TOWNSHIP OF FALLS BOARD OF SUPERVISORS MEETING

ROLL CALL:

JEFFRY E. DENCE, CHAIRMAN	PRESENT
JEFFREY M. BORASKI, VICE-CHAIRMAN	PRESENT
BRIAN M. GALLOWAY, SECRETARY	PRESENT
JOHN W. PALMER, SUPERVISOR	PRESENT
ERIN M. MULLEN, SUPERVISOR	PRESENT

The meeting commenced at 6:30 p.m. with roll call and pledge to the flag. All Board members were present. Also present were Township Manager/Chief Code Enforcement Officer & Zoning Officer Matthew Takita, Township Solicitor Michael Clarke, and Township Engineer Joe Jones.

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

Ms. Toni Battiste said according to the budget, we make approximately \$22M from Waste Management fees and we are using almost that amount each year. When Waste Management closes down their operations, we are going to start being in a real deficit. Ms. Battiste wonders if we are looking to do something or planning ahead for this because she is concerned the taxes will increase at a rate that many residents won't be able to afford to keep living here. Is there a plan in place to address this? As far as the SIV Ambulance facility, what will happen to the evergreen trees along Olds Boulevard and Route 1 because they act as a noise and dirt buffer from both of those roads as well as the railroad that is parallel to that property. Chairman Dence said we can talk about SIV Ambulance during that agenda item. Other than our long-term savings, that is why we haven't raised taxes since the 90's. We have relied on Waste Management fees. If Waste Management is ever over, we have NorthPoint down there now.

ITEM # 2 SIV AMBULANCE SERVICE FACILITY - CONDITIONAL USE HEARING NORTH OLDS BOULEVARD & LINCOLN HIGHWAY -TMP # 13-017-012

Member Boraski moved to open the Conditional Use Hearing for SIV Ambulance Service Facility; Member Galloway seconded the motion; all board members were in favor. (5-0) Mr. Clarke said this is a Conditional Use application for the SIV Ambulance Service Facility located at 400 Lincoln Highway, Fairless Hills, PA, Tax Map Parcel # 13-017-012. The property is zoned Highway Commercial (HC). The applicant is represented by Attorney Michael Meginniss (Begley Carlin). Also present were Mr. Vincent Fioravanti (Civil Engineer, Fioravanti Engineering), and Mr. Sergio Siv (applicant). Mr. Clarke asked Mr. Meginniss to please identify his witnesses, give a brief summary of what their testimony would be, ask them to confirm if your summary is accurate, and then make yourself and your witnesses available for any questions from the board. Mr. Meginniss said this property

is located at North Olds Boulevard and Lincoln Highway, zoned Highway Commercial, and is approximately 3.63 acres in size. It is partially improved by a parking lot. It shares a parking field which is used by the Social Security building. The proposal is to build an approximate 30K sq ft service facility to repair and sell ambulances. There was a prior approval in 2000 which showed a building envelope of 30K sq ft on this lot which is the same size as we are proposing tonight. For their proposed process, they appeared before the Zoning Hearing Board and received two variances; one for the parking setback and one for the building setback. We appeared before the Planning Commission for the Conditional Use application. If they receive approval from the Board of Supervisors, they will go through a full land development process, work with the neighbors and re-appear before the Planning Commission and the Board of Supervisors. Mr. Meginniss said he does not believe there is anything that covers ambulance sales in the township. SIV currently operates a smaller facility on Big Oak Road. They are essentially doubling the size of the operation and adding approximately seven employees. SIV sells ambulances to a variety of EMS companies. There is a very minimal traffic impact. Most entities are purchasing ambulances online. Typically, when an ambulance comes to the site, it is dismounted, repaired, painted and then remounted and sold. Ambulances that are awaiting sale will be kept in a clean and orderly manner. They had about four ambulances in 2020 that were worked on and then kept exterior to the site. Most of the vehicles that are stored on site are ambulances that are in good condition and listed and sold on-line. They have 134 parking spaces allocated to their site. Architecturally, the building will be slightly smaller than the building that is operated by the Social Security facility. The hours of operation are 8 a.m. to 5 p.m. From a traffic and business operation standpoint, the impact is minimal. The Planning Commission had a question of whether or not the parking spaces were large enough for the ambulances. The applicant took a number of ambulances to the site, parked them rear to rear, and there was plenty of space for them to park. Part of their process involves painting and refinishing of ambulances. They made a \$130K investment purchasing a paint booth which captures 99.84% of contaminants. The applicant is willing to have an independent inspector perform an inspection once a year to re-confirm this. Paint will be stored in fire-rated cabinets. Chromium is not utilized in the paint. There was a question about the tree buffer on the site. Mr. Meginniss said they are more than happy to sit down with the neighbors and plant a number of trees to significantly buffer their facility. As they go through land development, they will have a landscape plan. As far as noise, there are sirens to be tested no more than once a day. It is done internal of the building and lasts about two seconds. There was a compressor discussed at the Zoning Hearing Board. We have documentation that it is about 68 decibels. That is something that would not be heard outside of the building. There was a question about light pollution. Mr. Meginniss said it is his understanding that this site is already back lit and since their hours of operation are from 8 a.m. to 5 p.m., they will have a significantly smaller impact than other commercial uses. We will supply a light plan to make sure the light does not spill onto the residential properties in the rear. They are open to discuss their plan with any of the residents who may have concerns. Mr. Meginniss said they are happy to incorporate any reasonable requests that may arise. They believe this is a good use at this location and believe this will have a minor impact on the residential community especially compared with other commercial

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uses. Mr. Fioravanti said as you look at the site, the parking lot and utilities are already in place. There is a storm-water surface basin that collects water and a discharge point on the site. We will look at the storm water system that is in place as it has been there for a very long time as well as basin sizes and make sure everything complies with today's ordinances. In terms of buffering and landscaping, there are some sparse areas that need to be addressed. Mr. Fioravanti spoke about the possible widening of the access road if necessary for a tow truck bringing in an ambulance. This is not something that happens often. Member Boraski asked if the parking lot was split in half and how do you count parking spaces? Mr. Meginniss said there is a reciprocal easement agreement in place with the entity that operates the Social Security building. It is his belief that the township gave them approval with the understanding that their physical lot is under parked so their count consisted of utilizing the number of spaces of their proposed property. There are more than 134 spaces on our property. Member Boraski said going back to the Zoning Hearing Board what is the setback? Mr. Meginniss said the variances they received allowed the building to be set back 75 feet from Lincoln Highway and then another variance to have a closer than permitted setback from parking. Member Boraski asked if they had pictures of the parked ambulances. Mr. Meginniss said he emailed them to the township but he can make those available to the board. Ms. Mullen asked if they sell ambulances right now out of their other location. Mr. Siv said yes. Ms. Mullen said for the proposed new location, what percentage of this business is repair and what percentage is collision? Mr. Siv said it is 85% sales and 15% collision and repair. Ms. Mullen had the same question for the building. Is the building going to look like a typical car sales building or mostly a mechanical shop? Mr. Siy said it will look mostly like a warehouse. We do not have a retail aspect like a showroom. Their showroom is basically outside in the parking lot so they want to make it as clean as possible. Chairman Dence said on the drawing they have, there is a secured vehicle lot. Is that fenced in and what is going in there? Mr. Meginniss said they are restricted because of the REA agreement to substantially modify the parking area. There was a conversation with the Planning Commission about whether or not they could fence in an area of the parking lot. They were engaged in conversations with their prospective neighbor, and they did not come to an agreement. We are trying to come up with creative way possibly using natural buffering, screening, or something they can do so that if there are two ambulances being worked on (none of the work outside of the building) but worked on inside and stored outside, they can be shielded in some way. We are working through that process, but we do not have an agreement as of tonight. Chairman Dence asked what was approved back in 2000? Mr. Fioravanti said in 2000, it was a parking lot expansion to use the building on the right. It was construction of the parking facility on the subject property to allow the existing building to be converted into an office. Chairman Dence asked at what point did the township own that property? Mr. Clarke said he believes it was before 2000. Chairman Dence said the biggest concern are the residential properties. Mr. Meginniss said any use that comes in here, whether them or someone else, will have to take into account the concerns about commercial use. We have taken steps to show that we are sincere to take concerns to address this. Mr. Elton Ebersole is a resident on Edgemont Road. He asked about the environmental impact and how it will be mitigated? He is concerned about air, ground, and noise pollution. Regarding the spray booth, does it have a particle collection system? These systems need to be maintained. Mr. Ebersole said he believes this type of

facility belongs in a commercial industrial area, not anywhere near a residential community. Mr. Meginniss said with respect to the paint booth, their system captures 99.84% of contaminants: anything not captured rises and does not go into the ground. We are willing to go above and beyond. We have spoken with an independent third-party agency that will come out to do annual or semi-annual inspections on their dime. We are willing to have someone not associated with SIV Ambulance to make sure there is no environmental impact. With respect to any cleaning materials, they will not pollute the ground water. Chairman Dence asked Manager Takita if the township currently regulates body shops that do painting? Manager Takita said we regulate them according to the building and fire code. Mr. Ebersole referenced OSHA section 1910.94 and said he heard about vehicles being worked on outside. Mr. Meginniss said the paint booth is OSHA compliant. There will be no vehicles being worked on outside of their building. Mr. Ebersole said where they want to widen the road; that is directly behind his home and three other homes. We would be opposed to that. Mr. Meginniss said this is a sketch plan but there is nothing with this plan we are married to. If the residents to not want a couple foot expansion and the township is agreeable to that, we do not have to do that. We are happy to include you, your family, and other residents in our discussions. Mr. Ebersole asked how often these are inspected by a regulatory agency. Chairman Dence said we do an annual fire inspection. Mr. Ebersole said they can smell paint when they walk in the park. As a resident, they do not want this. They are not comfortable with this business being located here. Mrs. Mary Ebersole said the more research she does the more she is concerned. There is no one inspecting these right now. They could have the best system, but it can break. She wants this checked and does not believe it is suited for a residential area. Ms. Toni Battiste said it was mentioned earlier there was a 20-ft clearance for an easement adjacent to the residents on Edgemont Road. The township calls for 25. You are already getting 5 ft there. If you need to widen it another 10 ft does that 20 ft now become 10 ft of clearance? Mr. Fioravanti said there is 30 ft on the approved plan. There is a 10 ft wide utility easement and then 20 ft wide buffer area so there is 30 ft. The widening they are proposing is to the 30 ft line. Right now, there is about 38 ft. We are still leaving 30 ft. Member Boraski asked how many ambulances do you have on site now currently for sale? Mr. Siv said about 35-40. How many of them run? About 30. There are about 5 or 6 that have been in a front-end collision. Chairman Dence asked how many of the ambulances are ready for sale. Mr. Siv said 10 to 15. Member Boraski asked how many did you sell this quarter? Mr. Siv was not sure of the exact amount but said it was a bunch. Member Boraski said he can feel for the residents, and they feel this is open space for them, even though it is commercial property. He is nervous that ambulances or parts will be sitting around. Mr. Siv said it is his intention to make sure they are doing everything that is required by the township to allow the residents to feel comfortable as well. SIV is not really an industrial business. The majority of what they do are sales. They do not do repairs outside of the body shop. Mr. Meginniss said they only work on and service ambulances here. They will make sure ambulances are parked in their parking spaces. This is not going to be a facility where the township drives by and they see parts all over the parking lot. Mr. Fioravanti said it has always been their intention to supplement buffering as well as on the residential side. Along the roadway we are happy to work with the township regarding buffering. Chairman Dence said we can't prevent this

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site from being developed forever. The plan is for an 8 a.m. to 5 p.m., Monday through Friday business. Mr. Siv said occasionally they may be there on a Saturday but typically they are closed on weekends. Chairman Dence said there is nothing to prevent a 24-hr business from going in there but he knows residents are used to nothing being there. That is something residents have to take into consideration. Member Boraski asked if we set the standards and conditions now are they attached to the business or the property? Mr. Clarke said it is the property. It would be the standards in our ordinance and Mr. Meginniss has agreed to others as well. Member Boraski asked if it is fair for the Board of Supervisors to limit the number of operational ambulances and non-operational ambulances being stored on site? Mr. Clarke said if you have a number in mind, he would suggest you mention that to Mr. Meginniss and his client. Member Boraski asked if an ambulance is coming in, that is something you want to move? Mr. Siv said the majority of ambulances they purchase, they repair and move. Chairman Dence said he looked at their current location and said it looked like ambulances are parked out back and it did not look very nice. Mr. Siv said they are limited to what they can do in their current place. Moving to this new facility, they want to be clean and organized. The picture on Google Earth is pretty old. Chairman Dence said his biggest concern are the residences. If this is approved tonight, you still have a long way to go to make sure you are all on the same page. Member Palmer asked if you would be willing to help out our local ambulances that serve our community? Mr. Siv said yes, that is what they do. Member Galloway moved to deny the SIV Ambulance service facility. The motion failed due to no second of the motion. Member Boraski moved to approve the SIV Ambulance service facility, North Olds Boulevard & Lincoln Highway, TMP # 13-017-012; Member Mullen seconded the motion. Mr. Clarke said in addition to conditions in the ordinance, the applicant has also agreed to the following: no outside storage of parts, no outside repairs, hours of operation, third-party inspector and whatever else we agreed to. Mr. Meginniss said that is correct. A vote was taken. All board members were in favor with the exception of Member Galloway who voted no. (4-1)

ITEM # 3 STALWART MORRISVILLE, LLC – MINOR SUBDIVISION – LOT LINE CHANGE – 2300 PENNSYLVANIA AVENUE – TMP # 13-47-97; 13-47-97-1

Mr. Robert Gundlach, Esq. represents the applicant. This application involves moving 10.92 acres from one property to another property by moving the lot line over. They submitted plans, received comments from the township engineer, and re-submitted revised plans. There were two comments. One was regarding monuments which they have agreed to. The other comment was in reference to labeling a storm water easement which they have also agreed to. Member Mullen asked why they are seeking to move the lot line. Mr. Gundlach said Rogers Foam Corporation (RFC) is an existing manufacturing plant on Post Road. They have excess land and they are offering to sell 10 of their 20 acres to the neighbor and the neighbor will incorporate it into their project. It is the land on the side of their building toward the river. The applicant wants to use it for a secondary access for cars or emergency vehicles. Chairman Dence asked about the purpose of monuments and why are they important? Mr. Jones said they mark out the property. If you did not have those and your neighbor wanted to install a fence, without monuments they could encroach onto

your property. We asked the applicant to reset the monuments so we can retrace that property line exactly if there is any question about future encroachments. Member Galloway moved to approve Stalwart Morrisville, LLC, Minor Subdivision, Lot Line Change, 2300 Pennsylvania Avenue, TMP # 13-47-97; 13-47-97-1; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 4 MISSION BBQ OXFORD VALLEY, PA, LLC – ALLOCATION OF SPACE 636 COMMERCE BOULEVARD – TMP # 13-003-036-007

Mr. Roger Sullivan, Esq. represents the applicant. We are in receipt of the November 16, 2021 letter from Mr. Jones with about 18 recommendations. Our team has been in close contact with Mr. Jones. We will make all of the requested adjustments and changes to the plan and the draft Resolution has already been signed and sent back to Mr. Jones. Mission BBQ will be in one half of the building and another unidentified retailer will go in the other half of the building. They anticipate opening in July, 2022. Member Palmer asked if there will be a drive through option? There is no drive through option. It will be walk-in, take-out and dine-in only along with curb-side pickup. Member Galloway moved to approve Mission BBQ, Oxford Valley, PA, LLC, Allocation of Space, 636 Commerce Boulevard, TMP # 13-003-036-007; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 5 CONSIDER INDEMNIFICATION AND HOLD HARMLESS AGREEMENT BETWEEN KA FAIRLESS HILLS, L.P. AND FALLS TOWNSHIP

Mr. Clarke said this is for the WAWA that the board has previously approved. They have all of their approvals in place, and they are awaiting their final planning module approval from the DEP. Because they have to go through the full planning module, this will take some time, and they want to begin construction on the WAWA as soon as they can. Normally, we do not allow someone to begin getting all of their permits until they have all of the necessary approvals from outside agencies, but they have requested to be able to move forward. The agreement is that we will allow them to move forward with construction but if they don't get the DEP approvals, the township is indemnified from allowing them to begin this project. We are letting them begin work but they are doing it at their own risk. Member Palmer moved to approve the Indemnification and Hold Harmless Agreement between KA Fairless Hills, L.P. and Falls Township; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 6 CONSIDER ADOPTING THE 2022 BUDGET AND RESOLUTION ESTABLISHING THE MILLAGE RATE FOR 2022

Member Galloway moved to approve Resolution # 2021-36, adopting the 2022 Budget and Establishing the Millage Rate for 2022; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 7 CONSIDER AWARDING WORKERS COMPENSATION CONTRACT FOR YEAR 2022

Member Galloway moved to award the Workers Compensation Contract for Year 2022; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 8 CONSIDER ADOPTING ORDINANCE AMENDING THE ZONING MAP INCLUDED AS PART OF THE TOWNSHIP ZONING ORDINANCE

Manager Takita said the Board is being asked to consider amending a zoning ordinance and the zoning map for three parcels in the NorthPoint development area. This property is zoned Materials Processing Manufacturing (MPM). The request is to rezone the sanitary landfill. Member Boraski moved to approve Ordinance # 2021-16, amending the Zoning Map included as part of the Township Zoning Ordinance; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 9 CONSIDER ADOPTING ORDINANCE REPEALING ORDINANCE 2021-13 AND REINSTATING ORDINANCE 2007-3 WRECKERS AS AMENDED

Member Galloway moved to approve Ordinance # 2021-17, Repealing Ordinance # 2021-13 and Reinstating Ordinance # 2007-3 Wreckers as Amended; Member Mullen seconded the motion; all board members were in favor. (5-0)

ITEM # 10 CONSIDER ADOPTING ORDINANCE AMENDING CHAPTER 180 RECYCLING – TO PROHIBIT THE BURNING OF RECYCLABLE MATERIAL

Member Palmer wanted to make sure this Ordinance does not violate the Waste Management operation. Chairman Dence said it is written in the Ordinance. Member Galloway moved to adopt Ordinance # 2021-18 amending Chapter 180, Recycling — to Prohibit the Burning of Recyclable Material; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 11 CONSIDER AWARDING BIDS FOR PROVISIONS OF CLEANING SERVICES FOR FALLS TOWNSHIP MUNICIPAL BUILDING AND VARIOUS PARKS

Two bids were received as follows: Golden Building Maintenance in the amount of \$45,640 and CNS Cleaning Co. in the amount of \$64,270 (same amount as last year). Golden Building Maintenance was not qualified. Member Galloway moved to award the bid for provision of cleaning services for Falls Township Municipal Building and various parks to CNS Cleaning Co. in the amount of \$64,270; Chairman Dence seconded the motion; all board members were in favor. (5-0)

ITEM # 12 CONSIDER ESCROW RELEASE REQUESTS

Member Palmer asked Mr. Jones if he were okay with these escrow release requests. Mr. Jones was satisfied with these escrow releases as the work was done to their satisfaction. Member Palmer moved to approve escrow releases as follows: AirGas (\$76,316.20); MM Metals USA LLC (\$54,771.80); and J.G. Petrucci Tract (\$3,520,532.72); Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 13 MINUTES - NOVEMBER 15, 2021

Member Galloway moved to approve the minutes from November 15, 2021; Member Mullen seconded the motion; all board members were in favor. (5-0)

ITEM # 14 ENGINEERS REPORT

Mr. Jones said for the new land developments submitted in November, we had Mission BBQ tonight and Britton Industries is a waiver of land development to reconstruct their facility which recently had a fire hazard develop and they lost some of their space. We had one residential earth disturbance submitted and three cell tower projects submitted in November. NorthPoint Phase 2, Buildings 4, 5, and 6 received recommendation from the Planning Commission last month. They will not be before the board until February. They have a fair amount of cleanup work to do. Mission BBQ and the Britton Industries project will be before the Planning Commission next week. In terms of earth disturbance projects, the Kalimar is a stone lay-down field next to Premium Lift, off of Old Rt. 13. For township projects, the Road Program is moving along. They are working on drainage, curbs and they are working on sections in Elderberry. We are ready to go out to bid on the Pinewood project.

ITEM # 15 BILL LIST

Member Galloway moved to approve the bill list for December 20, 2021 in the amount of \$2,099,170.10; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 16 EXECUTIVE SESSION

Mr. Clarke said prior to the meeting, the Board held an Executive Session to discuss personnel, a matter of litigation, and a matter involving a Collective Bargaining Agreement.

ITEM # 17 POLICE DEPARTMENT REPORT

Chief Whitney provided the following updates taken from his report.

A. There were 1,657 calls for service in the month of November, bringing us to 18,686 year-to-date. We just passed 20,000 calls for service earlier today. There were 6

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- overdoses, which brings us to 72 year-to-date. There were 108 crashes which brought us to 1,058 year-to-date.
- B. There were 7 traffic pursuits and most of them were discontinued by the police. Several of them ended up in an arrest.
- C. Today our Human Services Co-Responder Program started. Our co-responder is Cara Gadzinski. Cara has a background of social work service with Children and Youth Services of Bucks County. This is the program we share with Middletown Township and the Co-Responder responds mainly to calls of mental health and domestic issues. Member Palmer asked about a possible venue or round-table discussion to introduce our new Co-Responder to the community, maybe like Coffee with the Chief. Chief Whitney said they were talking about doing a video to post on the website but when COVID dies down, we could do another type of event.
- D. Chief Whitney wished everyone a safe holiday season.

ITEM # 18 MANAGER COMMENT

A. Christmas Tree pick up will be held on Saturday, January 8th and 15th by Waste Management. Please do not put trees out before these dates. Additional details will be posed on social media and the township website.

ITEM # 19 BOARD COMMENT

<u>Member Palmer</u> wished everyone a happy and safe holiday. Let's turn the page to the new year.

Member Galloway said Merry Christmas and happy holidays.

Member Mullen wishes happy holidays to everyone.

Member Boraski no comment.

<u>Chairman Dence</u> said Merry Christmas and a happy and safe new year. He looks forward to a great 2022.

Member Galloway moved to adjourn the meeting; Member Palmer seconded the motion; all board members were in favor. (5-0) The meeting was adjourned at 8:05 p.m.

Brian Galloway, Secretary