

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

JEFFRY E. DENCE, CHAIRMAN	PRESENT
JEFFREY M. BORASKI, VICE-CHAIRMAN	PRESENT
BRIAN M. GALLOWAY, SECRETARY	PRESENT
JOHN W. PALMER, SUPERVISOR	PRESENT
ERIN M. MULLEN, SUPERVISOR	ABSENT

The meeting commenced at 7:02 p.m. with roll call and pledge to the flag. All Board members were present with the exception of Member Mullen. Also present were Township Manager/Chief Code Enforcement Officer & Zoning Officer Matthew Takita, Township Solicitor Michael Clarke and Township Engineer Joe Jones.

**CHECK PRESENTATION TO THE FALLSINGTON LIBRARY FROM THE
PROCEEDS FROM THE FALLS TOWNSHIP COMMUNITY YARD SALE**

Mr. Brian Andrews said the second community yard sale was held in support of the Fallsington Library. A check was presented to Neil Vance, Fallsington Library Treasurer, in the amount of \$1,310. Mr. Vance thanked the township, citizens, and everyone who participated in this event. He said the library sees itself as a resource to the community and they hope people will stop by to see them. Chairman Dence thanked Theresa Katalinas for her support and promotion of this event.

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

No one signed in for public comment.

**ITEM # 2 GELEST – PHASE 3 – PRELIMINARY AND FINAL LAND
DEVELOPMENT 11 STEEL ROAD EAST – TMP # 13-047-152**

Mr. Mike Meginniss (Begley Carlin) represents the applicant. Mr. Brian Wu (Gelest) and Mr. Eric Britz (Bohler) were also present. This is phase 3 of Gelest's development. The property is located at 11 Steel Road East and is zoned as Heavy Industrial (HI). Gelest is a group company of Mitsubishi Chemical. They are a chemical manufacturer who serves a wide variety of industries including healthcare, personal care and microelectronics. Their proposal this evening is for construction of a manufacturing building and a support building. There is also associated parking and storm water management improvements. Gelest originally came before the township in 2013 proposing a 3-phase development. At that time, they secured full approval for phase 1 but only preliminary approval for phases 2 and 3. Phase 2 had approval secured in 2016 and they moved forward with construction of phase 1 and completion of phase 1. The approvals for phase 3 expired so they had to go

back to the Zoning Hearing Board and initiate this process again for phase 3. We are here for a similar land development. This project will add approximately 26 jobs with two shifts. They already have their NPDES permitting. Four of the five SALDO waivers were previously granted waivers. The only one that wasn't granted was for preliminary/final land development. Member Galloway moved to approve Resolution # 2023-17, preliminary and final land development for Gelest, Phase 3, 11 Steel Road East, TMP # 13-047-152; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 3 BRITTON REALTY MORRISVILLE, LLC – PRELIMINARY AND FINAL LAND DEVELOPMENT – 835 W BRIDGE STREET – TMP # 13-028-081

Mr. Mike Meginniss (Begley Carlin) represents the applicant. Also present were Mr. Dan Carr (Britton Industries) and Mr. Heath Dumack (Dumack Engineering). This is an allocation of space application for the equitable owners of the property located at 835 West Bridge St. It is currently owned and operated by the Elks Lodge. They appeared at the Zoning Hearing Board to receive relief to allow Britton to occupy the rear portion of the existing structure and site. This includes warehousing space of approximately 5,400 sq. ft. and an outside storage area. The warehousing space will be utilized for non-gas related equipment for Britton. They plan to install a privacy fence and one ADA parking space. There is no impact in terms of parking or traffic and no employees associated with the use. There will be only one or two trips to this site per week. The Elks reached an agreement with Britton where they will sell the property to Britton. Britton will occupy a portion of the site and then lease back in perpetuity for \$1 the front portion of the building for the Elks to occupy. There are two waivers which pertain to lighting and landscaping. Member Palmer asked Mr. Jones if the fire protection were adequate. Manager Takita said when the applicant submits permits to occupy or renovate the building then those plans would go to the Fire Marshal. Member Boraski moved to approve Resolution 2023-18, preliminary and final land development for Britton Realty Morrisville, LLC, 835 W. Bridge Street, TMP # 13-028-081; Member Galloway seconded the motion; all board members were in favor. (4-0)

ITEM # 4 CONSIDER AUTHORIZATION OF THE AGREEMENT BETWEEN THE FALLS TOWNSHIP YOUTH POLICE ACADEMY AND THE BUCKS COUNTY COMMUNITY COLLEGE CRIMINAL JUSTICE PROGRAM

Chief Whitney is here with Professor Sarah Jakub from the Bucks County Community College (BCCC). Chief Whitney said over the years, they have had a very positive and productive relationship with the BCCC. Chief Whitney and several members of the staff have been invited to guest lecture. Numerous of our Youth Police Academy Cadets have gone on to take courses in Criminal Justice at BCCC. BCCC was kind enough to offer our graduates credit for a three-credit course if they graduate our Youth Police Academy. Professor Jakub said they have been very impressed with the work that Chief Whitney and

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his staff are doing. This would only be for students who successfully complete the academy and then enroll in the Criminal Justice program at BCCC. Member Galloway moved to authorize the agreement between the Falls Township Youth Police Academy and the Bucks County Community College Criminal Justice Program; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 5 CONSIDER POLICY ADOPTION FOR BODY WORN CAMERA POLICY FOR THE POLICE DEPARTMENT

Chief Whitney said this is the final phase prior to training and rolling out the body cameras for the Police Department. Member Boraski is asking if this is subject to review by the Solicitor's Office. Mr. Clarke said their office has already approved this. Member Galloway moved to adopt the Body Worn Camera Policy for the Police Department; Member Palmer seconded the motion; all board members were in favor. (4-0)

**ITEM # 6 CERTIFICATE OF APPROPRIATENESS – 10 YARDLEY AVENUE
TMP # 13-020-292 – 4 FT. HIGH PICKET FENCE ALONG THE
PERIMETER OF FRONT YARD**

Member Boraski moved to approve the Certificate of Appropriateness for 10 Yardley Avenue, TMP # 13-020-292 for a 4-ft high picket fence along the perimeter of front yard; Member Galloway seconded the motion; all board members were in favor. (4-0)

**ITEM # 7 CERTIFICATE OF APPROPRIATENESS – 26 YARDLEY AVENUE
TMP # 13-020-322 – REPLACE KITCHEN WINDOW WITH KITCHEN
SLIDING GLASS DOOR**

Member Boraski moved to approve the Certificate of Appropriateness for 26 Yardley Avenue, TMP # 13-020-322 to replace the kitchen window with a kitchen sliding glass door; Member Galloway seconded the motion; all board members were in favor. (4-0)

**ITEM # 8 CONSIDER ADOPTING ORDINANCE AMENDING CHAPTER 146 –
CONTRACTOR RESPONSIBILITY CERTIFICATION OF THE CODE
OF THE TOWNSHIP OF FALLS TO REVISE THE REQUIREMENTS
FOR CONTRACTORS BIDDING ON PUBLIC WORKS TO ENSURE
A QUALIFIED CRAFT LABOR WORKFORCE**

Mr. Clarke said the township has had a Responsible Contractor Ordinance for many years. A few years ago, an organization challenged the Responsible Contractor Ordinance in Montgomery County and in Northampton County. One of the things that came out of that lawsuit was the fact that although the Ordinance laid out certain minimum qualifications for training for people who are working on a job, it didn't indicate how many of those trained employees had to actually be on the job site. It was a loophole and it was a loophole that was being exploited by certain contractors who were having some of their employees participate in an apprenticeship program but when the bid was awarded, no apprentice

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employees were actually on the job. What this amendment does is it closes that loophole and requires at least 77% of all of the workers on the job have to have completed an apprenticeship program or are currently enrolled in an apprenticeship program. Member Palmer moved to approve Ordinance # 2023-2, Amending Chapter 146 – Contractor Responsibility Certification of the Code of the Township of Falls to Revise the Requirements for Contractors Bidding on Public Works to Ensure a Qualified Craft Labor Workforce; Member Galloway seconded the motion; all board members were in favor. (4-0)

ITEM # 9 CONSIDERATION OF RESOLUTION JOINING CONSORTIUM AGAINST PRIVATIZATION OF SEWER SYSTEMS

Mr. Clarke said within the last year or so there was the potential sale of the Bucks County Water and Sewer Authority (BCWSA) to AQUA PA. That sale eventually fell apart when the BCWSA Board of Directors decided to not move forward when the County Commissioners indicated that they weren't in favor of the sale. A number of municipalities also voiced their opposition to the potential sale. Before the Board this evening is a Resolution to approve the township's membership in a Municipal Consortium created for the purpose of proposing amendments to Act 12 of 2016 and opposing legislative actions that would negatively impact water and sewer customers and we will agree to pay \$250 for the cost of the Consortium. Member Galloway moved to approve Resolution # 2023-20, Joining Consortium Against Privatization of Sewer Systems; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 10 CONSIDER SETTLEMENT AGREEMENT WITH HIGHLAND DEVELOPMENT VENTURES, LLC FOR ZONING APPEAL, TMP # 13-028-008-001

Mr. Clarke said Highland Development Ventures, LLC wanted to put a storage facility on Stony Hill Road near the Fairless Hills exit of Rt. 1. They were turned down by the Zoning Hearing Board and it was appealed to the Court of Common Pleas. There is a proposed settlement for the Board to consider this evening. This is dimensional relief. The use as a storage facility is permitted by right. They were turned down for dimensional basis and setbacks. The settlement makes sure there will be the minimum encroachment of the property lines, it requires the esthetics of the building look like more of an office or commercial property and not a storage facility and it minimizes the impact on existing vegetation and trees. Member Galloway said they did a nice job with their renderings. Member Galloway moved to approve the settlement agreement with Highland Development Ventures, LLC for zoning appeal, TMP # 13-028-008-001; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 11 CONSIDER RATIFICATION OF AUTHORIZATION FOR TOWNSHIP MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS FOR OPT-IN TO ADDITIONAL ROUND OF NATIONAL OPIOID SETTLEMENT

Mr. Clarke said a little over a year ago the Board opted-in to the National Opioid Settlement litigation. This is being run by various Attorney Generals across the country. The purpose of this litigation is to recover costs that counties and municipalities have expended that are directly related to opioids. The first round of settlements has begun and now there will be an additional round of settlements against additional manufacturers and those who have distributed opioids. We are being asked to consider opting-in to this again so we can be eligible for funds from the second round of settlements. There is no cost to the township and no obligation. We are authorizing the Manager to sign-off on these documents. Local municipalities will probably be receiving funds for the cost of Narcan and things along those lines. Member Boraski asked if they awarded the first phase. Mr. Clarke said the first amount of settlements has been determined but the distributions take a little bit of time. Member Galloway moved to ratify authorization for the Township Manager to execute all necessary documents for opt-in to additional round of National Opioid Settlement; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 12 CONSIDER PROPOSAL FROM CALL TOWER FOR PHONE SYSTEM REPLACEMENT

Manager Takita said the Board is being asked to consider a proposal from Call Tower to replace our aging telephone system that is no longer supported by our carrier Windstream. The new system will be a cloud-based voice over IP. Member Palmer asked if our IT Department checked this out and signed off on it. Manager Takita said yes, our IT group has reviewed it and ARG is the other group who will assist in putting this together. Member Galloway moved to approve the proposal from Call Tower for phone system replacement in the amount of \$1,499 per month; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 13 CONSIDER PROPOSAL FROM CARROLL ENGINEERING CORPORATION FOR GIS ASSET MANAGEMENT

Manager Takita said this is a proposal from Carroll Engineering to incorporate GIS Asset Management to manage all of our interior assets before, during, and after our move into the temporary location and subsequent renovations to the township building. GIS Indoors will integrate into our existing GIS Enterprise Solutions and will produce separate maps from which we can add, remove or delete any assets using bar codes. The cost for this service is in the amount of \$29,172. Member Palmer asked if the \$16,500 annual cost was budgeted. Manager Takita said that is part of this \$29,172 and part of our existing Service Agreement. Member Galloway moved to approve the proposal from Carroll Engineering Corporation for GIS Asset Management in the amount of \$29,172; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 14 CONSIDERATION OF RESOLUTION AMENDING RESOLUTION # 2023-02 TO ADD A DESIGNATED BANKING INSTITUTION AS TOWNSHIP DEPOSITORY FOR THE YEAR 2023

Mr. Clarke said at the beginning of every year we pass a Resolution with a list of banks that our Finance Department and management are permitted to place the money. Mrs. Reukauf would like to add a bank to the list so we have to amend the Resolution to make sure it is an approved depository for monies in the township. Member Galloway moved to adopt Resolution # 2023-21 amending Resolution # 2023-02 To Add a Designated Banking Institution as Township Depository for the Year 2023; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 15 CONSIDER EMPLOYMENT AGREEMENT FOR THE PARKS & RECREATION COORDINATOR POSITION

Manager Takita said the board is being asked to consider an employment agreement for the Parks & Recreation Coordinator position for Ms. Erin Long. She is scheduled to start work on May 1, 2023. Member Galloway moved to approve the employment agreement for the Parks & Recreation Coordinator position; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 16 CONSIDER THE PURCHASE OF POOL CHEMICALS AND SUPPLIES FOR THE PINWOOD POOL THRU BUCKS/MONT AQUATIC CONSORTIUM

Member Galloway moved to approve the purchase of pool chemicals and supplies for the Pinewood Pool thru Bucks/Mont Aquatic Consortium; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 17 CONSIDER FILTER UPGRADE FOR THE PINWOOD POOL

Mr. Andrews said we are looking to upgrade the filter for the Pinewood Pool. We have had the same sand filter system for over ten years and it has exceeded its usefulness. We are looking to upgrade to a glass media filter which gives you superior water quality and less water use. It should triple our time for when we would do any replacement. We hope to get 15 years out of this before any upgrades. This is a budgeted item. Member Palmer asked if any grants were pursued for this purchase. Mr. Andrews said he did not think there were any viable grant opportunities this time around. He did not go through the grant writers. Chairman Dence said we can still go back to look at the grants. Member Palmer would like to see you go through the grant writer to try to get a grant. Member Boraski moved to approve the filter upgrade for the Pinewood Pool in the amount of \$53,891.89, subject to final review by the Solicitor's Office; Member Galloway seconded the motion; all board

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members were in favor with the exception of Member Palmer who voted no. (3-1) Member Palmer said he would have liked to see a grant for this.

ITEM # 18 CONSIDER RESOLUTION FOR SALE OF TOWNSHIP SURPLUS VEHICLES

Mr. Jason Lawson said they went out to Muncibid and ended up with two vehicles that sold. Member Galloway moved to accept the two bids for sale of surplus vehicles in the amount of \$2,550; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 19 CONSIDER ESCROW RELEASE REQUESTS

Member Galloway moved to approve the escrow release request to Arawak Paving in the amount of \$4,823.46; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 20 APPOINTMENTS TO VARIOUS BOARDS, COUNCILS, COMMITTEES AND COMMISSIONS

There were no appointments this evening.

ITEM # 21 CONSIDER FINANCING OPTIONS FOR BUILDING RENOVATIONS

Mr. Clarke said we have been working with Mr. Chris Gibbons from Concord Public Financial Advisors to walk the Board through various financing options for the new building. Mr. Gibbons said he is here with Mr. Bucky Closser (Curtin Heefner) who is acting as Bond Counsel. The estimated cost of the building renovation is \$31M. Construction bids are to be received soon. Mr. Gibbons presented various scenarios for the new building and whether to go with a bank loan or bond issue and the costs associated with those options. Mr. Clarke said there have been meetings every week for about the last six or eight weeks with Manager Takita, Mrs. Reukauf, Mr. Gibbons, Mr. Closser and Mr. Clarke going over all of these numbers and the recommendation for option 2 comes from all five of them as it is the best option for the township to pursue. Member Galloway moved to authorize advertisement of the Ordinance for the building renovations borrowing consistent with Option 2 and the bond issue; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 22 PENNSBURY PLAZA – PRELIMINARY AND FINAL LAND DEVELOPMENT – 223-229 PLAZA BOULEVARD – TMP # 13-028-028-001, 13-028-029-001, 24-001-001-005, 24-001-001-006

Mr. Zach Sivertsen (Eastburn and Gray) represents the applicant, ARD Pennsbury. Also present are Mr. Jason Abrams (ARD Pennsbury) and CJ Bock (Landcore Engineering). The property is split between Morrisville Borough and Falls Township. They were before Morrisville Borough last week and received conditional preliminary/final approval from

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them. The proposal is to demolish a portion of the existing shopping center and then construct a 10,500 sq. ft. Dollar Tree retail store. While they are increasing the overall building area by 19,000 sq. ft., they will decrease the impervious surface on the site. Some changes are located in Morrisville Borough and some in Falls Township. There are two waivers. One is to replace an existing tree with another tree in its place. Another waiver is a technical waiver relating to showing improvements within 200 ft. on the site. This is located where the old Pennsbury Movie Theater was located. Member Galloway moved to approve Resolution # 2023-19, preliminary and final land development for Pennsbury Plaza, 223-229 Plaza Boulevard, TMP # 13-028-028-001, 13-028-029-001, 24-001-001-005, 24-001-001-006; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 23 MINUTES – MARCH 27, 2023

Member Boraski moved to approve the minutes from March 27, 2023; Member Palmer seconded the motion; all board members were in favor with the exception of Member Galloway who abstained as he was not present at the March 27, 2023 meeting. (3-0-1)

ITEM # 24 ENGINEERS REPORT

Mr. Jones said for the month of March, there were three new land development application submissions and four new earth disturbance application submissions. The KA at Fairless Hills (WAWA) should open in the next 30 days. NorthPoint Phase 1 is under storm water management and utilities. That is building 1. The Lincoln Storage project is wrapping up and they are operating under a TCO. There is some minor sitework to be done. For NorthPoint Phase 2 (buildings 4, 5 and 6), building 5 is under construction. The remaining portion of the work is utilities and storm water management. The Hiossen project is for utilities, storm water management and foundations. They are probably a month or two from being complete. The 6 Steel Road East development will be at the Planning Commission tomorrow night. The Pennsbury School District will have a pre-construction meeting tomorrow. The SIV Ambulance project will be before the Planning Commission in May. NorthPoint Area 3, buildings 7, 8, 9 and 10 will be before the Board next month. The RSD Bucks Group is a sketch plan. They are looking to get an initial review from us with zoning identified and will then submit for land development. The Feher property will be before the Board next month. Night and Day Properties, Trenchtek and Ethos will be before the Planning Commission tomorrow. On earth disturbance, the Sullivan project, a pool, is complete. The Alliance Geoffrey Venture (old Bucks County Courier Times building) is operating under a TCO. The Quick Check Realty company remains under review. For the Elderberry project for the 2021/2023 Road Program, they are working on the final punch list and will be in the maintenance period within the next 30 days. For the Pinewood section they are working on curbs, driveways and storm sewer improvements.

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ITEM # 25 BILL LIST

Member Galloway moved to approve the April 24, 2023 bill list in the amount of \$2,865,915.44; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 26 ENGINEERING BILL LIST

Member Boraski moved to approve the April 24, 2023 Engineering bill list in the amount of \$354,896.88; Member Galloway seconded the motion; all board members were in favor with the exception of Chairman Dence who abstained from the vote. (3-0-1)

ITEM # 27 EXECUTIVE SESSION

Mr. Clarke said the board met in Executive Session prior to the meeting to discuss personnel matters, matters of litigation and matters of contract negotiation.

ITEM # 28 POLICE DEPARTMENT REPORT

Chief Nelson Whitney provided the following update:

- There were 1,593 calls for service in the month of March which included 86 crashes and 2 overdoses.
- On March 28th, Chief Whitney attended a meeting at the Bucks County Chamber of Commerce as well as several follow up meetings to an effort to expand the Police Department's relationship with businesses in town.
- Chief Whitney and one of the police department officers attended a virtual event of Walking While Black sponsored by the Warrington Township Police Department. These are very important conversations to be part of.
- On April 12th our Co-Responder had a meeting with the Social Workers at Pennsbury School District in an effort to expand their network and bring more awareness to the services that our Co-Responders provide to the community dealing with mental health, substance use and domestic abuse issues.
- They went to the senior center and had a nice time and conversation with staff and members.
- On April 18th, there was a meeting with Big Brothers/Big Sisters of Bucks County to discuss how we can collaborate together with that organization.
- For the recent Shredder and Drug Take Back events they collected 178 lbs. of drugs, 32 lbs. of sharps and shredded a lot of paper.

ITEM # 29 MANAGER COMMENT

Manager Takita announced the 2023 Yard Waste Clean Up will take place on Saturday, April 29, 2023. Please place your yard waste out by 6:00 a.m. the day of pick up. No plastic bags.

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ITEM # 30 BOARD COMMENT


Member Galloway – no comment.

Member Boraski – no comment.

Member Palmer – no comment.

Chairman Dence – no comment.

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 8:03 p.m.



Brian Galloway, Secretary