

**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 pledge to the flag. All Board members were present. Also present were Township Manager Peter Gray, Township Solicitor Lauren Gallagher, and Township Engineer Joe Jones, filling in for Mr. Sullivan.

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

Mrs. Jerry Blanchard said she is a 54-year Falls Township resident and has belonged to the YMCA for 23 years. The YMCA has outgrown their facility. They have members who are over 90 years old and it is difficult for them to park and get into the building. Please take this into consideration. It will be a great asset for Falls Township.

Ms. Leah Zenker said the YMCA needs a new home. We would like you to vote yes for them to locate in Falls Township. The YMCA does a lot for the community and she didn't realize this until she became a member. She belongs to a birthday club through the YMCA and they frequent local restaurants which also helps the community.

Mr. Gene Picciotti said in regard the proposed YMCA, the area in question is supposed to be Park/Conservation area in perpetuity. The Bucks County freeholders have disrespect and have neglected this park. The Falls Township Board of Supervisors have a moral obligation to maintain this status of open space. Take a stroll from the Trenton Road walkway to the park. It is in disrepair from where the walkway collapsed eight years ago. He recommends petitioning the county to transfer the park to the township so it can be properly cared for. Cutting down trees and displacing wildlife is no way to rejuvenate the township. There are other properties within the township that would be suitable for the YMCA facility, mainly the Eagles Lodge at 920 Trenton Road. There are really no benefits to be gained by this proposal. The Oxford Valley Pool becoming privately owned will eventually close the door to the community and those who desire a visit for an occasional entrance fee. Please protect our neighborhood from becoming a city community.

Ms. Mary Dugan said on her way home from Giant, she drove through Hood Boulevard and saw a grandmother pushing a stroller. Ms. Dugan said a lot of people bike in that area and a lot of people go to the pool. Ms. Dugan asks the Board of Supervisors to not rezone the property from the Open Space Conservation District to a Community Recreation District. Ms. Dugan said there was a recent meeting and she was flabbergasted by one woman's statement as printed in the newspaper. The woman had said that yes, her yards flood, but

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she has a 6- and a 7-year old and wants them to have that recreational facility. This seems like a done deal when you have Commissioners almost giving the go ahead for this. Please listen to the residents. We don't need any more concrete and we don't need any more flooding. Keep this in the hands of Falls Township. This isn't the place and she doesn't want it there. There is a lot of support here for the YMCA. She doesn't want Bristol Township's problem to become Falls Township's problem.

Ms. Toni Battiste said they have asked the YMCA to consider the Hugh Carcella/Eagles Lodge because it is three times the size of the current property, not counting where the bank was. Most of the trees have already been cleared out so there is little impact on the trees. Right now, we do not have the best air quality in Falls Township. If you cut down mature trees and plant little seedlings, the air quality will not improve any time soon. There are deer in the woods and Mr. Moore wants to displace them. To where? There are water mitigation plans. Ms. Battiste said she went this past Thursday to the Senior Expo and parked at the end of the fire company parking lot, next to the grass. That grass is already a marsh and it hasn't rained that much lately. You have water problems without rain. When it does rain heavily, it will flood and it is not far from the nearby residents. There are homeless people who live in the woods and there are people who have beer parties. We are not saying don't bring the YMCA here, we are saying don't bring it to that specific location.

Mrs. Andrea Brown said she lives on Ingram Road, right across the street from the proposed location of the YMCA. She has a 3- and 6-year old and she thinks this is a great idea where her children can ride bikes, play with friends, and attend when she and her husband are at work. They can partake in healthy activities and not get into trouble. Mrs. Brown said she does not go to Lake Caroline because of the lack of cleanliness and she does not go into the woods because of homeless people. If we had an indoor and outdoor pool that would be a benefit. Please take this into consideration for families like hers who have young children and can benefit from this facility.

Ms. Mary Ponsock said she understands the concerns from everyone. She lives on Queen Anne Drive and there is so much flooding. There are all kinds of animals that live in that tiny park. She never sees any homeless people. Member Galloway said he has never seen any homeless people either. Ms. Ponsock said future generations need parks and she believes there is probably another location where the YMCA can go.

Ms. Eileen Spohn said she knows that everyone thinks the YMCA would be great there, but we are talking about the residents of Falls Township who, in this area of Fairless Hills, have seen massive flooding. The problem is that the golf course floods repeatedly. The YMCA plans for up to 55,000 sq. ft. and then they are talking about blacktop for 300 cars. Where is the water going to go? This park is wetland and also a flood plain. There are deer and there is an endangered bat that lives back there. They are tearing down trees. She cannot conceive why anyone would want to build there. At this point, it is park land. The county, in 2001, gave an easement for this, with a minimum of 25 years before you can do anything with the land. Ms. Spohn said she doesn't understand why no one from the YMCA knew about the easement. She thinks this is being forced on us. Go over to Hood Boulevard and see the traffic. Ms. Spohn said she hopes you will take this into consideration and look at another area in the township that would be much more conducive to their needs. They have

also talked about this costing \$16M to do this. Do we see the taxpayers having to pay for this?

Ms. Daryl Ehrhart said she feels very strong about the YMCA. Her biggest issue is that she spent \$13,000 getting her basement dry because of the wet property. This frightens her because it is considered wetlands. If they start building, something will happen. They were told their homes on Placement Road were built over a creek. Everyone on Placement Road who has a basement, pumps out to the street. She has 2 sump pumps going 24 hours a day/7 days a week. If you lived across the street, you would be concerned about the value of your home. The YMCA is great, but she doesn't want it on our park lands. She said when they built Walmart, every other week, the electricity went out. Every time the power went out, the sump pump would turn off and she would worry about her basement flooding. Please look very closely at this.

Mr. Jason Lawson said he lives very close to the proposed YMCA. His yard is constantly wet. If this building is built, it would push water under his home and he objects to this. He is not against the YMCA, but he doesn't agree with where it is going. It is preserved land and that is the reason why we have it. Once you build out your property in the township, you have no parks and nowhere else to go. If you approve this, you are showing that you can take preserved land, sell it, and have it developed.

Mrs. Melanie Bidlingmaier said no one is against the YMCA. We would like to see it come to Falls Township, but not in the preserved open space area. It is preserved for a reason. Mrs. Bidlingmaier said she spoke with Tom Parsons from the Eagles Club and asked him to come here tonight. The Eagles Club is up for sale. Please consider other options.

Mr. Lonyo said he has been on Trenton Road for 50 years. In the last 50 years, there has been flooding several times because of the creek that feeds Lake Caroline. He cannot imagine living on some of the other streets near the lake area. He has to buy flood insurance. Mr. Lonyo said he doesn't have anything against the YMCA, but there are other sites. This will also have a big impact on traffic.

Mr. Mickey Malone said he supports the YMCA and is a member. It would be nice to see it move to Falls Township, but he is opposed to developing open space. The Danhurst Company, who built Fairless Hills, left some land not paved and so designated the Lake Caroline tract as open space for the entire community to enjoy. How can our officials change this for progress? Why take away open space when there is private property available? Mr. Malone said he is the acting secretary for the Fraternal Eagles. They own property referred to as the Eagles Club. It is for sale and includes two parcels. The property backs up to 12 acres of park and this would be ideal for nature hikes. Mr. Malone spoke about the infrastructure of the site. There would be no need to decimate five acres of trees. Mr. Malone has prepared a packet in hopes that the YMCA would consider a move to their property.

Mr. Ralph McClellan said he is a member of the YMCA. Tonight you will hear numerous comments from residents near the proposed YMCA. Mr. McClellan believes their fears are unfounded. Their concerns have been taken into account. The YMCA has put a lot into their plan. With regard to flooding, the YMCA has chosen a firm that designed storm water control facilities to retain the flow of water so as not to increase off-site run off. The area

will only occupy a small portion of the 82-acre Lake Caroline Park. There are homeless living in the park, trash in the park, and it is a haven for drug and alcohol abuse. Mr. McClellan said the land is to be used, by the community, for recreational purposes. After review of other locations such as closed shopping areas and unused churches, those sites were deemed undesirable and inadequate. Mr. McClellan said there are plenty of other areas in the park for the deer and believes the overall effect on wildlife will be minimal. The proposed YMCA will provide a community facility in a park location, on county land where blight and vagrancy now exist. This resource will pay the local community dividends for many years to come.

Chairman Harvie said tonight's meeting is a sketch plan. A sketch plan is not something that the township votes on. It is a concept by the developer. They present what they want to do, we can ask questions, we allow for public comment, and when they finish, that is it. For the people from the YMCA, or anyone else who does a sketch plan, it is a chance for them to hear feedback, and it is a chance for us to see the plan. Based on the feedback, they may decide to move forward or they may decide not to move forward. We are not approving anything this evening.

**ITEM # 2 LOWER BUCKS COUNTY Y.M.C.A. – REVIEW AND DISCUSS  
SKETCH PLAN – HOOD BOULEVARD & S. OLDS BOULEVARD**

The applicant is represented by Ms. Carrie Nase from Fox Rothchild. Also present were Mr. Michael Gable (J & James Engineers); Mr. Zane Moore (CEO of the Lower Bucks Family YMCA) and Ms. Virginia Doyle (CFO of the Lower Bucks Family YMCA). The current YMCA is located at 601 Oxford Valley Road. That building is beyond its useful life and is deteriorating. They propose to re-locate next to the existing Oxford Valley Pool at the corner of Hood Boulevard and South Olds Boulevard. This property is currently zoned Open Space Preservation. As they move forward with the proposal, they would propose to rezone this property as Community Recreation District. They reviewed their sketch plan with the Planning Commission and received favorable comments from them. Since that time, they met with the community on several occasions and they heard concerns this evening. Based on some comments from the meetings, they revised the sketch plan, resubmitted it to the township, and that is the plan that is before you this evening. Mr. Moore gave an overview of the YMCA's proposed project. He said this project started about three years ago. They are currently under an agreement with the Central Bucks YMCA. They realized they were in significant financial trouble. About 50 to 60 of their members are subsidized. They give away about \$1.5M in local community benefit each year, serving thousands of people. They learned they couldn't survive in their current building for the long term. It became clear to them that they needed to move. They conducted studies in this regard. They put the facility up for sale and two of the lots have sold. The final lot is under agreement of sale. They would have sold for \$3.1M, pay off their debt, and still have some cash left. There is currently not enough parking and people have to park on residential streets. Around this time, they were having conversations with the county who asked them if they would be interested in managing the Oxford Valley Pool. The YMCA said yes. The more they thought of it, they realized it would be great to add even more to that area where the pool is located. Lancaster County had a park and put a

YMCA in the center of it and it was a success; like a community hub. They asked the county about building near the current pool and conducted studies. They found out about two months ago that the area around the pool was buildable. There was a lot of wetland, but there is an area where they can build. They have been sensitive to traffic, flooding, and usability. They have no interest in taking over the park. They will honor the memberships of the pool over the summer. What they love about this space is the opportunity to do something different and something great. Mr. Gable gave a detailed overview of the sketch plan and general orientation of the site. Of the plan, about 5.5 acres is already developed. They propose to develop about another 5.6 acres of the land. The project will have storm water management facilities to manage the peak rate of flow and peak volume of flow as mandated by the state. The flow from the storm water on the site flows from where the building is towards the smaller basin and then through the wetlands toward Lake Caroline and the receiving stream. None of the runoff is directed toward any surrounding properties. There was discussion about impervious surface. There is currently 4.2% of impervious cover on the park. We are proposing to add about 5.8% to bring it up to a total of 10% of impervious surface. It is about 45% and by zoning, we are allowed to go up to 75%. As far as traffic, there will be detailed traffic impact studies performed and we will work with PennDot and the township. We have to provide mitigation. We cannot have a failing level of service at any intersection. Mr. Gable said the building is planned to be single-story, 48,000 sq. ft. in size, with the option for another 7,000 sq. ft. for future expansion. The plan calls for sufficient parking for the YMCA, the Oxford Valley Pool, and the fire department. There was discussion about wetlands and how they will keep some remaining trees and provide a buffer for the area. The current grass area in front of the pool will be converted into a rain garden. There will be one lane into the site and one lane out. Ms. Nase said they did receive letters from the Planning Commission as well as the township engineer and they reviewed those comments. All of them are will comply items, but most will be addressed during land development. Member Galloway said his questions are for the Republican Commissioners who are not here and probably never set foot in our park and borders on criminal neglect that they have shown for this park. We have a path that has been broken and construction that has been around for several years. Member Galloway wishes the YMCA well; he is sure the sketch plan is fine. He loves his neighborhood and is proud of it. Member Rocco asked if this doesn't move forward, what is Plan B? Mr. Moore said we feel that we put the work into the engineering and can put the concerns of everyone to rest. We feel this could bring something to be proud of. Plan B is to keep looking. Chairman Harvie said traffic, environmental, and flooding are major concerns. The plan has two rain gardens. It seems highly likely that PennDot may require you to put in a dedicated right-turn lane. How will the rain gardens be there if you have to put in a right-turn lane? Mr. Gable said there will be adjustments as they go through their studies. Right now, the rain gardens will work well at that location. If they have to bump over the curb, they may get narrower, but that will be something to consider moving forward. Chairman Harvie said the fire company and the fire hall is pretty big. Have you had any conversations with them and how will it impact traffic concerns with them? Mr. Gable said they reached out to the fire department and they are maintaining the amount of parking they have today. Firetrucks have their own dedicated entrance/exit. New parking will be available for them to use. If you look at when the YMCA is the busiest, it would be some of the times when the fire department would use

parking at the least amount of time. They can share parking on the site. Chairman Harvie asked about the tree buffer. Mr. Gable said they would propose to pull out any unhealthy trees. There is a requirement for a 50-ft. buffer from the right of way which we are respecting. They propose a 60-ft. buffer which is more than the ordinance would require. Mr. Jones said the next logical step would be to petition for the zoning change at which time the applicant would have to provide studies to give the board more information so they could effectively analyze the concerns that were brought up tonight. Chairman Harvie asked if this area would be sub-divided? Ms. Nase said no, it is not supposed to be sub-divided at this time, but they are working with the county for a long-term lease and working out those details. We would provide a meets and bounds of the lease area. This is a non-profit so there would still remain no taxes on the property. Member Dence moved to open public comment; Member Boraski seconded the motion; all board members were in favor. (5-0) Ms. Shannon Spohn said Falls Township is not a slum even though it was referred to earlier that we are. The YMCA is having financial difficulty. It was mentioned that there was a survey. Where was the study conducted. You currently have 6,000 members. What happens if they go belly up? These are all in the realm of reality. Ms. Spohn asks the township to please look into this. Mr. Moore said the YMCA has been around since the mid-1800's and there are 2,600 across the country. The same organization that runs these site analyses runs them for around the country so there is a pretty good track record of, "if they build it, they will come." These studies do suggest that building a new site, they would come here. There is a good track record of YMCAs across the country and they are building off of that. This survey looks more at demographics of the communities and was done with our current membership. Mr. Guido Mariani said zoning at this proposed site is for Open Recreational space. In order for it to be used, this board must make the change to zoning. The purpose of zoning is to promote the health, safety, morals and general welfare of the community to protect and conserve the value and encourage the most appropriate use of that land. Mr. Mariani said he thinks the YMCA's campaign is deceptive and misleading. He doesn't think this project satisfies any of the previous conditions. He thinks it violates every one of them - the economic, environmental, and especially the quality of life. They say we will gain earned income tax revenue from 600 new wage earners. The 600 employees do not represent new business. Falls Township has a local service tax of \$30 and not to exceed \$30 and there are exceptions to that tax. The area is zoned for Open Space Recreation. The YMCA is not Open Space Recreation. Mr. Mariani encourages people to call the EPA and tell them how you feel about this project. Would homeowners not currently purchasing flood insurance now be required to purchase flood insurance? Mr. Mariani said property values will decrease. These are residential streets and you will have a problem. The YMCA describes the present site as mostly trash strewn haven for beer parties and a place for the homeless. Mr. Mariani believes the YMCA has an ulterior motive. We do not need a gargantuan brick and mortar building to remove what they say is blight. There will be a decline in the quality of life that this project will cause the people who live in and travel in this area. There are many other sites that can accommodate the YMCA's needs. Mr. Ray Galenty said how this all started is that the county commissioners were looking for someone to manage the pool. Did they come to Falls Township? Chairman Harvie said no. Ms. Betty Diaz said she worked at many area gyms as a fitness instructor and personal trainer and said, yes, people will come. This will add to the community. The seniors will be

able to get in and out because it is one level. Some of the things she encounters in the park are scary to her. She is afraid to walk around that park with her dog. This will help the community have a place to go and stay healthy. Ms. Janice Harmon lives on Queen Anne Drive and backs up to the creek. She has a flooding issue. The more they build, the more it floods. It has flooded into her property. If you build this, you cannot manage the amount of water. If you let them have park land, let her have some too. Ms. Kim Jabitt said she lives on Kavanaugh Road. Even though there are trees at the proposed YMCA location, in the winter, she will probably see the back of a building. She has a basement and sump pump. When they took out the woods at the Grundy senior living, the water got worse. Ms. Jabitt sees the deer during the day. This is open space, if we give up some open space for the YMCA, then we will have to give up more for something else. Let them move it elsewhere. She loves the YMCA and was a former member, but she doesn't think it should be there. Zach said the YMCA going to this park would be a benefit and they would only take a small area. The walkway is destroyed down on Trenton Road. Member Galloway said the County Commissions neglected the property. They would never do this in their park. Zach said there are ticks that carry Lyme disease in the parks. Zach asked Mr. Moore if the YMCA would be willing to help clean up the park. Mr. Moore said the YMCA has over 900 volunteers and they can make it part of their project to help clean up some of the park. Member Galloway said the park needs the attention of the County Commissioners to take a little care of it. Mr. Kevin Creold, staff member at the YMCA, said what he likes about this project is that it is something new and exciting for the community. They have about one hundred 7<sup>th</sup> graders for their 7<sup>th</sup> grade initiative through Pennsbury. They have a place to go with easy access in the community. They can work out, hang out, participate in clubs, and get involved. They have over 150 campers at Cabrini who can come over to the pool in the summer to get swim lessons, without having to take a bus. They could impact many more people. With talk about flooding, the impact in legacy that can be left in the lives of your township residents would far outweigh the concerns. Ms. Bidlingmaier said she does not oppose the YMCA. It is a great opportunity for all age groups. She is pretty far away from the proposed YMCA, but the flooding still affects her street. The creek that runs behind her home backs up and her car flooded out. She and her sister have walked and biked in the park for many years and she doesn't want to see it gone. If this doesn't work out, it could end up as a vacant lot. Ms. Bidlingmaier does not believe this is the place for the YMCA. Mr. Mickey Malone asked if the county would get the income from the lease. Chairman Harvie said it is county property. If they are interested in a park setting, the Eagles Club already has this. Ms. Toni Battiste said it was brought up that there would be more usability for the pool. She believes the YMCA members will get some use out of it for free or a small added fee. For the people who are already paying the fees, she believes it will be more crowded. Ms. Battiste asked who does the traffic study – Falls or Bristol Township. Chairman Harvie said the YMCA does the traffic study. Ms. Battiste believes the Eagles Club is already non-taxable. Chairman Harvie said it is for profit now. Ms. Battiste said the YMCA was having troubles with being in debt and now they sold property to pay off that debt. Will it be enough to purchase property? Mr. Moore said he cannot answer that because he doesn't have a property to compare it to. Member Rocco moved to close public comment; Member Dence seconded the motion; all board members were in favor. (5-0)

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Chairman Harvie thanked everyone for their time and discussion tonight. The board and the YMCA heard everything that was said. There is no vote to be taken at this point in time. There was a break in the meeting at 8:45 p.m. and the meeting reconvened at 8:55 p.m.

**ITEM # 3 CONSIDER AUTHORIZATION FOR ADVERTISEMENT FOR THE ACT 537 PLAN UPDATE**

Manager Gray said Remington Vernick Beach has been working on the update for the Act 537 Plan for Falls Township. To discuss this further is Ms. Vanessa Nedrick from Remington Vernick Beach. Ms. Nedrick said it has been about five years since the township planned to update the township's 537 plan. The 537 is a sewage facilities planning vehicle to make sure that all existing and future sewage flows and needs would be met. The majority of the flow from Falls Township goes through the Neshaminy Interceptor, which is owned by the Bucks County Water and Sewer Authority, and is treated by the City of Philadelphia Northeast water treatment plant. The DEP slapped a moratorium on the Bucks County Water and Sewer and what they did is everyone who goes through the Neshaminy Interceptor was also slapped with a moratorium. What came out of that was a settlement though the DEP, the Bucks County Water and Sewer Authority, and the City of Philadelphia that all contributing municipalities through the Neshaminy Interceptor would enter into an agreement and stipulations were placed on all municipalities. Bucks County Water and Sewer had to do a capacity analysis of the Neshaminy Interceptor that had to be submitted, reviewed, and approved by the DEP. All municipalities have to enter into a new sewer service agreement with Bucks County Water and Sewer and DEP also mandated that all contributing municipalities had to develop an INI abatement plan. Because the Township of Falls Authority is a contributing entity to their system, they are also responsible for contributing to the financial contribution to the interceptor improvements. Member Galloway moved to authorize advertisement for the 537 Plan; Member Dence seconded the motion; all board members were in favor. (5-0)

**ITEM # 4 CONSIDER BIDS SUBMITTED TO THE TOWNSHIP FOR THE FALLS TOWNSHIP MUNICIPAL COMPLEX**

Manager Gray said bids were publicly opened on Friday, September 8<sup>th</sup>, for the new Falls Township Municipal Complex. The bids were reviewed by the township engineer as well as the solicitor's office. At this time, the board is asked to consider the bids for this project. Chairman Harvie said this project has been in the works for a number of years. We had several companies submit proposals and the township hired Kimmel Bogrette. The architect gave us 4 options (3 renovations and 1 new building). After a lot of discussions, it made more sense to go with the new building. They began a couple-year process of designing a new building, and involving people who work here. We went out to bid several months ago. The bids came in with multiple issues and were considerably higher than what the board had hoped for. Member Dence said this was a lot of work for about six years. There were a lot of challenges and the biggest one was a police station. What they designed was a 2-story police station with offices on top. There are all kinds of problems with the bids, but the numbers were much higher than expected. He doesn't know what the next step would be,



but they can look at that later. Member Rocco said their original amount was about \$13.5M and that has pretty much doubled in six years, so he is not able to support that. We hope to come up with something more reasonable. Member Galloway moved to open public comment; Member Dence seconded the motion; all board members were in favor. (5-0) Mr. Toni Battiste said she understands the plans call for 2-stories. Member Dence said the one level would be below grade, level one would be police, the upstairs would be administrative offices. Ms. Battiste said she would be concerned about senior citizens and only having one elevator. She said the parking did not look like it was close to the building. Chairman Harvie said he thinks the parking issue was pretty well handled. Member Dence moved to close public comment; Member Galloway seconded the motion; all board members were in favor. (5-0) Member Dence moved to reject all bids for the Falls Township Municipal Complex; Member Boraski seconded the motion; all board members were in favor. (5-0)

**ITEM # 5      CONSIDER FINALIZING THE AWARD FOR BID FOR THE  
VERMILLION HILLS FOOTBRIDGE INSTALLATION PROJECT**

Manager Gray said ABC Construction Co. has successfully passed the Falls Township responsible contractor ordinance. The board is asked to consider finalizing the bid to ABC Construction Co. at this time. Seventy-five percent of the project cost will be paid through open space funding. Board members said this has taken a lot longer than it should have taken. The project is anticipated to be completed in mid-November. Member Galloway moved to authorize finalizing the award for bid to ABC Construction for the Vermillion Hills footbridge installation project; Member Boraski seconded the motion; all board members were in favor. (5-0)

**ITEM # 6      CONSIDER FINALIZING THE AWARD FOR BID FOR THE FALLS  
TOWNSHIP COMMUNITY PARK FISHING PIER**

Manager Gray said we also bid for through the open space project for the Falls Township Community Park fishing pier. ABC Construction Co. has passed the responsible contractor ordinance for this project. The timeline for completion is mid-November. Member Dence said this will be handicapped accessible and boaters can tie up their boats. Member Dence moved to authorize finalizing the award for bid to ABC Construction for the Falls Township Community Park fishing pier; Member Galloway seconded the motion; all board members were in favor. (5-0)

**ITEM # 7      CONSIDER ADOPTING ORDINANCE AMENDING CHAPTER A214  
– CABLE TELEVISION FRANCHISE – AT SECTION 1 –  
DEFINITIONS AND WORD USAGES – SUBSCRIBER LISTS**

Chairman Harvie said everything we have electronically – internet, smart phones, cell phone towers, etc. – typically the wireless world we live in, was passed through the Telecommunications Act law. That law allows for some protection of privacy for customers. A lot of what is in that law couldn't look forward enough to see what would happen in the future. There were some federal guidelines in place that had protected the

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privacy of customers with what service providers could and could not share with outside agencies. Earlier this year, the current administration and Congress got rid of those protections and stopped enforcing them. There has been a movement to establish some privacy protections of customers. This would apply to Comcast and Verizon, the two service providers we have agreements with here in the township. Ms. Gallagher said this would protect personal and private information. It requires the franchising authorities to provide an opt out in disclosure of that information. This is permissible under federal law and is something we prepared at the request of the board. This ordinance requires that a notice be sent to individuals. If approved, the ordinance would take effect 5 days from now. The Verizon agreement expires in 2018 and the Comcast agreement expires in 2021. Chairman Harvie said the idea is to give some protections for our residents and it is important to have. This will take effect with new agreements. Chairman Harvie thanked the solicitor for doing work on this and also Mr. Lewis from Lower Makefield who is spearheading this. Member Dence moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (5-0)

Mr. Brian Jeter, Senior Director of Government Regulatory Affairs, Comcast (Bucks Co. & Montgomery Co.) said they appreciate the chance to be here to speak. Mr. Jeter explained where Comcast stands on this issue. Comcast shares the township's interest in protecting consumers' private information. Comcast has been a responsible and corporate citizen throughout the county for more than two decades and they have never engaged in the practices that the ordinance suggests. He doesn't believe that they or the township received complaints in regard to disclosure by any third party unrelated to their business. They do not sell or share their customers' sensitive information without first getting an affirmative opt and consent from the customer. They use broadband consumer information for a variety of operational purposes. Customers have the ability to opt out of targeting ads on their website. They value their customers' trust and work every day to protect their personal information. Consumer privacy has always been protected by federal and state privacy laws and ISP public commitments. Mr. Jeter said the proposed ordinance unfairly targets cable franchises. It applies to cable ISP's and it targets two companies, Comcast and Verizon which are cable franchises. The ordinance cannot meaningfully address consumer privacy issues when it doesn't apply to other companies and local companies here in Falls Township that interact with customers on the internet each and every day. Any privacy regulation needs to include protection that applies to all the players in the internet ecosystem, not just the cable ISP's. It is their belief that this ordinance violates the Telecommunications Act. They appreciate and share the township's interest in protecting the township customers' private information. They ask the Board of Supervisors to decline adoption of the proposed ordinance as it is written and, instead, utilize the process allowable and recommended under federal law, the cable franchise process, to address the privacy needs and concerns the township may have.

Mr. Douglas Smith, Vice President State Government Affairs (Verizon) thanked the board for the opportunity to address everyone this evening. He said Verizon is on the same page as Mr. Jeter from Comcast. He also has a few comments on the privacy ordinance. Verizon does not sell, license, or share information with others that individually identifies our customers, people using our networks, or website visitors. The ordinance even as modified, only affects two carriers. Imagine 2,500 Pennsylvania municipalities across the state, each

of them with a slightly different set of rules to follow, then multiply that by all of the states. It is not a feasible model and is completely impractical. They would have a multiple set of privacy requirements; one at the federal level and another one at the municipal level – it doesn't work. It is not a feasible model. Mr. Smith further stated where they stand with this topic. A Falls Township privacy ordinance would conflict with our existing Verizon franchise agreement. The revised ordinance is not necessary because it merely restates the rights of the township. Verizon takes privacy very seriously and vigorously protects its data. The township can bring any issues to the negotiation table when the discussions commence in 2018 with Verizon. He asks that this ordinance be tabled.

Ms. Toni Battiste said she would like to see the government, as an entity, say you have to get my permission to opt 'in' to everything instead of my having to opt 'out' of everything. You guys are saying about how you want to protect her privacy, but she keeps getting a lot of phone calls. Ms. Battiste said this also affects the privacy in her backyard with all of the lines you keep stringing from pole to pole.

(no name) said she doesn't know a lot about cable, but she keeps paying more every year and she does not have very good quality. She understands what they are saying about changing a contract mid-stream. Are they saying they will opt out of the township if you push this? There must be a reason why they are not as agreeable to do this. Member Dence moved to close public comment; Member Galloway seconded the motion; all board members were in favor. (5-0) Member Dence said a lot of people feel like their rights have been stripped away by the federal government. If we approve this tonight, it can't be implemented until 2019 for Verizon and 2021 for Comcast. It is just a feel good motion to enact this ordinance. We could work this into the next agreement and then make this go away. He doesn't believe either one of them would leave because of this. Member Rocco asked why they are against this. Mr. Smith said if every municipality had a slightly different policy, then he would have an administrative impossibility; practically impossible to implement. Mr. Jeter said their greatest concern is that this could cause un-intended consequences for all involved parties. We understand your privacy concerns, but we think the best remedy to solve this would be in the upcoming franchise renewal process, which is the right place, as opposed to a separate set of rules. Member Rocco spoke about Facebook and Google and said we have no control over them. Mr. Jeter said this focuses on them because you allow us, through federal law, to provide services to your residents. They would prefer that you either table or wait until contract renewals to address this issue. Member Galloway said he senses that we can negotiate this at another time. Maybe they can table this for a little while. Chairman Harvie said he believes that the two gentlemen who spoke are true to their beliefs, but a higher up in the company may make a different decision when it comes to privacy. At this point in time, it makes a statement without causing much harm to anyone. Member Dence moved to approve Ordinance # 17-04, amending Chapter A214 – Cable Television Franchise – at Section 1 – Definitions and Word Usages – Subscriber Lists; Member Boraski seconded the motion; all board members were in favor with the exception of Member Galloway who voted no. (4-1)

**Board of Supervisors – October 17, 2017**

**ITEM # 8 MINUTES – SEPTEMBER 19, 2017**

Member Boraski moved to approve the minutes from September 19, 2017; Member Dence seconded the motion; all board members were in favor. (4-0) (Member Galloway not present for the vote.)

**ITEM # 9 ENGINEERS REPORT**

Mr. Joe Jones said for the 2016 Road Program, the grass has started to grow on Howley Drive. For the 2017 Road Program on Walton Drive, the contractor will be putting down the top course and ware within the next two weeks. Member Dence moved to approve the September Engineers Report dated October 12, 2017; Member Rocco seconded the motion; all board members were in favor. (4-0) (Member Galloway not present for the vote.)

**ITEM # 10 BILL LIST**

Member Galloway moved to approve the October 17, 2017 bill list in the amount of \$2,236,460.71; Member Rocco seconded the motion; all board members were in favor. (5-0)

**ITEM # 11 EXECUTIVE SESSION**

The board had an Executive Session prior to tonight’s meeting. Ms. Gallagher said they discussed a matter involving potential litigation as well as a collective bargaining matter.

**ITEM # 12 POLICE CHIEF’S REPORT**

Chief Wilcox provided the following information:

- The last Coffee with a Cop was held on Monday, October 2<sup>nd</sup> at the Falls Township Senior Center. Chief Wilcox thanked Mrs. Murphy and the entire senior center board.
- On October 28<sup>th</sup>, there will be a Prescription Take Back event from 10 a.m. – 2 p.m. in conjunction with the shredder event. There is a limit of six bags or boxes for the shredder event and is for residents only, no businesses.
- We are asking the public for help to secure funds in a contest. Please go to <https://www.aftermath.com/k9-grant/>. If we can get our entire community to do this, we can get some free funds for the Youth Police Academy. Please visit this website through November 7<sup>th</sup>.
- The next Extreme Fitness 5K Walk/Run will be held on April 22, 2018. This benefits our Youth Police Academy.
- We have a new instrument and supervisors will have it on the street. They can put someone’s thumb on the device, and if they have ever been arrested, their record will appear and the officer will know immediately. Sgt. Beauchman was able to obtain funding for this so there was no cost. We are the third municipality to have this.

**ITEM # 13 MANAGER COMMENT**

- A. Member Galloway moved to approve escrow release # 2 to TBU Wells (A.M. Gatti) in the amount of \$88,608.66; Member Rocco seconded the motion; all board members were in favor. (5-0)
- B. Member Galloway moved to approve the escrow release to MedExpress in the amount of \$6,626; Member Rocco seconded the motion; all board members were in favor. (5-0)
- C. The Falls Township Leaf Collection dates are Saturday, November 11<sup>th</sup>, and December 2<sup>nd</sup> and 16<sup>th</sup>. Leaves must either be bagged in 30-gal. biodegradable paper bags or placed in 30-gal. trash containers without lids.
- D. Manager Gray announced new township businesses. They are: LM Wireless, KVM, Contempro Dance Theater, and Artistic Nails Plus.
- E. Hiossen and St. Joseph's mylars are ready for signature.

**ITEM # 14 BOARD COMMENT**

Member Rocco – no comment.

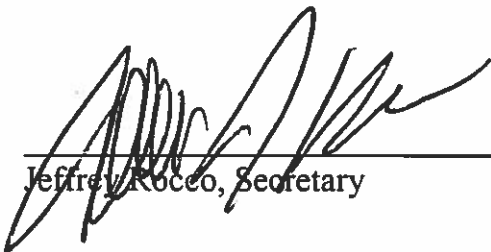
Member Dence said we had a very good meeting and also had a good crowd. There were a lot of people passionate about the YMCA on both sides.

Member Boraski – no comment.

Member Galloway no comment.

Chairman Harvie said Member Galloway's earlier comments about Lake Caroline and the county were right on the money. The Chatham Road area is somewhere we have to spray consistently due to mosquitos. In regard to the County Commissioners, it makes you wonder if it is time for a change. Election Day is coming up. The county has not been paying attention to the area around here. We spoke earlier about flooding. First the county blamed the school district, and then they blamed the township for the flooding. Yet, they continue to do very little. Chairman Harvie said we started a tradition to wear pink ties at the October meeting in honor of those people suffering from breast cancer. We want to remind women to do self-examinations as well as get mammograms. Men should also be conscious of this and take precautions. Chairman Harvie wishes a Happy Veteran's Day to all those who have served our country. Thank you to Member Galloway for his service. Chairman Harvie moved to appoint Mr. Ed Wells to the Cable Advisory Board; Member Dence seconded the motion; all board members were in favor. (5-0)

Member Galloway moved to adjourn the meeting; Member Rocco seconded the motion all board members were in favor. (5-0) The meeting was adjourned at 10:15 p.m.



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Jeffrey Rocco, Secretary