

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

ROBERT HARVIE, JR., CHAIRMAN	PRESENT
JEFFRY DENCE, VICE-CHAIRMAN	PRESENT
JEFFREY ROCCO, SECRETARY-TREASURER	PRESENT
BRIAN GALLOWAY, SUPERVISOR	PRESENT
JEFF BORASKI, SUPERVISOR	PRESENT

The meeting commenced at 7:05 p.m. with roll call and salute to the flag. All Board members were present. Also present were Finance Director Betsy Reukauf, Lt. Todd Pletnick, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher, and Township Engineer James Sullivan. Manager Gray had a family commitment this evening.

**ITEM # 1 PUBLIC COMMENT – FIVE MINUTE LIMIT PER PERSON
FORTY-FIVE MINUTE MAXIMUM**

Mr. John Beck said he has been on the tow list for a very long time. He asked if anything had changed with the towing since they received a letter saying they didn't get their paperwork submitted in a timely manner. Chairman Harvie said nothing had changed. The towers receive the same paperwork every year. There were nine towers on the list last year. Only one re-signed by the deadline. Mr. Beck said he is here to explain that how it was presented was misleading and he would like to try to resolve this matter. He thinks you will be doing an injustice to the police and towers because most of them will be taken off of the tow list. He thinks it was unfair how it was done. Mr. Beck said the \$500 application fee was always separate from the business license fee of \$75 and that this year, it was changed. Chairman Harvie said for one year only, for the 2012 application, the date was extended to December 15th. Mr. Beck said he is trying to come up with a resolution. You have good towers who serve the township and they all feel the same way. The first page had a December 31st due date and that is when they all thought it was. The second page had the due date of November 30th. Chairman Harvie said the only change this year was that all the mailings were compiled to make it simple and cut down on postage. The forms were all sent out at the same time. The ordinance is clear that they have to have the application in by November 30th. It was on a Sunday so handing it in on the following day, December 1st, was acceptable. Chairman Harvie told Mr. Beck he is bound by laws and the township is bound by laws. The township has a problem if they do what Mr. Beck is asking because there is a tower who did comply with the law. If they now say let us extend it for everyone else, we are in violation of his rights and we can get sued by him. The court would likely rule that he would still remain the only tower on the list. Chairman Harvie said he understands and sympathizes with the business owners. No one put in for the heavy duty tow. Since no one put in for that, that is something they can go back to advertise. The notice to towers was advertised as it is every year and that it had to be in on or before November 30th. The law is that if the due date falls on a Saturday or Sunday, it is automatically extended to the next business day. Member Rocco asked when the fee is due

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for the towers. Mr. Clarke said it is due at the time they submit their application. Member Rocco said he feels that it could have been a little confusing, but at some point the responsibility falls on the business owner. Mr. Clarke said the language for the license calendar year 2012 stated that for the 2012 calendar year only, all paperwork needed to be submitted on or before December 15, 2011. That was for 2012 only. Chairman Harvie said at this point it is unfortunate that there is no remedy. We will get sued, we will lose, and you will get kicked off the list anyway.

Mr. Norbert Sonnie (Scoutmaster from Troop 168) thanked the board for allowing the Boy Scouts to attend tonight's meeting to work on their Citizenship in the Community badge.

Mr. Dick Trimble asked where they stand with the ordinance with regard to buses. Chairman Harvie said if a vehicle is parked in the road and causes an obstruction, the police have the authority to remove the vehicle. Mr. Trimble said he had recent opportunity to look for some property. He came across two locations that are worrisome to him. One is a mining operation at the end of Old Bristol Pike near Atlantic Concrete, and the other is off of M-Y Lane where they are storing tractor trailers. Mr. Trimble questions what is stored in those tractor trailers. Mr. Trimble asked the township to look into this. Mr. Trimble gave the board a copy of the original land development plans for Fairless Hills. Chairman Harvie said our Code Enforcement Officer will have his office take a look at those two properties in question. Mr. Trimble said in regard to the budget, he would like to see a key on each page which refers to the abbreviations listed within the budget (ex. HCF – Host Community Fund). Mr. Trimble said he will e-mail some of his comments to Mrs. Reukauf and the board.

Mrs. Roland Kenney said there was an article in yesterday's newspaper from Mr. Mariani and suggested that everyone read it when they have a chance. Mr. Kenney would like everyone to remember in their prayers, the young female firefighter who lost her life fighting a fire.

Mr. Kevin Wilson (Rob's Automotive) wants to put on record that Rob's submitted their application and the township received it on December 8th. You say you have received two applications – one from an existing tower and one from a new tower who saw it advertised. He would like you to consider the fact that through the years when he worked in dispatch, there would be many occasions he would have to go to tower #2, #3, or #4 in order to get a tower to answer the phone. Mr. Wilson would like you to reconsider this so the township doesn't get into trouble. Chairman Harvie said the tower who is on the list is purchasing extra vehicles to meet the demand. Lt. Pletnick said they were assured by the tower that they would supply everything that is needed. We are expecting the person who submitted paperwork to properly comply as well. Mr. Wilson said it is great that this gentleman is promising to do what he said, but he has seen his business operate. Being a township tower is a privilege. Mr. Beck asked why he didn't receive any return phone calls this week when he called the township and left messages. Mr. Clarke said that is partly on his office. Sometimes these matters get referred to his office, sometimes they get handled by Manager Gray. After he discussed this today, it was determined by Manager Gray would be returning the calls tomorrow.

Mr. Ben Backes represents Falls Auto Body. He said he finds it odd that there are a bunch of seasoned towers that did not submit their paperwork on time. If you are worried about one tower being mad, you now have a bunch of towers who are mad. Chairman Harvie said he understands that matter and knew it would be a concern. When they started looking at their options, they realized they do not have any options because they would be breaking the law. There have been situations in the past where one tower complains about another one. It is a tough business. Mr. Backes asked if there have been any changes to the ordinance or if anything had been extended. Chairman Harvie said it was 2011 for the 2012 year where the date had been extended due to changing of the ordinance. The issue was that they had to make changes to the heavy duty tower list. Because they had to get that in place, the deadline was extended, but only for that one year. Mr. Clarke said this isn't a matter of the township changing an ordinance or doing what they think is fair. The township has an ordinance and one tower got his application in one time. That tower has a vested property right. If we were to go out and let everyone re-apply, we would be violating this other tower's vested towing right. There has been a lot of litigation over the years regarding towers in the third circuit. Once you are on this list, you have a vested property right. We cannot take that away from him. Member Dence said this is not a decision that the five of them made. They get legal advice and they have to follow the law.

ITEM # 2 KEYSTONE NAP DATA STORAGE FACILITY – AMENDED FINAL APPROVAL – 49 MIDDLE ROAD – TMP # 13-51-1

Mr. Sullivan said there was some equipment located outside of the structure and concrete pads that were not on the original plan. They have an amended final plan to show the equipment. Chairman Harvie said this is a company that will accept data and store that data for numerous businesses. It is a simple plan; they are just making some notations on the map. Member Galloway moved to approve the amended final plan for the Keystone NAP Data Storage Facility, located at 49 Middle Road, TMP # 13-51-1; Member Dence seconded the motion; all board members were in favor with the exception of Member Boraski who abstained since his company was on the job. (4-0-1)

ITEM # 3 EXTRA SPACE STORAGE FACILITY – PRELIMINARY AND FINAL APPROVAL – 915 LINCOLN HIGHWAY – TMP # 13-028-022-004

Mr. Thomas Hecker represents the applicant. The property is located near 915 Old Lincoln Highway. Mr. Hecker said his applicant, Mr. Rick McLaughlin, is involved in the sale and repair of trucks. He plans to move his TruckSmart operation and Isuzu operation to this location. He has entered into an agreement of sale with Extra Space to sub-divide this property. There will be some improvements made to the property. They appeared before the Zoning Hearing Board to obtain the necessary relief and have also received approval from the Planning Commission. Waivers include planting of trees, street trees, sidewalks, and curbs. Member Galloway asked why they have waivers for the trees. Mr. Hecker said there are two waivers with regard to trees. They are taking over an existing lot. There will be landscaping, but they do not plan to plant trees along Rt. 1 because there are no trees there now. Member Dence asked for the hours of operation for this business. The hours of

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operation will be Monday to Friday, 8 a.m. to 6 p.m. and on Saturday, 9 a.m. to 1 p.m. Member Rocco moved to approve Resolution # 14-34, granting preliminary and final approval for the Extra Space Storage Facility, located at 915 Lincoln Highway, TMP # 13-028-022-004; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 4 PUBLIC HEARING FOR CONSIDERATION OF APPLICATION FOR EMILIE TOWING AND RECOVERY FOR STANDARD AND HEAVY TOW TRUCK WRECKER SERVICE FOR THE 2015 CALENDAR YEAR

Mr. Clarke said this is a public hearing pursuant to the township's wrecker's ordinance. Emilie Towing and Recovery has submitted a timely application to be on the standard and heavy-duty tower's list for the 2015 calendar year. They have listed their lot as 9240A East Tyburn Road. All licensed towers must control a vehicular impound lot within the township to secure vehicles towed in the township. It was determined that the lot that the applicant listed is the same lot listed by East Coast Propane when they submitted their zoning application, agreement of sale with the owner of the property, and a letter of intent. East Coast Propane was denied by the Zoning Hearing Board, but they have filed an appeal. Emilie Towing has submitted a hand-written note from the property owner saying they have the right to use the lot for 30 days and that right is renewable. Emilie cannot use this lot. The township was informed late this afternoon that East Coast Propane was going to allow Emilie Towing to use half of the lot. If that were the case, Emilie Towing would have to go through land development. There is no way that this land development can be completed before the end of the year. Mr. Bill Whitish said his first tow was in 1959. He spoke to the township solicitor and they have discussed this issue with the property owner, Mr. Rubin Anders. Mr. George Lam who is the one who filed for the propane property. The property in question is number 9240A and there is also a 9240B (propane property). Mr. Whitish said Mr. Anders will give him a yearly lease and this will go over to the new owner so he can continue with the lease of 9240A. This property is a separate property so it is not being divided. He finds it difficult since this is a separate property and he will have, by Thursday the latest, a lease for the year. He has been looking for property for a little over a year. His checks have been submitted and everything else is ready. He has eight vehicles and he cannot see where this is a problem. Mr. Clarke said numbers 9240A and 9240B do not exist. There is no property record in the Bucks County Board of Assessment. There is a 9244 East Tyburn Road and a 9240 East Tyburn Road. Both tax map parcels are listed on East Coast Propane's application. East Coast Propane has an agreement of sale and letter of intent and they are already on appeal. If it gets settled before a year, then East Coast Propane has the right to use the property. Mr. Whitish said he will have a lease signed by the present owner and authorization to continue for the year. Chairman Harvie said Mr. Whitish is claiming an address that the Bucks County Board of Assessment does not recognize. Mr. Clarke said Emilie Towing does not meet the ordinance requirements. Mr. Whitish said the property is located at tax map parcel 13-47-013, 9232 East Tyburn Road. Mr. Clarke said the applicant has complied in all other respects except 206-5B4. Mr. Whitish said there is a gentleman in the audience who said he could use his lot. Mr. Clarke said no more than one licensed towing operator may use any given storage lot or impound

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yard to meet the requirements of this section, and no more than one storage lot or impound yard may be located on any given property. Chairman Harvie called for a brief recess at 8:12 p.m. The meeting reconvened at 8:20 p.m. Mr. Clarke said the board met briefly to have him clarify a legal point. The ordinance that we have requires a tower to have an impound lot within Falls Township at the time they submit their application or at a minimum at the time they are beginning to go on the list as of January 1, 2015. The applicant before us this evening is unable to demonstrate that they have an impound lot located within Falls Township. At this point in time, they would be unable to demonstrate that they possess a lot so the only decision the board can make, based on our ordinance, is to deny the application of Emilie Towing and Recovery. Member Galloway moved to deny the application for Emilie Towing and Recovery standard and heavy tow truck wrecker service for the 2015 calendar year; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 5 CONSIDER AUTHORIZATION FOR ADVERTISEMENT FOR CHANGES TO THE FLOOD PLAIN ORDINANCE

Chairman Harvie said the township has heard complaints for years because some residents, especially those in Elderberry and North Park, have had to pay for flood insurance. Recently we have had a couple of our township staff deeply involved with FEMA to try to help remedy this problem. The updated maps take a large number of the residents who are in the flood plain, out of the flood plain. A lot of these homes have never had any flooding. Another move we can make to assist residents is to change our flood plain ordinance. Mr. Bennett and Mr. Jones have both worked with Ms. Gallagher on this issue. Mr. Bennett gave a brief explanation of this change. Ms. Gallagher said this has to be in place by the end of February. The changes are necessary to be in compliance with NFIP standards. Member Rocco moved to authorize advertisement for changes to the flood plain ordinance; Member Dence seconded the motion; all board members were in favor. (5-0)

ITEM # 6 CONSIDER ADOPTING 2015 BUDGET AND RESOLUTION ESTABLISHING MILLAGE RATE FOR YEAR 2015

Chairman Harvie introduced this item. They will need to adopt the 2015 budget and then pass a resolution establishing the 2015 millage rate. Member Dence moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (5-0) Mr. Guido Mariani wished everyone a Merry Christmas. Mr. Mariani said host fees continue to be a major source of funding for our budget; somewhere around \$12M this year. He does not believe host fees should be a funding source for our general fund. He wants to expand our tax base and wants Falls Township to be self-sufficient. Mr. Mariani would like to see a leaf vacuum service added next year. Mr. Mariani would also like to see the \$17,225 for goose management removed and budget for a proven method of goose removal. Mr. Mariani spoke about the township's healthcare plan. He said he does not want to take away from anyone, but the healthcare costs have greatly increased since 2012. Mr. Mariani said there was overtime listed and wondered if new employees needed to be added to reduce the amount of overtime that is being paid. Mr. Mariani asked about the \$945,000 for the

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open space grant. Mr. Mariani commented on the decline of host community fee total revenue, the use of \$6M from the reserve fund for the new township building, and the cost of rising pensions. Mr. Mariani suggested putting together a panel of business and private volunteers to identify potential cost savings. Member Dence said even though some things are budgeted, it does not necessarily mean it will be spent. Member Dence moved to close public comment; Member Galloway seconded the motion; all board members were in favor. (5-0) Member Dence moved to adopt the 2015 Budget as presented; Member Galloway seconded the motion; all board members were in favor. (5-0) Member Dence moved to approve Resolution # 14-35, establishing the millage rate for year 2015; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 7 CONSIDER RESOLUTION TO APPOINT AUDITOR FOR THE 2014 FINANCIAL AUDIT

Member Dence moved to appoint Major & Mastro, LLC as the Township Auditor for the 2014 Financial Audit; Member Galloway seconded the motion; all board members were in favor. (5-0) Member Galloway moved to approve Resolution # 14-36 for appointment of Major & Mastro, LLC as the Township Auditor for the 2014 Financial Audit; Member Rocco seconded the motion; all board members were in favor. (5-0)

ITEM # 8 CONSIDER AWARDED WORKERS COMPENSATION CONTRACT FOR YEAR 2015

Member Galloway moved to award the Workers Compensation Contract for the year 2015 to Delaware Valley Workers Compensation Trust (DVIT) in the amount of \$415,580; Member Rocco seconded the motion; all board members were in favor. (5-0)

ITEM # 9 CONSIDER PURCHASE OF BULLET PROOF VESTS FOR THE FALLS TOWNSHIP POLICE DEPARTMENT

Lt. Todd Pletnick said the purchase of new bullet proof vests will be used for ten officers of the S.W.A.T. team. The current vests are five years old, which is the recommended age for replacement. The cost is \$1,492.50 each for a total of \$14,925. Member Dence moved to approve the purchase of ten bullet-proof vests in the amount of \$14,925; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 10 CONSIDER NOTICE OF INTENT TO AWARD FOR THE GREEN BELT DRAINAGE IMPROVEMENT PROJECT FOR VERMILLION HILLS

Chairman Harvie said there was a drainage issue in Vermillion Hills that they wanted to look at and address. Mr. Sullivan had a proposal to try to improve drainage in the one area. Bid opening was on December 10th. There were five bids received, however, they were much higher in price than anticipated. Bids ranged in price from approximately \$143,000 to \$269,000. The re-charge system that was proposed is something contractors do not like to

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work with and probably resulted in the higher cost. Mr. Sullivan said they will use a more conventional approach. Member Dence moved to reject the five bids for the Vermillion Hills Open Space Drainage Project; Member Rocco seconded the motion; all board members were in favor. (5-0) Member Rocco moved to re-advertise the Green Belt Drainage Improvement Project for Vermillion Hills; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 11 ENGINEERS REPORT

Mr. Sullivan said the docks were removed from the Quaker Penn Park boat ramp on November 17th. They will be re-installed in the spring. The 2013 Road Program is in the punch list phase. Lawn restoration will take place in the spring. Member Dence said he noticed that some of Makefield Road is cracked and sinking in. Mr. Sullivan said they can use some cold patch to fix it. Member Dence moved to approve the November Engineers Report dated December 12, 2014; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 12 BILL LIST

Member Rocco moved to approve the December 16, 2014 bill list in the amount of \$1,782,813.67; Member Boraski seconded the motion; all board members were in favor. (5-0) Member Rocco moved to approve the James D. Morrissey bill (\$220,340.05 from the November bill list); Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 13 MINUTES – NOVEMBER 18, 2014

Member Dence moved to approve the November 18, 2014 minutes; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 14 EXECUTIVE SESSION

There was an Executive Session held prior to the meeting. Mr. Clarke said the board discussed various matters of potential litigation.

ITEM # 15 MANAGER COMMENT

- A. Member Dence moved to approve the change in pension status to disability pension for retired police officers Shook, Taylor, and Bertone; Member Boraski seconded the motion; all board members were in favor. (5-0)
- B. There are mylars ready for the Fairless Hills Mall.

ITEM # 16 BOARD COMMENT

Member Rocco wishes everyone Happy Holidays and a Happy New Year. With regard to the towers, Member Rocco said they don't sit up there and not allow people to be on the tow

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list. The law is the law. He thinks there was a little confusion with the packet, but the responsibility lies on the towers. They would be in violation of the township ordinance if they accepted everyone back on the list.


Member Boraski thanked fellow board members for helping him out during his first year on the board. Member Boraski wished everyone a Merry Christmas.

Member Galloway said Happy Holidays to all.

Member Dence sends wishes for a Happy Hanukkah, Merry Christmas, and Happy New Year. He looks forward to 2015.

Chairman Harvie said looking back at the year, he wants to thank the township staff for all of the work they put in. Chairman Harvie said the township staff does look around the township to look at areas of concern and the township does listen to residents. There are a lot of folks here who work day in and day out who get deeply involved in issues. Chairman Harvie said he spoke with someone looking to open a business in Fall Township. That person told him that out of all the places he's looked at, Falls Township was the easiest place he's dealt with. Chairman Harvie said he and other board members ran for these offices because they have a lot of pride living here. Chairman Harvie thanked the numerous people who volunteer in the township to make our community a great place. Chairman Harvie wishes a Happy Hanukkah, Merry Christmas and a Happy and safe New Year in 2015 to all.

Member Dence moved to adjourn the meeting; Member Galloway seconded the motion; all board members were in favor. (5-0) The meeting was adjourned at 9:04 p.m.



Jeffrey Rocco, Secretary