

Board of Supervisors – June 21, 2021

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

JEFFRY E. DENCE, CHAIRMAN	PRESENT
JEFF BORASKI, VICE-CHAIRMAN	PRESENT
JEFFREY ROCCO, SECRETARY	ABSENT
BRIAN M. GALLOWAY, SUPERVISOR	PRESENT
JOHN PALMER, SUPERVISOR	PRESENT

The meeting commenced at 6:32 p.m. with roll call and pledge to the flag. All Board members were present with the exception of Member Rocco who was on vacation. Also present were Township Manager/Chief Code Enforcement Officer & Zoning Officer Matthew Takita, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher and Township Engineer Joe Jones.

**INTRODUCTION AND CONSIDER RESOLUTION FOR THE HIRING OF
POLICE OFFICER DAVID EDMOND**

Member Galloway moved to approve Resolution # 2021-16 to hire Police Officer David Edmond; Member Palmer seconded the motion; all board members were in favor. (4-0)

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

Ms. Toni Battiste asked about the delay in getting reports from the Coroner and if it is due to a conflict between the Coroner's office and the County Commissioners. Ms. Battiste wanted to know if it was possible to post the monthly list of bills including the amount so we can see them before the bill list is brought up at the meeting. She would like to see the amounts in the savings and checking accounts, and also the year-to-date totals of budgeted items compared to the budgeted amount so we can see how we are doing as a community and a township with regard to our budget. Ms. Battiste asked if there were any update to the water park. Chairman Dence said there is no update on the water park, and this is not something that would be happening this year. This is something we would have to budget for. As far as the bills and financials, Chairman Dence said he will speak to Mrs. Reukauf and Manager Takita to see what we can do. Chief Whitney said there is normally a lag between when an autopsy is conducted and when we get the final report. There is always a wait. The delay is not related to any issues taking place in the County. It is a normal delay and has always been the case working with the Bucks County Coroner's Office.

**ITEM # 2 NORTHPOINT FALLS TOWNSHIP INDUSTRIAL, LLC – MAJOR
SUBDIVISION – 100 RIVER ROAD – TMP # 13-051-001**

Mr. Mike Meginniss (Begley Carlin) represents the applicant. Also present were Mr. Eric Clase and Mr. Greg Giltzer (Gilmore and Associates); and Mr. Jeremy Michael

Board of Supervisors – June 21, 2021

(NorthPoint). This is a subdivision plan for lots 3 through 8. The proposed parcels are presently improved with the existing businesses and structures. We did a similar process with building 1. We appeared before the Zoning Hearing Board last month to receive a number of dimensional variances to facilitate this subdivision. Requested waivers pertain to existing conditions on the properties. There is no development proposed with this plan. Waivers pertain to Section 191-52.1C2 – deferral on natural resource calculation; Section 191-60A1 - monuments on what we have called lot 3; Section 191-79C3 – natural resource mapping waiver since there is no earth disturbance proposed with this subdivision; Section 191-43B – waiver because there is a provision that requires a developer to comply with your zoning ordinance. We do comply with the zoning ordinance and for the areas where we do not comply, we have requested variances. The next waiver is from Section 191-36D – driveways on two of the lots. These are existing conditions with improvements. Two other notes pertain to the installation of sidewalks and street trees. Mr. Jones had a comment in his letter regarding Section 191-43A about an unbuildable area on lot 4. There is an electrical substation and transmission line which is present on the lot and the area is unbuildable due to the existing infrastructure. Everything else in the letter is will comply. Member Galloway moved to approve Resolution # 2021-17, for NorthPoint Falls Township Industrial, LLC, major subdivision, 100 River Road, TMP # 13-05-001; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 3 TYBURN ROAD ASSOCIATES – PRELIMINARY & FINAL LAND DEVELOPMENT – 418 TYBURN ROAD – TMP # 13-028-066

Ms. Kellie McGowan represents the applicant. Also present was Mr. Kevin Wolf (Anderson Engineers). Ms. McGowan said this is a commercial expansion for a property located at 418 Tyburn Road. It has presently been used for some time as an electrical contracting use. The applicant is proposing expansion of 5,000 sq. ft. of warehouse together with a connecting portion of the building in order to continue that contracting use on the property. This plan went through the Zoning Hearing Board and received relief from certain dimensional requirements of the zoning ordinance. The property was undersized which was the need for some of the relief which included an increase in impervious surface of 53% from the permitted 50%, from the requirement that curbing be provided within the parking area and also from the lighting requirements from your zoning ordinance. Requested waivers include: Section 191-36 not to provide curbing along all driveways; Section 191-37B – Curbing along parking areas; Section 191-37E, 37G1, 37G2, 37G4 – curbing within those interior parking areas. Parking is proposed to be expanded and ten additional parking spaces will be added to facilitate the expansion and a waiver from Section 191-38A and 38B – to not provide lighting improvements in the parking area as this is a private facility. There are two waivers from the storm water management ordinance. They are from the dimensional and structural requirements for the detention basins. The developer is proposing an additional storm water basin in conjunction with the development. This is from Section 187-12E, 12I, 12L. The other one is from Section 187-13B1 and 13B5 relating to dimensional requirements of storm water facility pipes. The applicant will comply with the comments in the Engineer letter. Member Palmer asked why we have the ordinance in place for parking, curbing, and lighting? Is it also for life safety? Mr. Jones

Board of Supervisors – June 21, 2021

said we issued waivers in the past when curbing was not required for channelizing and directing storm water flow to an inlet. The lighting was agreed to at the Planning Commission because it is a daytime operation. The applicant will comply with the ordinance regarding emergency lighting. Member Palmer said he is not a big fan of their lighting plan. Ms. McGowan said this is not a waiver to eliminate any lighting on the site; it is a modification of the technical requirements of your ordinance that apply to the commercial uses including shopping center parking lots. The applicant will make sure the parking lot is adequately lit for their employees. Mr. Jones said with the storm water waivers, they are subject to the applicant complying with the pipe material they specified and the geotechnical consultant that will be on site. Ms. McGowan concurred with this statement. Member Galloway moved to approve Resolution # 2021-18, preliminary and final land development for Tyburn Road Associates, 418 Tyburn Road, TMP # 13-028-066; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 4 CONSIDER NOTICE OF INTENT TO AWARD BID FOR THE FALLS TOWNSHIP COMMUNITY PARK HOCKEY RINK IMPROVEMENT PROJECT

Mr. Jones said this went out to bid once and they recommended rejecting the bids due to a budget issue. They altered the scope. We opened bids on June 17, 2021. Three bids were received. It is recommended awarding the bid to General Asphalt Paving Co. in the amount of \$96,539.63. Member Palmer said he is glad General Asphalt Paving came in with a good bid. Manager Takita said there was a grant awarded and with this new bid, Mr. Jones is correct that we are within the budgeted amount. Manager Takita said this would be subject to review by the solicitor's office. Member Galloway moved to award the bid for the Falls Township Community Park Hockey Rink Improvement Project to General Asphalt Paving Co. in the amount of \$96,539.63, subject to review by the solicitor's office; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 5 CONSIDER AWARDING BID FOR PROVISIONS OF CLEANING SERVICES FOR FALLS TOWNSHIP MUNICIPAL BUILDING AND VARIOUS PARKS

Manager Takita said on May 24, 2021, bids for township cleaning services were opened. Three bids were received but two bids were defective. The third bid was from CNS Cleaning Company. Based on these bid results, we are requesting the board consider CNS Cleaning Company as a responsible bidder in the amount of \$37,712. Member Galloway moved to award the bid for provisions of cleaning services for the Falls Township Municipal Building and various parks to CNS Cleaning Company in the amount of \$37,712; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 6 CONSIDER AGREEMENT BETWEEN FALLS TOWNSHIP AND 350 CHELSEA ROAD REGARDING TREE REMOVAL TO ACCESS THE TREE ARCHES PROPERTY

Manager Takita said this agreement is for the property owner of 350 Chelsea Road to make

Board of Supervisors – June 21, 2021

use of the Three Arches property, in order to remove two trees. Member Galloway moved to approve the agreement between Falls Township and 350 Chelsea Road regarding tree removal, to access the Three Arches property; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 7 CONSIDER AGREEMENT BETWEEN FALLS TOWNSHIP AND MID ATLANTIC EVENT GROUP TO CONDUCT DRIVE IN MOVIES AND IN-PERSON CONCERTS AT THE FALLS TOWNSHIP COMMUNITY PARK

Member Boraski asked if we had an agreement with Mid-Atlantic Event Group in the past and if we didn't, why the change and what is he looking at? Mr. Andrews said last year we had an agreement to run these drive-in movies. Last year was about getting people out. We just want to continue to do this. The township is slated to generate some revenues on these. Member Boraski understood that the agreement is in place so we know who is paying for what. Ms. Gallagher said the agreement requires the vendor to obtain any license rights relating to the concerts or movies. Member Galloway moved to approve the agreement between Falls Township and Mid-Atlantic Event Group to conduct drive-in movies and in-person concerts at the Falls Township Community Park; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 8 CONSIDER RESOLUTION EXTENDING GUIDELINES AND POLICY FOR OUTDOOR SALES OF FOOD AND MERCHANDISE OF EXISTING BUSINESSES IN THE TOWNSHIP DURING THE CORONAVIRUS PANDEMIC

Manager Takita said on June 15, 2020, the Board of Supervisors passed a Resolution temporary authorizing outdoor dining. The board is being asked to continue this provision until August 31, 2021. We are allowing outdoor dining to continue. Member Boraski asked when Labor Day is for this year. Ms. Gallagher said Labor Day falls in September. The reason we selected this to end in August is because of the ordinance in front of you, item # 13, which we do anticipate will be in place prior to the August date. Member Galloway moved to approve Resolution # 2021-19, extending guidelines and policy for outdoor sales of food and merchandise of existing businesses in the township during the Coronavirus Pandemic; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 9 CONSIDER ADOPTING ORDINANCE AMENDING CHAPTER 203 – PARKING REGULATIONS AMENDING SECTION 22 – PARKING PROHIBITED AT ALL TIMES

Chief Whitney said we placed no parking signs in the areas of Cedar Lane and Lincoln Circle. Erecting these signs in those areas appears to have solved the problems in these areas. Member Galloway moved to approve Ordinance # 2021-7, amending Chapter 203 – Parking Regulations amending Section 22 – Parking Prohibited at all Times; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 10 CONSIDER ADOPTING ORDINANCE AMENDING CHAPTER 153 – MASSAGE ESTABLISHMENTS

Chief Whitney said this would allow us to detect activity and allow us to discourage any business coming into Falls Township that would engage in any type of human trafficking activity. Member Galloway moved to approve Ordinance # 2021-8, amending Chapter 153 – Massage Establishments; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 11 CONSIDER ADOPTING ORDINANCE AMENDING CHAPTER 69 – PLANNING COMMISSION AT SECTION 69-1 – COMMISSION ESTABLISHED; MEMBERSHIP; AMENDING CHAPTER 209, ARTICLE VIII ZONING HEARING BOARD AT SECTION 209-59 - ESTABLISHMENT AND MEMBERSHIP

Ms. Gallagher said we are changing some of the provisions to allow for an alternate appointment to the Planning Commission and to change the membership of the Zoning Hearing Board. If you look at Exhibit B on the Ordinance, Section B is the added section. It allows the township to appoint at least one but no more than three residents to serve as alternate members of the Zoning Hearing Board. The term of office for the alternate members would be three years. They would not be allowed to hold any other office in the township or being employees of the township. For the Planning Commission this allows the board to appoint up to three residents as alternate members and the term of office would be four years. It is not as restrictive as to what offices they can hold. Member Galloway moved to approve Ordinance # 2021-9, amending Chapter 69 – Planning Commission at Section 69-1 – Commission Established; Membership; Amending Chapter 209, Article VIII Zoning Hearing Board at Section 209-59 – Establishment and Membership; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 12 CONSIDER ADOPTING PARKS ORDINANCE CHAPTER 168 – UPDATING SECTION 17 REGARDING BOATING REGULATIONS, USE OF FLOATATION DEVICES AND PROHIBITING WADING; UPDATING SECTION 20 PROHIBITING THE RELEASE OF HELIUM BALLOONS AND AERIAL LUMINARY LANTERNS IN TOWNSHIP PARKS; CONTAINING A SAVINGS CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE

There was no action on this agenda item.

ITEM # 13 CONSIDER AUTHORIZATION FOR ADVERTISEMENT FOR ORDINANCE AMENDING CHAPTER 209 – ZONING – AT SECTION 23 – HIGHWAY COMMERCIAL DISTRICT, SUBSECTION D – CONDITIONAL USES PERMITTED, AND SUBSECTION E – ACCESSORY BUILDINGS, USES AND STRUCTURES PERMITTED; AND SECTION 32.4 RIVERFRONT DISTRICT, AT SECTION E – ACCESSORY BUILDINGS, USES AND STRUCTURES IN ALL

SECTORS, TO REPEAL SUBSECTION 3 – ACCESSORY OUTDOOR DINING; AND CREATING SECTION 48.3 – OUTDOOR DINING

Ms. Gallagher said this will centralize all regulations pertaining to outdoor dining and enact some permanent regulations consistent with the resolution that we considered earlier. This will permit outdoor dining by right as an accessory use in NC, HC, and SC district and be permitted by conditional use in the RD2 district. We have included some new language as well. Member Palmer said some feedback he has been getting is that residents really enjoy dining outside. Member Galloway said he thinks this is a good thing. Chairman Dence asked about outdoor dining and parking requirements. Ms. Gallagher said this ordinance would not allow them to use parking spaces to accommodate outdoor dining. If they have sufficient parking on the property, they could convert some of that on a more permanent basis. They have been looking at safety concerns with proximity of the outdoor dining use to other parking, drive aisles and roads. She doesn't believe this ordinance would allow a floating outdoor dining use in the middle of a parking lot. They would need to meet all the parking requirements for the restaurant use plus the additional dining use since restaurants are back open to 100% capacity. Member Galloway moved to authorize advertisement for Ordinance amending Chapter 209 – Zoning – At Section 23 – Highway Commercial District, Subsection D – Conditional Uses Permitted, and Subsection E – Accessory Buildings, Uses and Structures Permitted; and Section 32.4 Riverfront District, at Section E – Accessory Buildings, Uses and Structures in all Sectors, To Repeal Subsection 3 – Accessory Outdoor Dining; and Creating Section 48.3 – Outdoor Dining; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 14 MINUTES – MAY 17, 2021

Member Galloway moved to approve the minutes from May 17, 2021; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 15 ENGINEERS REPORT

Mr. Jones said there was one new residential earth disturbance application submitted for a residential pool. No other applications were submitted in May. Highlights are shown in red in the report. For ongoing land development projects, MM Metals is operating under a TCO while they work on the interior of the second building. For Al Rose Steel, site work is on hold while they are working on structural framing. KA Fairless Hills (Lincoln Highway WAWA) will be before the Board of Supervisors in July. They had a drive-through component which was removed. For NorthPoint phase 1, building 2 and NorthPoint phase 1, building 3, they will be before the Planning Commission tomorrow night. For ongoing township projects and the 2020 Road Program, the work in Hedgerow Woods is substantially complete. They are working on the sod. What is left is the final waring course pavement, mill and overlay of Elbow Lane, scheduled for the week of June 28th. We are making good progress in the Burgess Manor section. For the 2021-2023 Road Program, Elderberry Drive, the responsible contractor determination was submitted. We are ready to finalize the project and get started. We expect them to start the mill and overlay scope of

Board of Supervisors – June 21, 2021

work tomorrow and then reconstruction of Elderberry Drive to start the week after next. Chairman Dence said he received a few phone calls from residents regarding the road program in Burgess Manor. Mr. Jones said we are working through those issues with them. We instituted a curb and gutter combination because there are a lot of roads that are very flat. It is a big difference from what they are used to. We are evaluating the necessity for the curb and gutter which is the subject of the complaint. We believe we can remove it. We are still working on that decision to pull it all out or reduce it and make it more palatable for them. Member Galloway moved to accept the Engineers Report; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 16 BILL LIST

Member Galloway moved to approve the June 21, 2021 bill list in the amount of \$2,715,350.19; Member seconded the motion; all board members were in favor. (4-0)

ITEM # 17 EXECUTIVE SESSION

Mr. Clarke said that prior to the meeting, the Board held an Executive Session to discuss a matters of personnel and potential litigation.

ITEM # 18 POLICE DEPARTMENT REPORT

Chief Whitney provided the following updates:

- A. During the month of May, there were 26 out of 62 shifts where manpower was at or below minimum staffing for at least part of the shift. This amounts to 42% of the time in May. This is down from 55% in April. The objective is to be at minimum staffing no more than 25% of the time.
- B. There were 3 overdoses in May; 28 year to date. There were 0 fatal overdoses for the year; this number could change once we get the final report from the Coroner's office. There were 1,831 calls for service for the month of May; 8,286 year to date. There were 233 medical calls in May; 1,145 year to date. There were 108 traffic accidents in May; 459 year to date and 72 arrests in May; 369 to date.
- C. Chief Whitney provided information on township hotels and motels.
- D. On June 1st, there was a bear incident in Morrisville. The bear was captured by the Game Commission. There was also a human trafficking case on June 1st. Other incidents include a traffic pursuit on June 13th, and a road rage incident near Pep Boys involving a gun. The suspect was arrested and the firearm recovered.
- E. Thefts of catalytic converters continue. There was a motorist dispute at the West Trenton Avenue WAWA. An arrest was made and the firearm recovered. Statistics show there have been 11 shootings in Trenton since the middle of last month.
- F. Chief Whitney reminds everyone to lock their vehicles and do not leave your keys or valuables in your vehicle. Also, please drive carefully. There have been several serious crashes in the past few months. Excessive speed and reckless driving and alcohol/drug use have been factors. It is a tragedy to lose a life in a vehicle crash.

Board of Supervisors – June 21, 2021

- G. Twenty-two incidents were referred to our CRSs. Contact was made with 13 individuals. One individual was successfully placed into treatment. This is an important program to get help to those in the community. Two people who initially said they were not interested, reconsidered, and contacted us to seek help.
- H. Chief Whitney spoke about a new Access Services program called Bucks County LIFE Program. It is a program to help people who have been unsuitable or untreatable up to this point and to get them the help they need.
- I. We have an ordinance regarding fireworks. You are limited as to what you can use. Be prepared to be arrested and pay a fine if you are caught.

ITEM # 19 MANAGER COMMENT

- A. TAVO mylars are ready for signature.

ITEM # 20 BOARD COMMENT

Member Galloway no comment.

Member Palmer no comment.

Member Boraski no comment.

Chairman Dence said regarding fireworks, a lot of people like them and a lot of people do not like them. You can own them and buy them in Pennsylvania but there are a lot of places you cannot use them. We have a long list here of people who are interested in Boards and Commissions. Chairman Dence asked fellow board members to please review them as he would like to start appointments soon.

Member Galloway moved to adjourn the meeting; Member Palmer seconded the motion; all board members were in favor. (4-0) The meeting was adjourned at 7:37 p.m.



Jeffrey Rocco, Secretary