

**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 6:30 p.m. with roll call and pledge to the flag. All Board members were present with the exception of Member Rocco who was away on family business. 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 TIMOTHY BISHOP AND DEAN STECKLAIR**

Chief Whitney provided background on two new police officers. They are Officer Timothy Bishop and Officer Dean Stecklair. Chief Whitney said the hiring of these two officers keeps us at our authorized strength of 53 officers. Member Galloway moved to approve Resolution # 2021-24 for the hiring of Dean Stecklair; Member Palmer seconded the motion; all board members were in favor. (4-0) Member Galloway moved to approve Resolution # 2021-25 for the hiring of Timothy Bishop; 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**

No one called in for public comment.

**ITEM # 2 CERTIFICATE OF APPROPRIATENESS – 10 YARDLEY AVENUE
TMP # 13-020-292 – 4 FT. HIGH PICKET FENCE INSTALLED
BETWEEN THE GARAGE AND DECK**

Member Galloway moved to approve the Certificate of Appropriateness for 10 Yardley Avenue, TMP # 13-020-292, for a 4-ft high picket fence installed between the garage and deck; Member Palmer seconded the motion; all board members were in favor. (4-0)

**ITEM # 3 CERTIFICATE OF APPROPRIATENESS – 30 LACROSSE STREET
TMP # 13-020-264 – INSTALL A WHOLE HOUSE GENERATOR**

Member Galloway moved to approve the Certificate of Appropriateness for 30 LaCrosse Street, TMP # 13-020-264, to install a whole house generator; Member Palmer seconded the

Board of Supervisors – August 16, 2021

motion; all board members were in favor with the exception of Member Boraski who abstained. (4-0-1)

ITEM # 4 LINCOLN HIGHWAY STORAGE, LLC – PRELIMINARY AND FINAL LAND DEVELOPMENT – 957 LINCOLN HIGHWAY TMP # 13-028-036

Chairman Dence said this is a new self-storage facility will be built at an abandoned car dealer which has been vacant for at least the past 25 years. This area has been in disarray for a long time. Mr. Tyler Prime represents the applicant. The applicant proposes to demolish the existing structures on the property at 927 Lincoln Highway in order to construct a self-storage facility with related site improvements, parking, lighting, and landscaping. The Zoning Hearing Board had previously granted a use variance for use of this facility as well as dimensional variances. Mr. Jones said this project is for two 30,000 sq. ft. buildings and two 15,000 sq. ft. pull up storage units. We have worked with the Township of Falls Authority (TOFA) to go through some issues they had. We are presently working with the applicant's engineer to work through some technical comments. Mr. Jones recommends this project for approval at this time. Chairman Dence said this is parallel to the super-highway near TruckSmart and Michael's Restaurant and then it would dead end near Rt 13. Member Galloway moved to approve Resolution # 2021-26 for the Lincoln Highway Storage, LLC, preliminary and final land development, 957 Lincoln Highway, TMP # 13-028-036; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 5 NORTHPOINT DEVELOPMENT, LLC – PHASE 3 – PRELIMINARY AND FINAL LAND DEVELOPMENT – RIVER ROAD – TMP # 13-051-001

Mr. Toadvine is present on behalf of the applicant. Mr. Toadvine said on the agenda this is listed as phase 3 but it is really building # 3, phase 1. The building is approximately 1,011,703 sq. ft. in size. Also present is Mr. Eric Clase (Gilmore & Associates) and Mr. Jeremy Michael (NorthPoint). Mr. Toadvine said they are requesting five waivers. Chairman Dence said these are the usual waivers. This project has been approved by our Planning Commission and the Bucks County Planning Commission. All review letters are will comply. Member Galloway moved to approve Resolution # 2021-27 for NorthPoint Development, LLC, phase 1, preliminary and final land development, River Road, TMP # 13-051-001; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 6 CONSIDER ADOPTING ORDINANCE OF THE TOWNSHIP OF FALLS AUTHORIZING THE INCURRENCE OF LEASE RENTAL DEBT IN AN AGGREGATE AMOUNT NOT TO EXCEED \$24,365,000 TO BE EVIDENCED BY A GUARANTY OF THE GUARANTEED WATER AND SEWER REVENUE BONDS, SERIES OF 2021, OF THE TOWNSHIP OF FALLS AUTHORITY TO FINANCE A REFINANCING PROGRAM TO BE UNDERTAKEN BY THE

AUTHORITY; APPROVING THE FORM OF, AND DIRECTING PROPER OFFICERS OF THE TOWNSHIP TO EXECUTE AND DELIVER A GUARANTY AGREEMENT BETWEEN THE TOWNSHIP, AS GUARANTOR, THE AUTHORITY AND THE TRUSTEE; SPECIFYING THE MAXIMUM ANNUAL AMOUNTS OF THE GUARANTY OBLIGATIONS OF THE TOWNSHIP PURSUANT TO THE GUARANTY AGREEMENT; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE TOWNSHIP IN SUPPORT OF SUCH GUARANTY; AUTHORIZING THE PREPARATION OF A DEBT STATEMENT AND THE FILING THEREOF TOGETHER WITH A TRANSCRIPT OF PROCEEDINGS WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; AND AUTHORIZING OTHER NECESSARY ACTION

Mr. Christopher Gibbons from Concord Financial Advisors was present this evening. They are the financial advisors to TOFA. Mr. Gibbons said the authority is taking advantage of lower interest rates and refinancing the debt of the 2011 and the 2016 bonds. Part of the process is to enact a guaranty ordinance similar to what was done previously. Since it is a refinancing, it is a reduction of the liability of the township since the refinance will provide a savings to the authority over time. The projection of savings is approximately \$250K per year. Enactment of the ordinance this evening would be to guarantee the debt of \$24,365,000. Mr. Clarke said the township has previously guaranteed the debt that is being refinanced. It is important to note that TOFA is a component unit of the township and by guaranteeing these loans where it enables them to get a better interest rate and even if we didn't guarantee it, if TOFA couldn't repay the loans, we would have to repay them already since they are a component. Mr. Gibbons said one is a loan (2016) and one is a bond (2011). Member Palmer moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (4-0) Ms. Toni Battiste wanted to be clear that we are not financing the loan. We are acting as a co-signer. Has anyone done due diligence on the financial aspect of this? How stable is TOFA? If something comes up such as a problem with the water or sewer lines, they could put us on the hook for quite a bit of money. Mr. Gibbons said TOFA is in a very good financial position. They have a net position of about \$3.2M which has grown significantly over the last several years. Even if other things come up, the township is already guaranteeing TOFA's debt. It wouldn't be any different than the what the circumstances are now, but the guarantee would be on less debt that is currently outstanding. Member Galloway moved to close public comment; Member Palmer seconded the motion; all board members were in favor. (4-0) Member Galloway moved to adopt Ordinance # 2021-11, authorizing the incurrence of lease rental debt in an aggregate amount not to exceed \$24,365,000 to be evidenced by a guaranty of the guaranteed water and sewer revenue bonds, series of 2021, of the Township of Falls Authority to finance a refinancing program to be undertaken by the Authority; approving the form of, and directing proper officers of the Township to execute and deliver a guaranty agreement between the Township, as guarantor, the Authority and the Trustee, specifying the maximum annual amounts of the guaranty obligations of the Township pursuant to the

guaranty agreement; pledging the full faith, credit and taxing power of the Township in support of such guaranty; authorizing the preparation of a debt statement and the filing thereof together with a transcript of proceedings with the Department of Community and Economic Development; and authorizing other necessary action; Member Palmer seconded the motion; all board members were in favor. (4-0)

**ITEM # 7 CONSIDER AUTHORIZATION FOR ADVERTISEMENT
REPEALING ORDINANCE CHAPTER 21 – COMMUNITY AND
ECONOMIC DEVELOPMENT COMMISSION**

Manager Takita said we are repealing the current Community and Economic Development Commission (CEDC) and the goal is to start an Economic Development Committee which would have more authority and would better benefit the township. Member Galloway moved to authorize advertisement repealing Ordinance Chapter 21 – Community and Economic Development Commission; Member Palmer seconded the motion; all board members were in favor. (4-0)

**ITEM # 8 CONSIDER AUTHORIZATION FOR ADVERTISEMENT
REPEALING AND REPLACING ORDINANCE CHAPTER 206 –
WRECKERS – IN ITS ENTIRETY**

Ms. Gallagher said this is a comprehensive revision of Chapter 206 and would restructure the way the township handles any kind of tows that come out of the police department. This ordinance governs how those vehicles are towed from the site. It is a complete revision and we have been working with the police department to work on these revisions. This would be entering into a contract rather than the actual licensing. Member Galloway moved to authorize advertisement repealing and replacing Ordinance Chapter 206 – Wreckers – in its entirety; Member Palmer seconded the motion; all board members were in favor. (4-0)

**ITEM # 9 CONSIDER ADOPTING ORDINANCE CHAPTER 209 – ZONING AT
SECTION 22 – NEIGHBORHOOD COMMERCIAL DISTRICT –
SUBSECTION C – ACCESSORY BUILDINGS, STRUCTURES AND
USES AND I – CONDITIONAL USES PERMITTED AND SECTION 23
– HIGHWAY COMMERCIAL DISTRICT – SUBSECTION D –
CONDITIONAL USES PERMITTED AND SUBSECTION E –
ACCESSORY BUILDINGS, STRUCTURES AND USES 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 AND ENACTING SECTION 48.3 –
OUTDOOR DINING**

Ms. Gallagher said this has been advertised as required and would amend the Zoning Ordinance to codify the outdoor dining provisions that were tested at the beginning of the Pandemic period through the current time. It removes the ability to have tables set up in the

Board of Supervisors – August 16, 2021

middle of a parking lot, but it does allow a lot more permissive outdoor dining uses with certain restrictions as set forth in the Ordinance. We have reviewed this with township staff including the Police Department and all appears to be in order for adoption this evening. Member Boraski asked when this would go into effect. Ms. Gallagher said five days from today. Member Galloway moved to adopt Ordinance 2021-12 for Chapter 209 – Zoning at Section 22 – Neighborhood Commercial District – Subsection C – Accessory Buildings, Structures and Uses and I – Conditional Uses Permitted and Section 23 – Highway Commercial District – Subsection D – Conditional Uses Permitted and Subsection E – Accessory Buildings, Structures and Uses 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 and Enacting Section 48.3 – Outdoor Dining; Member Rocco seconded the motion; all board members were in favor. (4-0)

ITEM # 10 CONSIDER QUOTE FOR FIREARMS PURCHASE FOR THE POLICE DEPARTMENT

Chief Whitney explained the type of firearms they would like to purchase as budgeted for in this year's budget. He said they have an opportunity to replace all of the Smith & Wesson pistols as well as patrol rifles as a trade-in deal. It is Chief Whitney's recommendation to proceed with the purchase. Member Palmer asked about the old firearms and if they get traded in. Mr. Clarke said the way this transaction is structured it is consistent with the law. Chief Whitney was getting us all of the documentation from Co-Stars but we haven't had the opportunity to review it yet so we are asking that any motion be made pending solicitor's review so we can make sure all of the Co-Stars documents are in order. Member Galloway moved to approve the quote for the firearms purchase for the police department, pending solicitor's review; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 11 CONSIDERATION OF AGREEMENT BETWEEN FALLS TOWNSHIP AND LOWER MAKEFIELD TOWNSHIP REGARDING ELBOW LANE

Member Galloway moved to table this agenda item; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 12 CONSIDERATION OF AGREEMENT BETWEEN FALLS TOWNSHIP AND THE FALLS SOCCER CLUB FOR GENERAL MAINTENANCE OF THE SOCCER FIELDS

Mr. Brian Andrews said nothing is really changing pertaining to this agreement. We are just trying to formalize this and put it on paper so there is something in our records to fall back on. Member Galloway moved to approve the agreement between Falls Township and the Falls Soccer Club for general maintenance of the soccer fields; Member Palmer seconded the motion; all board members were in favor. (4-0)

Board of Supervisors – August 16, 2021

ITEM # 13 MINUTES – JULY 19, 2021

Member Galloway moved to approve the minutes for July 19, 2021; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 14 ENGINEERS REPORT

Mr. Jones said there were two new land development projects submitted; they are for minor building additions at the Ukrainian Evangelical Baptist Church on Trenton Road and the second one is for renovation of the gas station/convenience facility at the intersection of New Falls Road and Hood Boulevard. This is proposed to be a car wash with a convenience center. Updates under the land development section are for the Raising Cane's project which was recommended for approval last month and will be before the Board of Supervisors in September. In terms of earth disturbance, we spoke with the engineer for the Lake Caroline Trail and Stream Restoration project. This was in limbo due to the COVID Pandemic and we will revisit and review what technical information they have to supply to us for us to be comfortable with the flood plain implications. We can expect to see action on that in next month's Engineers report. The 2020 Road Program is now substantially complete. We have to deal with the mill and overlay sections of the roads that are joining our neighboring communities. The lawn restoration will occur in September. All residents are satisfied with the work and we have a couple of issues to follow up with. For the 2021 Road Program, we are starting Elderberry this week and we met with the contractor. In terms of the Pinewood Drive reconstruction for next year, we anticipate being out to bid by December/January for early construction next year in 2022. Member Galloway thanked Mr. Jones for following up on the Lake Caroline project.

ITEM # 15 BILL LIST

Member Galloway moved to approve the August 16, 2021 bill list in the amount of \$1,754,695.60; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 16 EXECUTIVE SESSION

Mr. Clarke said there was no Executive Session. Mr. Clarke asked to amend the Executive Session report. Mr. Clarke said we held an Executive Session on August 2, 2021 to discuss personnel matters and litigation matters.

ITEM # 17 POLICE DEPARTMENT REPORT

Chief Whitney provided the following updates:

- A. There were 1,811 calls for service in the month of July with a total YTD of 11,737. Eighty-seven of those calls for service were due to crashes. The actors fled in a gold sedan.

Board of Supervisors – August 16, 2021

- B. On August 14th there was a robbery at the Fairless Hills Giant.
- C. Chief Whitney said there was a domestic incident on August 11th on Liberty Drive. The actor fled and a foot pursuit ensued. The subject was caught and was in possession of an improvised explosive device.
- D. There was a robbery at the Lovetts Studios on Trenton Road on August 3rd.
- E. On August 2nd, a serious motorcycle crash occurred in Lakeside where the operator was taken to St. Mary's in critical condition.
- F. On July 31st, one of our officers observed an individual stealing catalytic convertors from a tow yard on Old Tyburn Road. A pursuit entailed and the suspect crashed. He was caught by our K-9 Monty.
- G. On July 30th, there was a pursuit of a dirt bike on Old Rt. 13. The pursuit ended in the area of Mill Creek Road.
- H. There was a pursuit and arrest on Tyburn Road in the area Rt.13 on July 28th. The driver was caught and charged with DUI.
- I. On July 24th there was another pursuit and an arrest on Philadelphia Avenue. The driver was arrested in possession of crack cocaine and had warrants for his arrest in another jurisdiction.
- J. On July 19th, we assisted the PA State Police on a pursuit on Rt. 1. The driver fled on foot after the pursuit terminated. Our K-9 Zico located the suspect who was getting into an Uber on MY Lane where he was taken into custody and turned over the troopers.
- K. We graduated 58 cadets from the Youth Police Academy. Our academy is a 10-week program. We had great participation and a very nice program.

Member Palmer asked Chief Whitney if he believes that is the person who has been stealing for a couple of years? Chief Whitney said we believe he is one of many. This is a popular crime taking place all over the county and state. Chief Whitney said they have asked all the scrap businesses in Falls Township to cooperate with them. Chairman Dence asked if the ordinance for the pawn shops covers this as well. Ms. Gallagher said yes it does.

ITEM # 18 MANAGER COMMENT

- A. Manager Takita said there have been letters of interest for boards and commissions submitted to the Township. Chairman Dence said these are newer submissions. The board would like to review and then revisit next month.

ITEM # 19 BOARD COMMENT

Member Boraski referenced Elbow Lane and asked if we had any time frame on what Lower Makefield wants to do. Chairman Dence said he believes they want to do the section of Elbow Lane as was discussed but they want to expand it and go around the bend. It will be more than just Elbow Lane. Manager Takita said Lower Makefield's board meets on Wednesday so he will have a discussion with them. Member Boraski said the Tour of Honor is happening again this year. Have they reached out to the Township? Do we plan on attending? Manager Takita said he has not heard anything on our end. Chief Whitney

Board of Supervisors – August 16, 2021

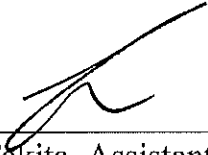
will look into this and get back to the board.

Member Galloway - no comment.

Member Palmer – no comment.

Chairman Dence said he received a number of emails from residents telling them about mandates in Falls Township. We have never mandated anything on COVID in Falls Township. It came from the state and worked its way down. In Philadelphia they are requiring masks again. We follow the lead from the county and the state. Hopefully we can get through this fast. We don't want to go through this again.

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 7:12 p.m.



Matthew Takita, Assistant Secretary