

Board of Supervisors – May 22, 2023

**TOWNSHIP OF FALLS  
BOARD OF SUPERVISORS MEETING**

**ROLL CALL:**

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

The meeting commenced at 7:00 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 Douglas Waite.

**INTRODUCTION OF NEW PARKS & RECREATION COORDINATOR**

Mr. Brian Andrews introduced Ms. Erin Long. Ms. Long began her position as Parks & Recreation Coordinator on May 1, 2023.

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

No one signed in for public comment.

**ITEM # 2 NP FALLS TOWNSHIP INDUSTRIAL, LLC – PRELIMINARY/  
FINAL LAND DEVELOPMENT – 1 BEN FAIRLESS DRIVE –  
TMP # 13-051-001**

Mr. Allen Toadvine (Begley Carlin) was present for Mr. Mike Meginniss, who was not able to attend tonight's meeting. Also present were Mr. Jeremy Michael (NorthPoint) and Mr. Greg Glitzer (Gilmore & Associates). Mr. Toadvine said they are here for preliminary and final land development approval for Phase 3 buildings 7, 8, 9 and 10 for tax map parcel # 13-051-001. This is located in the MPM district. The four buildings total approximately 3M sq. ft. of warehouse space. There are no actual tenants yet for the project. There are five waivers which include two from the steep slope requirements, one from the woodlands, one from the width of the cart path and a waiver from depicting features within 200 ft. The applicant will comply with the review letter from Mr. Jones. There were some minor housekeeping changes to the Resolution. Member Galloway moved to approve Resolution # 2023-22, NP Falls Township Industrial, LLC – preliminary/final land development, 1 Ben Fairless Drive, TMP # 13-051-001; Member Boraski seconded the motion; all board members were in favor. (5-0)

**ITEM # 3 LPC MORRISVILLE, LP – FINAL LAND DEVELOPMENT -  
2300 SOUTH PENNSYLVANIA AVENUE – TMP # 13-047-128**

Ms. Carrie Nase-Poust (Fox Rothschild) represents the applicant. Also present were Mr. Eric Moser (Logistics Property Company) and Mr. Victor Grande (Civil Engineer, Rettew Engineering). This application involves property located at 2300 South Pennsylvania Avenue, tax map parcel # 13-047-128, located in the Riverfront 1 Zoning District. The applicant is proposing to develop this property and construct a 973,200 sq. ft. building. They received preliminary plan approval in February of this year. The plans were revised to address comments that were in the review letters at that time. They resubmitted their plans along with an application for final plan approval. They received a review letter from Mr. Jones dated April 18, 2023. All of the items related to the waivers and there were no comments that would require plan revisions. There were a few minor typos in the draft Resolution but they are prepared to sign the Resolution. Ms. Mullen said at the February meeting, one of her concerns was that the applicant had to seek approval from FEMA to move the flood boundary and asked if that process has begun. Mr. Moser said that process has not yet started. It is a post-construction process to move the flood plain line. The engineering has been performed in conjunction with Jones Engineering. Mr. Grande said they have applied for the township flood plain permit and he has been working with Mr. Jones. They are at the point now where Mr. Jones feels comfortable with the entire design as it is related to the flood plain permit. The FEMA part of that is associated with post construction where we have to provide as-built plans to FEMA showing where the flood plain line is. Chairman Dence asked if this can be built before you have the flood plain change. Mr. Grande said for FEMA, yes, not for the township. Mr. Clarke said there were some minor changes to the Resolution. The applicant has complied with all of the comments in the review letters. Mr. Waite said they have been working with the applicant who will follow through with the township flood plain permit. That is an outstanding item in our letter but approval is conditional upon items in our letter being addressed. Member Galloway moved to approve Resolution 2023-23, final land development for LPC Morrisville, LP, 2300 South Pennsylvania Avenue, TMP # 13-047-128; Member Boraski seconded the motion; all board members were in favor with the exception of Member Mullen who voted no. (4-1-0)

**ITEM # 4 NP FALLS TOWNSHIP INDUSTRIAL, LLC – MINOR SUBDIVISION  
– 150 SOLAR DRIVE – TMP # 13-051-001-024**

Mr. Allen Toadvine (Begley Carlin) was present for the applicant. Mr. Greg Glitzer (Gilmore & Associates) and Mr. Jeremy Michael (NorthPoint) were also present. Mr. Toadvine said this is a minor subdivision dealing with a parcel of 18+ acres in the MPM zone. The applicant is asking to have a small portion of that parcel subdivided with the existing office building which will create a lot of approximately 3.06 acres. There are no proposed improvements for this parcel. NorthPoint has been operating from a trailer and they would like to have a permanent location for their team and this would be used for NorthPoint's headquarters on the site. There is one waiver which deals with distance from

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the lot line to the existing parking. Instead of it being a minimum of 12 ft., they are asking that it be 3 ft., 3 in. They will comply with the Engineer's letter dated May 8, 2023. Chairman Dence asked if this would be something permanent. Mr. Michael said yes. Member Boraski asked what is there now. It is a vacant building, formerly AE Polysilicon. Roebing or Ethos bought it but it has been vacant. Member Palmer asked about the waiver. Mr. Toadvine said the existing parking, once we draw this line, will be within the 12 ft. setback requirement. Mr. Glitzer said in order to draw the lot lines from the subdivision, we are following the existing driveway so that the existing driveway to the Ethos operation is maintained. There is existing parking on either side of that. There is no new construction on the site. It is just one parking space we are talking about. They worked out a shared access agreement so Ethos would have access to the site. Member Galloway moved to approve Resolution # 2023-24 for the minor subdivision for NP Falls Township Industrial, LLC, 150 Solar Drive, TMP # 13-051-001-024; Member Mullen seconded the motion; all board members were in favor. (5-0)

**ITEM # 5 CONSIDERATION OF LIEUTENANT AGREEMENT BETWEEN FALLS TOWNSHIP AND MARTIAL BELINSKY**

Member Galloway moved to approve the Lieutenant Agreement between Falls Township and Martial Belinsky; Member Boraski seconded the motion; all board members were in favor. (5-0)

**ITEM # 6 CONSIDERATION OF LIEUTENANT AGREEMENT BETWEEN FALLS TOWNSHIP AND STEVEN LANGAN**

Member Galloway moved to approve the Lieutenant Agreement between Falls Township and Steven Langan; Member Mullen seconded the motion; all board members were in favor. (5-0)

**ITEM # 7 CONSIDERATION OF LIEUTENANT AGREEMENT BETWEEN FALLS TOWNSHIP AND CHRISTOPHER CLARK**

Member Galloway moved to approve the Lieutenant Agreement between Falls Township and Christopher Clark; Member Boraski seconded the motion; all board members were in favor. (5-0)

**ITEM # 8 CONSIDERATION OF ADOPTION OF AN ORDINANCE TO AUTHORIZE ISSUANCE OF APPROXIMATELY \$22,000,000.00 GENERAL OBLIGATION BONDS SERIES OF 2023, WITH THE FINAL AMOUNT TO BE DETERMINED IN FINAL BID SUBMISSIONS**

Mr. Clarke said he will ask Mr. Chris Gibbons (Concord Public Financial Advisors) and Mr. Bucky Closser (Curtin Heefner, serving as Bond Counsel) to speak. Mr. Gibbons reviewed actions to date for this item and whether or not the township wanted to finance the project with a bank loan or bond issue. They determined it would be more cost effective for the

township to contribute \$15M toward the project than borrow that additional \$15M. They also made a determination that we get better borrowing costs if we issued a bond for the project rather than the bank loan financing proposal that we received. There was an internet bond auction which occurred this morning. Mr. Gibbons reviewed documents which were distributed to the board. Mr. Gibbons said the township has a very strong rating. That type of rating helps when bidding these bonds. We sent out an invitation to bid to over 100 underwriters and had bids from four different underwriting syndicates from across the country. The best proposal that met our bank specs was from Bancroft Capital out of Fort Washington, PA with a borrowing interest rate of 3.31%. Based on the information from Bancroft Capital, the total amount of bonds that would be issued would be \$20,055,000. In total, we have about \$37.7M of proceeds toward the project as well as interest earnings for a project size of \$37.4M. The proposed Ordinance would not be \$22M, it would be \$20,055,000 in total. Mr. Closser reviewed the proposed Ordinance which will authorize the bonds, authorize them to take necessary steps to get to closing and hopefully have a closing in June. This proposed Ordinance has been properly advertised. Member Galloway moved to approve Ordinance # 2023-3 to authorize issuance of approximately \$22,000,000 General Obligation Bond Series of 2023, with the final amount to be determined in final bid submissions; Member Palmer seconded the motion; all board members were in favor. (5-0)

**ITEM # 9 CONSIDERATION OF REJECTION OF BIDS FOR FALLS TOWNSHIP BUILDING RENOVATIONS**

Mr. Clarke said we went out to bid for renovation of the township building. All of the bids came back and were reviewed along with the Contract Manager, Mr. Gates. We found that many of the bids had a fatal defect and the failure to attach a bid bond. After reviewing all of the bids, we would have had to reject them, including the only bid we received for the General Contractor. Mr. Clarke said it is their recommendation that the board reject all bids and the next agenda item is to authorize re-bidding of the project and hopefully have a bid award in July. Mr. Clarke said they will make the specs a little more clear even though it was very clear about including a performance bond in addition to the bid bond. Mr. Clarke indicated that we only received one General Contractor bid. That happened even though there were many General Contractors who picked up the bid specs. We will go back to all of those General Contractors to find out if there were any reasons why they didn't bid the job. Hopefully we won't run into the bid bond issue again and hopefully we will get more submissions. We will continue to discuss this with the Contractor Manager, Mr. Gates. Member Boraski moved to reject all bids for the Falls Township building renovations; Member Galloway seconded the motion; all board members were in favor. (5-0)

**ITEM # 10 CONSIDER AUTHORIZATION FOR ADVERTISEMENT OF RE-BID FOR FALLS TOWNSHIP BUILDING RENOVATIONS**

Member Mullen moved to authorize advertisement of re-bid for Falls Township building renovations; Member Galloway seconded the motion; all board members were in favor. (5-0)

**ITEM # 11 CONSIDERATION OF BIDS FOR SALE OF TOWNSHIP SURPLUS VEHICLES**

Member Galloway moved to approve the bids for sale of four Township surplus vehicles in the amount of \$12,380; Member Boraski seconded the motion; all board members were in favor. (5-0)

**ITEM # 12 CONSIDERATION OF APPROVAL OF THE HEALTH BENEFITS PROGRAM RATE RENEWAL**

Manager Takita said the Board is being asked to consider approval of the renewal for the health benefits program. Member Mullen wanted to confirm there is no loss of coverage. Manager Takita confirmed there is no loss of coverage. Member Palmer asked if this conforms with all of the CBAs that are out there. Manager Takita said yes. Member Galloway moved to approve the Health Benefits Program rate renewal premium in the amount of \$3,250,700.04; Member Mullen seconded the motion; all board members were in favor. (5-0)

**ITEM # 13 APPOINTMENTS TO VARIOUS BOARDS, COUNCILS, COMMITTEES AND COMMISSIONS**

There was no action for this agenda item.

**ITEM # 14 MINUTES – FEBRUARY 27, 2023**

Member Boraski moved to approve the minutes from February 27, 2023; Member Galloway seconded the motion; all board members were in favor with the exception of Member Mullen who abstained from the vote. (4-0-1)

**ITEM # 15 ENGINEERS REPORT**

Member Mullen asked what is going on with the car wash near the high school. Mr. Waite said building construction is nearing completion. Member Mullen said there is a big hole in the ground and the crossing guard is very upset. Mr. Waite said there is a concrete pad construction at the kiosks. Mr. Waite said he will check on this. Member Mullen said it feels like it has been going on for a long time. Manager Takita said he reached out to Mr. Jones about the hole in the ground and he will be looking into this. Member Boraski asked about funds that we budgeted for Woolston Road at the railroad overpass. He would like to see the project done before the fall/winter and asked how we are moving forward. Member Boraski said we budgeted somewhere around \$75,000 or \$85,000. He would like to stay on top of this and get an update this week. Manager Takita will follow up.

**ITEM # 16 BILL LIST**

Member Galloway moved to approve the bill list in the amount of \$3,651,349.64; Member Mullen seconded the motion; all board members were in favor. (5-0)

**ITEM # 17 ENGINEERING BILL LIST**

Member Galloway moved to approve the Engineering bill list in the amount of \$398,603; Member Boraski seconded the motion; all board members were in favor with the exception of Chairman Dence who abstained from the vote. (4-0-1)

**ITEM # 18 EXECUTIVE SESSION**

Mr. Clarke said the board held an Executive Session on May 9, 2023 to discuss personnel, potential litigation, litigation and Collective Bargaining Agreements. The board held an Executive Session prior to tonight's meeting to discuss personnel, potential litigation, litigation and Collective Bargaining Agreements.

**ITEM # 19 POLICE DEPARTMENT REPORT**

Chief Nelson Whitney provided the following update:

- There were 1,625 calls for service in the month of April which included 94 accidents and 3 overdoses.
- The police department has an intern who is a student from West Chester University.
- We had two officers graduate from Crisis Intervention Team (CIT) Training.
- The police department participated in a health fair at the Falls Township Senior Center where they collected additional sharps and prescription drugs and handed out information on fraud.
- The police department was at the WAWA grand opening and challenged the fire company with a hoagie-making competition. This resulted in a tie and the hoagies were donated to the Family Services Association Shelter.
- The police department participated in Prevention Day held at the county. We collected 200,000 lbs. of drugs which was the largest collected in the state.
- The Girl Scouts visited the police department. They were kind to donate some cookies.
- There is an increased police presence at the Pennsbury High School campus. Chief Whitney had a meeting with the administration. They are there to calm everyone with their presence. Member Palmer said he is aware of the police presence in the schools and he is glad this is being addressed.

**ITEM # 20 MANAGER COMMENT**

Tonight's meeting is the last meeting in this building. Upcoming meetings will take place at the Middletown Township Municipal Building, Public Meeting Room, located at 3

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Municipal Way in Langhorne, PA 19047. The Zoning Hearing Board meeting will be held on June 13<sup>th</sup>, the Board of Supervisor meeting will be held on June 26<sup>th</sup>, and the Planning Commission will be held on July 27<sup>th</sup>. These meetings will be advertised on social media and the township website.

**ITEM # 21 CONSIDER RESOLUTION FOR THE EMPLOYMENT OF POLICE OFFICER ROBERT EVANGELISTA**

Member Mullen moved to table agenda items 21-24; Member Galloway seconded the motion; all board members were in favor. (5-0)

**ITEM # 22 CONSIDER RESOLUTION FOR THE EMPLOYMENT OF POLICE OFFICER MARK STILLMAN**

**ITEM # 23 CONSIDER RESOLUTION FOR THE EMPLOYMENT OF POLICE OFFICER RYAN DIFRANK**

**ITEM # 24 CONSIDER RESOLUTION FOR THE EMPLOYMENT OF POLICE OFFICER SCOTT HALL**

**ITEM # 25 BOARD COMMENT**

Member Palmer – no comment.


Member Mullen said although the building is in bad condition and it leaks, she will miss it. Member Mullen asked to please remind her to go to the correct location for the next meeting.

Member Boraski – no comment.

Member Galloway – no comment.

Chairman Dence – no comment.

Member Galloway moved to adjourn the meeting; Member Mullen seconded the motion; all board members were in favor. (5-0) The meeting was adjourned at 7:47 p.m.

  
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Brian Galloway, Secretary

