

**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 7:03 p.m. with roll call and salute to the flag. All Board members were present. Also present were Township Manager Peter Gray, Finance Director Betsey Reukauf, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher, and Township Engineer James Sullivan. Chairman Harvie asked for a moment of silence in memory and with thoughts of the victims and families of those affected by the terrorist attacks in Paris on Friday night. Chairman Harvie said we all hope and pray for an end to terrorism that affects civilized, peaceful countries around the world.

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

Mr. Guido Mariani said at the last meeting, the board approved several improvement proposals. Mr. Mariani asked if these were in the 2015 budget. Chairman Harvie said it is the current year budget. Mr. Mariani said the cost of the T&M project was \$384,700 and was well beyond anything that appeared. He asked if other projects in the 2015 budget would need to be adjusted. Manager Gray said the expenses that will be incurred by T&M will be placed in the 2016 expense. Mr. Mariani asked when the next contract is due for the township employees. The Public Works contract is up at the end of this year, December 31st. Mr. Mariani said he would like the township to stay within industry standards for this budget and to stay fair and equitable for whatever service they do. He does not want our township to be committed to any budget that would result in excessive obligations.

Mr. Roland Kenney asked if anyone knew when FIOS might be available in his development. Chairman Harvie explained the history with Verizon and how they had predicted an 18-month build out. That was several years ago. It is probably business driven and they will move as fast as the market allows them. It seemed like they would be getting a lot of customers and they haven't been getting as many as they thought they would. Verizon is a private entity, so we can't tell them what to do. Manager Gray said they can refer this to Mr. Bill Renson on the Cable Advisory Board. Chairman Harvie said the residents at Avenrowe can also call Verizon and ask about the installation. Mr. Kenney suggested that, for their contributions to the township, pictures of Mr. Murphy and Mrs. Vislosky be displayed in this meeting room. Mr. Kenney said he is still in favor of the Earned Income Tax.



Mr. Michael O'Donnell said he is a concerned citizen from the Penn Village section and wanted to speak about the clean and sober halfway house proposed in his neighborhood. He said this house will have between 8 and 10 residents, plus a manager, and Mr. O'Donnell feels this is too many people for that house. Mr. O'Donnell said he never received a notice for them to change the zoning from residential to Neighborhood Conservation Residential (NCR). Chairman Harvie said the zoning is not being changed. The business has put in a letter of intent that they want to move into that house. He doesn't think they have asked for a zoning change. We are looking to see if they can even put in this house. Mr. O'Donnell asked if this is a business, can they move into a residential area. It is proposed to be located in a cul-de sac and there could be potential traffic problems. Chairman Harvie said we are looking into this and there are steps we are following and then make the determination to decide whether or not to grant this.

Ms. Jill Foust said she is also here to speak about the sober house. She said their neighborhood has 3 streets with a total of 43 homes. Ms. Foust said she grew up in this neighborhood, as did most of her neighbors, and she has been in the house they are talking about. She does not believe the house is big enough for what they are proposing and does not want to see a single-family property turned into a sober house. She wants to know if the manager will be there 24 hours a day, 7 days a week to control the residents. They are saying everyone should be employed. She wants to know if they are talking about shift work and people making noise at all hours of the night. Ms. Foust said she gives credit to anyone who wants to recover and become a sober person, but this is not the place. Ms. Foust is also concerned with vehicles being stored on the property. Chairman Harvie said to clarify, the township does not put it there. It is not an issue of what this board is doing. The property purchase is contingent on the letter of intent by someone who wants to put a business in there. We have to follow the law whether we like it or not. The major problem we have is that these types of businesses are covered by the American Disabilities Act and it limits, to a pretty severe degree, what local communities can do. We have two properties in the township already that are these types of homes and we have letters of intent for additional homes. We are looking into what we can do according to the law. Mr. Clarke indicated that this letter of intent is still under review. Ms. Foust asked if the neighborhood still gets to have a say. Mr. Clarke said it is up to the Federal courts. The Federal statutes are very clear that you cannot discriminate against drug and alcohol programs going into residential neighborhoods. Ms. Foust asked if this were eminent domain. Mr. Clarke said he does not know what the contractual arrangement is with the business that is going in there, but this has nothing to do with eminent domain.

Ms. Michelle Fisher, from Penn Village, said she has lived in her home for 38 years. It is a cul de sac. Her neighborhood is quiet and it is not conducive for this type of facility. It is a needed facility, but not in this neighborhood. She has had a family member who lived in a halfway house and the halfway house saved his life. Ms. Fisher said their community is too small. It is not an area for 8 to 10 people to occupy a home. It is not a good fit for their community safety-wise. She is concerned about taking family members for walks and said she often has to move out of the way for vehicle traffic.



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Mr. O'Donnell asked if this neighborhood is zoned Neighborhood or NCR. Ms. Gallagher said the one property is zoned NCR. Chairman Harvie said you can have different zoning within a neighborhood. Mr. O'Donnell asked if there were a way to find out if a change has been made in zoning. Chairman Harvie said the only change in his area was a change across the street near the St. Joseph the Worker property. Chairman Harvie said they listed on their letter of intent that this property is NCR. Mr. Clarke said this property has not been the subject of any zoning application related to this letter of intent. All they have is a letter of intent to use this property. The letter is currently being reviewed by township staff and his office. Member Dence said if they meet the requirements, there is nothing up here that the board can do. Their hands are tied by the law and they have no say about this house. This is not something anyone up here is supporting. These houses are appearing all over Bucks County.

Ms. Elizabeth Tatum, Holland, said she is here to share her concerns about Elcon Recycling, which is planning to build in Falls Township in the former U.S. steel complex. Ms. Tatum said this isn't an argument by the labor unions and tree huggers and she has no question about the 50 permanent employees Elcon plans to hire if this is approved. Ms. Tatum believes Elcon will do their best not to have spills or explosions, but spills are inevitable. They plan to treat 596 different kinds of hazardous waste in this township. Ms. Tatum spoke of a hazardous spill in another state where up to 300,000 people had to turn off their tap water. Businesses had to close, schools could not operate, and there were long lines of people waiting to buy water. The Philadelphia Water Company did tests for a whole year on how the Delaware River is different from other rivers that flow downstream. It is a tidal river and it takes 3.75 days for that chemical spill to move away from the Baxter intake. Many of us get our water from there. If an accident occurs or terrorism occurs, what would happen to the population? According to the water company, it would be catastrophic. It is a very serious issue and something you need to think about. Ms. Tatum asks the board to please do what they can to protect us.

Ms. Jackie Palmer said she is also here to speak about Elcon, and their plans to build a hazardous waste treatment plant. They built a plant in Israel in a remote area away from any water system. Ms. Tatum referenced an October 25<sup>th</sup> article from the Bucks County Courier Times. A chemical spill from this proposed site would reach the Philadelphia Baxter treatment implant intake which is just 15 miles away. Ms. Palmer said this is a matter of global profit versus local safety. Specifically, our families, neighbors, and children would like you to research this and find out what you can. Ms. Palmer said she spoke to someone tonight who said this would be mostly treatment of water. Ms. Palmer said there are complaints about the sludge and how the company will increase the temperature at which to treat these things. She hopes this proposed project does not get to phase 2. Chairman Harvie said Elcon came before this board a couple of years ago to give us an idea of what they would be pursuing. They have gone before the Pennsylvania Department of Environmental Protection (DEP) once and then submitted a revised plan to the DEP and were given phase 1 approval which means the site is a location not within a flood zone or wetlands. They are proposing a phase 2 application. At this time, we have no plan or proposal before us. To avoid some other confusion, around this time, there was another



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company – an incinerator company that was trying to go into Bristol Township and was turned down. We are residents and our children live here. We will look at this if it comes to us. Chairman Harvie said if anyone wants more information, please check the DEP website.

**ITEM # 2 BUCKINGHAM RETAIL PROPERTIES, LLC – PRELIMINARY AND FINAL LAND DEVELOPMENT – 550 W. TRENTON ROAD – TMP # 13-028-028**

Mr. Tom Hecker represents the applicant. On September 15, 2015, a Conditional Use request was granted as well as preliminary land development, based on certain recommendations. Mr. Hecker asked for all of the testimony presented at that hearing to be incorporated for tonight's record. Mr. Adam Benowsky (Bohler Engineering) said they revised the plan based on the township engineer's comments. They mostly added notes, updated the plan to reflect Conditional Use approval, included a fire truck turning radius for the restaurant pad #1, included notes for monuments at property corners, and added a profile to the plan showing the sanitary sewer force main. In a letter from Bohler Engineering dated October 16, 2015, they itemized their comments back to the township. Mr. Hecker provided further information on the plan. Mr. Clarke said at the last time they were concerned about the PENNDOT HOP permit. Since that time, Mr. Hecker has provided a significant amount of information. This a condition of approval so if they don't get their HOP permit, they will not get their building permits. Chairman Harvie said his question deals with the issue of traffic; improving the intersection and improving the signalization. He asked Mr. Hecker if they will comply with those items. Mr. Hecker said yes. Emergency pre-emption was included as well. Member Dence moved to open public comment; Member Boraski seconded the motion; all board members were in favor. (5-0) Mr. Roland Kenney said the applicant did a good job on this project. He hopes to see this get passed. Mr. Joel Rosenberg asked about changes to the plan. He said in the plan that was submitted the last time, it was indicated this would be a Rite Aid, but believes Rite Aid has terminated their option. If that is true, this is not the same plan. Mr. Hecker said the Rite Aid did terminate, but we are hopeful we can demonstrate to them that we have a final plan and get them back. Chairman Harvie said we are approving the building, not the name on the outside of the building. Member Dence moved to close public comment; Member Galloway seconded the motion; all board members were in favor. (5-0) Member Galloway moved to approve Resolution # 15-29, Preliminary and Final Land Development for Buckingham Retail Properties, LLC, 550 W. Trenton Road – TMP # 13-028-028; Member Boraski seconded the motion; all board members were in favor. (5-0)

**ITEM # 3 PREMIUM EXCAVATING – PRELIMINARY & FINAL LAND DEVELOPMENT – 269 CANAL ROAD – TMP # 13-47-130-3**

Mr. John Koopman represents the applicant. He is here with Mr. Pete Turtella and Mr. Brian Brzezinski (Principal of Premium Excavating). They are here seeking preliminary and final land development for the construction of a building for maintenance of contractor's equipment, paving, parking spaces, and storm water management features. Mr. Koopman said all of the conditions are will comply, with the exception of waivers which



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deal with curbs, planting beds, trees, and showing the features within 200 ft. Mr. Koopman said this site would be used by Mr. Brzezinski and his employees and is not open to the public. The October 19, 2015 fire marshal letter is a will comply. Member Dence moved to approve Resolution # 15-30 for Preliminary and Final Land Development for Premium Excavating, 269 Canal Road, TMP # 13-47-130-3; Member Galloway seconded the motion; all board members were in favor. (5-0)

There was a break in the meeting at 8:07 p.m. and the meeting reconvened at 8:15 p.m. Mr. Boraski left the meeting at the break to go to work.

### **ITEM # 4 2016 PROPOSED BUDGET PRESENTATION AND AUTHORIZATION TO ADVERTISE**

Mrs. Betsey Reukauf, Finance Director, presented the proposed 2016 budget. The tax millage rate remains at 7.22 mils. There is no proposed tax increase. Mrs. Reukauf presented highlights of the proposed budget, breakdown of the rates, departmental budget, and a comparison with other municipalities. Next year's proposed capital projects include various police purchases, the 2016 Road Program, renovations and paving projects at the Three Arches, community park improvements, Pinewood Pool improvements, Vermilion drainage and pedestrian bridge projects, and the New Falls Road sidewalk project. There are tax funds of \$21,489,749 and non-tax funds in the amount of \$55,730,108 for a total of \$77,219,857. The 2016 budget spending is in the amount of \$32,603,593. The 2016 Budget is open for advertisement/viewing and is expected to be adopted at the December 15, 2015 meeting. Member Dence moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (4-0) Mr. Guido Mariani asked about the township complex being included in the budget. Manager Gray said that money will be paid out of the host community fees restricted accounts. Chairman Harvie said they are not yet sure of the timeline and construction may not even begin in 2016. Member Dence moved to close public comment; Member Galloway seconded the motion; all board members were in favor. (4-0) Member Dence moved to authorize advertisement of the 2016 budget; Member Galloway seconded the motion; all board members were in favor. (4-0)

### **ITEM # 5 CONSIDER PURCHASE OF A NEW GATOR FOR THE PARKS & RECREATION DEPARTMENT**

The purchase price of a new gator, through the Co-Stars program, will be \$14,471.12. The gator will be purchased from a John Deere authorized dealer. We received \$8,000 in funding from the insurance carrier. The net cost to the township, \$6,471, will be split between the Public Works Department and the Parks and Rec fund. Member Rocco moved to approve the expenditure of \$14,471.12 to purchase a new gator from Robert E. Little; Member Dence seconded the motion; all board members were in favor. (4-0)



**ITEM # 6 DISCUSSION BY THE PARKS & RECREATION DEPARTMENT REGARDING THE GEESE MANAGEMENT RESULTS AT THE FALLS TOWNSHIP COMMUNITY PARK FOR 2015**

Mr. Brian Andrews gave an update on the geese management program. He said it has been very successful. They started with between 85 and 100 geese and now have between 25 and 30 geese. Chairman Harvie said there is a pond off of Martha Drive which is township property. There is a geese problem and residents have asked us to consider adding this area to what we do every year. We will keep an eye on this.

**ITEM # 7 MINUTES – OCTOBER 20, 2015**

Member Dence moved to approve the minutes for October 20, 2015; Member Galloway seconded the motion; all board members were in favor with the exception of Member Rocco who abstained since he was absent from the meeting. (3-0-1)

**ITEM # 8 ENGINEERS REPORT**

Mr. Sullivan said the 2015 Road Program is underway. Most of the milling is done and the paving should be starting on Friday or the following Monday. For the 2013 Road Program, J.D. Morrissey's landscape contractor returned to the project and did a lot of work. At this time, the driveway work is still a work-in progress. Member Galloway moved to approve the October, 2015 Engineers Report dated November 13, 2015; Member Dence seconded the motion; all board members were in favor. (4-0)

**ITEM # 9 BILL LIST**

Member Galloway moved to approve the November 17, 2015 bill list in the amount of \$1,688,542.66; Member Dence seconded the motion; all board members were in favor. (4-0)

**ITEM # 10 EXECUTIVE SESSION**

Mr. Clarke said the board held an Executive Session prior to tonight's meeting to discuss a matter of potential litigation and several personnel matters.

**ITEM # 11 MANAGER COMMENT**

- A. Member Dence moved to approve the escrow release for escrow release #1 HFH PA LP in the amount of \$399,152.34; Member Rocco seconded the motion; all board members were in favor. (4-0)
- B. Manager Gray said pursuant to the Township of Falls on-call Wrecker Ordinance, Chapter 206, any wreckers desiring to be licensed under the ordinance for the year



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2016, must file an application on or before November 30, 2015. The application is on file with the township manager's office or on-line at [www.fallstwp.com](http://www.fallstwp.com).

C. Manager Gray said Morton Salt mylars are ready for signature.

### ITEM # 12 BOARD COMMENT

Member Rocco thanked the board for covering for him at the last two meetings when he was out of town on travel. Member Rocco congratulated Chairman Harvie and Member Dence on their re-election and is looking forward to having Member Galloway here as well.

Member Galloway congratulated Chairman Harvie and Member Dence and said he looks forward to continuing to serve with them in the future.

Member Dence said two weeks ago, he and Chairman Harvie were re-elected. Member Dence said the election had a good turnout and thanks those who came out to vote. A lot of people wonder why they serve as a supervisor. He said it is a job that is very rewarding. They like to get up here and do everything they can to maintain the quality of life in Falls Township. Member Dence thanked the public for their support by re-electing them for another 6 years. Member Dence wished everyone a Happy Thanksgiving.

Chairman Harvie thanked board members for their comments and also the work they put in. This is the part of the job that people see, but it is not always easy. He is proud of the work they have done. One of the issues they are concerned with is traffic. We have made a very big effort in trying to improve the level of identifiable areas and making the streets as safe as possible. We are given monthly reports of activities. In the month of August, there were 171 traffic citations issued in Falls Township with a total of 1,238 through the end of August. It looks like we are on pace to have more citations this year than last year. We have proof in the numbers of how hard our police department is working and doing their best to identify these areas and crack down on violators. Chairman Harvie said there was a letter to the editor printed in the newspaper, criticizing him and the township. He said this was a personal and insulting attack and the gentleman who wrote the letter criticized him for not having respect for people in the military. Chairman Harvie said that Falls Township has a policy for township residents who are on active duty, where they can go to the Pinewood Pool for free along with their family. This gentleman feels that they should expand that to every member of the armed forces, active duty or not, no matter where they live. The gentleman brought this up because his neighbor, whose son is on active duty and doesn't live in Falls Township, went to the Pinewood Pool and paid a fee of \$20. This gentleman feels that is insulting. Chairman Harvie said the service member had no issue with the policy we had and felt it was fair. Chairman Harvie directed Manager Gray to contact the service member to offer to return the fee and was told it wasn't necessary. To say that Chairman Harvie doesn't have respect for the military is ignorant and completely unfair. Chairman Harvie said the township has done a lot for the military. In the past five years, we have donated upwards of \$60,000 to the Liberty USO which caters to current military personnel and their families. The Que for the Troops event is done for the sole benefit of the military personnel. Our DV3 Flag Ceremony is held here. We do quite a lot for

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veterans and military personnel. He thinks this attack was ignorant and poorly stated. Chairman Harvie thanked the people who work hard here every day and also thanked the voters.

Member Dence moved to adjourn the meeting; Member Galloway seconded the motion; all board members were in favor. (4-0) The meeting was adjourned at 8:54 p.m.



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Jeffrey Rocco, Secretary