

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

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

The meeting commenced at 7:03 p.m. with roll call and salute to the flag. All Board members were present. Also present were Township Manager Peter Gray, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher, and Township Engineer James Sullivan. Chairman Harvie introduced the new Public Works Director, Mr. Jason Lawson. Mr. Lawson will oversee and run the Public Works Department here in Falls Township.

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

Ms. Lisa Farrell (130 Juliet Road, Morrisville, PA) said she is against the Elcon waste plant being built in Falls Township. She said Falls Township already has too much pollution. She is not sure how this plant is even considered to be allowed here because Falls Township is over the top as far as air pollution. Ms. Farrell said she knows Waste Management helps the community, but Elcon is a hazardous waste facility. Elcon wants to process 596 chemicals at the proposed plant. She said no one is saying how they mix all those chemicals together. Ms. Farrell would like to know where the supervisors stand with regard to Elcon. She said local government has a lot of strength. It comes down to whether the economic benefits are worth the health and safety trade off. You can morally do what is in your heart and say this is what is right for our community or say what is best for the pocketbook for the community.

Mr. Guido Mariani (Twisting Lane, Levittown, PA) said PENNDOT has agreed to pay for a 2-mile stretch of sidewalk (between Zimmerman Lane in Middletown and Indian Creek Drive in Bristol Township) at the cost of \$2M. Mr. Mariani said about 12 years ago, PENNDOT created a ½-mile path between Holly Drive and the 7400 block of New Falls Road in Bristol Township. Mr. Mariani asked about contacting our officials to see if they can persuade PENNDOT to fund our project. Mr. Mariani wants to know why PENNDOT is paying for that project and not Falls Township's project. He said this is coming from PENNDOT's safety fund and asked if Falls Township's sidewalk project is also a safety-type of project as is theirs. Chairman Harvie said we started looking at our sidewalk project before Bristol or Middletown started looking at theirs. Whenever you do anything with the state, you have to follow the rules. Since we were already so far down the road as far as

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planning, we looked into this on our own. One of the issues is deaths and there have been two or three in Bristol Township or Middletown Township along that road. Chairman Harvie said the sidewalk Mr. Mariani spoke about was 16 years ago. Mr. Mariani said his feeling is that PENNDOT should pay for our sidewalk in addition to paying for the Bristol Township project.

Mr. Jeff Madden (110 Juliet Road, Morrisville, PA) spoke about Elcon. Mr. Maddon said how the other agencies are treating the pollutants. He doesn't want another process of putting pollutants into the air. Mr. Maddon said Bucks County has the third worst air quality in the state of Pennsylvania. He hopes the board will do something to stop Elcon.

Ms. Carol Kelly-Adams (641 Austin Drive, Fairless Hills, PA) said she hopes the board will take action and stop the Elcon project from moving forward. Ms. Adams said that Dean Sievers has a wetland running through it and that wetland runs into the Delaware River. There will be 596 types of hazardous waste treated at Elcon. She is concerned that when it rains, there could be run off into the Delaware River. Ms. Adams said there are so many areas that depend on the Delaware for its water. The Philadelphia Water Department did a study and determined if there were an Elcon spill, it would take at least four days before we could use the water. Ms. Adams is concerned how this company would affect the water and air quality. She asks the board to keep in mind the children who are playing on playgrounds that are only seven miles from where this facility will be operating and where the pollutants will go into the air. She is not against other manufacturing coming into the area and new jobs, but we have to think about how this would affect everyone.

Mr. Deepak Sharma (representing Florio, Perrucci, Steinhardt and Fader; Bordentown, NJ) said his firm represents the town of Bordentown, NJ and they are making a point to speak at any public meetings in regard to Elcon. This proposal would result in 210,000 tons of chemical hazardous waste coming through Falls Township annually. The waste will be treated by thermal oxidation which creates a residue and then will be transported off site. They estimate 25-30 trucks every week that will be driving through the township. There is the risk of a tanker truck accident. The studies have shown that they are looking at a four-day interruption of fresh water service if there is a spill into the river. This would not only affect the residents of Falls Township and communities in Pennsylvania that rely on the Delaware for drinking water, but also municipalities across the river including Bordentown, NJ. Mr. Sharma would like to second the previous speaker's comment to enact a resolution to prevent these tanker trucks from carrying waste through the community and endangering schools, nursing homes, businesses; anything you can think of. Just imagine what a four-day interruption of clean water service would mean to all of the communities that could be affected by an accident. Chairman Harvie thanked the public for coming out to speak. Their position hasn't changed about where this process is. Elcon has to have their phase 2 permit approved by the DEP and in our estimate, this will take a year or more. We know the kind of work the DEP does and how thorough they are. Waste Management is close to opening their landfill and the permitting on that started in 2006. Our responsibility is thinking of safety and children and everything else. All of us have children and we live relatively close to the area where Elcon wants to build. There is a very good chance this

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project won't make it through DEP. Chairman Harvie said if the kinds of concerns raised here end up being found true by the DEP, then he wouldn't even expect to see it get to the board. If it does make it through, Elcon will have to come before this board and the local control will start in a major way. They will have a minimum of four public meetings. They need to go before the Planning Commission two times, the Board of Supervisors two times, the Environmental Advisory Council, and they will need to be reviewed by the fire marshal's office. This is not a simple process. In terms of the processes that Elcon uses, this is not an incinerator the way people think, but there are certainly valid reasons for people to be concerned. We are listening to the input from residents and non-residents and looking at facts. Starting next week when they have their public meeting at the Sheraton – once that process starts, we will start finding out more of their processes. In terms of resolutions and ordinances, that is not something we will be doing because it could put this township in a legally defensive position. Mr. Clarke said the board has nothing in front of them at this time. To take the steps that are being requested to enact a resolution opposing a project that has not yet been applied for, is beyond premature and ill-advised. To take that step could expose the township to significant liability. It could result in the ultimate decision on this plan being decided a judge in Doylestown rather than the five board members in this township. Chairman Harvie said they do hear and understand the concerns by the public.

ITEM # 2 CERTIFICATE OF APPROPRIATENESS – 65 OLD LOCUST AVENUE TMP # 13-032-063 – CONSTRUCT AN ACCESSORY STRUCTURE AND COVERED PATIO

Member Dence moved to approve the Certificate of Appropriateness for 65 Old Locust Avenue to construct an accessory structure and covered patio; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 3 CERTIFICATE OF APPROPRIATENESS – 50 LACROSS STREET TMP # 13-032-038 – INSTALL A NATURAL GAS GENERATOR OUTSIDE OF THE CHURCH

Member Dence moved to approve the Certificate of Appropriateness for 50 Lacross Street to install a natural gas generator outside of the church and waive the permit inspection fees; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 4 38 CABOT BLVD, LP. – AMENDED FINAL PLAN, PHASE I AND FINAL LAND DEVELOPMENT, PHASE II – 38 CABOT BLVD – TMP # 13-003-008-006

Manager Gray introduced this project. The applicant proposes a phase I amendment to add a 3,100 sq. ft. addition at the entrance to the facility to be used as a clean up/dress up area prior to entry into the facility. Phase 2 is for two building additions along the front building wall to expand their operations area to 14,100 sq. ft. Representing the applicant is Mr. Nate Fox from Begley, Carlin, and Mandio. Also present is Mr. Mark Havers, Project Engineer

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with Pickering, Corts, and Summerson, Inc. Mr. Fox said they are here for an amended final approval on phase I and final approval on phase II. They will comply with the review letters from the township engineer, the fire marshal, and the Township of Falls Authority. KVK is a high-tech, sterile pharmaceutical manufacturing facility. Member Galloway moved to approve Resolution # 16-6 for 38 Cabot Blvd, LP – Amended final plan, Phase I and final land development, Phase II – 38 Cabot Blvd – TMP # 13-003-008-006; Member Rocco seconded the motion; all board members were in favor with the exception of Member Boraski who abstained as the company he works for has done work with KVK. (4-0-1)

ITEM # 5 COVANTA METAL MANAGEMENT, LLC. – AMENDED WAIVER OF LAND DEVELOPMENT – AREA 2 IMPROVEMENTS – 500 MIDDLE DRIVE TMP # 13-050-001

Manager Gray said this proposed project is for Area 2 improvements consisting of a minor modification of the Area 1 improvements and to facilitate use of a portion of Tin Warehouse 2 for a non-ferrous metal processing facility, along with associated parking and improvements. The applicant is represented by Mr. Mike Peters from Eastburn and Gray. Also present were Mr. Jack Thompson, Program Manager at Covanta. Mr. Thompson provided background information for Covanta. He said this is the second phase of the metals processing facility, located in the KIPC. Phase 1 involves taking ferrous metals, upgrading the cleanliness of it, and selling it to the scrap market. Phase 2 takes and extracts the non-ferrous material to clean, separate, size it into marketable commodities, and then sell that material to the scrap market. Waiver requests involve curbs, parking, and the requirement to show existing features within 200 feet. Mr. Sullivan had no concerns at this time. Member Boraski asked if everything arrives by truck. Mr. Thompson said yes. Member Dence moved to approve Resolution # 16-7, for Covanta Metal Management, LLC, amended waiver of land development, Area 2 improvements, 500 Middle Drive, TMP # 13-050-001; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 6 SILVI CONCRETE PRODUCTS – PRELIMINARY & FINAL LAND DEVELOPMENT – 355 NEWBOLD ROAD – TMP # 13-028-060-001 AND TMP # 13-028-61

Manager Gray introduced this project. This involves the construction of a public natural gas fueling station and related infrastructure. The applicant is represented by Mr. Gregory Sturn from Harris & Harris. Also present were Mr. Chris Warshaw, Project Engineer; Mr. Pat Van Dehy, and Mr. Sean Earlen, Vice President at Silvi. Mr. Sturn reviewed the proposed plan. All items from the review letters are will comply. There are a total of eight waiver requests involving paved carthway, site distance, curbs, sidewalks, driveway entrance, disturbance to 100-yr. floodplain, and the requirements to show features within 200 feet of the plan. Member Rocco asked if this is a public compressed gas station. Mr. Warshaw said there is a two-dispenser public station, but they do not anticipate a lot of traffic from this. Member Galloway moved to approve Resolution # 16-8 for Silvi Concrete Products, preliminary and final land development, 355 Newbold Road, TMP # 13-028-060-001 and

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TMP # 13-028-61; Member Dence seconded the motion; all board members were in favor. (5-0)

ITEM # 7 CONSIDER PROPOSALS FOR GEESE MANAGEMENT AT FALLS TOWNSHIP FACILITIES

Manager Gray said Mr. Brian Andrews has secured a quote from Geese Chasers in the amount of \$1,990. This is the program that has the dogs that chase the geese. This is a 10-week program at the rate of \$199 per week; \$1,990 total. Member Dence moved to enter into a 10-week program at the rate of \$199 per week (\$1,990 total) with Geese Chasers, pending indemnification review by the solicitor's office; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 8 CONSIDER AGREEMENT WITH USA SPORT GROUP

Mr. Andrews provided information about USA Sport Group. They propose to provide a 6-week lacrosse sports program on Saturdays as well as a 2-week multi-sport program to youth after the Falls Township camp ends in August. The township would receive a 10% contribution for each child who joins. Member Dence moved to enter into an agreement with USA Sports Camp for lacrosse and multi-sports camp for the spring and summer of 2016; Member Rocco seconded the motion; all board members were in favor. (5-0)

ITEM # 9 CONSIDER ADOPTING ORDINANCE AMENDING CHAPTER 184 – SEWERS AND WATER – TO AMEND SECTION 1 – DEFINITIONS; WORD USAGE; ABBREVIATIONS AND ADD ARTICLE VI-A – SEWAGE GRINDER PUMPS AND ASSOCIATED PRESSURIZED SYSTEMS

Member Rocco moved to approve Ordinance # 16-3, amending Chapter 184 – Sewers and Water – to amend Section 1 – Definitions; Word Usage; Abbreviations and add Article VI-A – Sewage Grinder Pumps and Associated Pressurized Systems; Member Dence seconded the motion; all board members were in favor. (5-0)

ITEM # 10 CONSIDER NOTICE OF INTENT TO AWARD BID FOR THE PINWOOD POOL REPAIRS

Manager Gray reviewed bids for the Pinewood Pool main pool resurfacing. Bids were as follows: Poolside Plastering, Inc. in the amount of \$147,912.25 and Stoneridge, Inc. in the amount of \$233,650. Member Galloway moved to authorize the township engineer's office to approve the notice of intent to award the bid for the Pinewood Pool repairs to Poolside Plastering in the amount of \$147,912.25; Member Boraski seconded the motion; all board members were in favor. (5-0)

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ITEM # 11 MINUTES – FEBRUARY 1, 2016

Member Dence moved to approve the minutes from February 1, 2016; Member Rocco seconded the motion; all board members were in favor. (5-0)

ITEM # 12 ENGINEERS REPORT

Mr. Sullivan gave an update about the Quaker Penn Park boat ramp. Dredging needs to be done before the March 15th deadline. Docks should go in around mid-April. The new piling should be in place by June 1st. Regarding the St. Joseph The Worker property, this project will probably appear before the board in April. Member Rocco moved to approve the January Engineers Report dated February 12, 2016; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 13 BILL LIST

Member Boraski moved to approve the bill list in the amount of \$1,513,813.57; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 14 EXECUTIVE SESSION

Mr. Clarke said prior to tonight's meeting, the board held an Executive Session to discuss a collective bargaining agreement as well as personnel matters and matters of potential litigation.

ITEM # 15 MANAGER COMMENT

- A. Member Rocco moved to approve escrow release # 1 to the Fairless Hills Credit Union in the amount of \$218,261.25; Member Boraski seconded the motion; all board members were in favor. (5-0)
- B. Member Rocco moved to approve escrow release # 7 for Mercer Court in the amount of \$124,750.04; Member Galloway seconded the motion; all board members were in favor. (5-0)
- C. Member Rocco moved to approve the donation of \$6,000 for Historic Fallsington Day on October 8, 2016; member Galloway seconded the motion; all board members were in favor. (5-0)
- D. Member Dence moved to approve the extension of the New Seaview/Lubricycle project to June 30, 2016; Member Boraski seconded the motion; all board members were in favor. (5-0)
- E. Member Rocco moved to approve the resignation of Mr. Jason Lawson from the alternate position on the Zoning Hearing Board; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 16 BOARD COMMENT

Member Rocco thanked Chairman Harvie for handling Elcon.

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Member Dence – no comment.

Member Boraski – no comment.

Member Galloway – no comment.

Chairman Harvie thanked township staff and board members for their time. Chairman Harvie said we have openings on our boards and commissions including the Cable Advisory Board. If anyone is interested, please contact the township.

Member Dence moved to adjourn the meeting; Member Boraski seconded the motion; all board members were in favor. (5-0) The meeting was adjourned at 8:35 p.m.



Jeffrey Rocco, Secretary