

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

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

The meeting commenced at 7:10 p.m. with roll call and pledge to the flag. All Board members were present. Also present were Township Manager Peter Gray, Finance Director Betsey Reukauf, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher and Township Engineer Joe Jones. Chairman Harvie welcomed an addition to our administrative staff, Mr. Takita, our new Deputy Manager and Code Enforcement and Zoning Officer.

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

Mr. Donald Markert said he is a 64-year resident of Falls Township. Earlier this year, he attended a meeting of the Bucks County Commissioners about Elcon. They also spoke about the open space conservation program which seems to be very successful in Bucks County. Mr. Markert believes there should be an initiative to also preserve the inhabited spaces in the county. Mr. Markert spoke about funding and staffing cuts. During the March PA DEP presentation on Elcon, his understanding of the DEP's roles and responsibilities were to check the boxes and rubber stamp the permit application. Mr. Markert referenced an article in the New Yorker about the Boeing case. He said it is interesting how we deal with regulating, oversight, and enforcement at every level of government. Mr. Markert said it is apparent to him that during the DEP presentation, they were deficient in some of the requisite requirements necessary in dealing with what goes on in terms of providing a permit to anyone who wants to operate. If a company is telling you to cut corners there is a likelihood it will succeed for at least a while. We are dealing with Elcon. Mr. Markert said he spoke with Mr. Rebarchak after the meeting and found that he didn't really understand the scope of what was going on in the lower end of the county and in particular, Falls Township. We have a densely populated area not just in Lower Bucks, but across the river. Whatever we do here also impacts those people across the river. The PA DEP is heavily dependent on the applicant for information about the processes. They will not do any independent monitoring or assessment of what goes on at any site. If you don't measure something, how do you effectively manage it? The DEP said the maximum fine they could levy is \$25,000. Fines do not mean anything; they are the cost of doing business. Mr. Markert asked the board to please look at what you can do locally to deal with regulation and oversight enforcement.

Mr. Gerry Huot said he is the president at Avenrowe. He thanked the board and everyone in the township for the great support they have received over the years. He also thanked Chairman Harvie for his support in attending events and wishes him well in his new role as County Commissioner. Mr. Huot thanked the fire marshal for assistance with smoke detectors and the police department for making the residents feel safe.

Ms. Toni Battiste thanked the engineer for checking on the sidewalk problem that she brought up last month. Ms. Battiste asked if there were anything new on Elcon or the lawsuit. Chairman Harvie said he has not heard of anything new. Nothing else has come to them. Ms. Gallagher said the applicant had filed a motion for a conference with the judge, but nothing has been scheduled. Ms. Battiste suggested posting Elcon updates on the township website.

Ms. Lise Baxter congratulated Chairman Harvie and Member Boraski. Ms. Baxter said that Bucks County is responsible for two thirds of the industrial pollution in Bucks County. She said they paid to have a clean air ordinance drafted by our environmental attorney, Mark Ewal. Ms. Baxter said the last she heard, the township was considering hiring a clean air attorney to adopt a clean air ordinance. Chairman Harvie said he doesn't remember saying they were going to hire an attorney. Our legal team has reviewed this. He doesn't think anything has changed. Mr. Clarke said we are reviewing the case law to see if there have been any recent developments and he thinks what they have found so far, does not change their opinion from last year that Falls Township is not authorized to adopt that ordinance. If challenged, we would lose. Ms. Baxter would like someone to contact Mr. Ewal so he can answer your questions. Mr. Clarke said he spoke with Mr. Ewal. Ms. Baxter said we paid him to write the clean air ordinance. With his experience, it would be to the benefit of the township to use him as a resource. Chairman Harvie said he knows Mr. Ewal submitted the ordinance and supporting documents and our staff has reviewed it. We looked into the cases he cited. Mr. Clarke had discussions with him. Chairman Harvie said there are different fields of law and he doesn't think Mr. Ewal has any experience with municipal law. Ms. Baxter thinks it will be to the benefit of everyone to give this some more thought. Chairman Harvie said as supervisors, they get regular updates of laws and different court cases and these things get reviewed. This is something that is ongoing. Those are things the solicitor gets more than we do. We are always reviewing to make sure our policies are in line. Ms. Baxter asked if board members would be willing to meet with Mr. Ewal the next time he is in town. Member Dence suggested he meet with them in Executive Session. Ms. Baxter said they previously suggested that you change zoning in certain areas in the township. We realize that the zoning is difficult. We request that the township make an effort to streamline and simplify the zoning, keeping it people-friendly and environmental-friendly while still encouraging jobs. One suggestion would be to create people-friendly multi-use waterfront areas using the latest in green technology. Chairman Harvie said in 2005, we did a riverfront district overlay which would have taken a lot of light industrial areas, not in the industrial park, and re-zone that to encourage all kinds of development. We are just now dealing with a company that is looking to do something and they are going to build a warehouse. We also have a plan in place to purchase Biles Island for the township to get

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access to that site. We don't know yet when that will be. Ms. Baxter asked if the township is able to change zoning. Chairman Harvie said the problem is that if we don't own the property, we can get sued if we change zoning. For the landfill that is currently operating, it cost Waste Management \$10M to clean that site so it could be used as a landfill. It will always be an industrial area whether it be light industrial or heavy industrial.

Ms. Sharon Furlong said she is part of Bucks Environmental Action. She congratulated Chairman Harvie and Member Boraski. Ms. Furlong read a speech in support of a clean air ordinance. She said we have so few other options. She is asking you to be in the forefront of community protection for the quality of land, air, water, and life. We have a constitutional amendment in Pennsylvania that should help us, but it just doesn't happen and that might be something to consider when thinking about a clean air ordinance. Why can't we turn to the PA DEP as an agency that will fight for the citizens of Pennsylvania? Ms. Furlong read from the PA DEP website the following quote. "The Department of Environmental Protection is charged with the responsibility for development of a balanced ecological system incorporating social, cultural, and economic needs of the commonwealth through development and protection. The department is responsible for the state's land, air, and water management programs, all aspects of environmental protection, and the regulation of mining operations." In the quote she just read, Ms. Furlong asks if there is something written about DEP's mandate of responsibility that allows for the fragmentation of the environmental, social, and cultural aspects of living into smaller parts. The DEP has stated that they are only allowed to address one issue at a time. Now what? Ms. Furlong said to pass a clean air ordinance. Make it the best it can be made. We will stand behind you and we will be there with you when the lawyers come calling. We will rise up. Thank you for your consideration in this matter.

Mr. Joe Hendershot said he is with the Conservation Voters. They are a state-wide organization that advocates for policies for the environment – clean air, clean water, and open spaces. Mr. Hendershot said he wants to thank all of you. You have maintained an amazing ability to hear out your constituents. There are many townships that will not do that. We support the clean air ordinance. There are many other issues to be heard. In 2019, the American Lung Association issued Bucks County a failing grade due to the amount of orange days in Philadelphia. Asthma rates are about 10% in the area and it is getting worse. People come out to protect themselves, to vote, and give speeches. Mr. Hendershot spoke about the few tidal marshes we have in our area and said we need to protect them as well as Biles Island, Silver Lake, and the D&B Canal. These are open spaces that people enjoy every day.

**ITEM # 2 CERTIFICATE OF APPROPRIATENESS – 93 MAIN STREET
TMP # 13-020-237 – INSTALL WHOLE HOUSE GENERATOR**

Member Dence moved to approve the certificate of appropriateness for 93 Main Street to install a whole house generator; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 3 CERTIFICATE OF APPROPRIATENESS – 65 OLD LOCUST AVENUE TMP # 13-041-091 – CONSTRUCT A 22 FT. BY 29 FT. REAR ADDITION (WHICH INCLUDES ROOFING, SIDING, AND WINDOWS) AND RE-SIDE THE ENTIRE HOUSE

Member Rocco moved to approve the certificate of appropriateness for 65 Old Locust Avenue to construct a 22 ft. by 29 ft. rear addition (which includes roofing, siding, and windows) and re-side the entire house; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 4 2020 PROPOSED BUDGET PRESENTATION AND AUTHORIZATION TO ADVERTISE

Mrs. Betsy Reukauf presented details for the proposed 2020 budget. The tax millage rate remains the same at 7.22 mils. Proposed capital projects include: the 2020 Road Program, in-house mill and overlay project, intersection improvements, tree trimming and removal, police purchases, Public Works purchases, and recreation improvements. The proposed budget is scheduled to be adopted at the December 17th Board of Supervisors Meeting. Member Boraski asked about the fire hydrant fund. Mrs. Reukauf said this is for repair and maintenance of the township fire hydrants. We make payments to the Township of Falls Authority (TOFA). The amount has fluctuated, but we have never gone over. Current funds in this account are \$104,331 and if spending this year is consistent with past years, we are looking at a projected fund balance of \$130,360 in this fund at the end of 2020. When those taxes are collected, they are restricted just for that purpose so that money cannot be used for anything else. Member Boraski said it is unfortunate that we have this balance growing and the library is begging for help. Member Dence moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (5-0) Mr. Guido Mariani said the budget is the most important managerial tool. He would like the board to consider implementing a couple of his suggestions. Mr. Mariani said the host fees continue to be the major source of funding for our budget. Normal operating expenses should be supported solely by taxes. Expand our tax base and move away from host fees. Long-term commitments based on host fees is a very risky way to do business. Mr. Mariani said family healthcare premiums have increased 22% since 2014. The Kaiser Foundation reports that annual premiums for employers reached over \$20,576, up 5% from last year. Workers are contributing \$6,015 toward that cost. Mr. Mariani asked about the township's cost per enrolled family premium. Manager Gray said the cost per enrolled family premium is about \$42,000. Chairman Harvie said they did get this to drop significantly over the past few years. Mr. Mariani asked about the employee contribution. Manager Gray said zero. Mr. Mariani said employee salaries should be based on qualifications, skills, experience, and performance against a job description and not on seniority or longevity. Mr. Mariani believes employees want and deserve this kind of employment system. Mr. Mariani said the pension obligation continues to rise. In regard to the township complex, Mr. Mariani said this board should begin a feasibility study on the necessary renovation of this building. To renovate this building is a do-able project and the cost can be paid for well within our

resources. Mr. Mariani said that Bucks County towns earned over \$80M from an Earned Income Tax (EIT). He believes we contributed \$3-\$4M to that and we got back zero. Chairman Harvie said the studies and the reviews that we have done show that the majority of people who live in Falls Township are working in places where there currently is no EIT. Mr. Mariani said let's bring it into our township and not somewhere else. Mr. Mariani told Chairman Harvie to do the right thing. Member Dence moved to close public comment; Member Galloway seconded the motion; all board members were in favor. (5-0) Member Boraski brought up the issue of the fire hydrant fund and asked if it would be possible to shift some of the fire hydrant funding over to the library fund. Mr. Clarke said you can make a motion to advertise as amended and then if we can't do it, we will just advertise it as it is written. What we can do is to have Manager Gray report back to you. This will be advertised on Sunday. Member Dence moved to authorize advertisement of the amended 2020 proposed budget; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 5 CONSIDER PROPOSAL FROM REMINGTON VERNICK ENGINEERS FOR THE PENNDOT GREEN LIGHT GO GRANT

Manager Gray said that Remington & Vernick Engineers (RVE) submitted a proposal for providing grant-writing services for traffic signal improvements at the intersection of North Olds Boulevard and Trenton Road. The proposal is in the amount NTE \$2,750. Mr. Derek Kennedy from RVE is present this evening. Mr. Kennedy said this will be a complete rebuild and include ADA improvements, crosswalks, push buttons, new signage and striping. This will improve the safety at this intersection. Member Galloway moved to accept the proposal from Remington & Vernick Engineers (RVE) for the PennDot Green Light Go Grant in the amount of \$2,750; Member Dence seconded the motion; all board members were in favor. (5-0)

ITEM # 6 CONSIDER QUOTE FROM THIRD PARTY ADMINISTRATOR FOR MEDICAL REIMBURSEMENT PROCESS

Manager Gray said Vaughn Insurance Group has secured a quote from the Harrison Group for the medical reimbursement process currently handled by our in-house human resources coordinator. There is an initial cost of \$350 plus a monthly cost of \$5 per employee participating in the health insurance plan in the township. Ms. Ann Smith and Ms. Sherry McGovern are present for any questions. Ms. Smith said the Harrison Group would administer the plan on behalf of the township. They are HIPPA certified. They can do this online, by e-mail, or mobile app. They would provide reports to township personnel. Reimbursement would occur by either direct deposit or by check twice a month. Employees can monitor their claims either on-line or by mobile app. If there is an out-of-pocket expense of \$1,000 or more, there can be expedited reimbursement. The township would be assigned a dedicated account manager if employees have questions about their reimbursements. They set up parameters for everything the township wants reimbursed and how they want it to be reimbursed. Member Rocco moved to enter into an agreement with the Harrison Group for the medical reimbursement services as outlined in the September 19,

2019 memo; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 7 CONSIDER REAUTHORIZATION FOR ADVERTISEMENT FOR THE HEATING AND AIR CONDITIONER REPLACEMENT PROJECT FOR THE POLICE DEPARTMENT

Manager Gray said there were no bids received for this project. Member Rocco moved to reauthorize advertisement for the heating and air conditioner replacement project for the police department; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 8 CONSIDER AUTHORIZATION TO ADVERTISE ORDINANCE AMENDING CHAPTER 184 – SEWERS AND WATER TO ADD ARTICLE XII – INSPECTION AND REPLACEMENT OF PRIVATE SEWER SERVICE LATERALS – SECTIONS 67.1 THROUGH 67.6 AND RE-DESIGNATING THE REMAINING ARTICLES OF CHAPTER 184

Ms. Gallagher provided an update on the proposed change. Over the last several years, the township and Remington Vernick Engineers has been working with the DEP and TOFA to amend the township's Act 537 plan. This is driven through an agreement that has been reached through the Bucks County Water and Sewer Authority and the DEP regarding the Neshaminy Interceptor which requires all municipalities to update their Act 537 plan. The DEP approved the township's Act 537 plan update last year and the township committed to implement this in the fourth quarter of 2019. This applies to everyone in the township who has public sewer. For this process, they will go in with a camera to inspect the lateral connection and if there are any defects, the owner is required to have them fixed prior to any transfer going through. There is an exception if the lateral has been cleaned within the prior six months. Chairman Harvie asked about the cost for someone to hire a plumbing company to do this work. Mr. Jones said it will not be too expensive to do the camera, most likely in the hundreds, not the thousands. Member Rocco moved to open public comment; Member Boraski seconded the motion; all board members were in favor. (5-0) Mr. Markert said he already had to replace the sewer lines on three of his properties. This will be a major impact to selling your property. Mr. Markert spoke of his experience dealing with this. He said he does not have a 6" mushroom cap on top of his cleanouts. He is concerned about the cost to the individual homeowners in the township. He now has cast iron pipes everywhere. This is something that can be negotiated when selling the property. Member Dence moved to close public comment; Member Rocco seconded the motion; all board members were in favor. (5-0) Member Galloway moved to authorize advertisement of Ordinance amending Chapter 184 – Sewers and Water to add Article XII – Inspection and Replacement of Private Sewer Service Laterals – Sections 67.1 through 67.6 and re-designating the remaining articles of Chapter 184; Member Dence seconded the motion; all board members were in favor. (5-0)

ITEM # 9 MINUTES – OCTOBER 15, 2019

Member Rocco moved to approve the minutes from October 15, 2019; Member Galloway seconded the motion; all board members were in favor with the exception of Member Dence who abstained. (4-0-1)

ITEM # 10 ENGINEERS REPORT

Mr. Jones said we had one earth disturbance submission in the month of October as well as one new land development application. Mr. Jones provided updates on land development projects. There were no updates to earth disturbance projects. For township projects, the Quaker Penn Park boat docks will be removed tomorrow by the manufacturer that constructed them. The 2018 Road Program is complete. This came in under contract \$100,000. The 2019 Road Program is ongoing. We had a pre-construction meeting on Friday and there are some trees to be removed. Member Rocco asked about the water in the basin at St. Josephs Court. Mr. Jones said they are rain gardens and they will ultimately drain. It is designed to have a little layer of water on the bottom. Outback Steakhouse opened yesterday. Member Dence moved to accept the October, 2019 Engineers Report; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 11 BILL LIST

Member Rocco moved to approve the bill list for November 19, 2019 in the amount of \$2,831,221.37; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 12 EXECUTIVE SESSION

Mr. Clarke said that while in Executive Session, the board spoke about a matter involving collective bargaining, various personnel matters, and several matters involving potential litigation.

ITEM # 13 POLICE DEPARTMENT REPORT

Chief Wilcox reported on the following:

- A. Chief Wilcox spoke about the police department accreditation. Sgt. Bryan White is our accreditation manager. The process went very well because of the tireless work of Sgt. White and his team. Chief Wilcox will provide the board with a copy of the assessment report. Chief Wilcox thanked everyone for their hard work during this process.

ITEM # 14 MANAGER COMMENT

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- A. Member Galloway moved to approve escrow release # 9 for Mercer Court in the amount of \$332,317.96; escrow release # 2 for Patient First in the amount of \$121,579.07, and escrow release for Rock of Cashel 2, LLC in the amount of \$34,860.49; Member Boraski seconded the motion; all board members were in favor. (5-0)
- B. Manager Gray announced the following new businesses: Shaping Tomorrow Child Care Services, Endeavor Consulting Group, Music Together, and Titan Technology.

ITEM # 15 BOARD COMMENT

Member Rocco congratulated Chairman Harvie and Member Boraski on the outcome of the election. Enjoy your Thanksgiving.

Member Dence also congratulated Chairman Harvie and Member Boraski. He said Chairman Harvie worked very hard this past year. Member Dence wishes everyone a Happy Thanksgiving.

Member Galloway congratulated Chairman Harvie and Member Boraski.

Member Boraski congratulates Chairman Harvie and Member Boraski.

Chairman Harvie thanked everyone for their sentiments. He wished everyone a Happy Thanksgiving.

Member Dence moved to adjourn the meeting; Member Galloway seconded the motion all board members were in favor. (5-0) The meeting was adjourned at 8:42 p.m.



Jeffrey Rocco, Secretary