

Board of Supervisors Regular Meeting

Monday, January 13, 2025 | 7:00 p.m.

1) Call to Order, Pledge of Allegiance

Mr. Ksiazek called the meeting to order at 7:00 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, Director of Public Works, Eric Gartenmayer, Director of Finance, Laura Hucklebridge, and Director of Parks & Recreation, Paul Kopera. Supervisor Payne attended virtually

3) Upcoming Meetings

a) Next Board of Supervisors Meeting – Tuesday, February 18, 2025, at 7:00 p.m.

4) Upcoming Events

- a) Parks and Recreation Comprehensive Plan Meeting #1 - Thursday, January 23, 2025
- 7:00 p.m. in the Public Hall
- b) Teen Talent Competition - Saturday, January 25, 2025
- Oxford Valley Mall from 4:00 p.m. to 6:00 p.m.

5) Special Items

a) Swearing in of Officer Gabriel Fisher.

Chief Joseph Bartorilla introduced Police Officer Gabriel Fisher, highlighting his background as a lifelong Bensalem resident and Bensalem High School graduate. Officer Fisher served in the United States Air Force as part of the Security Forces and worked at Liberty Coca-Cola while pursuing Civil Engineering studies. He began attending the Montgomery Police Academy in December.

Chief Bartorilla welcomed Officer Fisher as the newest member of the Middletown Township Police Department. Officer Fisher was officially sworn in by Mr. Ksiazek.

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

David Cahill, 462 Cynthia Ave, reiterated questions from his past attendance during Public Comment

regarding the Pennel Fire Company.

Maria Tanaje, 369 Green Ridge Road, inquired if the low-income housing project proposed for the Wood Services property on Maple Ave was still active. James Esposito, Township Solicitor, explained that the Zoning Hearing Board opposed the application, leading the Applicant to withdraw the project. He noted no further updates had been received.

Stephanie Teoli Kuhls, Township Manager, encouraged Ms. Tanaje to monitor the Township website for updates on Planning Commission and Zoning Hearing Board meetings.

Fran Grous, 360 Green Ridge Road, that residents would like to see the Planning Commission and Zoning Hearing Board meetings broadcasted live on TV. She noted that this would be very beneficial to residents who are not able to come in person. She noted that she was able to attend the last Planning Commission meeting and was the only residents in attendance

Ms. Kane questioned why the Planning Commission meetings are not already televised.

Ms. Teoli Kuhls noted that it is simply a Board of Supervisors policy decision.

Mr. Ksiazek explained that the Zoning Hearing Board (ZHB) is an independent body to the Board of Supervisors, nothing that this is something to consider for the Planning Commission.

Joe Favors, 736 Avenue F, questioned the possible tenants on the new warehouse buildings on Maple Ave. Ms. Teoli Kuhls noted the warehouses are intended to be a distribution use.

Mike Fantini, 75 Cobalt Ridge Drive, expressed his concerns and issues with the new trash service.

Ms. Quirple responded to Mr. Centi's concerns and explained how the trash contract and new trash service was determined.

Mr. Valla noted that residents can request smaller carts after the first quarter in April. He also noted that any residents needing assistance can be placed on the American Disabilities Act (ADA) assistance list and to contact Township staff.

Ms. Teoli Kuhls explained that the carts are owned by Waste Management. She also explained that during the bidding process the residents' responses were a 50/50 split and remaining with the current trash contract would be a 75% significant increase.

7) Consent Agenda Items

a) Consideration of authorizing payment of January 13, 2025, Bills List in the amount of

\$1,903,591.50.

- b) Consideration of approving the January 6, 2025, Minutes of the Public Meeting of Middletown Township Board of Supervisors.
- c) Consideration of approving Payment Certificate #2 (Final) 2024 CDBG Curb Ramp Replacement Program in the amount of \$9,869.83 for final items completed for the project.
- d) Consideration of approving Financial Security Release #3 (Final) for McHale's Kitchen & Bath Land Development in the amount of \$45,054.05.
- e) Consideration of Authorizing Purchase of Road Condition Assessment Software from Vialytics in the amount of \$22,308.00.
- f) Consideration of Redevelopment Authority (RDA) Grant Resolutions# 25-02R through 25-06R accepting grants awards.
- g) Consideration of appointing Joseph Leming to the Environmental Advisory Council.
- h) Consideration of appointment of Police Labor Attorney.
- i) Consideration of Resolution #25-07R adopting updating Fee Schedule.

Action: Ms. Quirple made a motion to approve consent agenda items A-I seconded by Ms. Hannah. Mr. Ksiazek confirmed the appointment of Police Labor Attorney of Ryan Cassidy, Eckert Seamans, Esq.

Ms. Kane questioned if the road condition assessment was on the Capital Budget and that this item is coming in at the same rate that it was in the budget. Ms. Teoli Kuhls confirmed that was correct.

Ms. Kane requested Mr. Kessler explain the mobilization, maintenance and protection of traffic line items and how the fees are calculated for the curb ramps contract. Mr. Kessler provided a response in detail to the contract requirements for the payments which are paid in a lump sum after the work is completed in the contract.

A motion carried by a vote of 5-0.

- 8) Consideration of Preliminary/Final Land Development Plan Approval for Piazza Volkswagen Car Dealership, US RT 1 & Woodbourne Road, Langhorne, PA 19047, M-1 Light Manufacturing Zoning District, C – Commercial Zoning District.

Edward Murphy, Esq., Attorney for the Applicant representing the Piazza Family Dealership, outlined a redevelopment project at Business Route 1 and Woodbourne Road. The proposal involves converting a 20,038-square-foot vacant building into a Volkswagen dealership. Key aspects include a 1,335-square-foot building addition, removal of multiple curb openings, installation of new landscaped islands, stormwater piping, updated lighting, and erosion and sediment control measures.

Mr. Murphy stated that the project builds on a conditional use approval granted last month to expand automobile sales and service at the existing Piazza dealership. The plan includes a

complete renovation of a long-vacant building. While the Planning Commission initially recommended closing an access point entirely, the Township's Traffic Engineer advised allowing modified access with right-turns in and out on Woodbourne Road, while prohibiting left turns.

Mr. Kessler confirmed that his office agrees with the Township Traffic Engineer's recommendation for the access point.

Ms. Kane inquired about pedestrian access around the property, and Mr. Murphy confirmed that sidewalks will be added along the Woodbourne Road frontage of the development.

Action: Ms. Quirple 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.*

Seconded by Ms. Hannah. A motion carried by a vote of 4-0.

- 9) Discussion of Application for a Text Amendment Request, W.B. Homes, 1492 Woodbourne Road, Levittown, PA 19057 – Former Knights of Columbus Property.

Edward Murphy, Esq., Attorney for the Applicant, and Christopher Canavan, President of W.B. Homes, presented a proposal to develop the former Knights of Columbus property at 1492 Woodbourne Road into a mix of market-rate and attainable housing units, with 20% designated as attainable housing.

Mr. Canavan highlighted the project's goal of addressing the need for workforce housing in the township by providing affordable options for workers, such as medical staff and emergency responders. The plan requires an amendment to the PE Professional zoning district to permit townhomes on the 4.3-acre site and targets households earning below 100% of Bucks County's average median income (AMI).

Florence Kawoczka, Executive Director of Habitat for Humanity of Bucks County, explained the land trust model used for attainable units, ensuring long-term affordability by retaining land ownership and requiring resale to income-qualified households.

The development would consist of 33 to 34 units, including six attainable housing units, all built by W.B. Homes for consistency. The proposal aligns with Middletown Township's comprehensive plan for infill development and addresses the growing need for affordable housing in Bucks County.

Mr. Ksiazek remarked that the project could address multiple community needs, pointing out that the Professional Zoning District is becoming outdated as commercial office space is less in demand. He also noted that attainable housing has been a focus for the Township in recent years. He added his appreciation for the coordination between the two organizations.

Ms. Quirple emphasized the need for attainable housing, noting that many who grew up in Middletown wish to remain in the community cannot afford housing. She expressed support for housing options that would allow younger generations to live and stay in the area.

Ms. Kane questioned the process of how the Township will inform the residents of the text amendment change prior to the public hearing. Ms. Teoli Kuhls noted that prior to the public hearing the Applicant is required to notify residents within a certain distance.

Mr. Esposito confirmed that the public hearing notice will be placed in the newspaper and on the Township website.

Ms. Teoli Kuhls explained that the Board of Supervisors will review the full ordinance amendment at the February meeting, which will include a public hearing to allow residents to provide input on the project before any decisions are made.

10) Consideration of the Purchase and Upfitting of Five (5) Ford Interceptor SUV All-Wheel Drive Police Patrol Vehicles.

Captain Pete Feeney requested approval for the purchase and upfitting of five Ford Interceptor SUV all-wheel-drive police patrol vehicles. He shared that this acquisition is necessary to replace aging vehicles in the fleet, ensuring continued reliability, safety, and operational readiness. The Ford Interceptor SUVs are highly regarded in law enforcement for their durability, performance, and compatibility with police equipment.

Captain Feeney noted that the unit cost for each vehicle is \$45,987, and upfitting costs, which include emergency lighting, communication systems, and other police-specific equipment, amount to \$22,312 per vehicle. The total cost for purchasing and upfitting all five vehicles is \$341,495.

He noted that the Township has received a grant of \$234,105 from the Bucks County Redevelopment Authority (RDA) to offset the cost, leaving the remaining balance of \$107,390 to be covered by the Township.

Mr. Ksiazek expressed appreciation for the RDA for their grant funding which significantly helps the Township offset the purchase of these new police vehicles.

Ms. Kane asked Captain Feeney to clarify how the proposed SUVs will be utilized. Captain Feeney explained that the SUVs will serve as regular patrol vehicles, with the added benefit of being effective in inclement weather. He also mentioned that SUV patrol vehicles were replaced with

sedans last year due to the unavailability of the Ford SUVs.

Ms. Kane inquired whether the Township expects to receive the full amount of the RDA grant to cover the entire purchase cost.

Ms. Teoli Kuhls responded that the Township will be able to manage the cost, with funding coming from the Capital Fund.

Action: Mr. Ksiazek made a motion to authorize the purchase and upfitting of five Ford Interceptor SUV all-wheel drive police patrol vehicles for a total cost of \$341,495, with \$234,105 funded by the Redevelopment Authority grant and \$107,390 funded by the Township Capital Fund, seconded by Ms. Quirple. A motion carried by a vote of 5-0.

Lauren Lareau, 18 Seckelpear Road, asked about the life expectancy of patrol vehicles and when the Middletown Township Police Department plans to purchase its first electric vehicle.

Captain Feeney explained that the typical lifespan of a patrol vehicle is between 10 to 14 years, depending on mileage and damage. The vehicles being replaced currently range from 7 to 18 years old. He also mentioned that Middletown Township is one of the last municipalities still using Crown Victoria patrol vehicles.

In response to Ms. Lareau's question about electric vehicles, Captain Feeney explained that no electric vehicle has yet been developed that can meet the demands of police vehicle electronics while also having sufficient lifespan to handle repeated shifts.

11) Consideration of the Purchase of Five (5) Getac Police In-Vehicle Computers.

Captain Feeney outlined Middletown Township's Police Department's request to purchase five Getac in-vehicle computers through the Co-Stars program. These rugged devices will replace outdated Microsoft Surface Pro units that no longer support advancements in the county's Computer-Aided Dispatch (CAD) system and the department's Records Management System (RMS). The upgrade will enhance operational efficiency, improve software integration, and ensure officer safety and reliability in the field.

Captain Feeney explained that the total cost of \$22,932.55 will be covered by the Township's IT Capital Fund, with the purchase adhering to procurement guidelines through the Co-Stars cooperative purchasing program. This reflects the township's commitment to technological advancements and maintaining high performance standards.

Ms. Kane asked Captain Feeney how many computers are expected to be replaced in total overtime.

Captain Feeney responded that he expects around 30 computers to be replaced over time. He

noted that some of the computers are new and will last for a while, while others have already been in vehicles for six or seven years.

Action: Ms. Quirple made a motion to authorize the purchase of five (5) Getac in-vehicle computers for a total cost of \$22,932.55, with funding sourced from the previously approved township IT capital fund, seconded by Ms. Hannah. A motion carried by a vote of 5-0.

12) Consideration of Resolution #25-01R, authorizing application to the Bucks County Community Development Block Grant (CDBG) Program.

Mr. Valla announced the application period for the 2025 Community Development Block Grant (CDBG) program is now open. He explains that this program is funded federally and administered locally by Bucks County, to construct ADA curb ramps.

He noted that staff is recommending applying for ADA curb ramps again, with a proposed application for \$162,000 to construct 20 ramps in the Juniper Hill neighborhood in Levittown. Bucks County requires a dialogue as part of the application for public feedback and resolution as part of the approval process.

It was noted that at tonight's meeting the Board of Supervisors will only authorize the application for the CDBG program. Future meetings will involve advertisements for bid specifications and awarding bids.

Ms. Kane requested a separate meeting to provide a detailed breakdown of the total costs for ADA curb ramps to enhance public understanding. Mr. Kessler agreed, emphasizing the breakdown would include expenses for the ramps, curbing, and pavement restoration, which are significant.

Action: Mr. Ksiazek make a motion to adopt Resolution #25-01R, authorizing application to the Bucks County CDBG Program, seconded by Ms. Kane. A motion carried by a vote of 5-0.

13) Update: Newtown Bucks Joint Municipal Authority.

At the December 16, 2024, Board of Supervisors meeting, Mr. Ksiazek highlighted that several residents attended to raise questions and concerns regarding the Newtown Bucks Joint Municipal Authority's proposed wastewater treatment plant in Newtown Township, near the Middletown Township border. He also acknowledged the valuable information and insights shared by members of the Middletown Township Environmental Advisory Council (EAC), who were present at the meeting.

Mr. Ksiazek noted that since the December 16, 2024, meeting, the Township Solicitor, James Esposito, an Environmental Attorney from Mr. Esposito's office, Township Engineer Isaac Kessler,

and members of the Township's Environmental Advisory Council (EAC) have been involved in addressing the concerns raised.

Mr. Ksiazek stated that Middletown Township is in the early stages of developing a high-level plan to ensure the Township's involvement in the process regarding the proposed wastewater treatment plant. He requested that Township Solicitor James Esposito provide insight from a legal standpoint on the various paths and plans the Township will pursue.

Mr. Esposito explained that he has consulted with Mark Freed, the head of Curtin and Heefner's Environmental and Municipal Law group, who has agreed to take the lead on this project. He also shared details about Mr. Freed's professional background, highlighting his expertise and qualifications in environmental and municipal law.

Mr. Esposito explained that he had consulted with Mr. Freed regarding Middletown Township's legal options concerning the wastewater treatment plant proposal. He outlined two key areas of focus: the environmental planning process and the permitting stages overseen by the Department of Environmental Protection (DEP). He detailed the three phases of the DEP approval process, emphasizing that Middletown Township would have opportunities to comment on the application, review it thoroughly, and discuss it with the DEP. Additionally, he noted that if any of the applications were approved, Middletown Township would have the option to appeal the decision to the Environmental Hearing Board.

He then explained the Land Use stage in which the Municipal Authority would need Land Development and Zoning approvals from Newtown Township. He noted that Middletown Township would be involved in the Newtown Township Zoning Hearing Board hearings presenting evidence and testimony.

Mr. Esposito recommended that the Board authorize his office to draft a formal letter to the Department of Environmental Protection (DEP). The letter would inform the DEP that Middletown Township, as a bordering municipality, is an interested party in the proposed wastewater treatment plant project. Additionally, the letter would request that the Township be notified of any permit applications or developments related to the project.

Mr. Ksiazek inquired about the estimated timeline for Newtown Township to complete the permitting process. Mr. Esposito responded that it could take several years for Newtown Township to obtain all the necessary approvals.

Mr. Ksiazek asked Mr. Esposito to elaborate on the land development aspects of the project. Mr. Esposito explained that there are two key components, the first being zoning. He noted that it is possible the project may require relief from the Zoning Hearing Board. Middletown Township would participate in those hearings, opposing the project and seeking party status. This status would enable the Township to present witnesses, cross-examine, and potentially appeal the decision to the court if necessary.

Mr. Ksiazek emphasized that the two primary areas of focus for addressing the project would be engaging with the Department of Environmental Protection and opposing it through the Newtown Township Zoning Hearing Board.

Mr. Esposito confirmed that no application has currently been submitted to the Newtown Township Zoning Hearing Board.

Ms. Kane expressed her gratitude to Mr. Esposito for his thoroughness and diligence.

Mr. Kessler provided the Board of Supervisors with an update on the engineering aspects and concerns related to the project. He noted that his office would identify the most appropriate contact within the engineering division of the Department of Environmental Protection (DEP). He mentioned that his team regularly works with the Southeast DEP region and will initiate dialogue with DEP to express the Township's concerns regarding water quality and quality-of-life impacts.

Additionally, Mr. Kessler shared that he had spoken with members of the Township's Environmental Advisory Council (EAC). They plan to draft a formalized memo consolidating all concerns to support his office's discussions with DEP.

Mr. Kessler explained that his office intends to review any potential alternatives for the project that would avoid discharging downstream into Core Creek. He also expressed interest in exploring opportunities to relocate the project, potentially aligning it with the site of the old treatment plant.

He concluded by stating that his office will begin discussions with DEP and their engineering staff while maintaining regular communication with the Township's Environmental Advisory Council (EAC) to consolidate all comments and concerns. Mr. Kessler noted that the group's next meeting is scheduled for January 24th and will continue a bi-weekly basis.

Ms. Hannah asked Mr. Kessler to clarify the permitted environmental limits for Newtown Township and the limits currently in place.

Mr. Kessler provided a detailed review of the elements that enter the waterways and the safe thresholds established by the Department of Environmental Protection (DEP) and the Environmental Protection Agency (EPA). He confirmed that DEP approved limits ensure compliance with these thresholds and align with the guidance provided to Newtown Township.

Ms. Kane inquired whether any funds had been allocated to Core Creek in recent years, particularly in efforts to reduce pollutant levels through the MS4 Program. Mr. Kessler responded that he would need to look into the question and follow up with Ms. Kane.

Mr. Ksiazek stated that the Township plans to enhance coordination with County, State, and Federal leaders to ensure that all relevant parties are actively involved in the process.

He acknowledged the presence of Lauren Lareau, Chair of the Environmental Advisory Council (EAC), and commended the entire EAC for their dedicated efforts behind the scenes in supporting this initiative.

Bill Everett, a resident of 286 Hidden Spring Lane and an EAC member, thanked Mr. Ksiazek for the Township's thorough and well-prepared update on its efforts to oppose the proposed wastewater treatment plant.

Mr. Everett then provided a detailed update on the group's recent efforts, including participation in two EAC meetings at Newtown Township and Newtown Borough, as well as meetings with the Bucks County Water and Sewer Authority. He encouraged residents to attend the upcoming Newtown Township Board of Supervisors meeting on January 22, 2025, at 7:00 p.m.

He closed by sharing that the group has an email address for citizens if they have any questions or would like to contact the group, they can email stopthenewtownsewerplant@gmail.com and their website is www.stoptheplant.com.

Andy Warren shared, based on his professional experience, that the permitting process may move faster than some expect. He emphasized the importance of closely monitoring the situation.

Mike Fantini, 75 Cobalt Ridge Drive, emphasized the need for the community to be proactive in preventing developments like a wastewater treatment plant from being built in residential areas.

Ms. Kane noted that the Township is taking this issue seriously, highlighting that Board members first learned about the proposal through an article in *Levittown Now*.

Donna Salvucci, a resident of 144 Pine Glen Road and a member of the steering committee, thanked the Board for their swift response and expressed her appreciation for their efforts. She added that if the Township requires public comments at any DEP meetings, the committee is ready to assist.

Mr. Ksiazek commended Mr. Everett, Ms. Salvucci, and the entire group for their dedication and hard work on this issue.

Action: Ms. Kane made a motion to authorize the Township Solicitor to send a letter on behalf of the Township to the Department of Environmental Protection (DEP), seconded by Ms. Quirple. A motion carried by a vote of 5-0.

14) Other Business.

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

Ms. Teoli Kuhls announced that after 13 years at Middletown Township, she has decided to transition her career to embark into municipal consulting career. She emphasized her commitment to ensuring a smooth transition for the Township over the next six months.

Ms. Teoli Kuhls thanked the Board of Supervisors and residents for the opportunity to work alongside talented and dedicated individuals, including elected board members, staff, and community members.

Mr. Ksiazek said that the Township is certainly are sad to see Ms. Teoli Kuhls leave Middletown Township, but we also wish her all the best as you transition to the next phase of your professional career. Mr. Ksiazek added that on behalf of this entire board and prior boards, that it's been an honor and a privilege to serve with Ms. Teoli Kuhls. He thanked her for her dedication to the residents and the community

15) Adjournment.

Ms. Kane moved to adjourn the public meeting of the Middletown Township Board of Supervisors' public meeting at 8:20 p.m., seconded by Ms. Payne. Motion carried by a vote of 5-0.