

Board of Supervisors – August 17, 2020

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

JEFFRY E. DENCE, CHAIRMAN	PRESENT
JEFF BORASKI, VICE-CHAIRMAN	PRESENT
JEFFREY ROCCO, SECRETARY	ABSENT
BRIAN M. GALLOWAY, SUPERVISOR	PRESENT
JOHN PALMER, SUPERVISOR	PRESENT

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 Rocco who had a family commitment. Also present were Township Manager/Chief Code Enforcement Officer & Zoning Officer Matthew Takita, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher, and Township Engineer Joe Jones.

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

Ms. Toni Battiste asked if Elcon has officially pulled their township permit request. Chairman Dence said yes. Ms. Battiste asked if Elcon has officially withdrawn their lawsuit against the township. Chairman Dence said yes. Ms. Battiste said since U.S. Steel has applied to remediate more land, what is the proposed purpose of that land, who will buy it and what will they use it for? Chairman Dence said some years ago they disturbed wetlands and they are required to fix that. He believes they are now remediating the land that was disturbed in the past. Mr. Jones said it is for mitigation at Biles Creek. Ms. Battiste asked since Elcon will not be building out there, can the township look at adding a prohibition of processing, manufacturing and otherwise remediating toxic chemicals, materials and waste for all of the commercial and industrial zones in the township so that others can't come in and do the same thing that Elcon wanted to do? She understands we would have to grandfather in those chemical companies that are involved in that now. Mr. Clarke said he previously provided Chairman Dence with an analysis of this and he is aware you shared this with Ms. Battiste. The short answer is an outright prohibition for banning that type of use in a heavily industrial zoned area would not be permitted. Ms. Battiste asked Mr. Jones about the curbs at the Fallsington United Methodist Church. Mr. Jones said that is part of this year's road program. We should have our scheduling meeting sometime this week and he will get the information to Ms. Battiste. Chairman Dence told Ms. Battiste for agenda item # 4, it is just a building without a use. For any operation, they need to get zoning for that. Ms. Battiste said it would be nice to have something in zoning that does not allow companies to do things that endanger our water and our air.

**ITEM # 2 CERTIFICATE OF APPROPRIATENESS – 46 MAIN STREET
TMP # 13-020-282 – REPLACE FRONT PORCH WINDOWS,
TRANSOM WINDOWS AND INSTALLING AN INGROUND POOL**

Member Galloway moved to approve the Certificate of Appropriateness for 46 Main Street, TMP # 13-020-282 to replace front porch windows, transom windows and installing an inground pool; Member Palmer seconded the motion; all board members were in favor. (4-0)

**ITEM # 3 CERTIFICATE OF APPROPRIATENESS – 109 N. MAIN STREET
TMP # 13-020-236-001 – ADDING A REAR DORMER, VINYL SIDING
AND ASPHALT SHINGLES**

Member Galloway moved to approve the Certificate of Appropriateness for 109 N. Main Street, TMP # 13-020-236-001 to add a rear dormer, vinyl siding and asphalt shingles; Member Palmer seconded the motion; all board members were in favor. (4-0)

**ITEM # 4 J.G. PETRUCCI TRACT – PRELIMINARY AND FINAL LAND
DEVELOPMENT – BEN FAIRLESS DRIVE & S. PENNSYLVANIA
AVENUE, TMP # 13-051-001-028**

Mr. Ed Murphy represents the applicant. Also present were Mr. Joe Petrucci and Mr. Eric Clase (Gilmore & Associates). Mr. Murphy said this land development plan is for a slightly larger than 18-acre parcel owned by Hiossen and located at Ben Fairless Drive & S. Pennsylvania Avenue. Mr. Murphy said they received a draft of the resolution that the staff put together and they have no issues with the resolution or any of the review comments. The proposed plan is for construction of an approximate 215,000 sq. ft. warehouse and an approximate 10,000 sq. ft. of affiliated office for a total of 225,000 sq. ft. The tenant will have to submit a letter of intended use. Member Galloway moved to approve Resolution # 20-19 for preliminary and final land development for the J.G. Petrucci tract, Ben Fairless Drive & S. Pennsylvania Avenue, TMP # 13-051-001-028; Member Palmer seconded the motion; all board members were in favor. (4-0)

**ITEM # 5 AIR GAS – AMENDED FINAL APPROVAL – 51 MIDDLE DRIVE
TMP # 13-051-001**

Mr. Jones said this is an amended plan to slightly relocate one of the internal driveways and to lessen the building coverage. Present this evening are Mr. Gregg Adelman from Airgas, and Mr. Wayne Kiefer, Engineer with Showalter & Associates. Mr. Jones said the plan was previously approved and the project is under construction. While under construction, they realized that due to a change in program, they needed to relocate a driveway and they did not have need for the larger maintenance building so they removed that and they provided a smaller office. Mr. Adelman asked if the board would also approve extending the term of the existing land development agreement which recently expired. Member Galloway moved to approve the amended final plan for Air Gas, 51 Middle Drive, TMP # 13-051-001 and

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also extend the term of the land development for one-year; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 6 CONSIDERATION OF COPIER AGREEMENT FOR THE POLICE DEPARTMENT AND TOWNSHIP ADMINISTRATION

Manager Takita said the board is asked to consider approval of a copier agreement with Centric Business Systems in the amount of \$180,000. This is a cost savings of \$300 per month less than what we are currently paying. Member Palmer asked if the police copiers use the same technology or are the machines any different? Mr. Takita said the copiers will be fully compatible with the new programs we will be implementing over the course of the next year. This is a 63-month contract and has been budgeted. This contract will replace all of the copiers on the administration as well as the police side. Member Galloway moved to approve the copier agreement with Centric Business Systems in the amount of \$180,000; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 7 CONSIDER STIPULATIONS TO SETTLE IN APPEAL OF MAHANT INVESTMENTS, LLC V. BUCKS COUNTY BOARD OF ASSESSMENT, ET AL, TAX PARCEL # 13-028-011-001, DOCKET # 2019-08815

Ms. Gallagher said from time to time the school district will reach a tentative settlement with property owners for tax assessment appeals. The school district does the bulk of the negotiating because of the way the taxes dollars are split up. The school district has negotiated with this property owner and has reached a settlement as indicated in the agreement. It is being presented to the board this evening for approval. Without board approval, this cannot go through. Mr. Palmer asked Mr. Clarke if he was okay with this. Mr. Clarke said we are okay. If the school district is good with it, everyone else is good with it. Ms. Gallagher said the township had conflict counsel with this item. Mr. Bidlingmaier has reviewed this and has approved it. Member Galloway moved to approve stipulations to settle in appeal of Mahant Investments, LLC v. Bucks County Board of Assessment, et al, Tax Parcel # 13-028-011-001, Docket # 2019-08815; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 8 CONSIDER EMPLOYMENT AGREEMENT WITH RICHARD DIPPOLITO TO SERVE AS THE DIRECTOR OF EMERGENCY SERVICES, ASSISTANT TOWNSHIP MANAGER AND FIRE MARSHAL

Chairman Dence said Mr. Dippolito has been the Emergency Management Director for as long as he has been here. He has stepped up and helped Manager Takita. He has a connection to the community that a lot of us don't have. His new yearly salary is \$130,000. Member Boraski echoes Chairman Dence's comments. It was a good decision to promote him and he looks forward to him in his new position. Member Palmer also echoes previous comments and said he is a huge asset with his leadership, community connections and

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outreach; congratulations. Member Galloway moved to approve the employment agreement with Richard Dippolito to serve as the Director of Emergency Services, Assistant Township Manager and Fire Marshal; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 9 CONSIDER RECOMMENDATION FROM THE POLICE PENSION COMMITTEE FOR CHIEF WILCOX

Chairman Dence said Chief Wilcox was in a serious car accident about ten years ago and since then he has suffered hearing loss which is getting progressively worse. It is recommended by the Police Pension Committee to approve disability pension for Chief Wilcox. Member Galloway moved to approve the recommendation from the Police Pension Board for disability pension for Chief Wilcox; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 10 MINUTES – JULY 20, 2020

Member Galloway moved to approve the minutes from July 20, 2020; Member Boraski seconded the motion; all board members were in favor with the exception of Member Palmer who abstained since he was absent from the meeting. (3-0-1)

ITEM # 11 ENGINEERS REPORT

Mr. Jones said there were two new land developments submitted; one is for Airgas and the other is for the Pennsbury School District for a minor building addition to their administrative facility on Yardley Avenue. There were four earth disturbance submissions. One is for Pennsbury School District for ten parking spaces and there are three residential pools. There was one new cell tower submitted. For land development projects, MM Metals is a project that recently received board approval and is now able to go under construction. The Stalwart Morrisville project was heard by the Planning Commission last month. We already spoke about Airgas. Empire Sunshine Paper will be before the Board of Supervisors in September and the Pennsbury School District building addition will likely be before the Planning Commission next week. For earth disturbance projects, the Newport Village apartments project is complete. The Dollar General drainage problem is now functioning well. In terms of ongoing township projects, for the road program we have drainage improvements being installed on Simons and Gilbert. There was a little bit of a delay on Simons, but we are resolving them with the utility companies. There were a couple of residential complaints that we have addressed as well. We will have update meetings this week in regard to scheduling. As soon as we know the schedule, we will get that information to the residents. We have submitted our driveway widening letters to all of the residents. For the 2021-2023 Road Program, this is in the same stage. We are advancing preliminary design work and waiting for the survey work to come in. Member Galloway moved to accept the Engineers Report; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 12 BILL LIST

Member Galloway moved to approve the bill list in the amount of \$1,196,501.58; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 13 EXECUTIVE SESSION

Ms. Gallagher said that while in Executive Session, the board discussed several items of personnel.

ITEM # 14 POLICE DEPARTMENT REPORT

Chief Wilcox provided Chairman Dence with updates as follows:

- A. Corporal Nick Pinto, Officer Ryan Murphy and Officer Alex Sansone recently saved a boy from drowning at the community park. Corporal Pinto located the child and pulled him to the top and officer Sansone got him to the shoreline. With the assistance of Officer Murphy, the child was rushed to a waiting ambulance where Corporal Pinto, Officer Murphy, and Officer Sansone performed CPR and rescue breathing until they arrived at the ER and hospital staff took over. The child was transferred to another hospital for treatment.
- B. With implementation of the new Carfax system, residents will now be able to obtain police reports online. There is also an investigative feature that police officers will have access to. Additional information will be available on the Falls Township Police website.
- C. Although we were not able to complete the Chief for a Day program, the remaining students who were not able to participate had a visit from Chief Wilcox and were presented with a certificate and gifts.
- D. The recent storms that came through the area caused no major damages to businesses or residences. When the traffic lights are not functioning, please remain patient and drive with caution. When there are flash flood warnings, please stay off the roads.
- E. We still receive lunches and support from our residents and businesses. We appreciate their support and generosity.
- F. The police department staff continues to follow social distance guidelines and policies in compliance with the Governor's order. Our officers remain healthy.
- G. Chief Wilcox thanked the Board of Supervisors for their support over the years. He is proud to say Falls Township is a wonderful community. He said it has been a pleasure and honor to serve for 48 years and serving the last 14 years as Chief of Police.

Member Galloway hopes we have an opportunity to recognize Chief Wilcox at a live meeting. Ms. Seema Kazmi called in. She wanted to acknowledge and congratulate everyone on Elcon withdrawing their application. Ms. Kazmi said last week she participated in a forum sponsored by the Peace Center and the NAACP. She greatly

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appreciates Lt. Whitney and other police officers taking the time to participate and speaking with those in the community.

ITEM # 15 MANAGER COMMENT

- A. Member Galloway moved to approve Resolution # 20-21 extending the guidelines and policies for outdoor sales of food and merchandise at existing businesses until October 31, 2020 during the pandemic; Member Palmer seconded the motion; all board members were in favor. (4-0)
- B. Member Galloway moved to approve a letter of credit reduction escrow release for LTL Color Compounders American in the amount of \$61,148.25; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 16 BOARD COMMENT

Member Palmer – no comment

Member Galloway – no comment

Member Boraski said we have most employees back in the building and things have been quiet. He hasn't heard much from Mr. Takita so he takes that as a good sign. Thank you to everyone for transitioning back into the building.

Chairman Dence said it has been a struggle. We have had a couple of employees test positive. Mr. Takita, Mr. Dippolito and Lt. Whitney all worked together to put a plan in place and they handled it very well. It is still tough for everyone out there. Things are constantly changing. Chairman Dence said he knows it is a struggle especially if you have young children. Please be considerate of businesses and try to keep supporting businesses in Falls Township as best as you can. Chief Wilcox will be done working in the township as of September 1st but he doesn't retire until the end of the year. Lt. Whitney will be our Acting Police Chief starting September 1st.

Member Galloway moved to adjourn the meeting; Member Palmer seconded the motion all board members were in favor. (4-0) The meeting was adjourned at 7:45 p.m.



Jeffrey Rocco, Secretary