

**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 7:00 p.m. with roll call and salute to the flag. All Board members were present. Also present were Township Finance Director Mrs. Betsey Reukauf, who was sitting in for Manager Gray, Police Chief William Wilcox, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher, and Township Engineer James Sullivan. Chairman Harvie said that Manager Gray had a family commitment this evening so Mrs. Reukauf is here this evening. Chief Wilcox will be attending these meetings each month. Chairman Harvie said they believe it will be beneficial to have him here in regard to police issues. Chairman Harvie thanked Chief Wilcox for attending the meeting.

Mr. Clarke gave an update on Executive Session. Earlier today the board held an Executive Session to discuss personnel and a matter of litigation. They also had an update from the solicitor's office regarding developments with the Sunshine Act and an update from the police department regarding some ongoing matters within the township. Earlier this afternoon there was an Executive Session with Waste Management to discuss some ongoing projects in the township. Mr. Clarke said at no time was there any official action taken during those discussions.

**DISCUSSION ON UPDATES BY THE COMMUNITY & ECONOMIC
DEVELOPMENT COMMISSION**

Mr. James Hess, Chairman of the Community & Economic Development Commission (CEDC) was present this evening to give an update. Other members of the CEDC are: Mr. Mark Constable, Mr. Robert Hedden, Ms. Vanessa Persicketti, and filling in from the Planning Commission is Mr. Brian Binney. Mr. Hess spoke about the background of the CEDC, as well as information on research studies on economic development, attracting new business and retention of current business within the township, recommendations and opportunities for current and future land use, transportation, funding, and next steps. Mr. Hess spoke about various meetings they have had including meetings with the public. Chairman Harvie thanked Mr. Hess, the CEDC Board, and Member Galloway for all of the work they put in for this commission and their continued work to improve Falls Township. Board members thanked Mr. Hess and the CEDC for all of their work. A member from the

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public said Mr. Hess spoke about a survey and asked who was surveyed. Mr. Hess said the survey was included in the business license renewal letters that went out in 2011.

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

Mr. Roland Kenney apologized to Mr. Sullivan for a comment he made at the last meeting. Mr. Kenney said he and Chairman Harvie were on the front steps of the Three Arches and they praised Mrs. Liz Reese for the work she has done as caretaker of the Three Arches for the last 14 years. He would like the five board members to make him a proud Democrat and tell her they would like her to stay on as the caretaker of Three Arches.

Mr. Edgar Lituma asked for an update on the sidewalks on South Olds Boulevard between the creek and the Deon Square shopping center. Mr. Lituma said a sidewalk is needed in this area. Mr. Lituma would also like an update on the soccer fields. Mr. Lituma said he and the Parks and Rec Board were upset when Mr. Reese was fired. Chairman Harvie spoke about the sidewalks in the area Mr. Lituma referenced. Financially, they couldn't do the sidewalk on the side of the road where Mr. Lituma would like to see one, but there is a sidewalk on the other side. State law requires that vehicles stop for pedestrians in a crosswalk. With regard to Mr. Reese, Chairman Harvie said he has worked with him a lot over the past ten years here. He did a good job as Parks and Rec Director, but there were issues over the past few years that the township administration didn't see eye to eye with Mr. Reese. After discussions with Manager Gray, Mr. Reese decided to resign as Parks and Rec Director and they wish him the best of luck. Chairman Harvie said the township has a good staff and they are confident with the Parks and Rec situation and volunteers such as Mr. Lituma, that it will keep going and be even better in the future.

Mrs. Gloria Lituma said she is here to voice her dismay about the Lubricycle project which will open in the KOIZ zone. She asked if this project was finalized. Chairman Harvie said it was approved for preliminary. There were some recommendations that the board made to them and they will have to keep working with our township engineer. Barring any unforeseen circumstances, it will be a facility that will be built in the KOIZ. Mrs. Lituma asked where she can find information about Lubricycle as well as what happens in their recycling process. Chairman Harvie said it is an established company and has been operating for quite a while. Mr. Clarke said to try Lubricycle.com or try Seaview Refinery Holdings, LLC. They are located in Blue Bell, PA. Chairman Harvie said for approvals, they have to go the Board of Supervisors, our engineer, the Planning Commission, the Environmental Advisory Council, and the township Fire Marshal. They will have to go back to the Planning Commission and appear again before the Board of Supervisors at some time in the future. They would have had to been approved by the Pennsylvania DEP. Chairman Harvie said he understands Mrs. Lituma's concerns. When the applicant was here, there was a lengthy discussion that the company provided. Chairman Harvie said with them as a property owner, there is a limit as to what the township can do as far as who can come in. If a company meets all of the regulations and laws that are in place, the law states

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that what we can do as a township is very limited. Mr. Sullivan said they have a very extensive spill containment plan for this project so spills shouldn't be an issue.

ITEM # 2 PENSKE TRUCK LEASING CO., L.P. – CONDITIONAL USE HEARING AND WAIVER OF LAND DEVELOPMENT – 225 NEWBOLD ROAD – TMP # 13-28-62-5

Member Galloway moved to open the Conditional Use Hearing for Penske Truck Leasing Co., L.P.; Member Dence seconded the motion; all board members were in favor. (5-0) Mr. Clarke said this is a Conditional Use Hearing. The applicant is Penske Truck Leasing Co., L.P. located at TMP # 13-28-62-5, located in the Township of Falls, Bucks County, PA. This is an application requesting conditional use to construct walls to enclose an existing fuel station and incorporate that portion into an existing building located at 225 Newbold Road. The applicant is represented by Mr. Gavin Laboski, Esq. Mr. Clarke asked Mr. Laboski to identify his application, mark and introduce any exhibits that he plans on using, and introduce his witnesses. He should then give a brief summary of the testimony of each witness. After he is done with the summary, they would ask that both of your witnesses be sworn in and ask them if they agree with your summary. The witnesses are Mr. Sean Yentsch who is the Director of Facilities for Penske Truck Leasing and Mr. Judd Dayton, Engineer from Evans Engineering who prepared the plans. Mr. Laboski presented the exhibits as follows: A1 – Application; A2 – Deed to the property; A3 – Original land development plan; A4 – Final land development plan; A5 – Letter and related documents from September 21, 2012 from Environtrak; A6 – Correspondence from Global Finishing Solutions; A7 – Exterior photographs of the subject property; A8 – Interior photographs of a related similar facility that Penske has in Maryland; and A9 – Rendering of the proposed building design. Mr. Laboski said that Penske owns the property located at 225 Newbold Road. It is approximately 3.9 acres in the Planned Industrial Park (PIP) zoning district. They propose to alter the use in the building to a collision repair facility. This property has frontage and access on Geoffrey Road and Newbold Road. No substantial changes have been made to the layout of the property since 1984. It is a one-story 12,300 sq. ft. building. There are approximately 35 parking spaces on the application. The business will be typically open from 7 a.m. to 4 p.m. and they may add a second shift from 3:30 p.m. to 12 a.m. They will employ 6 to 8 body technicians and 4 office employees. They would be new hires and not transfers from another location. The two witnesses were sworn in. Mr. Yentsch and Mr. Dayton both agreed with the summary provided by Mr. Laboski. Member Boraski asked where the trucks go now to be repaired. Mr. Yentsch said they currently get towed to Reading, PA. Member Boraski asked if they would bring in other trucks or just service Penske trucks. Mr. Yentsch said most vehicles are Penske trucks or lease vehicles. There had been a rental use at this facility, but it is now gone. Member Rocco moved to close the Conditional Use Hearing; Member Galloway seconded the motion; all board members were in favor. (5-0) Member Rocco moved to approve the Conditional Use Hearing for Penske Truck Leasing Co., L.P. located at 225 Newbold Road; Member Dence seconded the motion; all board members were in favor. (5-0) Chairman Harvie said they will now look at a waiver of land development. Chairman Harvie asked Mr. Laboski if he has a copy of the November 8, 2013 Fire Marshal review letter – Mr. Laboski said yes, and

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that is a will comply. Member Dence moved to approve Resolution # 14-5, granting a waiver of land development to Penske Truck Leasing Co., L.P., located at 225 Newbold Road; Member Galloway seconded the motion; all board members were in favor. (5-0) There was a break in the meeting at 8:15 p.m. and the meeting reconvened at 8:22 p.m.

ITEM # 3 CONSIDER AGREEMENT WITH ACT ENGINEERS

Chairman Harvie said the agreement this evening looks at ratifying the work that ACT Engineers is doing for the township. Chairman Harvie said they would like to have a discussion with board members about the future of this project. Biles Island has been owned by either Warner or Waste Management for many years now. In the 2005 agreement with Waste Management, the township was given the option of buying Biles Island, which is almost 600 acres, for the amount of \$1. At the time, Waste Management said they would be interested in working with the township for an end-use plan, where they would leave the island in a state and through their own process, and make it easy for us to transition it into what we wanted to do. In our community park that did not happen and the township had to spend a lot of money to make that a park. Four years ago, ACT was hired to begin the work to look at Biles to see what could be done and look at the options. This would not happen overnight and this island is being used and will continue to be used by Waste Management for quite some time; it will probably be a couple of decades until they are finally finished with it. There were meetings and studies to get ideas to come up with a concept plan, which the board approved. There was a grant that the township received from the Pennsylvania Department of Conservation and Natural Resources for \$92,000 to assist us with that. In addition, the board has discussed the idea of using \$945,000 of open space money from the county to assist us with that. The board has discussed the idea of using of the northern part of the island which is called phase 1. Part of the problem with getting onto this area is that it is still Waste Management's property. The DEP will create a wetlands area to make up for what is being disturbed during their operations. A few months ago a decision with DEP was that they would still be using some of the island for creating wetlands and it was not in an area that would transfer with what we wanted to do. ACT has spent about \$27,000 so far with their reviewing of the island and coming up with a master plan. At this time, the supervisors will discuss what they want to see going forward and the next steps for this project. Member Rocco said overall, he is not very happy with the direction of the project or the programming and engineering services from ACT. Communication hasn't been great. Member Rocco said it is his desire to relieve ACT of their duties tonight. As far as Biles Island, he thinks they should just see how it goes. Member Dence said he first saw Biles Island even before he was elected. The northern part was basically a walking trail around a lake with some wildlife. It was exciting to think you could have something like that in Falls Township and the fact that we had access to the river made it very exciting to him. He is not happy about the master plan and a lot of people focused on that. The master plan was something they had to do in order to get grants. He doesn't think there was enough information that went out to the public. It used to be a very nice place to go and now it is basically a strip mine. He doesn't see Waste Management giving it up any time soon. The part they have access to does have a lot of potential. He is disappointed in the way a lot of things went on with ACT and there was some negative communication. Member Dence

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thinks they should shelve this project but not kill it completely. He thinks they should not approve this agreement. Chairman Harvie said we authorized the master plan and that was approved in the amount of \$315,000. That is the amount we would have to spend as a township in order to get the \$945,000 grant money from the township. Member Dence said he thinks we should stop all work on this project indefinitely and come up with other plans for the open space money. Chairman Harvie said ACT was told to stop all work. With the money from the county they have to apply for that money by the end of this year and there are several steps to take prior to doing that. The money has to be spent within two years of approval of the application. Member Galloway said after what the other board members have said he asks if there are concerns that we will lose the grant money if we let go of ACT. This agreement tonight was certifying that this is who the state is working with. Chairman Harvie said with talking with Manager Gray, of the \$26M that has been allocated through the county, only \$1M has been spent and that was in four municipalities. Chairman Harvie said it is possible that we could decide to spend \$945,000 for something else in the township. Ms. Gallagher said if this is something the board would want to consider, it should be considered sooner rather than later. Chairman Harvie said open space money can be used to protect land from development. Different parts of the county have different uses. It can also be used to improve or create passive recreation. Member Dence said maybe it can be used for soccer fields or the fishing pier, or to fix the boat ramp. Mr. Clarke said not continuing to use ACT's services do not forfeit the money that has been made available to us. If we want to move forward we do have to submit the applications. It would not impact our ability to apply for these grants. ACT would be paid for any of the work that they have done for the township up until this point. This is for professional services and not a contract. If the board desires to put this on the shelf, perhaps the best way to handle this tonight is not to consider the agreement with ACT, but to take a vote that ACT should cease any work on this project until further notice. Member Boraski said for years he was on the steering committee for Biles Island. He also was excited about the project, but he is a little less confident about Biles Island as well as ACT engineering and how we move forward with them. Chairman Harvie said he was surprised to see it was four years ago in February, 2010 when ACT was hired. Biles Island is in an area of the township that looks to be re-developed. It is an area that is on the river to hopefully spur some development. He respects a lot of the work that ACT did and they gave us some guidance, but there are some things he was not happy with. We do have county money to pay for a majority of this. It is a little bit of a risk to move forward thinking maybe the money will be there. Member Dence moved to direct Manager Gray to ratify and direct ACT Engineering to cease work on Biles Island completely; Member Rocco seconded the motion; all board members were in favor. (5-0) Mr. Clarke said to keep in mind that the only way ACT would continue to do any work is if at least three out of the five board members decided to move forward to get them to do the work. Without the engineering, the project cannot move forward. The only way the township would get open space money is if we spent \$315,000 first. Our open space grant is for passive recreation and our soccer fields would not qualify for passive recreation. We are looking into how we can take steps to allow us to use the money in a different way.

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ITEM # 4 DISCUSSION ON TRAFFIC CALMING IN FALLS TOWNSHIP

Mr. Clarke said when they were asked to do this, they looked at similar ordinances. They are putting it together right now and should have something for the board to look at by the end of this month. If the board wishes, they can adopt this at a meeting in March. Chairman Harvie said they will take a look at what they want the committee to do and how often they want them to meet. Chairman Harvie said they have some previous information and presentation from Lt. Airey about traffic. Member Dence said he likes the idea of officially creating a committee so they can get to work. There is some information on the township website as to what works and what doesn't work. Member Boraski said it is important to remind residents to contact the police department if there are problems so they are aware of any issues. Member Dence said they are still looking for volunteers in case anyone else is interested in being on this committee. Chief Wilcox said anything that will help improve communication between the township, the police department, and the residents is a good thing. He spoke with Lt. Airey and he is also in favor of this.

ITEM # 5 CONSIDER AUTHORIZING ADVERTISEMENT FOR ORDINANCE AMENDING CHAPTER 173 – PEDDLING AND SOLICITING – SECTION 2 – APPLICATION FOR LICENSE; FEE SUBSECTION C

Ms. Gallagher introduced this item. This is a straight-forward change to the code. When people come in, they want a license immediately. They don't feel the supervisors need to approve every single license that comes in. Currently, the applicant goes to staff to get approval on a license, it gets approved, and then Chief Wilcox signs off on it. Member Dence moved to authorize advertisement for an ordinance amending Chapter 173 – Peddling and Soliciting – Section 2 – Application for License; Fee Section C; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 6 CONSIDER AUTHORIZING ADVERTISEMENT FOR ORDINANCE AMENDING CHAPTER 173 – PEDDLING AND SOLICITING – SECTION 2 – APPLICATION FOR LICENSE; FEE SUBSECTION C

Ms. Gallagher said this is a portion of the code that they are cleaning up. It is for when an individual is planning to have a special event such as a carnival, race, or trade show. The change expands it to include block parties or similar events. Member Dence moved to authorize advertisement for an ordinance amending Chapter 173 – Peddling and Soliciting – Section 2 – Application for License; Fee Subsection C; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 7 MINUTES – DECEMBER 17, 2013 AND JANUARY 6, 2014

Member Dence moved to approve the minutes from December 17, 2013; Member Galloway seconded the motion; all board members were in favor. (5-0) Member Dence moved to approve the minutes from January 6, 2014; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 8 ENGINEERS REPORT

Mr. Sullivan said the boat ramp suffered extensive damage due to the ice in the river. They will be gathering information and getting quotes to have this repaired, but it will likely not be repaired until the end of June or later. Member Dence said there is a video of the damage posted on the township website. Mr. Sullivan said that J. D. Morrissey has demobilized from the 2013 Road Program and will be back when the weather improves. There is sporadic activity at the Mercer Court townhouse development. They work every day they can. The Learning Center is just about done; most of the work that still needs to be done is inside of the building. The work on Makefield Road is gas line relocation. Member Dence moved to approve the December Engineer's Report dated January 17, 2014; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 9 BILL LIST

Chairman Harvie presented highlights of the bill list. Member Rocco asked about an item on the list. Ms. Reukauf said it was the public official's bond annual renewal. Mr. Clarke said these bills were originally on the list for the January 21st meeting and that meeting was canceled because of snow. Manager Gray called the board members to get approval to pay the bills. Many things that were on the list needed to be paid in a timely manner. Member Galloway moved to ratify authorizing Manager Gray to pay the bills subsequent to the January 21, 2014 canceled meeting, in the amount of \$3,207,060.81; Member Dence seconded the motion; all board members were in favor. (5-0)

ITEM # 10 EXECUTIVE SESSION

Report on Executive Session at beginning of minutes.

ITEM # 11 MANAGER COMMENT

Member Galloway moved to set the Treasurer's bond at \$2,000,000; Member Rocco seconded the motion; all board members were in favor. (4-0)

ITEM # 12 BOARD COMMENT

- A. Member Galloway moved to approve the 2014 consulting agreement with Thomas Anderson in the amount of \$4,800; Member Dence seconded the motion; all board members were in favor. (5-0)
- B. Member Dence moved to approve the \$6,000 donation to the American Legion for this year's Memorial Day parade; Member Galloway seconded the motion; all board members were in favor. (5-0)
- C. Member Dence moved to approve the \$6,000 donation to this year's DV3 Flag Memorial, scheduled for June 13-15, 2014; Member Galloway seconded the motion; all board members were in favor. (5-0)

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- D. Member Galloway moved to approve the \$6,000 donation to Levittown Continental; Member Dence seconded the motion; all board members were in favor. (5-0)
- E. Member Rocco moved to approve the \$6,000 donation to the Fairless Hills Athletic Association; Member Galloway seconded the motion; all board members were in favor. (5-0)
- F. The board spoke about an agreement with Ray Litwin HVAC in the amount of \$4,950. Member Boraski asked board members if they could hold off approving this item until they can further evaluate the work for the cost and see what other contractors might offer. There was no action on this item.
- G. Member Dence moved to ratify the snow emergencies for Tuesday, January 21, 2014 from 12 noon to Wednesday, January 22, 2014 at 6 p.m. and Monday, February 3, 2014 at 8 a.m. to Tuesday, February 4, 2014 at 8 a.m.; Member Boraski seconded the motion; all board members were in favor. (5-0) As a reminder, if there is at least 2 inches of snow, you have to remove your vehicles from the street, even if there is no official snow emergency in place.
- H. Mrs. Reukauf said there are mylars ready for signature for Faulkner and the RST Bucks Group.

ITEM # 10 BOARD COMMENT

Member Galloway – no comment.

Member Boraski – no comment.

Member Dence reminded everyone of the need to remove snow from sidewalks within 24 hours after a snow storm. You are also not allowed to throw snow into the street. Member Dence stressed being careful when shoveling snow. Member Dence said that Mr. Tom Miles resigned from the Zoning Hearing Board and expressed interest in being appointed to the Planning Commission. Member Dence moved to appoint Mr. Tom Miles to the Planning Commission; Chairman Harvie seconded the motion; all board members were in favor. (5-0)

Member Rocco moved to approve Resolution # 14-6 to appoint Mr. Al Brooks to the Zoning Hearing Board for the remaining term from Mr. Tom Miles; Member Dence seconded the motion; all board members were in favor. (5-0) Member Rocco said they received a letter from Jason Lawson who expressed interest in being appointed to the Zoning Hearing Board. Board members will reach out to him. Member Rocco asked about the recently advertised and tabled Chapter #191 gun ordinance that restricts guns from being brought into this building. Mr. Clarke said you just tabled it and the only way it can come back is if the board decides to advertise it again. Member Dence said a lot of people were against that ordinance and he thinks it could bring up a lawsuit. Both he and Member Rocco would like to see this removed. Mr. Clarke said they believe that our ordinance is distinguishable from the one that was passed in Erie and we believe that our ordinance is enforceable. Ms. Gallagher was directed to amend the ordinance to be put on a future agenda to authorize

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advertisement so it can be considered at a subsequent meeting. Member Rocco said the Public Works Department has been doing an awesome job.

Chairman Harvie moved to appoint Mr. Robert Halpachio to the longest available term on the Disabled Person's Advisory Board; Member Dence seconded the motion; all board members were in favor with the exception of Member Galloway who was not present for the vote. (4-0) Chairman Harvie said discounted rates for the Pinewood Pool Memberships will soon be available on line. The township is looking for lifeguards for the pool. Our next meeting will be held on February 18th. Chairman Harvie asked fellow board members to consider attending the PSATs meeting being held April 13-16, 2014 in Hershey.

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 9:35 p.m.



Jeffrey Rocco, Secretary