

**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 7:05 p.m. with roll call and pledge to the flag. All Board members were present. Also present were Township Manager Peter Gray, Chief Code Enforcement Officer and Assistant Township Manager Matthew Takita, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher and Township Engineer Joe Jones. Chairman Harvie expressed condolences to the Pullen family on the loss of their mother.

GRADUATION CEREMONY FOR THE CITIZENS POLICE ACADEMY

Officer Yeager gave an overview of the 2019 Citizens Police Academy. They started the Academy on September 25, 2019 with the welcoming and outline of the upcoming classes. The second class was conducted by Sergeant Clark who spoke about evidence collection and the procedure for a crime scene. Sergeant Clark created a crime scene and divided the citizens into three groups. Each group was given fifteen minutes in the crime scene to view and analyze. They had a week to figure out what steps to take in their investigation. During the third class each group made a presentation detailing their ideas to solve the crime. Sergeant Clark did a case review about the re-enacted crime scene. Class four was held at the gun range. Sergeant Fanelli, Corporal Langan, Officer Rhodunda, Officer Elmore and K-9 Monte presented the SWAT equipment and demonstrated the use of weapons and explosives. This class ended with room entry using paintball guns. The fifth class was held at the Township park with a K-9 demonstration. Corporal Langan, Office Elmore and K-9 Monte delivered all aspects of training and working as a K-9 Officer. Corporal Langan hid around the lake to have K-9 Monte and the class locate him. Sergeant White taught the sixth class on the use of force training which included pressure points, baton striking and hand cuffing. The seventh class was a trip to the Bucks County Prison. Administrator Dave Kratz spoke about the history of the prison, daily operations of the facility, and life as a correctional officer and an inmate. The eighth class was spent with Judge Jan Vislosky which is a favorite of the citizens. Judge Vislosky explained all aspects of her job and they watched a video of an arraignment. The ninth class was presented by Sergeant Clark and Lt. Nelson Whitney which was a case review of the John Sorbert arrest and conviction. Lt. Whitney conducted the tenth class at Pennsbury High School West for a case study on the kidnapping and murder of Diane Corado and the conviction and life sentence of Kenneth Patterson. The eleventh class was on police scenarios which placed the citizens in stressful situations on how they would act. The last class was a shoot don't shoot. Lt. Whitney and Corporal Wolverton each had a station. The class viewed videos and had to make a split-

second decision to shoot or not shoot. Officer Yeager did field sobriety testing with our fatal vision goggles. Officer Yeager thanked Chief Wilcox for his continued support for all the community programs. They take great pride in the Citizens Police Academy that other agencies have modeled their Academy after Falls Township. Chief Wilcox also supports our prevention program in the High School called Program Hero. Officer Yeager thanked the Board for their continued support of the Police department as they strive to be the first and finest. Chief Wilcox thanked the Board for allowing him to speak at this meeting. Chief Wilcox mentioned that the Police department was accredited and he displayed the certificate and plaque for everyone to see. Chief Wilcox thanked the team which consisted of team leader Sergeant Bryan White, Corporal Ahrens, Corporal Wolverton, Corporal Callahan, Officer Olmeda, Officer Phillippe, Officer Thomas and Officer Sansome that took part in the accreditation. This was a learning experience for most of them and they did a wonderful job. At the luncheon they received a heartwarming applause. Chief Wilcox would like to recognize Evidence Custodian Don Orr for his part because without him this accreditation would not be possible. He would also like to thank our support staff, Gina Seiler, the Detective Bureau, Manager Gray and the Board for all their support to achieve their accreditation. This is a true team effort. The accreditation consists of 164 standards. The officers need to make sure the reports are done correctly, and it trickles down from there. Chief Wilcox thanked Chairman Harvie for all the support he gave to the Police department and his recommendation for Chief of Police when he was applying for that position. Accreditation starts the beginning of January and the Police department starts the policy reviews. The accreditation lasts for three years. Chairman Harvie thanked everyone for participating in keeping everything going in the same direction.

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

Mr. Ray Erickson said it has been about ten to twelve years since he last attended a meeting. The last meeting was in regard to non-ferrous metals separator at Wheelabrator. Mr. Erickson spoke about a concrete slab at another development. He asked if it had to be inspected. Have they sold the property or are they waiting for the concrete slab to cure? Chairman Harvie asked if he was referring to Abington Reldan. Mr. Erickson was not sure of the company, but he remembers Mr. Bennett saying there were no ordinances for them to inspect. Chairman Harvie said the company that was doing the wafers for solar panels was open for a short while and then they closed. Mr. Erickson congratulated Chairman Harvie on his County Commissioner appointment. He asked about Chairman Harvie's adversaries reporting on trash coming up the Delaware. Chairman Harvie said the Waste Management operations in Falls and Tullytown have never brought trash up the river. Mr. Erickson asked about tonight's agenda regarding things relating to composting and sewer inspections. He said if you are going to be composting, there is a tendency for acids to be displaced and go downstream. Does the township check state inspections for that particular compost facility? Chairman Harvie said this composting operation is taking a lot of their operations which are outdoors and moving them indoors. We are made aware of DEP inspections when they happen but I can't comment because I do not know what their policies will be for inspecting this kind of facility. We are not really set up for that as far as water testing. If we have

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concerns in regard to water testing, we would contact the DEP. Mr. Erickson asked if there were any openings on the Environmental Advisory Council. Chairman Harvie said he did not have that information in front of him.

Mrs. Michelle Deis had comments on playgrounds within the township. She spoke about the community park and said she read an article that mentioned about adding some things to the playground. Mrs. Deis said one in fifty-nine children are diagnosed with autism. Our community has always been responsive to those with special needs. We only have one adaptive swing. We also don't have fences in our playgrounds. Please look into placing fencing around the playgrounds into the budget. Mrs. Deis referred to Masons Mill Park which is a safety town in Huntingdon Valley. It has safe areas for kids to ride bikes and learn the rules of the road. Mrs. Deis thanked Chairman Harvie for his time served here.

Ms. Toni Battiste said in the budget, there is a large portion that comes from Waste Management. We need to start looking at alternate sources of income before the landfill income completely goes away. Ms. Battiste would like the board to consider appointing Member Boraski's election opponent for the open supervisor position. She would bring diversity with her being a Republican. Ms. Battiste asked if there were any news with Elcon. Mr. Clarke said there is a Rule 27 conference on Friday morning which is a scheduling conference. At that time the judge will lay out the briefing schedule for all the parties. We are still looking at three to five months out before there is an actual hearing. Ms. Battiste asked if there was anything going on with the land that Elcon has bought or intends to buy. Chairman Harvie said we have not heard of any changes down there. Ms. Battiste asked if there is any conflicts of interest with our township solicitor and the Elcon law firm. Chairman Harvie and Mr. Clarke do not believe they have ever done any work for the township. Mr. Clarke said no one in his firm has worked for Fox Rothschild.

Mr. Sean Cassidy said he works for the Bucks County Juvenile Probation Department. They have an office where the probation officers from the Neshaminy, Pennsbury, and Morrisville school districts can utilize. They can stop by in between appointments to do paperwork. It is not an office where they see clients.

**ITEM # 2 CERTIFICATE OF APPROPRIATENESS – 10 YARDLEY AVENUE
TMP # 13-020-292 – REPLACE 14 WINDOWS**

Member Dence moved to approve the certificate of appropriateness for 10 Yardley Avenue to replace 14 windows; Member Galloway seconded the motion; all board members were in favor. (5-0)

**ITEM # 3 MCGILL FAIRLESS HILLS COMPOSTING FACILITY –
PRELIMINARY AND FINAL LAND DEVELOPMENT – 600 TYBURN
ROAD TMP # 13-047-062**

Manager Gray said the applicant's proposed project consists of the creation of a 15.5-acre lease area on the property to construct a composting facility and ancillary structures including office and storage area and certain site clearing along with the associated site improvements – storm water management, utilities, and parking facilities. The applicant is

represented by Mr. Tom Jennings, Esquire (Fisher Broyles) and Mr. Dave Allen, P.E. (EarthRes Group). Representing McGill is company president, Mr. Noel Lyons. Mr. Jennings said the applicant appeared before the Planning Commission in September, 2019 and received favorable recommendation of their plan. They have entered into a lease agreement and related easement agreement with Warner for a 15-acre parcel within the Warner northside complex on Tyburn Road. The property owner, Warner, supports this application. This is in the Farming and Mining District (FM). The McGill facility will bring the compostable materials indoors. They propose to construct and operate a state-of-the-art, fully-enclosed processing facility producing premium composting products. They will comply with reviews from the township engineer, traffic engineer, and fire marshal with exception of requested waivers. Waiver requests deal with parking spaces, tree planting and things of that nature for an industrial site. Mr. Lyons provided information about the company and this plan. To date they have composted over five million tons of bio gradable waste converted to about four million cubic yards of compost which has been sold to various users. Their products are primarily sold to the professional market. This is a wonderful opportunity to upgrade and expand this facility. The facility will be a 124,000 sq. ft. building. They plan to compost about 400 tons per day. Mr. Allen provided additional information to the board. The property is 423 acres. There is a small 15.5-acre part of the site and that is the proposed lease area where McGill will operate. The curing of material will occur inside. Access to the site will continue as it does today. Mr. Lyons said the whole process takes about thirty days. There will be about twenty to twenty-five trucks coming in and out per day. Chairman Harvie asked about the kind of materials being trucked in. Mr. Lyons said it would be non-hazardous biodegradable materials such as food waste, wastewater residuals, yard waste and maybe clean wood. Member Rocco asked about odors. Mr. Lyons said in an indoor facility it is scrubbed and no air leaves the facility except through a bio filter. Member Rocco moved to approve Resolution # 19-26 for the McGill Fairless Hills Composting Facility, preliminary and final land development, 600 Tyburn Road, TMP # 13-047-062; Member Galloway seconded the motion; all board members were in favor. (5-0)

**ITEM # 4 CONSIDER ADOPTING THE 2020 BUDGET AND RESOLUTION
ESTABLISHING THE MILLAGE RATE FOR 2020**

Member Boraski asked about the requested change to the library fund. The library will be getting some extra funding next year. Chairman Harvie thanked Member Boraski for his suggestion on that. Member Dence moved to open public comment; Member Boraski seconded the motion; all board members were in favor. (5-0) Mr. Guido Mariani wishes everyone a blessed Christmas, Peace on Earth to men of good will. Mr. Mariani spoke about Chairman Harvie who will be leaving us soon. Mr. Mariani believes this will be a smooth transition. Mr. Mariani asked about some items in the budget in regard to capital purchases and other items. Manager Gray said if Mr. Mariani wants to stop by his office, he would be happy to review those items with him. Chairman Harvie said part of the capital improvements are a generator and camera equipment. Member Dence moved to close public comment; Member Boraski seconded the motion; all board members were in favor. (5-0) Member Galloway moved to adopt the 2020 Budget and also approve Resolution #

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19-27 establishing the millage rate for 2020; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 5 CONSIDER AWARDING WORKERS COMPENSATION CONTRACTS FOR YEAR 2020

Manager Gray said Vaughn Insurance has secured two quotes as follows: The quote of \$389,035 is from Delaware Valley Workers Compensation Trust (DVIT) and the quote of \$51,487 is for State Workmen's Insurance Fund (SWIF). SWIF is used for the volunteer fire coverage. Member Rocco moved to award the workers compensation contracts for the year 2020 to Delaware Valley Workers Compensation Trust and SWIF in the amounts listed in the December 12, 2019 memo; Member Galloway seconded the motion; all board members were in favor. (5-0)

Manager Gray said there is a request to change the broker of record for SWIF. It is currently held by a company called Porter & Curtis and there is consideration to change that to Vaughn Insurance. Member Dence moved to appoint Vaughn Insurance as broker of record for the SWIF insurance; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 6 CONSIDER NOTICE OF INTENT TO AWARD BID FOR THE HEATING AND AIR CONDITIONER REPLACEMENT PROJECT FOR THE POLICE DEPARTMENT

Manager Gray said on December 12, 2019, the township opened sealed bids for the heating and air conditioner replacement project for the police department. Bids were received as follows: Ray Litwin's Heating and Air Conditioning Inc. in the amount of \$49,500 and L.G.B. Mechanical in the amount of \$99,000. Ray Litwin is the lowest responsible bidder for the project. It is recommended to authorize Jones Engineering Associates to issue a notice of intent to award to Ray Litwin for this project. Final award of the contract will be based on a successful outcome of the responsible contractor ordinance review which will be conducted by Jones Engineering Associates. Member Galloway moved to authorize Jones Engineering Associates to issue a notice of intent to award to Ray Litwin's Heating and Air Conditioning Inc. the bid for the heating and air conditioner replacement project for the police department in the amount of \$49,500; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 7 CONSIDER ADOPTING 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 said this is an ordinance that will implement a lateral inspection program within the township and will apply to any property that is being transferred. It will require that the property owner obtain an inspection of the sewer lateral for the property to

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determine if there are any deficiencies that require correction prior to the transfer. Mr. Clarke said for several years we were unable to approve certain development projects within the township because the Neshaminy Interceptor, where a large amount of the Falls Township sewage goes, was hydraulically overloaded. Bucks County Water and Sewer worked with the municipalities that went to the Neshaminy Interceptor and with the involvement of DEP required that all the municipalities agree to take certain steps to reduce infiltration and inflow. In order for us to get our Act 537 plan approved and to get the connection ban lifted, we had to agree to do certain things. About 13 months ago, DEP said one of the things we had to do was to pass a lateral inspection ordinance. Many of the municipalities where Mr. Clarke works have them and sewer authorities have the infiltration and inflow inspection programs as well as lateral inspection programs. For the most part, it would involve hiring a plumber to run a camera down your lateral to see what shape it is in. The majority are in good shape and some may need minor repairs. It is in those rare instances where the pipe is completely deteriorated that the entire lateral needs to be dug up and replaced. In those instances where the pipe is completely deteriorated that is where the most storm water is getting into the sewer system and that is where the biggest problem happens. This will go into effect in the beginning of 2020. Member Galloway moved to approve Ordinance # 19-4, 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 # 8 MINUTES – NOVEMBER 19, 2019

Member Dence moved to approve the minutes from November 19, 2019; Member Rocco seconded the motion; all board members were in favor. (5-0)

ITEM # 9 ENGINEERS REPORT

Mr. Jones said there were three new earth disturbance submissions and no new land development, flood plain, or cell phone submissions. The Falls Township Pistol and Rifle Association is putting up additional targets and that requires a foundation. Langhorne Equities LLC is for tree removal. St. Francis Cabrini Church is for hardscape and landscape features. Land development project updates are identified in red text. Patient First and the Outback Steakhouse are both open. Kampi Components is moving along smoothly. The W.G. Lincoln Properties have erected part of the building but had an issue with the storm water and they submitted to us a proposed replacement. We have to make sure it meets the same criteria as the design did and then they will continue with the building. The J.R. TruckSmart project is on hold for a zoning issue (building addition). They have to go before the Zoning Hearing Board. For earth disturbance projects, Gelest is a minor building addition and they started work with re-locating a small storm sewer that was in the way. The Quaker Penn Park docks were removed. They will be repaired over the next few months. The 2018 Road Program is down to minor punch-list items. For the 2019 Road Program, the contractor has started and moved fairly well with storm sewer improvements at Fletcher starting at Bernard. This Thursday we will review the next scope. Mr. Erickson

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had a question about bedrock in Falls Township. Mr. Jones said there are various levels of bedrock in Falls Township. The geological formations probably vary throughout the township but you would have to do a study to determine the various steps. Chairman Harvie said this is a technical question and Mr. Jones could probably continue the conversation after the meeting. Member Galloway moved to accept the November, 2019 Engineers Report; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 10 BILL LIST

Member Rocco moved to approve the bill list for December 17, 2019 in the amount of \$1,791,545.22; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 11 EXECUTIVE SESSION

Mr. Clarke said that while in Executive Session, the board spoke about a matter involving potential litigation, various personnel matters, and a matter involving a collective bargaining agreement. On December 3, 2019 the board held an Executive Session to go over a collective bargaining agreement.

ITEM # 12 POLICE DEPARTMENT REPORT

Chief Wilcox spoke in the beginning of the meeting.

ITEM # 13 MANAGER COMMENT

- A. Member Dence moved to approve escrow release # 14 for Morrisville Commons in the amount of \$163,940.29; escrow release # 11 for Saint Josephs Court in the amount of \$147,660.60; and earth disturbance escrow release to Katarzyna Dziekonski for 716 Hood Boulevard in the amount of \$1,400; Member Galloway seconded the motion; all board members were in favor. (5-0)
- B. Manager Gray announced the following new businesses earlier in the meeting: Good Vibes Brazilian Jujitsu, Titan Technology, and Juvenile Probation.

ITEM # 14 BOARD COMMENT

Member Galloway said Chairman Harvie held the gravel with grace. He said prior to coming to the board, he had watched Mr. Harvie and Mr. Snipes under some difficult meetings always handle themselves with dignity and he is admired. Member Galloway wishes him the best of luck.

Member Boraski said it has been a nice six years and he appreciates everything Chairman Harvie has done.

Member Dence said for his ten years on this board, Chairman Harvie has held them to a higher standard and higher level of professionalism that is unmatched. You have set the

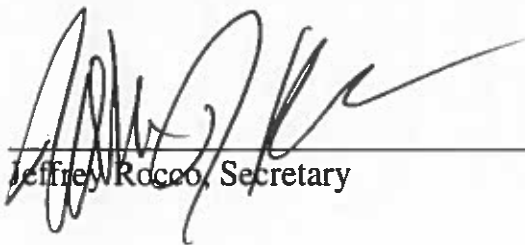
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standard high. It has been a pleasure serving with you. The best thing on this board is the friendship. Member Dence presented Chairman Harvie with a golden gavel plaque.

Member Rocco thanked Chairman Harvie for sixteen years. It is not easy. It has been a pleasure and honor serving with you. There is no one more deserving than you to go to Doylestown. Best of luck, you will be missed.

Chairman Harvie said he spent about a year going all over the county talking about what he wanted to do. It has been a hard thing coming up with something to say. He thought about where it began. In 2001, when Mr. Prokopiak ran with Mr. Snipes and they won, they started a new level of professionalism and decorum. Chairman Harvie said that inspired him. In 2003, Mr. Prokopiak was running for re-election and the other seat that was up was held by Mr. Otto who he had a lot of respect for. He went into the supervisor race not expecting to win. Chairman Harvie said to the surprise of everyone, Mr. Otto decided not to run. There are a lot of people who helped along the way. Chairman Harvie said he and his wife talk a lot about the first swearing in. His daughter was two and his son was five. Now his son is graduating from college and his daughter from high school. Chairman Harvie said he has enjoyed being on this board, but it has been tough at times. Manager Gray has been here and he has performed incredibly well and he appreciates all he has done. It was Mr. Gray who brought in Mrs. Reukauf. There are a lot of good people who work in this building in every room and every department. It has been his honor to be up here. Thank you to the community for trusting him. Chairman Harvie said his only promise is to work as hard as he can. He will make the same promise as County Commissioner. Member Dence moved to accept Chairman Harvie's letter of resignation, effective on January 1, 2020; Member Rocco seconded the motion; all board members were in favor with the exception of Chairman Harvie who abstained from the vote. (4-0-1) Chairman Harvie said the budget we passed was a good one, but believes there needs to be a lot of attention to keeping the budget on solid financial ground. He would like to make a recommendation to look at an earned income tax for next year's budget. Chairman Harvie wishes everyone a Merry Christmas, Happy Hanukkah, and a Happy New Year. He hopes it is full of peace and prosperity for everyone. Please say a prayer for our nation.

Member Dence moved to adjourn the meeting; Member Rocco seconded the motion all board members were in favor. (5-0) The meeting was adjourned at 8:30 p.m.



Jeffrey Rocco, Secretary