

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

JEFFRY E. DENCE, CHAIRMAN	PRESENT
JEFF BORASKI, VICE-CHAIRMAN	PRESENT
JEFFREY ROCCO, SECRETARY	PRESENT
BRIAN M. GALLOWAY, SUPERVISOR	PRESENT
JOHN PALMER, SUPERVISOR	PRESENT

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/Chief Code Enforcement Officer & Zoning Officer Matthew Takita, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher, and Township Engineer Joe Jones.

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

Ms. Toni Battiste asked for an update on the curb project at the Fallsington United Methodist Church. She said the church is planning to have a living nativity for the holidays. Mr. Jones said that project was scheduled with the contractors to avoid any conflict with Fallsington Day. He will reach out to make sure they are clear and out of there before the living nativity event. Ms. Battiste asked about the Galvanize project and what they want to do. Chairman Dence said they will be presenting shortly if she can continue viewing the meeting.

**ITEM # 2 CELLCO PARTNERSHIP – CONDITIONAL USE HEARING – 400
OXFORD VALLEY ROAD – TMP # 13-03-031**

Ms. Gallagher said the applicant is represented by Mr. Christopher Schubert. Their three witnesses are Mr. Andrew Miller, Mr. Shaun Paul, and Ms. Jennifer Coyle. Member Galloway moved to open the Conditional Use Hearing; Member Palmer seconded the motion; all board members were in favor. (5-0) Ms. Gallagher said this is a Conditional Use Hearing. The applicant is Cellco Partnership doing business as Verizon Wireless. This property is located at 400 Oxford Valley Road, Langhorne, PA 19047, Bucks County, Tax Map Parcel 13-03-031. The applicant is requesting Conditional Use approval to allow the co-location of a telecommunications facility on the rooftop of the Sheraton Hotel building on the property. This is located in the HC zoning district. The applicant is represented by Mr. Christopher Schubert. Ms. Gallagher requested to have Mr. Schubert's witnesses sworn in by the court reporter, provide a summary of the testimony of each witness, and then make yourself and your witnesses available for further questioning. The three witnesses were sworn in. Mr. Schubert thanked the board for allowing them to make a presentation on the Conditional Use. Mr. Schubert said this is a proposal by Cellco Partnership, better known

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as Verizon Wireless for the installation of communication antennas on the rooftop of the Sheraton Hotel which is located at 400 Oxford Valley Road. It is a 14-story building and is across the street from Sesame Place and near the Jefferson Bucks County Hospital. This would be the first set of antennas on the rooftop of this building and would require Conditional Use approval. On October 27, 2020, the Planning Commission recommended approval of this project. Mr. Schubert asked for the following exhibits to be entered into the record. These include: A3 – Aerial view of subject property; A4 – Property owner report; A5 – Lease agreement; A6 – FCC licenses for Bucks Co.; A7 – RF design report; A8 – Electromagnetic emissions report; A9 – Non-interference report; A10 – FAA TowAIR report; A11 – Site plans; A12 – Structural report; A13 – Photosims of proposed rooftop; A14 – Obscure tech stealthing option; A15 – Shaun Paul CV; and A16 – Review memo of TP Engineer. Mr. Schubert said Mr. Paul is the RF expert who would testify on behalf of Verizon Wireless that they are a licensed wireless provider. Exhibit A6 contains the series of FCC licenses that Verizon holds in this area and has the authority to operate its wireless network. Mr. Paul would also testify as the need for this facility. There is a great demand in this area for cell phone, voice, and data service due to the high concentration of users in this area. The hospital, mall, Sesame Place, offices and commuter traffic runs through this area. Mr. Schubert explained the area where these antennas would provide coverage. This site would operate at 50 times below the FCC limit for emissions standards. The antennas and equipment would not create any harmful interference. The antenna will not interfere with any air travel and will not extend above the rooftop more than ten feet. Mr. Schubert said that Mr. Andrew Miller is a Licensed Engineer with the Commonwealth of Pennsylvania. He signed off on the plans that were filed with this application. The plans depict a site plan of the building rooftop which would show the lay out of the antennas being mounted on top of the building. Part of the ordinance requirements require compliance with all the applicable codes. The antennas would be mounted with the applicable building code standards. They did a structural analysis which establishes the building rooftop can support the antennas. Exhibit A13 shows the visual based upon placing the antennas on top of the building. At the Planning Commission there was some communication as to the stealthing method for the antennas. One of the available options is painting the antennas the color of the building but there was another option which is stealthing. This was preferred by the Planning Commission. This provides a mylar adhesive coating which can be put onto the antennas and would mimic whatever the sky happens to be that day. Mr. Schubert said this is the end of testimony. The fire marshal and the traffic engineer review letters are will comply. Ms. Gallagher said the township has exhibits. The first exhibit is proof of advertising. This hearing was advertised on November 4, 2020 and November 9, 2020. The second exhibit is a copy of proof of posting of the property which happened two weeks ago. Mr. Schubert has provided a copy of the notification sent to neighboring property owners and it does appear to be in conformity with the township requirements. Member Galloway moved to close the Conditional Use Hearing; Member Palmer seconded the motion; all board members were in favor. (5-0) There was no public comment. Member Galloway moved to approve the Conditional Use Hearing for Cellco Partnership at 400 Oxford Valley Road, TMP # 13-03-031; Member Palmer seconded the motion; all board members were in favor. (5-0).

ITEM # 3 KINDER MORGAN – WAIVER OF LAND DEVELOPMENT – 1000 SOUTH PORT ROAD – TMP # 13-50-008

Representing the applicant is Mr. Larry Young (Tri-State Engineers) and Mr. Chris Levins (contractor who will be doing the work). Mr. Young said the applicant on this application is Kinder Morgan Bulk Terminal Inc. and the owner of the property is U.S. Steel. The property is located adjacent to the deep-water port where Kinder Morgan exists. The proposal consists of an 8,000 sq. ft. maintenance building and the applicant wants to expand it by 1,593 sq. ft. to house the equipment and tools they use. There will be no storage of materials in there. They received the draft resolution, and everything is will comply. Requested waivers include the following: 1A - They are asking for a partial waiver to not have to survey all of U.S. Steel; 1B - They did provide an aerial photograph to show the 200 feet of land to be developed around the site; 1C – A partial waiver for providing monumentation; 1D – They are asking not to do a take off of all the impervious surface existing and proposed on this application. They are constructing the building addition over existing impervious surface so there is no increase in impervious surface on this site; and 1E – Waiver for plantings. Everything else is will comply. They do acknowledge they need flood plain and earth disturbance permits. Member Galloway moved to approve Resolution # 2020-33, waiver of land development for Kinder Morgan located at 1000 South Port Road, TMP # 13-50-008; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 4 GALVANIZE PLANT – MINOR SUBDIVISION – MIDDLE DRIVE – TMP # 13-51-001

Mr. Zac Silversen and Mr. Robert Showalter were present for the applicant. Mr. Silversen said they are proposing a minor subdivision of a 25.5-acre portion; the portion of the property which contains the existing Galvanizing plant and they are seeking to sell the remainder of the KIPC property and retain the Galvanizing plant. They appeared before the Zoning Hearing Board and received three variances: one from impervious coverage, one from minimum lot coverage and width, and one from front yard setback. Most of their requested waivers are related to curbing and street trees; things of that nature. Chairman Dence said that U.S. Steel is subdividing so they can keep their plant operating and then sell off the rest. Member Galloway moved to approve Resolution # 2020-34, minor subdivision for the Galvanize plant located at Middle Drive, TMP # 13-51-001; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 5 CONTINUUS MATERIALS MANUFACTURING – INTRODUCTION TO ADVERTISE

Mr. Tom Jennings represents the applicant. Also present are Mr. Allan Bradshaw and Mr. David Lewis from Continuus Materials Manufacturing. Mr. Jennings said Continuus Materials Manufacturing is proposing a project on Waste Management property along New Ford Mill Road. The project will recover materials from the waste stream and produce a

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finished product. Mr. Jenkins said Continuous is not seeking any action this evening. They will describe what they do. There will be a couple of zoning issues and will probably be before the Zoning Hearing Board next month. Mr. Bradshaw said he is in charge of Operations. Mr. Lewis is Director of Engineering and responsible for construction of the project. They propose a facility that would produce a product called Everboard. Everboard is made using paper and plastic which is recovered from the municipal solid waste stream. It is a 4 x 8 roofing panel which is used in commercial roofing applications. Their largest customer is Carlisle Roofing in Pennsylvania. They are looking for a setback allowance from the township along New Ford Mill Road. The township requires a 100-foot setback from the property line. This is a long and narrow site, but it is an ideal site for this project because their building suits those dimensions very well. Mr. Jennings said all that will be heard by the Zoning Hearing Board and they look forward to their guidance and relief. For the project itself, extracting material from the waste stream is very good thing. As far as the landfill goes with host fees, this is all neutral to that. This operation will not have an impact on host fees. Waste Management will fill the site to its permitted capacity over the next number of years. What Continuous Materials is doing is taking a significant of the waste stream for more immediate product. Mr. Bradshaw said this facility will be using the latest technology in terms of pressing, much like wood panels. To pull the plastic and paper out of the waste stream is very high tech. They plan to have about 350 construction jobs from May, 2021 to October, 2022. When operating fully, they intend to have about 100 jobs. They do not use process water other than occasional water for cleanup. The project does not require any emission control technology since emissions are low. They have already been in touch with the DEP and shared a lot of data with them. In terms of traffic, today we see 25-55 trucks per hour coming to the landfill and we will divert 4-6 of those trucks per hour to feed their raw material supply. We expect to have 19-22 trucks per day that would be outbound, and we are looking at rail operations as well. There is very little impact on outbound or inbound traffic along Tyburn Road. Mr. Jenkins said the company looks forward to working with the township professionals through land development and the Zoning Hearing Board matter he mentioned. Chairman Dence said this is another heavy industrial area. Member Rocco mentioned tipping fees and said he understands the required 100-foot setback. The proposal is for 30 feet of setback. Member Rocco asked if they had looked at other locations. Mr. Bradshaw said they have looked at other properties and this one is by far the most efficient for them. They expect to build five of these sites throughout the United States. Their goal is to remove one million tons annually in the United States. Member Boraski asked where the trucks are coming from and is it mostly recyclables. Mr. Bradshaw said they are taking the garbage from residential waste. The vast majority of the paper and plastic is recoverable without a human hand touching it. The truck will come in on the tip floor and dump the load. Their process recovers about 25% and the other 75% goes back into a trailer and the trailer is taken to the landfill. Member Dence said when he originally saw this plan, his biggest concern was truck traffic but they are already going to the landfill and you will just divert them to your facility. The next step is the Zoning Hearing Board on December 8th. There were some people who wanted to speak for public comment. Mr. Mike Coffman understands them saying there is no additional truck traffic but what about the additional employee traffic? How will this extra traffic affect residents

who live on Pennsylvania Avenue? Mr. Lewis said with Pennsylvania Avenue they don't see any additional traffic with trucks going in and out. With where the employees will live, they will have construction employees that they normally see but they don't know where employees will live. They will only have about 20 employees per shift and this is a four-shift operation. Mr. Coffman asked where the main entrance would be. Mr. Jennings said the trucks coming into the site would be coming down Tyburn road not Pennsylvania Avenue which prohibits trash vehicles. Employees would come from various roads, but there would not be a significant amount of vehicles. In any case, the facility itself is close to the intersection of New Ford Mill Road and Tyburn Road, not terribly close to Pennsylvania Avenue. Mr. Bradshaw said the main entrance is off of Queue road. Ms. Toni Battiste wanted to know what kind of waste will be generated and how much dust there would be. Mr. Bradshaw said we are not generating any waste. We are taking existing waste on its way to the landfill, extracting a portion of that waste, and then converting it into the boards. There is some dust but they use dust-control systems. There is no water and no chemicals used in the process - only heat and cold. Ms. Battiste asked what would happen with the panels when you take them down. Mr. Bradshaw said the roofing panels have a 20-year life cycle. When they are at the end of their life cycle, they can be removed, brought back to our plant, and they can re-use the material to make new board.

**ITEM # 6 2021 PROPOSED BUDGET PRESENTATION AND
AUTHORIZATION TO ADVERTISE**

Mrs. Betsy Reukauf presented details for the proposed 2021 budget. The tax millage rate remains the same at 7.22 mils. Falls Township taxes continue to be lower than our surrounding municipalities. Proposed capital projects include: the 2021 Road Program (\$3,665,000), intersection improvements at North Olds Boulevard and Trenton Road (\$50,325), the adaptive traffic signal project (\$57,100 for engineering costs and 80% grant funding), tree trimming and removal (\$150,000), Police purchases (\$470,000) and Public Works purchases (\$243,000). The budget is scheduled to be adopted at the December 21, 2020 Board of Supervisors meeting. Member Galloway moved to open public comment; Member Palmer seconded the motion; all board members were in favor. (5-0)

Mr. Guido Mariani said the budget is the most important management tool available to our government. Mr. Mariani addressed two policy decisions that he would like the board to consider and he would like these implemented with the 2021 budget. The first one is the EIT. Mr. Mariani asked if the board realizes that Bucks County towns earned over \$79-\$80M from an EIT tax. He said we contribute \$3-\$4M to that amount and we never got anything back. Within the last two years, Mr. Mariani said he previously provided the board with detailed information about the EIT tax. He thinks with the proposed budget it is appropriate to consider implementing an EIT or at least the study of this. We have the opportunity to expand our tax base. This would not be an additional levy on the overwhelming number of Falls Township taxpayers. An employee does not pay an EIT where they work and where they live. A range of revenue estimates indicate we are subsidizing other townships by \$3-\$4M a year. That revenue belongs to Falls Township. Please review the facts and then consider this suggestion for this year's budget. Mr. Mariani said E Consult Solutions did a study on Falls Township residents paying an EIT. They

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found that the number increased from 20% to 48%. Mr. Mariani said when the amounts is up around 40%, you are looking at income in excess of \$4M coming in. Mr. Mariani would like to see the board include in the budget the renovation of this building and said the cost is well within our objectives. He knows it is a big project and this building does not have to be and should not be torn down and replaced by a new building. Most buildings are renovated, remodeled, and modernized - they are not torn down. At the very least, begin a feasibility study on the renovation of this building. Member Rocco said a few years ago they did a study and Mr. Mariani had said that most people would not see a tax increase. Roughly 40% were currently paying either EIT or city wage. One of the things that doesn't get recovered is city wage. A fair amount of the 40% were paying city wage. The other thing is that we cannot keep 1%; it goes to the school district. Member Rocco said he is not fully opposed to it but maybe not adopt it this year. He suggested doing another study to see where we stand. Mr. Mariani said he does not believe most people know if they pay an EIT. Member Galloway moved to close public comment; Member Palmer seconded the motion; all board members were in favor. (5-0) Member Galloway moved to authorize advertisement of the 2021 proposed budget; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 7 CONSIDER ADOPTING ORDINANCE TO AMEND THE FALLS TOWNSHIP CODE AT CHAPTER 203 – VEHICLES AND TRAFFIC, ARTICLE III – PARKING REGULATIONS, SECTION 22 – PARKING PROHIBITED AT ALL TIMES – TO ADD THE AREA OF WOOLSTON DRIVE AND MAKEFIELD ROAD TO THE LIST OF PROHIBITED LOCATIONS

Member Galloway moved to approve Ordinance # 20-4, amending the Falls Township Code at Chapter 203 – Vehicles and Traffic, Article III – Parking Regulations, Section 22 Parking Prohibited At All Times – To add the area of Woolston Drive and Makefield Road to the List of Prohibited Locations; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 8 CONSIDER ADOPTING ORDINANCE AMENDING CHAPTER 206 – WRECKERS AMENDING SECTION 11 – INSPECTION; SUSPENSION

Ms. Gallagher said this is a revision to Chapter 206 which governs the township's duty tow wreckers. This would require each applicant for the 2021 calendar year to permit the township and its officers that inspect their books with regard to charges that are made regarding township tows. Member Galloway moved to adopt Ordinance # 20-5, amending Chapter 206 – Wreckers amending Section 11 – Inspections; Suspension; Member Palmer seconded the motion; all board members were in favor. (5-0)

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ITEM # 9 MINUTES – OCTOBER 19, 2020

Member Galloway moved to approve the minutes from October 19, 2020; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 10 ENGINEERS REPORT

Mr. Jones said the land developments submitted in October were the master sketch plan for NorthPoint and the CellCo Partnership project which we heard tonight. The new earth disturbance application was a residential pool. Notable points are identified in red. The J.G. Petrucci tract and Al Rose Steel have had pre-construction meetings. Both projects are still working on their Developer's Agreements. For ongoing township projects, the docks at the Quaker Penn Park have been removed and are under repair. The 2020 Road Program continues to move in full force in Hedgerow Woods. They removed pavement on half of Gilbert. All residents have access to their driveways. The mill and overlay portion of the project has been completed. That was two roads in the Fairless Hills section on Stanwood Road and Dunbury Road and the two roads in the Fallsington Woods section – Amesbury Road and Ellerdale Road. The 2021-2023 Road Program is in the design project. We have completed all survey work on Elderberry Drive. We will have budget numbers in early 2021 and be out to bid for the first portion in the spring. Member Galloway moved to approve the October Engineers Report; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 11 BILL LIST

Member Galloway moved to approve the bill list in the amount of \$2,332,341.51; Member Palmer seconded the motion; all board members were in favor. (4-0)

Member Galloway moved to approve the bill for Carr & Duff in the amount of \$7,503.23; Member Palmer seconded the motion; all board members were in favor with the exception of Member Boraski who abstained from the vote. (4-0-1)

ITEM # 12 EXECUTIVE SESSION

Mr. Clarke said an Executive Session was held on October 27, 2020 where the board consulted with its advisors over a matter of potential development within the township. The board held an Executive Session on November 2, 2020 to discuss potential litigation and again consulted with its advisers over a potential development matter within the township. On November 16, 2020 earlier this evening, the board held an Executive Session to discuss potential litigation and a personnel matter.

ITEM # 13 POLICE DEPARTMENT REPORT

Chief Whitney provided the following updates:

- A. During the month of October, there were 34 out of 62 shifts where manpower was at or below minimum staffing for at least part of the shift. This amounts to 55% of

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the time in October. Their objective is to be at minimum staffing no more than 25% of the time.

- B. There were 14 overdoses in October. The yearly total is 111. There were seven fatal overdoses for the year. There were 1,566 calls for service for the month of October. At the end of October, we were up to 14,886 calls. There were 197 medical calls in October with 1804 for the year. There were 117 traffic accidents in October bringing the year to date total to 818.
- C. There were 85 arrests reported for October.
- D. Chief Whitney reported on the shots fired incident at the Commons of Fallsington on October 29, 2020 and the shooting at the West Trenton Avenue WAWA on November 7, 2020. There were two subjects who were arrested for the shooting that took place on September 8, 2020 at the intersection of North Olds Boulevard and Lincoln Highway.
- E. If approved, the CRS grant will provide a Certified Recovery Specialist to ride with our police EMTs.
- F. Chief Whitney spoke about the police use of force. The Bucks County DA's office and the Bucks County Chiefs of Police Association have agreed to adopt 15 policy points regarding the police use of force. Falls Township Police Department has agreed to amend our Use of Force policy to incorporate these policy points.
- G. The police department continues training to be prepared for COVID-19. We have been purchasing PPE since the beginning of the pandemic.

ITEM # 14 MANAGER COMMENT

- A. Member Galloway moved to authorize advertisement of a rental property inspection ordinance; Member Palmer seconded the motion; all board members were in favor. (5-0)
- B. Member Galloway moved to approve the escrow release to MM Metals USA in the amount of \$303,772.67; Member Palmer seconded the motion; all board members were in favor. (5-0)
- C. Manager Takita said the township has mylars ready for Arlos Steel.

ITEM # 15 BOARD COMMENT

Member Palmer said he is glad to see the road program going good. The budget seems to be in line for next year. It was also good to see the dedication of the Doughboy statue. Happy Thanksgiving and stay safe.

Member Galloway said he hopes everyone enjoys their holiday.

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Member Boraski – no comment

Member Rocco thanked Chairman Dence for attending the Doughboy statue dedication. On the budget, it is costing us roughly \$20M a year to keep the lights on. Without the landfill it will be a struggle. Different ways to get revenue will come to us at some point; maybe five to ten years it is coming.

Chairman Dence hopes everyone can stay healthy. Please use good judgement during this Pandemic and please be considerate of everyone else. Do your best to stay safe. There will be a special meeting on the NorthPoint Development Group on December 7th. This is to hear a presentation and making a move to approve their Developer's Agreement.

Member Galloway moved to adjourn the meeting; Member Palmer seconded the motion all board members were in favor. (5-0) The meeting was adjourned at 9:05 p.m.



Jeffrey Rocco, Secretary

