

**Board of Supervisors – March 3, 2015**

**TOWNSHIP OF FALLS  
BOARD OF SUPERVISORS MEETING**

**ROLL CALL:**

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

The meeting commenced at 7:05 p.m. with roll call and salute to the flag. All Board members were present. Also present were Township Manager Peter Gray, Police Chief William Wilcox, Township Solicitor Michael Clarke, and Township Engineer James Sullivan.

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

No one signed in for public comment.

**ITEM # 2 DISCUSSION REGARDING SNOW EMERGENCY PROCEDURES**

Chairman Harvie said they wanted to take some time to inform people about snow emergencies. Member Dence said they have received a lot of feedback and questions regarding snow emergencies, the snow parking ordinance, and plowing. Fire Marshal Rich Dippolito, said the reason they have a snow emergency is for safety. Mr. Dippolito said they assist the road crew and the emergency services with getting them access to the roadways. When they declare a snow emergency, the public should remove any vehicle off of any township road. It allows the fire trucks, squads, police, and snowplows to get down a street without having to go around them. There are various reasons why a vehicle may or may not be towed or ticketed. First, they have to look at how busy the police are. Second, they defer to Mr. Arnao and his crew to see if it is a problem. If there is a problem, they will try to reach out to the owner of a vehicle before it gets towed. They ask for cooperation from the public. If you don't cooperate, then we have the right to remove your vehicle. We have in our ordinance that if we get blindsided by an overnight storm, you have to remove your vehicle by 9 a.m. the following morning. We go by the same forecast as everyone else. Chairman Harvie said our responsibility is only township roads. The state plows the state roads. Mr. Joe Arnao, Public Works Manager, said they have to time manage the storm in order to allow for rest periods and breakdowns that happen during the storm. There is a lot that goes into it as far as preparing before a snow storm gets here. For example, we will try to get in by 5 a.m. this Thursday to get the main roads opened up so when the commuters get out, we will have at least started. Once the snow stops, it is usually 8-10 more hours for them to clean up after the storm. As far as plowing, they do the main roads first. There are 13 routes in town and they try to mix up the route for each storm. If you are on a road where the snow emergency roads are posted, you will get plowed first. Mr. Arnao said their biggest problem is street parking where cars are parked side by side. If you put a car on one

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side of the street and a car on the other side of the street, it is very hard for a plow to get through. For those cars, they have to call the police so they can get through. Another issue is when people throw the snow into the street. Residents cause a traffic hazard if they do this. Chairman Harvie said it is also illegal to throw snow into the street. Sgt. Ray Finelli said working with the township road crew is phenomenal. Sgt. Finelli spoke about the procedure for removing vehicles. He said the life of a snow storm comes in phases. There are accidents and disabled vehicles on the side of the road. He only has a certain number of resources to work with at night and during a snow storm, it takes longer for the police to respond to emergencies. All of the calls for the police take time. That is why it is important to get the message out to people to keep the roads clear. As a reminder, Pennsylvania has a move over law. If you see a broken down vehicle, move one lane over. If you cannot move over, then slow down. Another reminder for the public is that even though you have a 4-wheel drive vehicle, you still need to slow down. Sgt. Finelli thanked the folks in the township for helping to push stuck vehicles. As far as towing vehicles, it comes down to resources. The officer will run a tag on the car and knock on the door of the owner. They would rather have a vehicle moved, then have to get that vehicle towed. Member Rocco said when vehicles are towed, Falls Township does not receive any money. Sgt. Finelli said they would rather have you move your car off of all of the streets, not just the snow emergency routes. Lt. Todd Pletnick read some highlights from the snow ordinance. A snow emergency can be called for up to 72 hours. When in doubt, move your car. Mr. Dippolito said people can sign up for "ReadyNotifyPA" which alerts people via e-mail or text. That is the only website for people to sign up. They do their best to get the word out to everyone. Mr. Clarke said in addition to what has been mentioned by Sgt. Finelli and Lt. Pletnick, when we declare a snow emergency, it allows the police department, working in conjunction with the fire marshal and the manager, to go beyond issues of just parking with vehicles. If we were hit with a storm that necessitated getting people off roadways because the vehicles were creating a danger, it gives us that additional ability to take it a step further. Mr. Clarke said Sgt. Finelli spoke about having to assist motorists and people driving by very fast. It is not just to protect the drivers themselves, but also to protect our employees. It allows us to take precautions to keep everyone safe.

### **ITEM # 3 DISCUSSION REGARDING PROGRAMS AND EVENTS THROUGH THE FALLS TOWNSHIP PARKS AND RECREATION DEPARTMENT**

Mr. Brian Andrews thanked the Public Works Department for always getting the park open so quickly after snow storms. Mr. Andrews said there will be a Breakfast with the Bunny from 9-11 a.m. at the Senior Center on Saturday, March 21<sup>st</sup>. The senior center can hold 120 people, so early registration is encouraged. There will be an Egg Hunt held in Phase 2 at the Falls Township Community Park from 1-2 p.m. on Saturday, March 21<sup>st</sup>. Early-bird registration is open for the Pinewood Pool. The discount runs until April 2nd. Summer Camp registration is also open. On Saturday, April 25<sup>th</sup>, there will be an Earth Day celebration held at the Three Arches. They will be working with Comcast Cares to spruce up the grounds and the time will be from 10 a.m. until 3 p.m. The EAC and the Shade Tree Commission is helping with this project. The Parks and Rec Board recently held their meeting at the Three Arches. The facility can be used by the Teen Advisory Council as well

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as the LYFT board. Mr. Andrews said the Falls Township Soccer Club may hold their monthly Executive Board meeting there as well. It is available for various community organizations for meetings or small events. Mr. Andrews announced an all day, adult co-ed beach volleyball competition on Saturday, May 16<sup>th</sup>. Teams will be 6 on 6 (3 male and 3 female).

### **ITEM # 4    CONSIDER RESCINDING AUTHORIZATION FOR ADVERTISEMENT FOR ORDINANCE CHAPTER 209, ZONING, SECTION 50, SPECIAL EXCEPTIONS & CONDITIONAL USES, SUBSECTION F – ADDITIONAL STANDARDS, SUBSECTION 1 – AUTOMOBILE SERVICE STATIONS**

Chairman Harvie said this was an ordinance that was advertised and discussed at length at our last meeting. Subsequent to that meeting, there has been some court action that has been taken regarding proposed development in the township. If the board desires, we can rescind any advertisement and then possibly look at this in the future. Member Rocco said with the recent legal action by the builders, it makes sense. He doesn't see the need to protect Morrisville Borough. Personally, he would like to see that change. Member Galloway agrees with Member Rocco to look at this at some point in the future. Mr. Clarke said at the last meeting, the board authorized advertisement. What this action does, is that it brings the potential ordinance back to square one. This is tabling it indefinitely. Member Dence moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (5-0) Mr. Rosenberg said during the last meeting you said there was nothing before the supervisors for WAWA, but you voted to approve a time extension for Buckingham WAWA. Chairman Harvie said the extension is from when they entered into the original plans. When they their start land development process, the clock starts. If we do not act upon that plan within a given time, the project would have been deemed approved. Mr. Clarke said it is something that we do frequently. To make sure we don't run into a situation where we are violating the time limits in the Municipalities Planning Code, we extend the dates. The only way it doesn't get extended is if they withdraw their plans. No one comes before the township supervisors until they have cleared zoning. Sometimes, depending on the project, these could be extended as many as four times. Mr. Rosenberg asked why you said we are not approving a WAWA construction project and this is dead. Mr. Clarke said they cannot come before the Board of Supervisors until they get zoning approval. Member Dence said the plan is dead in the sense that the Zoning Hearing Board denied it. Nothing is going on with this plan. Chairman Harvie said they always address time extensions under Manager Comment. Mr. Rosenberg said since this issue will come back, there are some things he would like clarified. He asked which part is pre-empted and which part is illegal. Chairman Harvie said the setbacks for the pumps having to be a certain distance away. Pre-empted means state law is above ours. If we try to enforce our law, we would be ignoring the state law which is above ours. Calling it illegal is you can't enforce a law if the state law doesn't match it. Mr. Rosenberg said he cannot find anything in the Combustible and Flammable Liquids Act about setbacks or anything in the law that is pre-empted or illegal. He said Mr. Hecker never mentioned that any of the variances that he sought were pre-empted by state law. Member Dence said he didn't need

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a variance. The variance they were changing was nothing he requested. Mr. Clarke said WAWA already complied with the setbacks – they never needed that. This has been done during a routine review of our entire zoning code to update various parts of it. Hopefully, at some point, we will show that update to the board. Mr. Rosenberg said he is trying to understand what is illegal and what is pre-empted. Member Dence said even if we had changed it to within the 1,500 feet, which we did not, there is still another service station within Falls Township. There is no conspiracy here to get a WAWA in Falls Township. It made sense to change it. Member Dence said he lives close by and drives the area every day. He is well aware of the traffic issues. None of the five of them have ever spoken for or against a WAWA. They have not spoken to anyone from WAWA except when they came before the board with a sketch plan. Mr. Rosenberg said he had further questions. Chairman Harvie said Mr. Clarke could answer questions or he can send questions to Chairman Harvie. Member Dence told Mr. Rosenberg he would be happy to discuss this with him further by phone. Mr. Darrell Zaslow said he would also like to know the specifics in the Combustible and Flammable Liquids Act. He sees not one sentence about setbacks. Chairman Harvie said our attorneys have looked at it and have told us it mentions pre-emption. Chairman Harvie told Mr. Zaslow he can reach out to Mr. Clarke. Chairman Harvie told Mr. Zaslow that the zoning has been appealed and this is why we are fighting. Mr. Zaslow asked about the interchange between him and Chairman Harvie at the last meeting and said he was surprised that the tape was cut out. Chairman Harvie said for as long as someone has been holding the gavel, the tape stops when the gavel bangs and the Chairman adjourns the meeting. There was no editing of the meeting. Chairman Harvie said you heard him apologize and he would expect Mr. Zaslow to apologize to him for speaking over him while he was trying to control the meeting and Mr. Zaslow was getting into a shouting match with our attorney. Mr. Zaslow said he would appreciate not having to hunt down the information he is looking for. Member Dence said he has known Chairman Harvie for a long time. To see Chairman Harvie lose his cool, he has to be pretty upset. He is a very level-headed person. Member Boraski moved to close public comment; Member Dence seconded the motion; all board members were in favor. (5-0) Member Dence moved to rescind the authorization for advertisement, in its entirety, for Ordinance Chapter 209, Zoning, Section 50, Special Exceptions & Conditional Uses, Subsection F – Additional Standards, Subsection 1 – Automobile Service Stations; Member Boraski seconded the motion; all board members were in favor. (5-0)

### **ITEM # 5    CONSIDER PROPOSAL FROM KATALINAS COMMUNICATIONS FOR MEDIA RELATIONS**

Chairman Harvie said social media is a way for people to communicate. Ms. Theresa Katalinas, a former reporter that covered Falls Township, has started her own public relations firm. We are looking to hire her to help us with social media and public relations. Chairman Harvie said usually twice a year the township sends out a newsletter containing various information about Falls Township. There was a company we were using for a long time that solicited ads from local businesses, which ended up paying for the newsletter. That company stopped doing it. We found another company and they did it last year, but had a lot of problems doing it. They contacted Manager Gray and said they are not doing it anymore. It is something beyond the ability of our staff and Ms. Katalinas can also work on

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that. Ms. Katalinas has submitted a proposal in the amount of \$50 per hour for this type of work. Member Galloway moved to approve the proposal to retain the services of Ms. Katalinas for media relations for Falls Township; Member Dence seconded the motion; all board members were in favor. (5-0)

### **ITEM # 6 CONSIDER APPOINTMENT TO THE TOWNSHIP OF FALLS AUTHORITY BOARD**

Member Boraski moved to approve the appointment of Mr. Brian Binney to the Township of Falls Authority Board for a term to expire December 31, 2015; Member Rocco seconded the motion; all board members were in favor. (5-0)

### **ITEM # 7 CONSIDER APPOINTMENT OF CONFLICT SOLICITOR FOR FALLS TOWNSHIP**

Chairman Harvie said earlier they spoke about a zoning issue being appealed. The township supports the Zoning Board with their decision to deny the entire project and felt it was appropriate to hire a conflict solicitor. Member Dence moved to appoint Mr. Cliff Bidlingmeier at the rate of \$170 per hour; Member Boraski seconded the motion; all board members were in favor with the exception of Member Galloway who was not present for the vote. (4-0) Ms. Shawn Stillwell asked the board to explain what that process is for. Mr. Clarke said the normal procedure in almost every municipality is when the Zoning Hearing Board renders a decision and it is appealed to the Court of Common Pleas, the Zoning Hearing Board's solicitor stands down and the township attorney defends the Zoning Hearing Board's decision. The board members decided that under the circumstances, it was best to have someone other than his office handle this matter, based on some of the accusations that were flying around several weeks ago. Member Dence said Mr. Bidlingmeier has been our conflict solicitor in the past. Chairman Harvie said we often don't have a need for a conflict solicitor.

### **ITEM # 8 DISCUSSION ON FALLS TOWNSHIP'S SOCIAL MEDIA POLICY**

Mr. Clarke gave some highlights about this existing policy. The technology by which people can use social media is rapidly expanding. We felt the need to keep up with that. We have essentially expanded what we are calling social media. Now we are referring to someone's web log, blog, journal, diary, personal website, social networking or affinity websites, web bulletin boards, or chat rooms. We are trying to make sure it is clear that employees are free to express themselves as private citizens on social media sites subject to certain provisions. If the conduct on social media starts to adversely affect your job performance or the job performance of any of your co-workers, it may lead to disciplinary action. We are trying to give some clarity to township employees. Section 720.3 said that township employees should speak respectfully about the township, its residents, officials, and employees. We have expanded that greatly and have added to avoid using statements, audio, video, photographs, or audio that could be viewed as malicious, obscene, threatening, or intimidating. We gave examples of such conduct. When employees are expressing their personal opinion they should not be identifying themselves as township employees. You

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cannot post to social media sites during the work day. Mr. Clarke said they have added a section about acting on behalf of the township because some employees have been given the responsibility to post things on the township website and that can be viewed as township official action. If anyone is uncertain, they need to check with the township manager prior to posting anything. They have added a section that if there is a violation of the township policy and an employee brings it to their attention, there will be no negative action taken against the whistle-blower and if any harassment arises, the person doing the harassing will be disciplined.

### **ITEM # 9 MINUTES – FEBRUARY 17, 2015**

Member Rocco asked to hold off on approval of the minutes until he has a chance to review them. (no action taken)

### **ITEM # 10 EXECUTIVE SESSION**

### **ITEM # 11 MANAGER COMMENT**

- A. Member Rocco moved to approve the \$6,000 donation to Historic Fallsington Day; Member Galloway seconded the motion; all board members were in favor. (5-0)
- B. Member Rocco moved to ratify the State of Emergency from 6 p.m., Saturday, February 21, 2015 until 6 p.m., Sunday, February 22, 2015; Member Dence seconded the motion; all board members are in favor. (5-0)
- C. Member Dence moved to approve the land development extension for Premium Excavating, located at 269 Canal Road, to May 31, 2015; Member Rocco seconded the motion; all board members were in favor. (5-0)
- D. Manager Gray said the township's credit rating has been upgraded from an AA3 to an AA2. The highest attainable status is AAA and then AA1. Chairman Harvie congratulated township staff for maintaining our finances. The township has been debt-free for eight years.

### **ITEM # 12 BOARD COMMENT**

Member Boraski said they had a nice informational meeting tonight. He has answered a lot of questions about plowing and said the road crew does a good job. Mr. Boraski said he sat on the Planning Commission board for about six years and they are in need of another member. He would like to see that position get filled.

Member Galloway said the 27<sup>th</sup> Annual Bucks County St. Patrick's Day Parade will be held on Saturday, March 14<sup>th</sup>. They will march the same route as usual, meeting at St. Joseph The Worker and marching up New Falls Road.

Member Dence – no comment.

Member Rocco – no comment.

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Chairman Harvie said some townships around us have enacted an ordinance against bamboo. The problem with bamboo is that it grows incredibly fast and it grows everywhere. Once you plant it, it is almost impossible to get rid of. Chairman Harvie spoke of a situation where someone planted bamboo and it ran underground and up underneath the siding of a neighbor's house. We have asked our solicitor to take a look at some ordinances regarding planting of bamboo, its growth, and other issues. The EAC and the Shade Tree Commission are also looking at this. It is something we are considering. If you plant bamboo and it ruins a neighbor's property, you are responsible. There are types that are not a problem, but the type that usually gets planted is a problem. On days like this when there is a lot of precipitation, the bamboo bends and creates a traffic hazard. Chairman Harvie announced the recent passing of Mr. Gallus Obert. He said Mr. Obert always brought up a lot of issues and ruffled some feathers, but all in all, his heart was with the community. He voiced his concerns about a lot of things. Chairman Harvie sent condolences to Mr. Obert's family. He said Mr. Obert hasn't been to this meeting for a while, but he had been visiting Mr. Clarke at the school board meetings. Member Dence said he always had a kind word whenever he ran into him. Chairman Harvie thanked everyone for their efforts.

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



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Jeffrey Rocco, Secretary