in the back of the room discussing the stormwater fee concept.

She added that if the Board of Supervisors decides to move forward, they can investigate the concept by establishing an advisory committee.

Mr. Ksiazek expressed that the idea of a stormwater fee is something the Board of Supervisors has been contemplating, especially in budget workshop sessions. He added the number of resident issues being communicated to the board, dealing with aging infrastructure, stormwater itself is becoming a larger problem and extremely expensive. Adding these are the struggles the Township is faced with.

Mr. Ksiazek ended by stating that this is something that the Township should at least start thinking about, start investigating and begin discussing it with the community members.

Ms. Kane expressed that she feels this something to start working on as it will be needed during Capital Budget workshop session in the summer. She added by starting now the Board will start to better understand what the options are.

Ms. Quirple and Ms. Hannah agreed with Ms. Kane's comments.

Ms. Payne confirmed that by starting to investigate this issue, there will be no fee this year. Ms. Teoli Kuhls noted that was correct and reviewed possible next steps in the investigatory process.

Mr. Ksiazek confirmed that tonight would be authorizing the process and creating an advisory board, along with starting communication and discussion with the community members. He added that with hopes that at the June meeting, members are appointed to the committee.

Action: Mr. Ksiazek made a motion to authorize the creation of a Stormwater Advisory Committee, seconded by Ms. Quirple. A motion carried by a vote 5-0.

16) Other Business.

Mr. Kessler announced that there are land development plans for recording and signatures.

Ms. Teoli Kuhls introduced Allie Garrett to the Board and audience. Ms. Garrett is an intern in the Township Manager's Office currently obtaining her Master of Public Administration at Villanova University.

Mr. Ksiazek welcomed Ms. Garrett to Middletown Township.

Ms. Payne congratulated all the Middletown Township Police Officers that received accommodations.

Mr. Payne also noted that May is Mental Health Awareness Month. She added that with the MTPD situations that were noted tonight by Chief Bartorilla, we should be grateful to the officers for their hard work and the lives that they save.

Ms. Hannah thanked the Carl Sandburg Middle School A Cappella Choir for their performance tonight.

17) Adjournment.

Ms. Payne moved to adjourn the public meeting of the Middletown Township Board of Supervisors public meeting at 8:21 p.m., seconded by Ms. Hannah. Motion carried by a vote of 5-0.