

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

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

The meeting commenced at 7:10 p.m. with roll call and pledge to the flag. All Board members were present with the exception of Member Dence who was not feeling well. Also present were Township Manager Peter Gray, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher, and Township Engineer James Sullivan.

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

No one signed in for public comment.

**ITEM # 2 MAZZA IRON AND STEEL – WAIVER OF LAND DEVELOPMENT
60 SOLAR DRIVE – TMP # 13-051-001**

Manager Gray said this property is zoned MPM. The applicant's proposed improvements consist of the construction of a tent, installation of various shredding equipment, and delineation of various stock pile areas for their finished and unfinished materials to support their operation. Representing the applicant is Mr. Mike Peters. This property is located in the KIPC district. There are no specific structural improvements with this project. It involves the processing and sorting of light metal. They propose 15-18 trucks that will come in per day and they have 15-20 employees. There are 40 parking spaces. Waivers for this project include Section 191-36(D), driveways; Section 191-37(G) – off-street parking facilities requiring curbed raised planting beds; Section 191-48 – street trees; Section 191-62(B) – curbs; and Section 191-78(C)(2), partial – showing existing features within 200 ft. of the site. Ms. Kristin Holmes said they will have a temporary structure which will be supported and held down by containers. It is a covered area for their operations. Member Rocco moved to approve Resolution # 17-30 for Mazza Iron and Steel, waiver of land development, 60 Solar Drive, TMP # 13-051-001; Member Galloway seconded the motion; all board members were in favor. (4-0)

**ITEM # 3 MORRISVILLE COMMONS, LP – REMANDED CONDITIONAL USE
WEST TRENTON AVENUE AND PINE GROVE ROAD – TMP # 13-
028-028**

Chairman Harvie said item # 3 is a remanded Conditional Use for Morrisville Commons. This relates to redevelopment of the old Acme site. The decision by the board, many months ago, was to grant Conditional Use approval for redevelopment of the site. There is a legal case into it and the decision by the Bucks County Court of Common Pleas, Judge Gilman, was to ask the township to explain their point for that Conditional Use approval and allow for testimony to be heard at a Board meeting so it can be entered into the record. Member Galloway moved to open the Conditional Use hearing; Member Rocco seconded the motion; all board members were in favor. (4-0) Mr. Clarke said the original hearing on this matter was held on May 15, 2017. It was a Conditional Use application for the sale of fuels. The Board of Supervisors approved that Conditional Use application at that same meeting on May 15, 2017. The record for that meeting will be incorporated for reference into the record this evening. There was an appeal filed in the Bucks County Court of Common Pleas. By order dated October 24, 2017, Judge Gilman ordered this matter remanded to consider the applicant's compliance or lack thereof, with specific criteria of the Falls Township Zoning ordinance. The order left Ms. Gallagher, Mr. Clarke, the applicant's attorney, and the appellant's attorney a little confused as to what they were being asked to do. A conference call was held six days later with Judge Gilman and he had two main concerns. He wanted the township to go through its files to determine if there was any legislative history regarding the zoning ordinance and he wanted to determine what the basis was for Mr. Bennett's preliminary opinion. This evening we will be presenting an affidavit from the township manager who has found no legislative history with regard to the zoning ordinance and we will be admitting the minutes from the meeting where the zoning ordinance was adopted. T-2 and T-3 are proof of publication and the posting for the hearing this evening. T-4 is the affidavit of Peter Gray, Township Manager indicating there are no records other than the December 16, 2008 minutes. We would like to mark T-5 as those minutes of December 16, 2008. We will also mark the notices that were sent to surrounding neighbors, as required by our ordinance. We will now call on Mr. Bennett to testify. Mr. Bennett is the township's Chief Code Enforcement and Zoning Officer. Mr. Bennett was sworn in. Mr. Clarke questioned Mr. Bennett. Mr. Bennett said he has been the Chief Code Enforcement Officer and Zoning Officer for Falls Township and he has held that position for ten years. His daily responsibilities are to make zoning determinations as to what is permitted for uses and setbacks and to run the Code Enforcement department. Mr. Clarke asked if he has become familiar with the township's zoning ordinance and if he is familiar with the various uses in the township. Mr. Bennett said yes to both questions. Mr. Clarke asked Mr. Bennett if he received a letter dated November 11, 2016 from Mr. Hecker regarding the property at issue in this application. Mr. Bennett said yes. T-6 is admitted as the letter from Mr. Thomas Hecker to Mr. Bennett dated November 11, 2016. In that letter, did Mr. Hecker request that you issue a preliminary opinion in regard to the subject property? Mr. Bennett said yes. Did you issue that preliminary opinion? Mr. Bennett said yes. The preliminary opinion was previously admitted as A-2 in the prior hearing. Did you take into consideration the various provisions of the township zoning ordinance? Mr.

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Bennett said yes. Which section of the code formed the basis of your opinion? Mr. Bennett said Section 209-5, Definitions, and Section 209-23, Highway Commercial Zoning District. Did you look at Chapter 209-5, the definition of Service Station? Mr. Bennett responded yes. Mr. Clarke asked Mr. Bennett to read the definition of service station. Mr. Bennett said a service station definition is: A lot or building providing for the sale of fuel, lubricants, automotive accessories, maintenance and minor repairs of motor vehicles, but no body repairs or painting or storage of inoperable or wrecked vehicles are permitted. Mr. Clarke asked Mr. Bennett if he looked at Chapter 209-23B which is the section dealing with Conditional Uses within the Highway Commercial district? Mr. Bennett said yes. That is the section dealing with Conditional Uses in the HC district, correct? Mr. Bennett said yes. Based on your ten years of experience as the township's Chief Code Enforcement Officer and Zoning Officer, your review of the zoning code, your familiarity with the various uses throughout the township, and your consultation with the township solicitor, did you form an opinion as to whether the proposed use as described in the November 2016 letter was a service station or automobile service station? Mr. Bennett said his opinion is that it is not a service station. That is the opinion Mr. Bennett put in his letter. Mr. Francis Dillon, on behalf of the applicant, had no questions. Mr. Joseph Caracappa questioned Mr. Bennett. You have been the Code Enforcement and Zoning Officer in the township for ten years. Mr. Bennett said yes. Mr. Caracappa asked if Mr. Bennett knew when Section 209-50 of the ordinance, which contains the additional standards for automobile service stations, including the 1,500-ft. minimum distance between stations, was adopted by the Board of Supervisors. Mr. Bennett said no. In the history section of the ordinance it indicates December 2, 1975 and asked Mr. Bennett if that sounded right. Mr. Bennett said he doesn't have the book in front of him so he doesn't know. Mr. Caracappa said the 1,500-ft. minimum distance between stations has been an ordinance for over 40 years; is that correct? Mr. Bennett said if it were a service station. Mr. Caracappa said he is asking about the ordinance and how long it has been on the books. Mr. Bennett said he doesn't have that in front of him so he doesn't know. Mr. Caracappa asked if there has ever been a substantive challenge to 209's requirement of 1,500 ft. between service stations? Mr. Bennett said there hasn't been one in his time that he is aware of. Mr. Caracappa asked if he is aware of one before he became the Code Enforcement Officer? Mr. Bennett said no. Mr. Caracappa asked if Mr. Hecker's November 11, 2016 letter was addressed to Mr. Bennett and if Mr. Bennett knew why that letter was addressed to him. Mr. Bennett said the letter was addressed to him and he assumes it was sent to him because he is the Zoning Officer. Mr. Caracappa asked if Mr. Hecker was directed to send the request for preliminary opinion to Mr. Bennett? Mr. Bennett said not to his knowledge. Mr. Caracappa asked Mr. Bennett if he understood that Mr. Hecker was challenging the validity of Chapter 209-50? Mr. Bennett said he believes Mr. Hecker wanted to know his opinion or clarification of the definition of a service station. Mr. Caracappa said there was no existing challenge to the validity of 209-50 and its 1,500-ft. minimum requirement either from Mr. Hecker or anyone else at the time you got that letter request in November of 2016. Mr. Dillon asked to reject. He said Mr. Hecker had the right to ask for the opinion. It was given and properly published. He doesn't see any relevance. Mr. Clarke said we are not in a courtroom, but he thinks Mr. Caracappa should be given a little latitude to try to ask Mr. Bennett these questions. He thinks he is trying to make a point and hopefully we can move on if he cannot make that point quickly. Mr.

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Caracappa said the section of the Municipalities Planning Code that Mr. Hecker requested a preliminary opinion under talked about challenges about validity to an ordinance. Mr. Bennett believes it did. The ordinance that was challenged was not Section 209-50 and its 1,500 ft. proximity regulation? Mr. Bennett said he didn't understand that. Mr. Caracappa said after the board rendered its decision on January 21, 2015 to deny a variance from that section of the ordinance, did the Board of Supervisors attempt to amend the proximity regulation in Chapter 209-50? Mr. Bennett said he does not know. Mr. Caracappa said you didn't know the township Board of Supervisors drafted an ordinance reducing the minimum distance between service stations from 1,500 ft. to 500 ft.? Mr. Bennett said he did not know that. Mr. Caracappa said he has access to a letter from February 4, 2015 from Michael P. Clarke and it is directed to Jan Dickler at the Levittown Regional Library referencing a proposed ordinance to be adopted by the Board of Supervisors at its public meeting on February 17, 2015. Mr. Caracappa asked if this were news to Mr. Bennett. Mr. Bennett said he didn't know they were amending that section. Do you know of the outcome of the vote. Mr. Bennett said, no, he did not. Mr. Clarke said that Mr. Caracappa is correct, his office drafted an amendment to the Zoning Ordinance which would have eliminated the 1,500-ft. restriction; it was advertised, but it was never adopted by the board. Mr. Caracappa asked for that document to be entered in the record. The township agreed. Mr. Dillon reviewed the record and found that the applicant presented credible testimony and documentary evidence. He said the applicant has met its burden of proof and meets the criteria of this ordinance, which mainly dealt with traffic, parking, lighting, loading, and utilities. You also found in your findings that the objectors did not present sufficient evidence to contradict the evidence which we had presented. We ask you to re-affirm your prior decision if that is the procedure you are following this evening. Mr. Caracappa does not know what the board has to vote on tonight. The township supervisors were asked to make a record of this. Chairman Harvie said this is a reaffirmation of a prior decision by the board. Mr. Clarke said it is an abundance of caution that even after hearing the information, you just affirm your decision if that is the board's position. Mr. Clarke agrees with Mr. Dillon when he says that is the procedure we are following this evening. The one thing we want to avoid is being back here again on this issue. Hopefully, we can send this back up to Judge Gilman so that he can make a decision. Mr. Dillon provided Mr. Clarke with the original certificate of service. Member Galloway moved to close the Conditional Use hearing; Member Boraski seconded the motion; all board members were in favor. (4-0) No one wished to speak on public comment. Member Rocco moved to approve to re-affirm the board's prior decision for Morrisville Commons, LP – remanded Conditional Use, West Trenton Avenue and Pine Grove Road, TMP # 13-028-028; Member Galloway seconded the motion; all board members were in favor. (4-0)

ITEM # 4 PUBLIC HEARING FOR CONSIDERATION OF AN APPLICATION FOR SUPERIOR MOTOR SERVICES FOR STANDARD TOW TRUCK WRECKER SERVICE FOR THE 2018 CALENDAR YEAR

Chairman Harvie provided information about the township's wrecker list and the criteria for being on the list. Member Galloway moved to open the hearing for Superior Motor Services for standard two truck wrecker service for the 2018 calendar year; Member Boraski

seconded the motion; all board members were in favor. (4-0) Ms. Gallagher said this is a hearing pursuant to Section 206-5-B2. A copy of Chapter 206 has been admitted as township exhibit 1. The township received an application from Superior Motor Services, Inc. on or about November 17, 2017 which will be admitted as township exhibit 2. The application indicates that the lot to be used for storage of vehicles is 218 Lincoln Highway and the applicant's primary place of business is 375 S. Flowers Mill Road in Langhorne, PA, Middletown Township. Pursuant to Chapter 206-5-B4, licensed wreckers in the township are required to utilize a lot within the boundaries of Falls Township to tow wrecked vehicles to. Upon review of the application, it became apparent that there may be an issue that may require a hearing. Notice of this hearing was sent to Mr. McCoy and this is admitted as township exhibit 3. There is an acknowledgment receipt of that notice and this is township exhibit 4. Mr. Jim Sullivan was sworn in. Mr. Sullivan has been the engineer for the township for 14 years. He has a B.S. in Civil Engineering. His resume or curriculum vitae is township exhibit 5. Ms. Gallagher questioned Mr. Sullivan. Ms. Gallagher asked Mr. Sullivan if he were familiar with the township's subdivision and land development ordinance and if he were familiar with the property at 218 Lincoln Highway. Mr. Sullivan said yes to both questions. In regard to the letter of intent for Burns Auto Center LLC, 218 Lincoln Highway, Fairless Hills, does this say that it will be used in any respect as a tow yard? Mr. Sullivan said it does not. This will be marked as township exhibit 6. Ms. Gallagher asked if there were any subsequent letter of intent. Mr. Sullivan said no. Ms. Gallagher referenced Section 191-5 of the Township Code, the Definitions section of land development, and asked Mr. Sullivan to tell us the definition of land development. Mr. Sullivan said any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants contained.

(2) The division or allocation of land or space, whether proposed initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land as that term is hereinafter defined.

Ms. Gallagher asked about the definition of subdivision. Mr. Sullivan said it is the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including all changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or of lot developments, provided; however, that the subdivisions of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. Subdivisions shall be divided into major or minor. Ms. Gallagher said if the letter of intent were to be amended and it were to include that the use of the property were to be used in part for the sale of used vehicles and part for a tow yard under separate ownership, would that constitute either subdivision or land development or both under the definitions that you just read. Mr. Sullivan said it would constitute both subdivision and

land development under the ordinance. Ms. Gallagher asked Mr. Sullivan if he were aware of any application for subdivision or land development being submitted. Mr. Sullivan said no. Ms. Gallagher asked Mr. Sullivan if he were familiar with the current use of the property. Mr. Sullivan said it is for the sale of used vehicles. Ms. Gallagher asked if it is being used as a tow yard. Mr. Sullivan said no. When it was previously owned by Superior, it was a tow yard, as well as minor repairs to vehicles. Ms. Gallagher asked if it requires subdivision of land development with the two owners. Mr. Sullivan said yes. Mr. Bradley (Superior's Attorney) said prior to Superior's sale, there were also vehicle sales. Mr. McCoy sold the property, but he also signed a lease with the current owner to rent out a 10,000 sq. ft. lot. Mr. Sullivan has no knowledge of that. For the previous five years, Mr. McCoy has used the same lot for his tow business for Falls Township. He is only renting, not purchasing the parcel. Mr. Sullivan said that is his understanding. Mr. Bradley asked if the letter of intent stated that there was going to be duty tow and storage for duty tow, would that be okay and have met your approval. Mr. Sullivan said if it is two occupants and two different businesses that would require land development. Ms. Gallagher said the creation of a lease line between Superior and Paul Burns is what is triggering the requirement to get the subdivision land development application. Mr. Sullivan said that is correct. Ms. Gallagher asked Mr. Sullivan if he is empowered to grant subdivision or land development approval. Mr. Sullivan said the Board of Supervisors grant that approval. Mr. James McCoy was sworn in. He said when he did the sale of the property, there was a minor oversight that he didn't put in his letter of intent that he would be renting the yard. He has been doing duty tow for Falls Township for 14 years and in 2015 he did it all by himself with five trucks. He is looking for a little leniency. It is still auto repair and it is still auto sales. Just because the letter of intent did not have it in there, he doesn't know where to go with this. In the 2006 amendment to the wrecker's ordinance, we was grandfathered in. He has a five-year lease from Paul Burns signed by all involved parties. If you rule against this tonight, you will be affecting the township. Mr. McCoy asks to get a Conditional Use permit until Paul Burns can amend his letter of intent and if they have to go to land development, they are willing to do that at a later date. Mr. McCoy asks the board to please consider all of this. Paul Burns wanted to be here tonight, but he is home sick. Mr. Bradley said in the five years he has had the property, nothing has changed. His client has had no violations and he has been nothing but a good neighbor to the township. Member Galloway moved to close the public hearing; Member Boraski seconded the motion; all board members were in favor. (4-0) Member Boraski said he shares the same concern. He told Mr. McCoy that his service is excellent in what his company provides. With the letter of intent, even with Mr. Burns would they still need land development? Ms. Gallagher said yes. Ms. Gallagher said the lease divided the space between Mr. Burns and Mr. McCoy and that is what triggered the need for the subdivision and land development approval. Mr. Clarke said our ordinance is very specific with respect that if there is one parcel being used for different uses, you would need subdivision and land development approval. Mr. Clarke provided an example. If there are different uses in the property, they have to come to us for land development. Chairman Harvie said the problem is that Mr. McCoy has to have this property by January 1st. Ms. Gallagher said he has to demonstrate that he can legally use the property on or before January 1, 2018. Land development needs to be in place before the property can be used. Member Boraski asked what could happen if we gave him some

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leniency or Conditional Use. Ms. Gallagher said we have dealt with this a couple of years ago. Companies that have submitted their paperwork on time could potentially have something to say about this. There is a lease line on the property for two different businesses. It is considered allocation of space. Member Rocco said Mr. McCoy did not have to go through subdivision previously because he was the same owner. Ms. Gallagher said that is correct. Mr. McCoy said 218 Lincoln Highway was not owned by James McCoy or Superior Motors. It was owned by 218 LLC which was leased out to Superior Towing. For those five years, that is how it was. If 218 had created a separate space within the building that would be allocation of space regardless of who owned it. Member Rocco asked how long subdivision of land could take. Mr. Sullivan said something like this could go very quickly. It could go to the Planning Commission in January and the Board of Supervisors in February. Member Rocco said about two years there was an issue with the towers getting their applications in late. It was unfortunate knowing that if we did go in favor of them, there was likely to be a lawsuit. Ms. Gallagher said two years ago there was litigation and the township did prevail on that litigation. In the early 2,000's, there was other litigation which established the property interest in these licenses and that was not victorious. Member Boraski asked if we deny this, could Mr. McCoy sue us or take us to court. Mr. Clarke said yes. If you were to deny and he were to challenge it in court and the Judge made a ruling to put him on the tow list and he had done the land development in the meantime, he would have this completed by the time they go to court and he may have a strong standing on his point. Mr. McCoy said he doesn't want to sue anyone. He just wants to do the business he has been doing. He ran 24 hours a day, seven days a week. Paul Burns will do whatever needs to be done. If they have to do land development, they will get it done. Chairman Harvie spoke about a previous year when towing applications and business licenses were mailed out and a lot of people didn't look at it, but Mr. McCoy did. No one else did. You were the only one who applied and submitted this on time. The problem is that it was not done in a sinister way, but you did work the whole year and did a very good job. You referenced 14 years and there were some towers that were here longer. There are other towers who have not been put back on the tow list because they have not found another lot. This is a difficult situation. You were on the opposite end of this at one point. Ms. Gallagher said there is a variance attached to the property. Chairman Harvie said it is a technicality; he doesn't think we have any option but to abide by the law. This time next year, you should have no problem getting back on. Mr. McCoy is concerned that if he gets removed from the list, he won't get back on. The people who went off the list and cannot get back on do not have a lot in the township. Mr. Bradley asked if they got land development in two months can they get back on. Chairman Harvie said they are asking them to bend the law and two years ago, the other guys asked for this as well. Member Galloway moved to deny the application for Superior Motor Services for standard tow truck wrecker service for the 2018 calendar year; Member Rocco seconded the motion; all board members were in favor. (4-0)

ITEM # 5 PUBLIC HEARING FOR CONSIDERATION OF APPLICATION FOR FIRST CALL TOWING & RECOVERY, LLC FOR STANDARD TOW TRUCK WRECKER SERVICE FOR THE 2018 CALENDAR YEAR

There was no action as First Call Towing & Recover, LLC withdrew their application.

ITEM # 6 CONSIDER ADOPTING 2018 BUDGET AND RESOLUTION ESTABLISHING THE MILLAGE RATE FOR 2018

Member Rocco moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (4-0) Mr. Mariani wishes everyone a blessed Christmas season and Peace on Earth. He said we continue to rely on the host community fees to be the major source of funding in our budget. Normal operating expenses should be supported solely by taxes. Mr. Mariani spoke about various items which were included in the budget and hopes to get answers in upcoming meetings. Mr. Mariani said pension funds have doubled since 2012. To help control these costs, he will continue to encourage the township to match 50% of an employee's contribution of the first 6% of salary. Mr. Mariani spoke about the rising cost of healthcare. He mentioned higher deductible plans. Mr. Mariani said that overtime is another observation he made. Does it mean we need a new hire or some part-timers to fill in? Mr. Mariani said one thing he would like to see changed is giving everyone a raise at the previous year's salary, across the board. That tells your poorest employees their performance doesn't matter. Salaries should be based on skills, performance, and against a job description not against seniority or longevity. You set pay grades and have a minimum, middle, and maximum for each job position. This system bases salaries and raises based on merit and rewards excellent performance. The beginning of the year you budget a certain amount for increases. Mr. Mariani said he would still like to see the township consider a new building. Begin a new feasibility study based on an addition and renovation. We can do this and he thinks we can afford it. Finally, please budget for vacuum leaf collection in 2018. Member Galloway moved to close public comment; Member Boraski seconded the motion; all board members were in favor. (4-0) Member Galloway moved to adopt the 2018 Budget as presented; Member Boraski seconded the motion; all board members were in favor. (4-0) Member Galloway moved to approve Resolution # 17-31, establishing the millage rate for 2018; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 7 CONSIDER AWARDED WORKERS COMPENSATION CONTRACT FOR YEAR 2018

Member Rocco moved to award the workers compensation contract to Delaware Valley Workers Compensation Trust (DVIT) and State Workmen's Insurance Fund (SWIF) in the amount of \$473,852; Member Galloway seconded the motion; all board members in favor. (4-0)

ITEM # 8 CONSIDER RESTRICTED COVENANT AGREEMENT FOR THE QUAKER PENN PARK

Manager Gray said the restricted covenant agreement has been prepared for consideration by the board. We will forward this to the county and eventually receive the funding for the open space project. Member Galloway moved to approve the restricted covenant agreement for the Quaker Penn Park; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 9 CONSIDER AUTHORIZATION FOR ADVERTISEMENT FOR TREE TRIMMING AND REMOVAL OF ASH TREES IN FALLS TOWNSHIP

Member Rocco moved to authorize advertisement for tree trimming and removal of ash trees in Falls Township; Member Galloway seconded the motion; all board members were in favor. (4-0)

ITEM # 10 CONSIDER PURCHASING FOUR LAPTOPS FOR THE FALLS TOWNSHIP POLICE DEPARTMENT VEHICLES

Purchase of four laptops for use in police vehicles. The price is \$4,915.96 each for the total amount of \$19,663.84. Member Rocco moved to approve the purchase of four laptops at the price of \$19,663.84 to be purchased through GSA; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 11 CONSIDER CHANGE ORDER FOR THE FALLS TOWNSHIP COMMUNITY PARK FISHING PIER PROJECT

Member Rocco moved to approve the change order for the Falls Township Community Park fishing pier project in the amount of a decrease of \$4,623; Member Galloway seconded the motion; all board members were in favor. (4-0)

ITEM # 12 CONSIDER CHANGE ORDER FOR THE VERMILLION HILLS FOOTBRIDGE PROJECT

Mr. Sullivan said the footbridge has been installed and is complete. Member Galloway moved to approve the change order for the Vermillion Hills footbridge project in the amount of a decrease of \$26,529.68; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 13 MINUTES – NOVEMBER 21, 2017

Member Boraski moved to approve the minutes from November 21, 2017; Member Rocco 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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ITEM # 14 ENGINEERS REPORT

Mr. Sullivan said the pilings are in place for the fishing pier. They will begin foundation work in the next day or so. They will be in touch with the landscaper in regard to the trees for Walton. Member Rocco moved to approve the November Engineers report dated December 14, 2017; Member Galloway seconded the motion; all board members were in favor. (4-0)

ITEM # 15 BILL LIST

Member Rocco moved to approve the December 19, 2017 bill list in the amount of \$1,846,173.24; Member Galloway seconded the motion; all board members were in favor. (4-0)

ITEM # 16 EXECUTIVE SESSION

Mr. Clarke said that over the past few weeks the board has held Executive Sessions. On December 7, 2017, the board held an Executive Session to discuss personnel and litigation matters. On December 14, 2017, the board held an Executive Session to discuss litigation, potential litigation, personnel, and collective bargaining agreements. Earlier this evening, the board held an Executive Session to discuss personnel and collective bargaining agreements.

ITEM # 17 POLICE CHIEF'S REPORT

Lt. Todd Pletnick provided the following information:

- The year 2017 had the police department achieving its goals.
- We are finishing up with the D.A.R.E. graduation ceremonies at area schools.
- The Police Chief for a Day program will be restarting on January 10th.
- The next Coffee with a Cop will be held in February at the Senior Center.
- January 16th will be the Police Academy graduation.
- The next Drug Take Back and Shred Event is tentatively scheduled for Saturday, April 28th, from 9 a.m. to 1 p.m.

ITEM # 18 MANAGER COMMENT

A. Manager Gray said there are eight escrow releases as follows: T-Mobil in the amount of \$9,568.10, T-Mobil in the amount of \$3,830.28, Verizon Wireless in the amount of \$803.00, Verizon Wireless in the amount of \$3,576.45, Lubricycle/New Seaview in the amount of \$900.92, Planet Fitness in the amount of \$1,530.76, Omnipoint in the amount of \$7,930.23, and Dayspring Electric in the amount of \$5,932.50. Member Galloway moved to approve eight escrow releases as outlined in the memo; Member Boraski seconded the motion; all board members were in favor. (4-0)

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- B. Member Rocco moved to approve escrow release # 12 in the amount of \$95,766.75 for Morrisville Commons; Member Boraski seconded the motion; all board members were in favor. (4-0)
- C. Member Boraski moved to approve escrow release # 1 in the amount of \$83,211.97 for St. Josephs Court and an escrow release for Mar-Mar Builders in the amount of \$135,947.17; Member Galloway seconded the motion; all board members were in favor. (4-0)
- D. Manager Gray announced new township businesses. They are: Rite Aid, Tip Tap Toe Dance Academy, Blue Man Plumbing, B&D Auto Sales, Inc., Beef Jerky Outlet, Commercial Trailer Leasing, Gold Star Contracting, and Brown's Vending.
- E. Member Rocco moved to approve the one-year memo of understanding for three police lieutenants (Lt. Ward, Lt. Pletnick, Lt. Arie), pending legal review; Member Galloway seconded the motion; all board members were in favor. (4-0)
- F. Harsco mylars are ready for review.

Member Galloway moved to approve Resolution # 17-32, voicing opposition to House Bill #1620; Member Boraski seconded the motion; all board members were in favor. (4-0)

Member Boraski moved to approve Resolution # 17-33, opposition of mini casinos in Falls Township; Member Galloway seconded the motion; all board members were in favor. (4-0)

Member Rocco moved to approve Mr. Clarke's proposal submitted on December 14, 2017 to retain the services of Mr. Ronald Traenkel for a personnel matter on behalf of the township; Member Galloway seconded the motion; all board members were in favor. (4-0)

ITEM # 19 BOARD COMMENT

Member Rocco wishes everyone happy holidays and said he looks forward to 2018.

Member Galloway wishes everyone a blessed Christmas and happy holidays to everyone.

Member Boraski said someone sent him a copy of a recent Facebook post where two people questioned the integrity and character of the township supervisors. It is hard to understand why someone would choose that platform when they allow public comment before every meeting when you can ask questions or discuss agenda items or any subject with township supervisors. On top of that, we also have multiple boards and commissions which are begging for volunteers which would allow you to help make a difference and get involved. Rather than mentioning those people from Facebook, he will instead mention someone in the township who has served many years in the township as a volunteer on the Planning Commission. Member Boraski thanked Mr. Rick Rittler, who has served on the Planning Commission for 22 years. Mr. Rittler is now retiring and not seeking reappointment. Member Boraski thanked Mr. Rittler for his service to the community.

Chairman Harvie said he and the rest of the township wish Mr. Rittler all the best in his retirement. Chairman Harvie thanked the board, township staff, and professionals for a great year. He looks forward to 2018. The re-organization meeting will take place on

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January 2nd. They will have the swearing in of Member Galloway and Member Rocco and our auditors and tax collector. Chairman Harvie wishes our Jewish residents, friends, and neighbors a Happy Hanukah and everyone else a Merry Christmas. We wish for a peaceful New Year in 2018.

Member Galloway moved to adjourn the meeting; Member Rocco seconded the motion all board members were in favor. (4-0) The meeting was adjourned at 9:05 p.m.



Jeffrey Rocco, Secretary