

**TOWNSHIP OF FALLS  
BOARD OF SUPERVISORS MEETING**

**ROLL CALL:**

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| <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 7:07 p.m. with roll call and pledge to the flag. All Board members were present. Also present were Township Manager Peter Gray, Finance Director Betsy Reukauf, Township Solicitor Lauren Gallagher and Township Engineer James Sullivan.

**GRADUATION CEREMONY FOR THE CITIZENS POLICE ACADEMY**

Officer John Yeager spoke about the Citizens Police Academy program. This is the sixth year they have been doing this and this is the eighth class. Officer Yeager gave an overview of this year's program. Activities included: An overview of the township and police department; evidence and the importance of maintaining the integrity of a crime scene; what steps the class would take to solve a crime; they had an outing at the Falls Township Community Park with K-9 Monte; there was a visit to Judge Vislosky's court; there was an outing to the police range; they covered traffic stops; they had an overview by Lieutenant Nelson Whitney about the Diane Corrado case from 2010; they heard about the program Hero; they heard about the Terri Lynn Brooks case from 1984; had an overview about police scenarios; and covered the topic Shoot/Don't Shoot. Officer Yeager thanked Chief Wilcox and the board for their support of this program and other programs as well. More information can be found on their Facebook page, Falls Township Police Citizens Academy. Officer Yeager spoke about the recent Coffee with a Cop at the Falls Township Senior Center. In January, they will be presenting a modified program to the seniors. Ms. Joan Graves thanked Officer Yeager, Lieutenant Whitney, and Corporal Wolverton and other members of the police force for presenting this class and experiencing some of what the officers go through on a daily basis. They highly recommend this class to friends and family. Chairman Harvie thanked everyone who participated in this class and for being great citizens. We also thank our police department for everything they have done to organize this.

Mr. Ed Crohe (Commander of the American Legion Post 960) is here this evening to make a presentation. Mr. Crohe said the focus at their post is to maintain patriotism, and help veterans as well as the community. Mr. Crohe will be presenting the "Levittown Memorial American Legion Post 960 Officer of the Year" award. Mr. Crohe said the officer receiving this award shows the true meaning of patriotism and is very involved in the community and programs he oversees. He is a true role model to other police officers and the community and gives countless hours of his time. Mr. Crohe presented the first Levittown Memorial

American Legion Post 960 Officer of the Year award to Officer John Yeager. Officer Yeager thanked everyone and said this is a true honor. Mr. Crohe said Officer Yeager is also nominated at the national level. Chairman Harvie said Mr. Crohe did an outstanding job with the presentation and said Officer Yeager is very deserving of this award.

**PRESENTATION OF AWARDS FOR THE FALL PHOTO CONTEST**

Mr. Brian Andrews said there were over 200 entries for the photo contest. Mr. Andrews presented awards to winners of the Falls Photo Contest. The winners are: Pamela Kennedy (Architecture); Linda Bogarde (Plants); Fred Backhaus (Landscape); John Harnatkiewicz (Miscellaneous); and Andrew Pustay (Wildlife).

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

Ms. Toni Battiste asked if there would be public comment on the budget. Chairman Harvie said yes. Ms. Battiste suggested that the proposed budget and any proposed ordinance changes be posted on the website. She said you currently have to go to the library or come to the township building. Chairman Harvie said the budget is posted on the website. They should be able to post ordinance changes. Ms. Battiste said it would be beneficial if the changes were highlighted so the public can see exactly what is being changed.

Mr. Donald Markert said he lives about four miles from U.S. Steel, Wheelabrator, and the proposed Elcon facility. He is against Elcon and he urges the board to reject the Elcon proposal. In 2018, the American Lung Association ranked Bucks County as the second worst county in air quality in the state of Pennsylvania. Mr. Markert said when he was a kid, his mother would hang clothes outside and sometimes, the iron oxide dust in the air would get on the clothes and they would need to be re-washed. Mr. Markert said in the 1960's, they were told that they couldn't go out to play, drink milk, or eat certain vegetables during atmospheric testing of nuclear and atomic weapons. Mr. Markert said he worked in numerous areas at the U.S. Steel plant. A lot of people he knew had lung issues. Mr. Markert again asked the board to please reject Elcon's proposal. Our air quality is already poor enough and we have enough pollution.

Ms. Sharon Furlong spoke as a representative of the Bucks County Sierra Club and the Bucks Environmental Action Group. She is giving an update from a report she spoke about at a previous meeting. The new report is titled, "The Power of Outdoor Recreation Spending in Pennsylvania," released in November, 2018, at the request of Southwick Associates. This report breaks out Pennsylvania in our part of the Delaware watershed. Ms. Furlong presented numerous facts and figures from the report. There are two million residents in Pennsylvania who engage in hunting and fishing activities in our state and that includes on or around the Delaware River. The Delaware River is the only free-flowing river east of the Mississippi. There are over fourteen million people who participate in non-hunting or non-fishing sports in our state. It is of the utmost importance that what happens in Falls can affect the river from Falls Township all the way to the Delaware bay. Elcon is a

## Board of Supervisors – December 18, 2018

project that has never been tested. It is up to you to be the guard and safety of all of us and to preserve an already stressed river from irreparable harm. We are relying on you to take a long review of this project when it comes up before you.

Ms. Adrienne Morgado lives in Wrightstown now, but formerly lived in Falls Township. She spoke about fracking which was proposed in her area. Once you learn what it is all about, the drilling and everything that goes with it, she asks why anyone would want that in their backyard. From there, it led her to other causes. Ms. Morgado said water is life and once you don't have it anymore, you are done. Ms. Morgado spoke about the recent water situation in Yardley. Being without water is a horrible way to have to live for a long time. She understands Elcon has been kept out of Europe. Getting back to fracking, these corporations come in and say if we can't frack, then we will just take billions of gallons of water per day for our fracking and just build a couple of frack waste water sites along the basin. Who would do that? Why would we take that kind of risk? Ms. Morgado said she is here for her grandchildren. You can't leave this place in worse condition than you found it. Bucks County is crazy with water issues right now. Why would we put our water for seventeen million people at risk? One little spill in a tributary and that is it.

Ms. Lise Baxter said she went to the EAC meeting and at that meeting they briefly mentioned Elcon. Do you know if they are planning to study the Elcon application? If they don't have the expertise, would they seek outside advice? Chairman Harvie said they have the expertise. One member is a retired chemist, another member is a civil engineer, another member is a Master Gardener. They have good backgrounds. They have been focused on Elcon almost as long as you have. They have been to numerous meetings. Ms. Baxter spoke about a small part of the application which was proprietary. Chairman Harvie restated that the EAC is a good group.

Ms. Clare Finkel said she wanted to use her time for the board to tell us what you think will happen with Elcon. Chairman Harvie said we don't have anything in front of us. We have nothing to review and nothing to give to any of our departments. It would not be proper for us to exercise any judgement on something that we have not yet viewed. Ms. Finkel said she knows they didn't make a formal request, but you know there is danger to the river. Chairman Harvie said we do not have anything to evaluate because nothing has been submitted to us. If they get through DEP, there are multiple meetings that would have to happen. It would go to the solicitor, the engineer, and the Planning Commission a couple of times. It would be at least a couple months of meetings before they get to the Board of Supervisors. It is not a short process. Ms. Finkel asked what they can do to help. Chairman Harvie said by being on top of the issues and following it closely; you are doing the things you should be doing as concerned citizens. Member Dence said this board knows where people stand. Ms. Gallagher said there is no application for the board to comment on. It would be premature and ill-advised for the board to comment on this when there is no application in front of them.

Mr. Steve Cickay said he is here to repeat what these activists have had to say. We want to leave a good world to our grandchildren. We are human beings. We need clean water, clean air, and clean land. As you make complex decisions, just remember that. We want to

live good lives. Mr. Cickay referenced a song by Neal Young, “After the Goldrush.” Mr. Cickay said he tries to fight for a good environment.

**ITEM # 2 CONSIDER ADOPTING THE 2019 BUDGET AND RESOLUTION ESTABLISHING THE MILLAGE RATE FOR 2019**

Manager Gray said the proposed 2019 budget has been advertised and displayed at the local libraries and on the township website. Member Rocco moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (5-0) Ms. Toni Battiste asked about various items included in the budget. She asked about the zero revenue budgeted on overweight vehicles. Manager Gray said these are for permits that the township charges for overweight vehicles for using township roads. There are designated routes that they are allowed to use. We did not budget for this in 2018 as we did not anticipate any revenue associated with those permits. Ms. Battiste said we have Waste Management supplying the township with a lot of funds. Since that will not last forever, we do have to be more careful with how much we are spending and what we are spending it on. Ms. Battiste asked what percentage of interest we receive on our accounts. Chairman Harvie said it is very little. Member Dence said we are legally restricted for where we can invest our money. Ms. Battiste asked about the reduction in recycling funds. Chairman Harvie said we often lose out on money because of residents who do not recycle. There is a huge variety of things that can be recycled, especially cardboard boxes and cartons, etc. Ms. Reukauf said the dollar amount that we receive for recycling is grant money and it can vary from year to year. Some years we get more per pound and other years we may get less. We tend to budget conservatively for what we may receive. Ms. Battiste asked why the township pays for life insurance and disability insurance for all of the employees. Chairman Harvie said we have employees who can get hurt on the job; there is always the chance of potential injury. Manager Gray said these are union contracts and these are negotiated. We have had these for years and it is a benefit for the employees. Ms. Battiste said there is a \$31,000 increase for the bookkeeper. Why so much this year? Mrs. Reukauf said there is no longer a clerk. One clerk was promoted to the position of bookkeeper. Ms. Battiste asked about longevity. Chairman Harvie said that is a contract negotiated item, based on length of service employees have been with the township. Ms. Battiste asked about travel expenditures. In some instances, it is more than twice the amount from last year. Mrs. Reukauf said this is travel for seminars and training. The reason it may be higher is that we try to budget enough so that if another seminar should arise, they employee can go. Some things can be done on-line and other things are not offered that way. Ms. Battiste asked why the township does not press for an audit for the tax collector. How do we know we are getting the right amount of funds? Mrs. Reukauf said the tax collector has to balance out with the township, the county, and the school district, every year to the penny. They are audited aside from that within our audit. They look at tax bills that went out, what has come in, they go through each of those receipts, they see what comes from the tax collector and the Board of Assessment. Ms. Battiste asked why the township pays for professional dues and memberships. Chairman Harvie said these are professional things; Manager Gray said it is part of the job. Ms. Jody Pendle (President of the Board for the Fallsington Library)

## **Board of Supervisors – December 18, 2018**

asked if the added funding was included in the budget. Chairman Harvie said yes, it is in the host community fees. Ms. Pendle thanked the board and said they appreciate the support. Member Galloway moved to close public comment; Member Boraski seconded the motion; all board members were in favor. (5-0) Member Dence moved to adopt the 2019 Budget; Member Galloway seconded the motion; all board members were in favor. (5-0) Member Dence moved to approve Resolution # 18-28 to establish the millage rate for 2019; Member Galloway seconded the motion; all board members were in favor. (5-0)

### **ITEM # 3 CONSIDER AWARDING WORKERS COMPENSATION CONTRACT FOR YEAR 2019**

Mrs. Reukauf introduced this item. The quote of \$448,424 is from Delaware Valley Workers Compensation Trust (DVIT) and State Workmen's Insurance Fund (SWIF). SWIF is used for the volunteer fire coverage. The township has had DVIT as it's workers compensation carrier since 2003. The renewal amount of \$448,424 is \$25,428 less than what was paid last year. Member Galloway moved to award the workers compensation contract for year 2019 to Delaware Valley Workers Compensation Trust and SWIF in the amount of \$448,424; Member Rocco seconded the motion; all board members were in favor. (5-0)

### **ITEM # 4 CONSIDER ADOPTING ORDINANCE AMENDING CHAPTER 209 ZONING**

Ms. Gallagher said over the past few years, we have been working with Mr. Bennett, who is the township's Code Enforcement and Zoning Officer, as well as Mr. Jones, one of the township engineers, to do a revision to the Zoning ordinance. This change has cleaned up a lot of inconsistencies in the code. At the last meeting, the board adopted an ordinance which revised the Subdivision and Land Development ordinance. The right of way ordinance was modified at the last meeting as well. This revision will complement that ordinance and make all these codes consistent. One of the other things that is in this particular update is that the wireless telecommunications code was updated to reflect the county model ordinances and to bring the township code into a more technological advancement and consistent with the current state of technology. This is a comprehensive revision. Mr. Bennett said as times change, we have had to update everything and it makes it more specific and easier to make decisions. Member Dence moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (5-0) Mr. George Keddie (Amelia Drive) asked about the notice that was posted that zoning would be changed and they would like to know why. Mr. Bennett said Costello Fuel consists of three parcels zoned as business professional. Business Professional was just an office. Nothing ever fit that was there. We thought it was best to change to Neighborhood Commercial which are businesses that are beneficial to the immediate neighborhood and things of that nature. Things like a pizza place or deli. It will not affect any of the neighbors. Chairman Harvie said it is just one parcel. You were notified because a parcel near you was being changed. Mr. Keddie said Costello and Jo-Jo's are not a problem. Nationwide Exterminating had a business there, but that space is now empty. Mr. Keddie asked what would be allowed to go in there now. Mr. Bennett said the same exact business

can go back in within 12 months. If vacated for 12 consecutive months, it would go back to what it was zoned, which he believes was residential. It would have to go to the Zoning Hearing Board for a variance if it didn't comply. Ms. Gallagher said the business professional district was sporadic throughout the township. Mr. Dave Veenstra, 39 Williamson Avenue asked how this change will affect him. Mr. Bennett said this will not change anything you can do at all. We have a lot of people who want to put in a big business where it was not permitted. Mr. Veenstra wonders what this will do to his property value. Mr. Bennett said nothing at all. It will keep it about the same as it ever was. Chairman Harvie said what you were doing there before didn't match what it was zoned for. Rebecca Wachter (313 Woolston Drive) said she lives next to the medical plaza. The medical plaza was zoned Business Professional (BP). The property is for sale. Mr. Bennett said this could be a strip center; or very light commercial business and now it will be zoned Neighborhood Commercial (NC). It would just be their parcel. Ms. Amy Ransley (290 Yardley Avenue) said she is zoned Village Preservation Business. You are stating to us that it is not really changing anything. Instead of being under HD, it will be under NCR. Mr. Bennett said your property was never HD; it was on the zoning map under NCR VPB. Ms. Ransley asked where she would have seen that. Mr. Bennett said under HD they follow the rules of NCR. It is in the book. This confuses people because the two are mixed together. Within the historic district, you must get approval from the board to do improvements to the outside of your house. Mr. Bennett said we cleaned up some of the language that gave people the impression that they could do something they were not permitted to do. There were nine parcels, but one that didn't exist anymore in the old zoning book. Part of Fallsington is NCR and one part is historical. This better clarifies where they are. Ms. Ransley said she was concerned because she didn't think they were NCR. She wanted to be clear on everything. Member Rocco moved to close public comment; Member Dence seconded the motion; all board members were in favor. (5-0) Member Galloway moved to approve Ordinance # 18-10 to amend Chapter 209 – Zoning; Member Boraski seconded the motion; all board members were in favor. (5-0)

**ITEM # 5    CONSIDER ADOPTING ORDINANCE AMENDING CHAPTER 187  
STORMWATER MANAGEMENT**

Ms. Gallagher said this is a companion ordinance to the series of ordinances that the board has considered at the last meeting and in this meeting. This is a cleaned-up ordinance to the storm water management provisions in the township code. These have all been consolidated in the storm water management section so that when a developer comes in and they want to know what they need to do for storm water management, it is all in one place. This is consistent with the other codes. Ms. Gallagher said in talking with Mr. Jones, we have discovered some substantive changes that need to be made to this ordinance. Mr. Jones is here to answer any questions the board may have. Member Galloway moved to approve Ordinance # 18-11, amending Chapter 187 Stormwater Management; Member Boraski seconded the motion; all board members were in favor. (5-0)

**ITEM # 6 CONSIDER ADOPTING ORDINANCE AMENDING CHAPTER 188 – STREETS AND SIDEWALKS AT ARTICLE III – EXCAVATION IN STREETS – REPEALING AND REPLACING SECTION 12 – COMPLETION OF WORK; DELAYS AND PENALTIES**

Ms. Gallagher said this ordinance is commonly referred to as a curb-to-curb ordinance. When a developer or utility comes into the township and needs to excavate a portion of a street, other than repairing just the small section they are working on, they would be required to repair the entire curb to curb of that section of the street so that the pavement is even and less likely to fall into disrepair. Member Dence moved to approve Ordinance # 18-12, amending Chapter 188 – Streets and Sidewalks at Article III – Excavation in Streets – Repealing and Replacing Section 12 – Completion of Work; Delays and Penalties; Member Galloway seconded the motion; all board members were in favor. (5-0)

**ITEM # 7 MINUTES – DECEMBER 4, 2018**

Member Dence was absent at the December 4, 2018 meeting, but was listed as present in the minutes. This will be corrected in the minutes. Member Rocco moved to approve the December 4, 2018 minutes, as amended; Member Dence seconded the motion; all board members were in favor. (5-0)

**ITEM # 8 ENGINEERS REPORT**

Mr. Sullivan said for the 2018 Road Program, on Walton Drive, the curb has been installed, excavated, and repaved. It is under binder and access to the Eleanor Roosevelt Elementary School has been re-established. All residents have access to their driveways. Work continues on Share Drive with storm sewer installation. That should take about three to four weeks. Fourteen Certificates of Occupancy have been issued at St. Josephs Court. They are starting the work on the apartment buildings. At the WAWA, gas tanks have been installed and the steel is next to be installed. The target completion date is May 1<sup>st</sup>. Member Rocco moved to approve the November 2018 Engineers Report dated December 12, 2018; Member Dence seconded the motion; all board members were in favor. (5-0)

**ITEM # 9 BILL LIST**

Member Rocco moved to approve the bill list for December 18, 2018 in the amount of \$2,197,000.69; Member Galloway seconded the motion; all board members were in favor. (5-0)

**ITEM # 10 EXECUTIVE SESSION**

Ms. Gallagher said prior to tonight's meeting, the board held an Executive Session to discuss several items of personnel and potential litigation.

**ITEM # 11 POLICE DEPARTMENT REPORT**

Chief Wilcox reported on the following:

- A. Tips for Christmas: When you are out shopping, don't flash cash; use credit cards. Park your vehicle as close as possible to where you are shopping. Lock your vehicle. Keep shopping bags locked in your trunk. Don't make yourself a target.
- B. The most recent Coffee with a Cop was a great success. We had over 80 participants and covered a lot of topics.
- C. Our community policing program is very successful. Some of these programs include the Citizens Police Academy, the Youth Police Academy, and Chief for the Day program. These programs will continue next year.
- D. Chief Wilcox said Sgt. Ray Finelli reported that we have had another successful drug bust.
- E. On behalf of the police department, Chief Wilcox wishes the board, the township staff, and the community a safe and Merry Christmas.
- F. Member Boraski asked Chief Wilcox to please check with Gina Seiler and ask her to send them an updated invitation list for 2019 events.

**ITEM # 12 MANAGER COMMENT**

- A. Member Dence moved to approve escrow release # 3 for Premium Lift in the amount of \$263,530.70; Member Galloway seconded the motion; all board members were in favor. (5-0)
- B. Oxford Valley Elementary had paid \$1,000 to the Zoning Hearing Board for an application to obtain a variance for a new sign. There was a fee of \$140 for advertising and a court reporter. The difference is \$860. Member Rocco moved to approve a refund of \$860 for the fees for the Zoning Hearing Board for the new sign for the Oxford Valley Elementary School; Member Boraski seconded the motion; all board members were in favor. (5-0)
- C. Manager Gray announced new businesses in the township. They include: Magic Arts Studio, We Buy Any Car, Salon Centric, Living Wellness, and LKQ Best Automotive.
- D. Ms. Gallagher said a couple of months ago, the board met with a representative from Cordisco and Saile regarding a class-action lawsuit that is in the process of being filed by several municipalities in regard to the opioid epidemic. Ms. Gallagher asked if the township wants to retain the services of Cordisco and Saile to become involved in the class-action lawsuit against the opioid manufacturers to recover costs incurred by the township in fighting the opioid epidemic. There would be no outlay of funds from the township. It would be only on a contingent fee basis. The award would only be paid if and when there was an award in the township's favor. Member Boraski moved to retain the services of Cordisco and Saile to retain the class-action lawsuit in regard to the opioid epidemic; Member Galloway seconded the motion; all board members were in favor. (5-0)



ITEM # 13 BOARD COMMENT

Member Rocco wishes everyone a Merry Christmas and a Happy New Year.

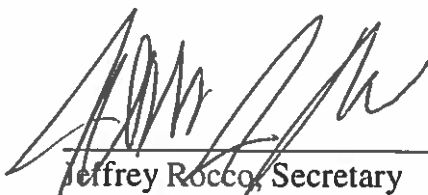
Member Dence announced Mr. Sullivan's retirement. Mr. Sullivan has been with the township for about 15 years and he will surely be missed. We wish him well. His replacement has some big shoes to fill. Good luck to you Mr. Sullivan. Member Dence also wishes everyone a Merry Christmas and a Happy New Year. See everyone next year.

Member Boraski echoed Member Dence's thank you to Mr. Sullivan. Member Boraski said he became friends with Mr. Sullivan and it has been great working with him. Merry Christmas to everyone.

Member Galloway also echoes the comments about Mr. Sullivan. He wishes good luck to Mr. Sullivan. Merry Christmas and Happy New Year.

Chairman Harvie said there would be two pick ups for Christmas trees. The dates are January 5<sup>th</sup> and 12<sup>th</sup>. On January 5<sup>th</sup>, there will be a free electronics recycling event. You are not supposed to throw away electronics. Information is on our website. The time is 9 a.m. to 1 p.m. at the Falls Township Community Park. This is free of charge and open to anyone. Chairman Harvie said Lincoln Highway, just north of us, has been undergoing a bridge repair. There were a few reasons which hampered construction efforts. The weather had been bad. The other reason is due to a gas main which is taking some time to complete. People have been very patient with this repair. It should be opening up soon. Our next meeting is our re-organization meeting and will take place on Monday, January 7<sup>th</sup>. On a sad note, at one of our recent meetings we honored Mr. Edward Bunting. We were notified by his son that he passed away a few days ago. Our thoughts and prayers are with the Bunting family. We are proud of the fact that we were able to honor him before he passed away. We salute Mr. Bunting on a life well lived. Chairman Harvie said that Mr. Sullivan began as Township Engineer in April of 2004. Chairman Harvie said he considers Mr. Sullivan a friend and we will miss him dearly. In terms of land development and projects, big and small, they have a lot to do with the help of this man and his staff. He knows his job very well. The time he has been here he has been responsible for the construction or resurfacing of 40% of our township roads; over 33 miles of roadway. We wish him the best. Merry Christmas and Happy New Year to everyone.

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 8:53 p.m.



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Jeffrey Rocco, Secretary

