

**TOWNSHIP OF FALLS  
BOARD OF SUPERVISORS MEETING**

**ROLL CALL:**

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

The meeting commenced at 7:05 p.m. with roll call and salute to the flag. All Board members were present. Also present were Township Manager Peter Gray, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher, and Township Engineer James Sullivan.

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

Mr. Roland Kenney thanked Green Grass Landscaping and Jerry Kenny who agreed to take care of Three Arches. Mr. Kenney said he still hears talk of the Earned Income Tax (EIT) and mentioned other municipalities who have it, including another municipality who is in debt by \$4M and will benefit from the EIT. Mr. Kenney said this new building will cost \$17M. In regard to the seniors, they will see what happens when the seats come up. Mr. Kenney wished everyone a good night. Chairman Harvie said the township has not raised property taxes since 1996.

Mr. Matthew Nesteruk said he realized recently that there were vacancies for volunteer opportunities within the township. Mr. Nesteruk sent a letter of interest to Manager Gray and spoke with Chairman Harvie. Mr. Nesteruk spoke about a vacancy on the Township of Falls Authority (TOFA). He is really interested in this position since he works for a local authority. Mr. Nesteruk said the infrastructure of the township is important and the sewer system is something that concerns him. The local authority he works for has many of the same challenges that TOFA has. Mr. Nesteruk said he feels he would be well suited for that board.

Mr. Matthew Gardner said he submitted a letter of interest for a position on the Parks and Rec Board. He would appreciate being considered to serve on that board.

**ITEM # 2 NEW FALLS ROAD, LLC. (MCGRATH HOMES) – REVIEW AND  
DISCUSS SKETCH PLAN – 9172 & 9188 NEW FALLS ROAD – TMP #  
13-024-001 & TMP # 13-020-306**

Chairman Harvie said a sketch plan is a presentation by a developer where the board and the public get a chance to look at what is being proposed. This is not something that the board is voting on tonight. The developer for this project is McGrath Homes and the principals

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are Mr. John McGrath and Mr. Pat Flanagan. Monsignor Michael McCormac, the Pastor at St. Francis Cabrini, is also present. Mr. Thomas Hecker represents the applicant. Mr. Hecker provided information to the board in regard to this project. The St. Joseph The Worker Church remains open right now, but will close after June 30<sup>th</sup>. Mr. Hecker said his client is in the home building business and specializes in age-qualified 55 and older communities in Bucks County. Mr. Hecker spoke about the need for this type of community. A lot of people who are interested in this type of living are from the same community where these homes will be located. Mr. Hecker said they have an agreement of sale with the Archdiocese of Philadelphia to purchase 12 acres of property. It did not include the church property, as that still remains open for weddings and funerals. They have filed an application to rezone the St. Joseph property from the existing Institutional District to Age Qualified (AQ). They have an agreement of sale for the adjoining residential property and plan to rezone that property from NCR to AQ. They would then have 13 acres to be considered for rezoning. They went to the Planning Commission and there was a concern of rezoning the property to AQ and what will happen to where the church is located. They could not speak to that at the time, but they were able to retain the ability to purchase that property when the archdiocese is ready to sell. They also considered leaving the property as institutional because under the institutional zoning category, elderly housing is a permitted use and is a conditional use which would require a Conditional Use Hearing. They are okay with that if that is what the township thinks is a better fit. They would like to work with the township to work that out. Plans call for an initial 76 units on phase 1 and they will address phase 2 in the future. A significant benefit is that all of the amenities are owned by the homeowners association and everyone pays a monthly fee. Member Dence said this is a sketch plan which looks nice. The one thing that is a major concern for him is storm water management and he also wants to know what will happen with phase 2. Member Rocco had concerns about storm water as well as traffic. He asked about the price and size of the homes. Mr. Hecker said the price is somewhere in the high 200's to low 300's. There will be many options available to the buyer. The size will be between 1,700 and 2,000 square feet. They will offer 2-bedroom units with an optional third bedroom. Chairman Harvie spoke about the issue of storm water management and traffic. Anything being built today has to adhere to a high level of storm water management standards. Member Rocco asked how close they are to purchasing phase 2. Mr. Hecker said realistically, it will be sometime after June 30<sup>th</sup> as the church still remains open. Member Rocco and Member Dence suggested making the project one phase. Member Galloway said it was a nice presentation and that he also wonders about phase 2. Mr. Brian Binney said phase 2 is really important. They have an option for it. If they go through with phase 1, it means they have to sub-divide the property and phase 2 will be a separate parcel for a short time. They will create a lot that does not conform to existing zoning. There is a lot of impervious surface with the plan. If they don't ever build phase 2, we have a building that doesn't conform to the zoning requirements. We need to know that they will purchase it and not just have an option to purchase it. This type of townhouse, as identified in our zoning district, is a single-family house which is not permitted under conditional use in this zoning district. What they are showing on their sketch plan regarding setbacks, if they had to sub-divide it and phase 2 wasn't built, would require numerous variances. Ms. MaryBeth Haberstick said St. Joseph The Worker is directly behind her house. When they moved into

that house they were not in a flood zone. About 20 years ago, it became a flood zone. Ms. Haberstick's concern is major development. Right now on a bad storm, water comes up to her fence. She is afraid that this will put them over into a major flood area. Ms. Haberstick asked how much noise there will be and how long this project would last. She asked if there will there be consideration for the residents. Mr. McGrath said they always like to interact with neighbors and address their concerns before starting a project and work within the ordinance that the township allows. They built 300 homes in Yardley and that project took 2-1/2 years. This project is for 76 units. They feel very strongly about the market here. Hopefully, everything will be done in 1-1/2 to 2 years. This project will improve storm water management because of the basins. Ms. Haberstick had another concern with a piece of property, that she does not own, between her fence and the creek. Mr. Hecker said that is something they will look at and see if any of that property needs any maintenance. They appreciate the issue being raised and they will address it. Mr. Roland Kenney said McGrath is probably the best builder in Bucks County. He has seen a lot of their properties and if there are any issues, they will fix them. Monsignor McCormac said with regard to phase 2, it has been his intention, with the support of parish leadership, to sell the last piece of this property once they receive permission from the Archdiocese to do so. He had hoped to say it was already under agreement of sale, but they probably won't give them permission until after June 30<sup>th</sup>. Chairman Harvie said this is a single parcel. Mr. Hecker said all of the St. Joseph The Worker parcel is one parcel and the residence is a separate parcel. Mr. Clarke said it is his understanding that they would need to sub-divide those two pieces. Mr. Hecker said that is correct. Chairman Harvie thanked Mr. Hecker, Mr. McGrath, Mr. Flanagan, and Monsignor McCormac for attending tonight's meeting. As the project moves forward, there will be additional meetings and more time for people to ask questions.

**ITEM # 3 SILVI CONCRETE PRODUCTS, CNG FACILITY – PRELIMINARY  
LAND DEVELOPMENT – 355 NEWBOLD ROAD – TMP # 13-028-060**

Manager Gray said the applicant, Silvi Concrete Products, is proposing to construct a 2,400 sq. ft. compressed natural gas (CNG) fueling station at the site of an existing concrete pad on a 7.48-acre parcel. Representing the applicant is Mr. Stephen Harris. Mr. Harris reviewed the proposed plans for this project. There is a current Silvi fueling station. Before they switched to CNG, this was a diesel fueling station. About a year ago, the Zoning Hearing Board granted a variance for the Silvi fueling station to be switched from diesel to CNG. Because it was already there they didn't have to come before this board for land development plan approval. After that was approved, U.S. Venture approached Silvi about renting a piece of ground and putting up a public facility in conjunction with the private facility. Also present this evening is Mr. Zach Freshner and Mr. Pat Van Dehy, representatives from CESO, out of Columbus, OH. They are the engineers for this project. Mr. Harris said they comply with all of the environmental protection regulations. They have filed an application for the intent to install a CNG facility. They believe they are in compliance with the township regarding traffic flow. PENNDOT permits have been obtained. They have been before the Planning Commission twice and at the second visit they recommended preliminary and final approval. Mr. Harris said he is requesting preliminary and final approval this evening. Chairman Harvie asked Mr. Harris to address

Section B in the resolution. Mr. Harris said they are meeting the site distance requirements. PENNDOT has granted a Highway Occupancy Permit for the driveway entrances. Chairman Harvie asked about allowing a proposed driveway entrance to be constructed within an easement. Mr. Harris said they created it. They were asked to provide a cross-easement agreement between the two parcels, which has been done. There was a question about the 100-year flood plain. Mr. Harris said everything is being directed to flow into the lake. Mr. Zach Freshner said there is no flow and they hope to have positive drainage back into the storm water facility. Mr. Freshner also spoke about the site distance issue. Member Boraski asked about the Planning Commission recommending the record plan showing at least partial rather than subdivision. Mr. Harris said yes and explained how that has been taken care of. Mr. Harris said the plan, as you currently see it, is simply a lease line. Member Dence said he didn't realize how much of this is in a flood plain. Mr. Harris said it is a flood plain in the sense that it is a lake. This is not a flowing body of water. All of the equipment will be out of the flood plain. Mr. Sullivan said they are putting their tanks above the base tank elevation, but they are still in the flood plain. Mr. Sullivan said the lake is a mapped FEMA structure. It has a flood way and a flood plain. Mr. Sullivan explained the difference between a flood way and a flood plain. A flood way is the area where a flood would occur where the water would flow in a 100-year storm. A flood plain is the area outside the flood way. Mr. Sullivan said almost all of the area where they are proposing this facility is in the flood plain. Member Rocco said he had the same concerns as Chairman Harvie about the flood plain. Mr. Sullivan said all structures should be a foot and a half above if you intend to build in the flood plain. Member Dence said the flood plain is a major issue for him. Member Dence moved to deny the Silvi Concrete Products project; Member Rocco seconded the motion. Member Dence moved to amend his motion to deny the waiver from Section 191-52.1, allowing disturbance of the 100-year storm area; Member Rocco seconded the motion; all board members were in favor. (5-0) Member Rocco moved to approve Resolution # 15-04 to deny the Silvi Concrete Products application in its entirety; Member Dence seconded the motion; all board members were in favor. (5-0)

**ITEM # 4 FAIRLESS CREDIT UNION – PRELIMINARY/FINAL LAND DEVELOPMENT – 8525 NEW FALLS ROAD – TMP # 13-018-001-002**

Manager Gray said the applicant is proposing to construct a two-story, 5,600 sq. ft. building with drive-through window on a 32,866 sq. ft. site. Mr. Thomas Profy represents the applicant. Also present is Mr. Vincent Fioravanti, Engineer for the project. Mr. Fioravanti explained how they found evidence that contradicted recorded information that was used by the previous surveyor. Mr. Profy said they have the resolution and the engineering review letter dated January 23, 2015. Mr. Fioravanti reviewed the waiver requests which include: curb radius of proposed driveways, parking, parking spaces, trees, utility easements, no permanent structures to be set within an easement, and location, names/widths of streets within 200 feet of the process. Member Galloway asked Mr. Sullivan if he had any concerns with the waivers. Mr. Sullivan is satisfied with the waivers, but asked about the two sheds at the back of the property, which encroach on the easement. There are sheds at the back of the adjoining property which they will allow to remain. Mr. Clarke asked for Mr. Profy to submit copies of the agreements with the owners of those sheds. Member Dence had a question regarding the property line in relation to the drug store. The

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pharmacy has an existing alternate driveway. That excess paving is scheduled to be removed. Member Rocco asked about the two waivers regarding the 25 ft. proposed driveway coming into the location and the 15 ft. open space between the parking and the building and if the fire marshal is okay with that. Mr. Sullivan said the fire marshal is okay with that. The Planning Commission asked them to put some buffer in the back. The applicant plans to install a fence. Member Galloway moved to approve Resolution # 15-05 for preliminary and final land development for the Fairless Credit Union, 8525 New Falls Road, TMP # 13-018-001-002; Member Dence seconded the motion; all board members were in favor. (5-0)

### **ITEM # 5 CONSIDER PROPOSAL FROM S&S WILDLIFE FOR GEESE MANAGEMENT AT FALLS TOWNSHIP COMMUNITY PARK**

Manager Gray said the township received a proposal from S&S Wildlife for geese management at the Falls Township Community Park. The cost of this proposal is \$4,900 for egg addling, plus \$325 for filing of the permit with the U.S. Fish and Wildlife Commission; for the total cost \$5,225. Mr. Rick Shadel explained the work involved with this proposal as well as various methods of goose management. He said the township should really have a 12-month management plan in place. The egg addling will begin in late March.

Mr. Guido Mariani spoke about the geese at the park and how they are a protected species. They are a very aggressive and nuisance bird. He said the egg addling and dog patrols are not enough and the township should do more to eliminate the geese. Mr. Mariani suggested treating the grass with chemicals such as Flight Control, Rejex-It, and Rejex-It Plus. Mr. Mariani said Rejex-It can be used without harming other animals. It costs about \$185 a gallon and treats 16 acres. Member Dence said the use of the dogs is not to get rid of the geese; it is to train them not to land on the fields. Mr. Matthew Gardner suggested having a lottery for a controlled hunt and allowing a limited number of hunters per day. In September, you can kill eight birds a day with a possession limit of up to 25 per person and the rest of the year it is three birds per day. Mr. Shadel said Flight Control and Rejex-It are good products, but they do not eliminate the geese. They are sprayed and mowed off so you have to keep re-applying them. Mr. Shadel thinks the township will get a lot of push back on a controlled hunt. Member Dence said he would like to see additional options for getting rid of the geese. Member Galloway moved to approve the total cost of \$5,225 for S&S Wildlife for Geese Management at the Falls Township Park; Member Rocco seconded the motion; all board members were in favor. (5-0)

### **ITEM # 6 CONSIDER PROPOSAL FROM GEESE MANAGEMENT FOR FALLS TOWNSHIP COMMUNITY PARK**

Mr. Brian Andrews said the township did not use this service last year. He believes the border collie program is an essential part of the geese management program that should be pursued. Mr. Andrews said they will have the dogs over at the softball field as well. Member Boraski asked about an add-on for the little league. The price for this service is \$200 per week for 10 weeks. Member Rocco moved to approve the proposal from Geese Management for services for 2015, subject to an indemnity agreement with Geese

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Management before it is finalized at the rate of \$200 per week; Member Galloway seconded the motion; all board members were in favor. (5-0)

**ITEM # 7 CONSIDER PROPOSAL FROM F.X. BROWNE FOR ACT 101 RECYCLING GRANT**

Manager Gray said the township received a proposal from F.X. Browne for the annual Act 101 Recycling Report which is reported to the DEP. Based on the total amount of tonnages reported each year, the township is eligible for grant funding. Based on the last two years, the township received well over \$100,000 in grant funding from the state. The total cost to complete this application is \$3,500. Chairman Harvie would like to include information regarding recycling in the township newsletter. Member Rocco asked about the additional cost of \$800 and what their return on that might be. Member Rocco moved to approve the proposal from F.X. Browne for the ACT 101 Recycling Grant in the amount of \$3,500; Member Dence seconded the motion; all board members were in favor. (5-0)

**ITEM # 8 CONSIDER ADOPTING ORDINANCE REPEALING AND REPLACING CHAPTER 131 – FLOODPLAIN MANAGEMENT AND CONSIDER AUTHORIZATION TO ADVERTISE AN ORDINANCE REPEALING CHAPTER 209, SECTION 33 – FLOOD HAZARD AREAS**

Ms. Gallagher said this is a lengthy ordinance, which is required by FEMA, to be adopted by the township in mid-March. It strengthens some regulations in regard to properties located in the flood plains. It also creates certain definitions. As an example, one major change is to define substantial improvements on a per project basis rather than cumulative basis. It allows homeowners located in a flood plain to make renovations to their properties without having to raise the structure as long as those renovations are less than 50% of the value of the structure. Mr. Tom Bennett described further details of the ordinance. This is something they are trying to do to get them more in line with what FEMA does. Member Galloway said he appreciates the per project basis. With all of the destruction after Hurricane Sandy, some of the requirements that people had to follow to raise their homes ended up as an enormous expense and they wouldn't want to make the same mistake in our community. Ms. Gallagher said this does meet the minimum requirements. Member Dence moved to approve Ordinance # 15-01, repealing and replacing Chapter 131 – Floodplain Management; Member Boraski seconded the motion; all board members were in favor. (5-0) Member Boraski moved to authorize to repeal Chapter 209, Section 33 – Flood Hazard Areas; Member Galloway seconded the motion; all board members were in favor. (5-0) Mr. Bennett said the new maps for FEMA will be available online on March 16, 2015.

**ITEM # 9 CONSIDER AUTHORIZATION TO ADVERTISE FOR LANDSCAPING SERVICES AT TOWNSHIP FACILITIES**

Member Dence moved to authorize advertisement for landscaping services at township facilities; Member Boraski seconded the motion; all board members were in favor. (5-0)

**ITEM # 10 CONSIDER PROPOSAL FROM D&M FIREWORKS, LLC FOR FIREWORKS FOR THE FALLS TOWNSHIP FAMILY FESTIVAL/QUE FOR THE TROOPS EVENT**

Member Boraski moved to approve the proposal from D&M Fireworks, LLC for fireworks for the Falls Township Family Festival/Que for the Troops event in the amount of \$9,000; Member Dence seconded the motion; all board members were in favor. (5-0) The dates for this event are June 5<sup>th</sup> and 6<sup>th</sup>.

**ITEM # 11 CONSIDER AUTHORIZATION TO ADVERTISE ORDINANCE ADOPTING A CERTAIN INTERMUNICIPAL AGREEMENT REGARDING THE PURCHASE OF POOL CHEMICALS AND SUPPLIES**

Ms. Gallagher said this ordinance would allow Falls Township to participate in Hatfield Township's bidding process for pool chemicals and supplies this year. Mr. Brian Andrews said this is a great opportunity for us to save money on our pool chemicals. It is similar to the road salt consortium. If they join, the township could possibly cut their bill in half for chlorine and possibly save about 15% for muriatic acid. The consortium allows them to go into the inter-governmental agreement into the future. This is a one-year agreement which is renewable, unless we cancel. Member Dence moved to authorize advertisement for ordinance to adopt a certain inter-municipal agreement regarding the purchase of pool chemicals and supplies; Member Rocco seconded the motion; all board members were in favor. (5-0)

**ITEM # 12 MINUTES – JANUARY 20, 2015**

Member Rocco moved to approve the January 20, 2015 minutes; Member Dence seconded the motion; all board members were in favor. (5-0)

**ITEM # 13 EXECUTIVE SESSION**

There was an Executive Session held prior to tonight's meeting. Ms. Gallagher said the board discussed matters of litigation and potential litigation.

**ITEM # 14 MANAGER COMMENT**

- A. Member Galloway moved to approve the purchase of a tow and collect machine, for removing goose droppings, from Tow and Farm in the amount of \$8,419 (\$7,999 plus \$420 for shipping); Member Rocco seconded the motion; all board members were in favor. (5-0)
- B. Member Dence moved to approve the sub-division bonds to BJ's Wholesale in the amount of \$301,153.05 and \$57,332; Member Rocco seconded the motion; all board members were in favor. (5-0)
- C. Member Dence moved to approve the purchase of 30 bare-root trees at the cost of \$25 each for the total of \$750; Member Boraski seconded the motion; all board members were in favor. (5-0)

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- D. Member Galloway moved to approve the donation of \$6,000 to the Delaware Valley Vietnam Veterans for their event to be held June 12-14, 2015; Member Dence seconded the motion; all board members were in favor. (5-0)
- E. Member Rocco moved to approve the extension for New Seaview to May 15, 2015; Member Dence seconded the motion; all board members were in favor. (5-0)
- F. Member Dence moved to approve the 60-day extension for KPK Tech to April 17, 2015; Member Galloway seconded the motion; all board members were in favor. (5-0)
- G. Member Galloway moved to ratify the state of emergency from 12 noon on Monday, January 26, 2015 until 6 p.m. on Tuesday, January 27, 2015; Member Boraski seconded the motion; all board members were in favor. (5-0)

### ITEM # 15 BOARD COMMENT

Member Rocco reminded everyone that Falls Township now has a Facebook page. He suggested that people 'like' the page to get information. Member Rocco said for the last snowstorm, the township advertised that, if needed, they would tow vehicles off the roads. Manager Gray said three vehicles were towed during this past storm.

Member Dence said June 5<sup>th</sup> and 6<sup>th</sup> are the dates for the 5<sup>th</sup> Annual Que For The Troops. The teams compete for cash prizes and they raise money for the Liberty U.S.O. It is a great event. Member Dence said the Que for the Troops also has a Facebook page.

Member Boraski – no comment.

Member Galloway – no comment.

Chairman Harvie moved to appoint Ms. Greg to the Parks & Rec Board for a one-year term ending on December 31, 2015; Member Dence seconded the motion; all board members were in favor. (5-0) Chairman Harvie moved to appoint Mr. Matthew Gardner to a full term on the Parks & Rec Board; Member Boraski seconded the motion; all board members were in favor. (5-0) Chairman Harvie moved to appoint Mr. Matthew Nesteruk to the Neighborhood Traffic Advisory Committee for the term that ends this year; Member Rocco seconded the motion; all board members were in favor. (5-0) Chairman Harvie moved to appoint Mike Pilotta to the Historic Preservation Commission for a five-year term; Member Rocco seconded the motion; all board members were in favor. (5-0)

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 10:00 p.m.



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Jeffrey Rocco, Secretary