

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

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

The meeting commenced at 7:10 p.m. with roll call and pledge to the flag. All Board members were present with the exception of Member Galloway who was ill and Member Dence who was at work. Also present were Township Manager Peter Gray, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher and Township Engineer Joe Jones.

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

Mr. Dick Trimble said he knows there is new code enforcement staff coming on board. He would like them to look at a letter of intent in relation to rental properties. There are some items on there that do not pertain to renting. Every time they want to rent a space, he has to bring you the site plan. Mr. Trimble said he thinks you need two letters of intent; one for sales and one for rentals. One other item Mr. Trimble said he wants to discuss his favorite property. He had a meeting here with the professionals. He made a comment about what they were requiring is grandfathered in. The attorney in attendance said there is no such thing as grandfathering in. Mr. Trimble said he contacted the state and has a letter from them saying a previous use is constitutionally protected if a previous zoning was there when you changed the zoning. Mr. Trimble spoke of Pennsylvania Avenue and when the board re-zoned the riverfront property for residential. Mr. Trimble said that attorney was wrong. Mr. Trimble will provide a copy of the letter to the manager. Member Boraski asked Mr. Clarke to address this. Mr. Clarke said the pre-existing non-conforming uses are protected. As an example, if you change zoning on a property and you make an area residential, but I have always been running my plumbing business out of that area, I can continue running my plumbing business. If I am not running a business, not actively marketing it, and not doing anything for over a year, you lose the pre-existing non-conformity. If you try to expand the non-conformity to a more intensive use, then we can deny that and say you must fall under the residential. Essentially, what Mr. Trimble is saying is correct. Pre-existing non-conforming uses are protected. Mr. Trimble said he understands from the state that the pre-existing use goes beyond one year. Mr. Clarke said what he is saying is that if you stop using it for the pre-existing non-conforming use, you are not using it for a year or more, and you are not actively marketing the property (it is just sitting there), the pre-existing non-conforming use can go away. Chairman Harvie mentioned about having suggestions

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regarding letters of intent and it makes sense about a rental. A concern would be if you have made any modifications inside the building since you rented the building. Mr. Trimble said his major problem is the site plan. There are also some people renting that wouldn't know and 90% of the time the realtor does not know either.

Ms. Joan Graves asked if the township has heard anything back from the DEP regarding Elcon. Chairman Harvie said no, we are not aware of anything. They are aware of our concerns regarding our opposition of things we found that do not comply with our land development ordinance. Ms. Graves asked how long it takes for them to make the decision and go through the process? Do you anticipate this happening in this case? Chairman Harvie said there hasn't been any issue. They had been given back the storm water management so they could make corrections. There hasn't been anything with the air permit. Ms. Graves said for a facility overseas they should have been able to give us some information especially about the problems with air quality.

Ms. Toni Battiste asked to whom in the township does someone or an organization file a complaint about replacing storm sewers; in particular Yardley Avenue in Fallsington? Chairman Harvie said we have dealt with some of the issues there. Mr. Jones, our township engineer, is the one who would receive those concerns. He would go out to investigate, look at the issues, and then report back to the board. Mr. Jones said Fallsington is a work in progress; we will go back out there to look at several situations out there and address complaints. Ms. Battiste asked when two attorneys are present for this meeting, are we paying for both to be here? Chairman Harvie said no, we have never paid for two. Ms. Battiste asked if there is anything going on with the lawsuit that Elcon threatened? Mr. Clarke said they have appealed the determination by the board from earlier this year. It is in the Bucks County Court of Common Pleas. They filed their appeal and we filed our preliminary objections to that. We are waiting for a ruling on preliminary objection. Chairman Harvie said a judge will have to decide further. Ms. Battiste asked if there is any timeframe for this? Mr. Clarke said there is no briefing scheduled yet because we are dealing with the preliminary objections. Once the preliminary objections are decided, we will get a briefing schedule and we will have a better idea when things will take place.

**ITEM # 2 MLH 150 ROEBLING ROAD, LLC – PRELIMINARY AND FINAL
LAND DEVELOPMENT – PHASE II – 150 ROEBLING ROAD, TMP #
13-051-001-024**

Manager Gray said the applicant's proposed project consists of construction of a 49,898 sq. ft. addition to the existing buildings to be used as a growing and processing facility of medical marijuana, along with the associated stormwater management, utilities, and parking facilities. The applicant is represented by Mr. Andrew Stoll from Fox Rothschild, Mr. Bob Showalter from Showalter & Associates, and Mr. David Klapper. Mr. Stoll said there are two different submissions. Phase I has been taken care of and they have received approvals from the state. Phase II is a completely different submission. Mr. Klapper said they are in partnership with Jefferson University Health System. They were approved to open their

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first dispensary and will begin research on the products. They are on the back end to build out their grow process facility. They plan to pick up their building permit for Phase I in the next day or so. Their first dispensary is in Philadelphia; a block from Jefferson's campus at 9th and Locust Streets. You are not allowed to have a dispensary next to your growth process. Waivers include curbs, curbed raised planting beds, street trees, and the requirement for existing features to be shown within 200 feet of the land to be developed. Mr. Jones said this is an existing facility that they have demolished in order to build their facility. Mr. Stoll said they have reviewed and will comply with the fire marshal's review letter. Member Rocco moved to approve Resolution # 19-24 for MLH 150 Roebling Road, LLC, preliminary and final land development – Phase II, TMP # 13-051-001-024; Member Boraski seconded the motion; all board members were in favor. (3-0)

**ITEM # 3 CONSIDER ADOPTING ORDINANCE AMENDING CHAPTER 69 –
PLANNING COMMISSION – TO AMEND SECTION 1 –
COMMISSION ESTABLISHED; MEMBERSHIP**

Ms. Gallagher said this ordinance will reduce the number of members on the Planning Commission from seven down to five. This has been advertised and is ready for adoption this evening. Member Boraski moved to approve Ordinance # 19-3 amending Chapter 69 – Planning Commission – to amend Section 1 – Commission Established; Membership; Member Rocco seconded the motion; all board members were in favor. (3-0)

**ITEM # 4 CONSIDER PROPOSAL FOR PROFESSIONAL INSPECTION AND
CONSTRUCTION ADMINISTRATION SERVICES FROM JONES
ENGINEERING ASSOCIATES FOR THE 2019 ROAD
IMPROVEMENT PROGRAM**

Mr. Jones said this proposal is for professional engineering services for the construction inspection and construction administration services for the 2019 Road Program. There are two line items and the inspection services are a not to exceed number. Construction inspection cost is not to exceed \$60,000 and engineering and construction administration is \$25,000 for a total of \$85,000. This is for roads in the Hedgerow Woods section. The overall budget for the 2019 Road Program is \$5M. This does not include the Burgess Manor section. Member Boraski moved to authorize the expenditure of \$85,000 according to the October 2, 2019 memo from Jones Engineering Associates for professional inspection and construction administration services for the 2019 Road Improvement Program; Member Rocco seconded the motion; all board members were in favor. (3-0)

**ITEM # 5 CONSIDER MANAGER TO FINALIZE AWARD BID FOR THE 2019
ROAD IMPROVEMENT PROGRAM**

Member Boraski moved to authorize the manager to finalize the award bid for the 2019 Road Improvement Program; Member Rocco seconded the motion; all board members were in favor. (3-0)

ITEM # 6 CONSIDER AUTHORIZATION FOR ADVERTISEMENT FOR THE HEATING AND AIR CONDITIONER REPLACEMENT PROJECT FOR THE POLICE DEPARTMENT

Mr. Jason Lawson said they bypassed the heat to get this working on an emergency backup. Right now, they will have heat but we don't know for how long. It will be on emergency heat and it could go at any time. Mr. Lawson said the air conditioning part is working sporadically. Member Boraski expressed concern about not having heat during this time of the year. He also asked if the Public Works department could do any of the demo work. This project will require the responsible contractor ordinance so it will be about sixty days out. With walls coming down and having to go back up, this project would take about two weeks to complete. Mr. Clarke said the state sets the bid threshold and it changes every year. It usually goes up a certain percentage every year. This project is anticipated to be over the threshold. Member Boraski moved to authorize advertisement for the heating and air conditioner replacement project for the police department; Member Rocco seconded the motion; all board members were in favor. (3-0)

ITEM # 7 CONSIDER QUOTES FOR FENCING FOR THE TOWNSHIP PROPERTY

Mr. Lawson secured three quotes to replace the fence along the back area of the township property. A total of 700 feet of fencing will be replaced. It will be 6 ft. high PVC fence. Once this is awarded and we have a person in place, we will get together with them to find out the start date and then hand deliver letters to every residence that abuts the fence. It is recommended awarding the job to Landman's Fencing, Inc. for \$15,600. This quote is \$375 more than the lowest bid but they will remove the entire post where the lower bid was only flush cutting the existing pole. Member Rocco moved to award the fencing job along the back-property line of the township complex to Landman's Fencing Co. in the amount of \$15,600; Member Boraski seconded the motion; all board members were in favor. (3-0)

ITEM # 8 CONSIDER QUOTES FOR A BACKFLOW PREVENTOR FOR THE TOWNSHIP BUILDING

Mr. Lawson said a backflow preventor does not allow water from your system to back up into the domestic water system that we are attached to. The DEP requires that backflow preventors be tested for commercial properties every one to two years. Member Boraski moved to retain the services from DTB Sprinkler Company in the amount of \$13,122 to do the backflow preventor for the township building; Member Rocco seconded the motion; all board members were in favor. (3-0)

ITEM # 9 MINUTES – SEPTEMBER 17, 2019

Member Rocco moved to approve the minutes from September 17, 2019; Member Boraski seconded the motion; all board members were in favor. (3-0)

ITEM # 10 ENGINEERS REPORT

Mr. Jones said we had one earth disturbance submission in the month of September. Updates on the land development projects include the following. The St. Joseph Court project is moving along and they anticipate being finished by the end of the year. They have been doing landscaping, retention basin work, and will do perimeter fencing along the frontage of the property. Patient First had a little bit of a mess in their storm water basin but they cleaned it up. Their Open House is November 20th. Air Gas is back in shape with their permitting. They will be pouring foundation. The Outback Steakhouse deadline is still on track. It should open on November 1st. Kampi Components project will go to construction very soon. The McGill Composting project was recommended for approval by the Planning Commission last month and will be in front of the board next month. The Solvay USA project had some zoning issues and they have to go before the Zoning Hearing Board. There are numerous earth disturbance projects in various stages of construction. For township projects, we anticipate removing the docks in mid-November. We finished the drainage project at the community park and are confident it will drain that low point. We have a plan developed for the culvert repair between Phase 1 and Phase 2. The 2018 Road Program is substantially complete. We will still work with Bustleton Services on the grass. There is some edge work they have to do. For the 2019 Road Program, Hedgerow Woods and Burgess Manor continue to move forward. There was some correspondence between the residents on Rice Drive and PECO. Some residents have been wanting gas service, so we have been in contact with PECO. We may ask the contractor to delay Rice Drive and work on Fletcher. Member Rocco moved to accept the September, 2019 Engineers Report; Member Boraski seconded the motion; all board members were in favor. (3-0)

ITEM # 11 BILL LIST

Member Rocco moved to approve the bill list for October 15, 2019 in the amount of \$1,901,183.31; Member Boraski seconded the motion; all board members were in favor. (3-0)

ITEM # 12 EXECUTIVE SESSION

Mr. Clarke said prior to the meeting, the board met in Executive Session to discuss personnel matters, matters involving litigation, and matters involving potential litigation.

ITEM # 13 POLICE DEPARTMENT REPORT

Chief Wilcox reported on the following:

- A. The Chief for the Day program will begin in November. We will start with Eleanor Roosevelt Elementary School.
- B. The Citizens Police Academy is underway with twenty-seven participants. When this program runs again, please take advantage of it.

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- C. There will be a Coffee with a Cop event at the senior center on November 14th.
- D. The following week the Police Association will have their annual Thanksgiving luncheon for the seniors.
- E. It looks like our accreditation will be scheduled between November 5th and 12th. There were some adjustments made based on our mock accreditation.
- F. We just received reimbursement in the amount of \$3,316.45 for overtime while working with the Drug Task Force and the District Attorney's Office.

ITEM # 14 MANAGER COMMENT

- A. Member Rocco moved to approve escrow release letter of credit release # 2 for Abington Reldan Phases 2, 3, and 4 in the amount of \$108,253.64 and escrow release letter of credit # 10 for Saint Joseph Court in the amount of \$121,926.96; Member Boraski seconded the motion; all board members were in favor. (3-0)
- B. Manager Gray announced the following new businesses: Music Together and Fairless Hills Psychic.
- C. Bulk Disposal Day is scheduled for Saturday, October 12th.
- D. The 2019 Falls Township Leaf Collection is scheduled for October 26th, November 9th, and November 23rd.
- E. The Great Shredder Event is scheduled for Saturday, October 26th from 9 a.m. to 1 p.m. in the front parking lot of the Police Department. This coincides with the Drug Take Back program where you can turn in your unused or expired medication for safe disposal. This will be held the same day from 10 a.m. to 2 p.m.
- F. Member Boraski moved to approve Resolution # 19-25, designating Manager Gray as the Open Records Officer for administrative matters and Lt. Pletnick as Open Records Officer for police matters; Member Rocco seconded the motion; all board members were in favor. (3-0)
- G. Member Rocco moved to approve the employment agreement effective October 16, 2019 through December 31, 2019 for Matthew Takita as Township Assistant Manager, Zoning Officer and Director of Building Planning and Code Enforcement and Zoning for the township; Member Boraski seconded the motion; all board members were in favor. (3-0)

ITEM # 15 BOARD COMMENT

Member Rocco – no comment.

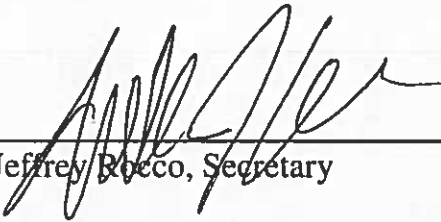
Member Boraski wanted to thank Mr. Lawson and Mr. Jones for helping out on Mill Creek Road going into North Park. Everything is paved and there are turn lanes except going into New Pond Lane. There is no acceleration and no turn lane. They got that taken care of.

Chairman Harvie said in terms of revenue for the Quaker Penn Park boat ramp, we brought in \$22,000 this year which is more than we have brought in during past years. We now have pay by phone which seems to make paying more convenient. The report of who gets the

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pass can be sent to the police department. We have been asked if the township will have another e-waste recycling event. There was a huge turnout when this was held in January. They need a big paved area and they need it for days at a time. We will look into doing this again. There have been different ads on television about trash in Falls Township. To clarify, Waste Management has never transported trash on the river. None of the landfills take hazardous or radio-active waste. Halloween is coming up so please be safe. Veterans Day is also approaching. We thank everyone who has served our country whether during war time or peace time. Happy Veteran's Day to Member Galloway and all the other Veterans. We are wearing pink ties this evening for Breast Cancer Awareness month. We want to remind women to do an examination and be safe. Hopefully they won't find anything but if they do, hopefully they find it early and can deal with it. Chairman Harvie sends best wishes and special prayers to a friend who is battling this disease. Special prayers to those who have had loved ones who fought the battle and did not win.

Member Rocco moved to adjourn the meeting; Member Boraski seconded the motion all board members were in favor. (3-0) The meeting was adjourned at 8:16 p.m.



Jeffrey Rocco, Secretary