

**TOWNSHIP OF FALLS  
BOARD OF SUPERVISORS MEETING**

**ROLL CALL:**

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

The meeting commenced at 7:00 p.m. with roll call and pledge to the flag. All Board members were present with the exception of Member Dence who had a family commitment this evening. Also present were Township Manager Peter Gray, Township Solicitor Lauren Gallagher, and Township Engineer James Sullivan.

**PRESENTATION OF PROCLAMATION FOR 50-YEARS OF VOLUNTEER SERVICE**

Chairman Harvie spoke about our local fire companies and the people who dedicate their time with those organizations. Tonight we have the honor of recognizing Mr. Art Ball from Levittown Fire Co. No. 1. Mr. Ball was recently honored at their installation banquet for 50 years of volunteer service. Chairman Harvie read a proclamation which was presented to Mr. Ball. Member Boraski moved to approve the proclamation for Mr. Art Ball; Member Galloway seconded the motion; all board members were in favor. (4-0)

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

Mr. Tom Smith said it has been almost ten years since he has addressed the board. Mr. Smith found out that there are three enormous garbage dumps. He has lived less than five miles from a waste incinerator his entire life and now a company wants to bring toxic waste here to incinerate. That will be our third incinerator. Mr. Smith referenced the website, [www.stopelcon.com](http://www.stopelcon.com) which is available for people to look into this. Mr. Smith is making a video documentary with the folks from Protect Our Water and Air (POWA). Please view the video on this website. Mr. Smith said William Penn's entire estate is surrounded by mounds and mounds of garbage. With regard to Elcon, they have submitted a Resource Conservation and Recovery Act (RCRA) application and a lot of people are very concerned about this. Mr. Smith again expressed his opposition to Elcon and his wholehearted conviction to preserving our environment. We cannot continue to approve things in this township that are a threat to everyone.

Ms. Shawn Stillwell asked about the status of the Zoning Hearing Board appeal relating to the project at the old Acme site. Ms. Gallagher said the developer appealed the decision

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which is still pending with the Court of Common Pleas. Ms. Stillwell asked if the township has seen the plans that have recently been filed. Chairman Harvie said we know they have filed plans to construct a super WAWA. He has not yet seen the plans. They will go before the Planning Commission next week. Ms. Stilwell asked what happens to the Zoning Hearing Board appeal if these new plans are approved. Ms. Gallagher said that would be up to the attorney who filed the appeal, which is the attorney for the applicant, but it is a change in the proposed use so it would likely be rendered mute. Ms. Stillwell asked about residents and businesses that have been granted party status. Ms. Gallagher said she does not believe there is any cross appeal filed. If there were a cross appeal filed or counter claim, then it would require participation of the other party, but if it is just an appeal that was filed, then the party who filed the appeal would be able to withdraw it. Chairman Harvie asked for an explanation of a cross claim. Ms. Gallagher said if a complaint or appeal is filed, one of the defendants would be able to file a counter-claim and a cross claim would be filed by one of the interveners. Ms. Stillwell said it was her understanding that the township had filed and was planning on upholding going forward with the denial of the Zoning Hearing Board. Ms. Gallagher said it is her understanding the township did intervene in the matter. There was no cross claim or counter claim filed. Ms. Stillwell said one of the reasons for the Zoning Hearing Board's denial was due to 1,500 feet between service stations. Ms. Stillwell asked how that would be handled. Ms. Gallagher said there was a request made to the township regarding the determination of whether or not the use that is proposed in the Conditional Use application is a service station. It was researched and investigated with township staff, as well as the solicitor's office, and it was determined that the proposed use is not a service station under the relevant case law as well as the township code and that preliminary opinion was issued by Mr. Bennett. Ms. Stillwell asked if a gas station the same as a service station. Chairman Harvie said a service station provides services such as oil changes, tire rotations, inspections and basic maintenance on cars. Chairman Harvie said to be honest, the applicant found a loophole in our zoning which we hoped they wouldn't see. It is something that has been in there for many decades as long as the zoning law has been written. When that law was written, the only gas stations you had were also service stations. Ms. Gallagher said the sale of fuels is what is generating the Conditional Use by the applicant. It is a separate use from the service station. Ms. Stilwell asked if the Conditional Use would be before the board. Chairman Harvie said yes, they would go through Planning first and then the Board of Supervisors. Ms. Stillwell said this may drive her, her family, and her husband's business out the door.

Ms. Lise Baxter said she is with Protect Our Water and Air (POWA). Their main project is opposing Elcon and similar projects - anything that adds extra air and water pollution in the township. Elcon had a classified ad in the Bucks County Courier Times saying they would submit their phase 2 application on or around today. Chairman Harvie said we received this afternoon, notice of their intent to file. Ms. Baxter said she heard from some sources that their group is not presenting the correct facts. Their facts are from the Elcon phase 1 application, the February 23, 2016 public meeting, the March 2, 2016 public meeting, or the Elcon website. Ms. Baxter said they will bring yard signs to every meeting and they also have signs on their website, [www.stopelcon.com](http://www.stopelcon.com). Chairman Harvie said he did have an individual, someone who he teaches with, who told him maybe a year ago that there was

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someone disseminating information and some of it was not accurate. If it got confused with your organization, Chairman Harvie apologizes for that. Ms. Baxter aid they are careful to present accurate information. In terms of this board, anything that comes in front of you, please keep in mind that according to the EPA and the American Lung Association, Falls Township is responsible for almost 70% of the air pollution sources in Bucks County. Bucks County is the only county with increasing cancer rates and anything you allow will add to this.

**ITEM # 2 CONSIDER AUTHORIZATION FOR ADVERTISEMENT FOR THE 2017 FALLS TOWNSHIP ROAD IMPROVEMENT PROGRAM AND T&M PROPOSAL FOR CONSTRUCTION OBSERVATION AND ADMINISTRATION**

Manager Gray said the 2017 Road Program consists of full-depth road reconstruction of a portion of Walton Drive, mill and overlay in Makefield Road Village, and mill and overlay improvements on Mill Creek Parkway. T&M will complete the advertisement requirements and prepare the bid specs. Member Rocco moved to approve authorization for advertisement for the 2017 Falls Township Road Improvement Program; Member Galloway seconded the motion; all board members were in favor. (4-0) Manager Gray said the T&M proposal consists of bid administration, construction observation, and administration for a full-depth reconstruction of Walton Drive, and also mill and overlay improvements for Mill Creek Parkway, Laura Way, Leshner Drive, Rice Drive, Andrew Drive, Makefield Turn. In regard to the T&M proposal, Member Rocco asked about construction observation. Mr. Sullivan said that would be for daily inspection which is done by his group. Member Galloway moved to approve the T&M proposal for construction observation and administration in the amount of \$68,000; Member Rocco seconded the motion; all board members were in favor. (4-0)

**ITEM # 3 CONSIDER PURCHASING FIVE VEHICLES FOR THE POLICE DEPARTMENT**

Manager Gray said Chief Wilcox received a memo from Lt. Arie regarding the purchase of five vehicles for the police department. The five vehicles being replaced will be recycled through the police department. Member Rocco and Member Boraski like the system in place to recycle the vehicles. The cost of these vehicles is included in the 2017 budget. Chief Wilcox said the township is being reimbursed \$33,669 for the replacement of 34-24. Member Boraski moved to approve the purchase of five vehicles, off of the Co-Stars list, for the police department in the amount of \$190,093.36 from New Holland Ford; Member Rocco seconded the motion; all board members were in favor. (4-0)

**ITEM # 4 CONSIDER PURCHASING A K9 DOG FOR THE POLICE DEPARTMENT**

The proposed K9 purchase is a replacement for a K9 for Officer Lindquist. Seven businesses in our community have donated a total of \$7,000 to replace this K9. Officer

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Lindquist and Ziko will start training next month. Member Galloway moved to approve the purchase of a K9 dog, from Green Leaf Kennels, for the police department in the amount of \$7,000; Member Boraski seconded the motion; all board members were in favor. (4-0)

**ITEM # 5 CONSIDER FIRING RANGE AGREEMENT BETWEEN WASTE MANAGEMENT AND FALLS TOWNSHIP**

Ms. Gallagher said the township currently has a lease agreement with Waste Management which allows our police department to use a 5-acre piece of their property as a firing range. That lease is set to expire at the end of this month. This new agreement will allow us to continue to use that property for an additional five years. The annual lease payment is \$1 to Waste Management and the township is responsible for utilities, private water and sewer charges, and insurance for the premises. Member Galloway moved to enter into the lease agreement with Waste Management for the area that is the firing range; Member Boraski seconded the motion; all board members were in favor. (4-0)

**ITEM # 6 CONSIDER AUTHORIZATION FOR ADVERTISEMENT FOR AMENDMENT TO CHAPTER 131 – FLOOD PLAIN ORDINANCE**

Ms. Gallagher said about a year ago, we advertised and then passed a significant amendment to the Flood Plain ordinance at the mandate of FEMA. They have made some suggested revisions to the ordinance and this will incorporate the required changes that FEMA has asked us to implement before March, 2017. Member Boraski moved to approve authorization for advertisement for amendment to Chapter 131 – Flood Plain Ordinance; Member Galloway seconded the motion; all board members were in favor. (4-0)  
Chairman Harvie said the township has been trying to help residents who have to pay for flood insurance, even though their homes have never ever flooded. We have worked aggressively to get the maps updated and got a lot of those properties designated as a no-flood zone and a lot of people came out of that flood zone. This is one step that we can earn some people a percentage back for those who are still in the flood zone and won't come out. Chairman Harvie thanked Ms. Gallagher for her help with this.

**ITEM # 7 CONSIDER PROPOSAL FROM F.X. BROWNE FOR ACT 101 RECYCLING GRANT**

Manager Gray said the township received a proposal from F.X. Browne for completion of the Act 101 recycling grant. This company will secure residential and commercial recycling waste information, they compile the information to the Act 101 report, and then submit it to the state. The total cost to complete this grant is \$4,000. The more we recycle as a community, the more money our community gets. Member Rocco moved to approve the F.X. Browne proposal, in the amount of \$4,000, for the Act 101 Recycling Grant; Member Galloway seconded the motion; all board members were in favor. (4-0)

**ITEM # 8 CONSIDER AUTHORIZATION FOR ADVERTISEMENT FOR ADOPTING CHAPTER 137 – HOTEL REGISTRATION BOOK ORDINANCE**

Ms. Gallagher said this would require all the hotels and motels in the township to maintain a guest registration system and hold onto those records for three years in case the police need to view those records. It would be unlawful to occupy a room without registering. It helps cut down on the transients and individuals who cannot produce a photo ID would not be able to rent a room or be in that room. Member Boraski said this should also help with the heroin epidemic. Member Boraski moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (4-0) Mr. Tom Smith said he thinks this is a great idea and also agrees that it could cut down on the drug epidemic. Member Galloway moved to close public comment; Member Boraski seconded the motion; all board members were in favor. (4-0) Member Rocco moved to approve authorization for advertisement for adoption of Chapter 137 – Hotel Registration Book Ordinance; Member Borski seconded the motion; all board members were in favor. (4-0)

**ITEM # 9 CONSIDER RESOLUTION FOR AUTHORIZATION OF INDIVIDUAL PROCUREMENT CARDS**

Manager Gray said the township is considering getting PLIGIT procurement cards for department heads. These cards are issued in the names of each individual holder and the township can set spending and vendor limitations. There is insurance as well. These cards would be held in the finance safe when not in use. The township would be eligible for rebates at the end of the year. Member Rocco believes each department head should be able to hold onto their card as opposed to locking them up in the finance office. Member Galloway moved to approve Resolution # 17-7 for the authorization of individual procurement cards; Member Boraski seconded the motion; all board members were in favor. (4-0)

**ITEM # 10 CONSIDER RESOLUTION FOR PROJECT LABOR AGREEMENT (PLA) FOR THE MUNICIPAL CAMPUS PROJECT**

Ms. Gallagher said the township is in the process of reviewing the bid specs for the municipal campus project. One of the tools available to the township is the project labor agreement. This would be an agreement between the township and the Building and Construction Trades Council, not the actual contractor on site. It would serve to ensure the project is completed in a timely manner, there are no interruptions in the construction schedule, and everything is done in the most cost-effective way possible. Member Boraski moved to approve Resolution # 17-8 for the Project Labor Agreement (PLA) for the Municipal Campus project; Member Galloway seconded the motion; all board members were in favor. (4-0)

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**ITEM # 11 CONSIDER AUTHORIZATION FOR ADVERTISEMENT FOR  
ORDINANCE CHAPTER 191 – SUBDIVISION AND LAND  
DEVELOPMENT SECTION 8 – PROCEDURAL STAGES**

Ms. Gallagher said this is an ordinance that would amend our initial procedural stages when a subdivision and land development application is submitted. We are required to act within 90 days of submission of an application. This would implement a procedure that when a developer submits an application, the developer can sign an indefinite waiver of those timeframes so the township has an indefinite time to act and the board isn't constantly being asked to waive and extend the timeframes. That extension can be revoked at any time from the applicant. It is not required; it is something we can offer. Member Rocco moved to authorize advertisement for Ordinance Chapter 191 – Subdivision and Land Development Section 8 – Procedural Stages; Member Galloway seconded the motion; all board members were in favor. (4-0)

**ITEM # 12 MINUTES – JANUARY 17, 2017**

Member Rocco moved to approve the minutes for January 17, 2017; Member Galloway seconded the motion; all board members were in favor. (4-0)

**ITEM # 13 ENGINEERS REPORT**

Mr. Sullivan said we are coming close to our dredging schedule window so dredging should be done within the next couple of weeks. The window closes on March 15<sup>th</sup>. Since the weather has been good, we hope that General Asphalt Paving can get started a little earlier than usual. Member Rocco said he thinks St. Joseph's Court starting selling units last Saturday. Mr. Sullivan said St. Joseph's Court is struggling with their model homes since they don't have all the information needed to get their permits issued. Member Rocco said the base price for the units is \$309,000. Chairman Harvie said they have thirty deposits and all of the flats are sold. Mr. Sullivan said the fishing pier and the Vermillion Hills foot bridge projects will be going out to bid in the middle of March. Member Rocco moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (4-0) Mr. Smith had some questions about earth disturbance permits. He asked if the Waste Management Fairless parcel # 9 were a new landfill. Chairman Harvie said it is the newest one and the most current one that is already open. Mr. Smith asked about Covanta Waste to Energy. Mr. Sullivan said through their process of recycling metal, they create ash which is processed in Falls Township and is then taken away from the township. Chairman Harvie said it is an extra level of recycling as much as they can. Member Galloway moved to close public comment; Member Galloway seconded the motion; all board members were in favor. (4-0) Member Rocco moved to approve the January, 2017 Engineers Report dated February 16, 2017; Member Galloway seconded the motion; all board members were in favor. (4-0)

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**ITEM # 14 BILL LIST**

Member Rocco moved to approve the February 21, 2017 bill list in the amount of \$2,310,485.66; Member Galloway seconded the motion; all board members were in favor. (4-0)

**ITEM # 15 EXECUTIVE SESSION**

Prior to the meeting, Ms. Gallagher said the board met to discuss a matter of personnel.

**ITEM # 16 POLICE CHIEF'S REPORT**

Chief Wilcox provided the following information:

- A. Hiring: We are still one police officer down. Our candidates are down to three. We are coming close to background checks which will lead us into polygraphs.
- B. Crime reporting – Lt. Ward will continue giving everyone information on this.
- C. Drug enforcement has exceeded our expectations. Both uniform and non-uniform are doing a spectacular job.
- D. Coffee with a Cop was a few weeks ago and it was very successful. The next one will be sometime in March in the evening at IHOP.
- E. Chief Wilcox would like to start 1-hr. sessions per month on Facebook and allow people to ask questions. He will answer the questions to the best of his ability.
- F. Two warnings were given to Chief Wilcox over the last 24 hours. People are being friended on Facebook and relationships are developed. It then goes into Skype and some activities take place. These people are then being extorted and threatened with pictures being posted on YouTube. A second scam is with iPhone 7's. People are getting addresses and the iPhones are being sent to homes. If someone is home, people will say a package was delivered incorrectly, can I have my package back? The packages that are delivered when no one is home, the people will pick up and leave with the package.
- G. Our active shooter training last night was the first information session that occurred. Lt. Ward and Lt. Whitney did a great job. There will be another session in March. This will lead into the active shooter training at Pennsbury. We, along with Lower Makefield, are working very well with the school district.
- H. Lastly, Chief Wilcox said our police department is family. Lt. Ward just lost his mother and father within the last couple of weeks. Two days ago, retired Sgt. Harvey Taylor just lost his father. When someone hurts, we all hurt.

**ITEM # 17 MANAGER COMMENT**

- A. Member Rocco moved to approve escrow release # 6 to the Fairless Hills Credit Union, in the amount of \$112,187.76; Member Boraski seconded the motion; all board members were in favor. (4-0)
- B. Member Rocco moved to approve the \$6,000 donation to the Annual St. Patrick's Day Parade; Member Boraski seconded the motion; all board members were in favor with the exception of Member Galloway who abstained from the vote. (3-0-1)

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- C. Member Rocco moved to approve the \$6,000 donation to the Memorial Day Parade; Member Galloway seconded the motion; all board members were in favor. (4-0)
- D. Member Rocco moved to ratify the purchase of 15 bare-root trees at the price of \$40 each for a total of \$600; Member Galloway seconded the motion; all board members were in favor. (4-0)
- E. Member Rocco moved to approve the D&M Fireworks proposal in the amount of \$9,000 for the Family Festival which will be held on Saturday, June 3rd; Member Boraski seconded the motion; all board members were in favor. (4-0)
- F. Member Rocco moved to approve the Big Bear 120-day extension; the Buckingham Retail extension to May 31, 2017; and the Hiossen extension to May 16, 2017; Member Galloway seconded the motion; all board members were in favor. (4-0)
- G. Member Galloway moved to ratify the state of emergency from 11:59 p.m., Wednesday, February 8<sup>th</sup> through 5 p.m., Thursday, February 9<sup>th</sup>; Member Rocco seconded the motion; all board members were in favor. (4-0)
- H. Manager Gray announced new township businesses. They are: Kings Family Church located at 50 Trenton Road, Magic Art Studio located at 85 Makefield Road, Shift Refresh located at 220 Tewksbury Road, Monterosso Investment located at 914 Trenton Road, Underlying Strength located at 85 Makefield Road, Sunil Realty, LLC located at 830 West Trenton Avenue, McCullough Rubbish Removal located at 9240 East Tyburn Road, and Gemini Cleaners located at 322 North Oxford Valley Road.
- I. Member Rocco moved to approve escrow release # 4 to HFH/Sika in the amount of \$59,256.68; Member Galloway seconded the motion; all board members were in favor. (4-0)
- J. Member Rocco moved to approve the \$6,000 donation to the Delaware Valley Vietnam Veterans for the Donald W. Jones Flag Memorial to be held June 9-11; Member Boraski seconded the motion; all board members were in favor. (4-0)
- K. Manager Gray said the township received three quotes for fertilizer. They are: Tru-Green in the amount of \$17,817; Capital Turf Management in the amount of \$22,484; and Total Lawn Care in the amount of \$24,528. Member Rocco moved to approve the Tru-Green quote in the amount of \$17,817 for fertilizer; Member Boraski seconded the motion; all board members were in favor. (4-0)

## ITEM # 18 BOARD COMMENT

Member Galloway said for this year's St. Patrick's Day Parade, we will stage at Conwell-Egan. The parade will start at 10:30 a.m. on Saturday, March 11<sup>th</sup>. We will march in reverse down New Falls Road. Parking will be in and around Pennsbury High School and there will be seven shuttle buses because there will be no parking at Conwell-Egan. We will have the grandstand at the Levittown American parking lot across from Kasdons. They will pass the grandstand and then disperse there. We are looking forward to a great parade and along the parade route, there are a lot of Falls Township businesses. Additional information will be posted on the Falls Township website and on the Falls Township government channel.

Member Boraski – no comment.




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Member Rocco – no comment.

Chairman Harvie thanked the staff and professionals for all of the work they have done. Chairman Harvie looks forward to the St. Patrick's Day Parade. Be safe and please take to heart the words of wisdom and guidance from Chief Wilcox in terms of being safe and avoiding any situations. Continue to keep your vehicles locked. Be careful because a hit of heroin now costs about \$3. That is all they need. The county has a lot of services and the police have done a good job of connecting people to services. If you know someone who is having trouble with substance abuse, try to link them up to BucksCounty.org to get them help. The services are there but sometimes people don't know where to look.

Member Rocco moved to adjourn the meeting; Member Galloway seconded the motion all board members were in favor. (4-0) The meeting was adjourned at 8:27 p.m.

  
ASST  
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Jeffrey Rocco, Secretary  
PETER GRAY