

Board of Supervisors – July 19, 2021

**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 6:32 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**

No one called in for public comment.

**ITEM # 2 BUMM HOLDINGS COMPANY, LLC – PRELIMINARY/FINAL
LAND DEVELOPMENT – 140 A-OLD OXFORD VALLEY ROAD –
TMP # 13-003-001-001**

Mr. Ed Murphy was present for the applicant. Also present were Mr. Justin Geonnotti (Dynamic Engineering) and representatives from BUMM Holdings Co. Previously, there were some questions about the flow of traffic. Chairman Dence said Mr. Bumm has obtained another parcel off of Cabot Boulevard so he can access directly onto Cabot Boulevard. Mr. Jones said he is comfortable with the plan as presented. Member Galloway moved to approve Resolution # 2021-21 for BUMM Holdings Company, LLC, preliminary and final land development, 140 A – Old Oxford Valley Road, TMP # 13-003-001-001; Member Palmer seconded the motion; all board members were in favor with the exception of Member Boraski who voted no. (4-1-0)

**ITEM # 3 KA @ FAIRLESS HILLS, LP – PRELIMINARY/FINAL LAND
DEVELOPMENT – 500 LINCOLN HIGHWAY – TMP # 13-018-109**

Ms. Julie Von Spreckelsen was present for the applicant. Also present were Mr. Justin Geonnotti (Dynamic Engineering), Mr. Mike Redel (WAWA), and the Klein Group. Chairman Dence said this is for the WAWA who had a plan with a drive-through. The drive-through has been eliminated from the plan. Mr. Jones had no concerns with this plan. Member Galloway moved to approve Resolution # 2021-20 for KA @ Fairless Hills, LP, preliminary and final land development, 500 Lincoln Highway, TMP # 13-018-109; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 4 CONSIDER APPROVAL OF A RESOLUTION ADOPTING AND SUBMITTING A PLAN REVISION FOR NEW LAND DEVELOPMENT TO THE PA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR APPROVAL, IN CONNECTION WITH UPDATING THE TOWNSHIP'S ACT 537 SEWAGE FACILITIES PLAN, REFLECTING THE REDEVELOPMENT OF THE EXISTING KEYSTONE INDUSTRIAL PARK COMPLEX BY NORTHPOINT DEVELOPMENT

Mr. Clark said this is a revision to the township's Act 537 Plan. Since NorthPoint is putting in some additional sewer lines in areas that did not previously have sewer lines and since the sewage facility is being turned over from U.S. Steel to the Morrisville Municipal Authority, the 537 Plan has to be updated. Member Galloway moved to approve Resolution # 2021-22, adopting and submitting a plan revision for new land development to the PA Department of Environmental Protection for approval, in connection with updating the Township's ACT 537 Sewage Facilities Plan, reflecting the redevelopment of the existing Keystone Industrial Park Complex by NorthPoint Development; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 5 CONDUCT A PUBLIC HEARING ON, AND CONSIDER APPROVAL OF, A RESOLUTION ADOPTING AND SUBMITTING A SPECIAL STUDY ON THE TOWNSHIP SEWAGE FACILITIES MANAGEMENT PLAN TO THE PA DEPARTMENT OF ENVIRONMENTAL PROTECTION, REFLECTING THE SALE OF THE PRIVATELY OWNED WASTEWATER FACILITIES KNOWN AS THE US STEEL FAIRLESS HILLS WASTEWATER TREATMENT PLANT TO MORRISVILLE MUNICIPAL AUTHORITY

Mr. Clarke said since the sewage facilities at the KIPC site are being transferred from U.S. Steel to NorthPoint to Morrisville Municipal Authority, the DEP requires that a public hearing be held where members of the public who have an interest in this transfer can be heard. Member Galloway moved to open the public hearing; Member Palmer seconded the motion; all board members were in favor. (5-0) Mr. Clarke said this is a public hearing to consider approval of a resolution adopting and submitting a special study on the township's sewage facilities management plan to the PA DEP reflecting the sale of wastewater facilities known as the U.S. Steel Fairless Hills Wastewater Treatment Plant to the Morrisville Municipal Authority. There was one person who spoke who said that in December, 2020, the board passed a resolution approving the sale of the system to Morrisville and also on December 23rd, TOFA acknowledged and reached an agreement with the Morrisville Municipal Authority. Mr. Jones had no comments. Member Palmer asked if that plant would be treating leachate. The gentleman who spoke said Morrisville currently treats leachate at the Morrisville treatment plant. They hope to build a new treatment plant on the U.S. Steel property. There have been several news reports of that intent. Member Palmer

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asked if they plan on doing leachate on that plant. The gentleman said yes, the leachate would most likely be coming from Waste Management. Member Galloway moved to close the public hearing; Member Palmer seconded the motion; all board members were in favor. (5-0) Member Galloway moved to approval Resolution # 2021-23, adopting and submitting a special study on the Township Sewage Facilities Management Plan to the PA Department of Environmental Protection, reflecting the sale of the privately owned wastewater facilities known as the US Steel Fairless Hills Wastewater Treatment Plant to Morrisville Municipal Authority; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 6 CONSIDER STIPULATIONS TO SETTLE IN APPEAL OF GATEHOUSE MEDIA PA HOLDINGS INC., TAX PARCEL # 13-028-062-012, DOCKET # 2020-06469

Mr. Clarke said Gatehouse Media PA Holdings, Inc. owns the property at 2 Geoffrey Road and they have filed an appeal of their tax assessment. The assessment was in the amount of \$449,400 and an appeal was filed. The parties have agreed to settle this matter. The assessment will be decreased from \$449,400 to \$315,950 and refunds from any of the taxing authorities will be returned to the owner. Member Galloway moved to approve to settle in appeal of Gatehouse Media PA Holdings Inc., Tax Parcel # 13-028-062-012, Docket # 2020-06469; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 7 CONSIDER STIPULATIONS TO SETTLE IN APPEAL OF ASHFORD BUCKS COUNTY LLC, TAX PARCEL # 13-003-031-001, DOCKET # 2020-06686

Mr. Clarke said this tax assessment appeal for Ashford Bucks County LLC will decrease from \$1,200,360 to \$750,000 and shall remain at \$750,000 until a subsequent appeal is filed. If there are any overpayments, they are returned to Ashford Bucks County LLC which is the entity that owns the property. Member Galloway moved to approve to settle in appeal of Ashford Bucks County LLC, Tax Parcel # 13-003-031-001, Docket # 2020-06686; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 8 CONSIDER MANAGER TO FINALIZE THE AWARD BID FOR THE FALLS TOWNSHIP COMMUNITY PARK HOCKEY RINK IMPROVEMENT PROJECT

Chairman Dence said the review period for the responsible contractor review will be over before the next meeting so we will give Manager Takita permission to finalize the award. Member Galloway moved to authorize Manager Takita to finalize the award bid for the Falls Township Community Park Hockey Rink Improvement Project; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 9 CONSIDER THE 2020-2021 DIESEL AND UNLEADED FUEL BIDS FOR FALLS TOWNSHIP

The board is being asked to consider awarding the Bucks County Consortium Fuel Bid to PAPCO Inc. for unleaded regular fuel and for ultra-low sulfur diesel. Member Galloway moved to approve the Diesel and Unleaded Fuel Bid to PAPCO Inc. for Falls Township; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 10 CONSIDER AUTHORIZATION FOR ADVERTISEMENT FOR BIDS FOR THE HISTORICAL THREE ARCHES ROOF REPLACEMENT

Member Galloway moved to authorize advertisement for bids for the Historical Three Arches Roof Replacement; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 11 REVIEW AGREEMENT BETWEEN FALLS TOWNSHIP AND THE FALLS SOCCER CLUB FOR GENERAL MAINTENANCE OF THE SOCCER FIELDS

There was no action on this agenda item.

ITEM # 12 CONSIDER ADOPTING PARKS ORDINANCE CHAPTER 168 – AMENDING SECTION 17 – COMMUNITY PARK REGULATIONS AND SECTION 20 – MISCELLANEOUS PROVISIONS

Ms. Gallagher said ordinance has been advertised and is ready for adoption this evening. This change adds weight to the list of permissible activities, it prohibits the release of helium balloons as well as aerial luminary lanterns which are considered a fire hazard. This ordinance covers all of the township parks. Member Galloway moved to approve Ordinance # 2021-10, Chapter 168 – amending Section 17 – Community Park Regulations and Section 20 – Miscellaneous Provisions; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 13 CONSIDERATION OF AMENDED PROPOSAL FOR ENGINEERING SERVICES FOR THE 2020 ROAD IMPROVEMENT PROGRAM

Manager Takita said the board is being asked to consider an amended proposal for engineering services for the 2020 Road Program. Due to COVID, there were construction delays and Jones Engineering had to be on site to address resident concerns as well as other safety issues during that time period. Because of that, work extended past the actual construction allotted time so additional time is being requested to address these concerns and close out the program. Member Galloway moved to approve the amended proposal for engineering services for the 2020 Road Improvement Program; Member Palmer seconded the motion; all board members were in favor. (5-0)

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ITEM # 14 MINUTES – JUNE 21, 2021

Member Galloway moved to approve the minutes from June 21, 2021; Member Palmer seconded the motion; all board members were in favor with the exception of Member Rocco who abstained as he was absent from the meeting. (4-0-1)

ITEM # 15 ENGINEERS REPORT

Mr. Jones said they had two new earth disturbance applications submitted, one new land development, and one cell tower application. The KA Fairless Hills and BUMM Holdings projects were addressed tonight. NorthPoint phase 1 is operating under an NPDES permit. The Tyburn Road Associates project was approved last month. The Raising Cane's project is a fast-food restaurant located at the old Macaroni Grill site. For earth disturbance applications, Old Tyburn Road is the same project we had before for the Beck Storage Yard and it has just changed ownership. For the 2020 Road Program, all concrete for Burgess Manor will be poured by tomorrow. All residents will have access to their driveways by the end of the week. The waring course at Hedgerow Woods will be applied either late this week or early next week and that project will be substantially complete. For the 2021 Road Program in Elderberry, mill and overlay is about 95% complete. The Elderberry reconstruction will probably start late next week or the first week in August. Member Galloway asked about #13 in his report, restoration of stream bank at County Park. Do you know where that stands? Mr. Jones said we pushed back; there was an issue with engineering. It is in a flood plain and the flood plain was not adequately addressed by the County engineer. We have contacted them, but they haven't called us. It is a County project and we would like to see it move forward but they are making significant changes to the flood plain. Mr. Jones will follow up on this item.

ITEM # 16 BILL LIST

Member Galloway moved to approve the July 19, 2021 bill list in the amount of \$2,540,646.06; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 17 EXECUTIVE SESSION

Mr. Clarke said the Board held an Executive Session on July 12th regarding potential litigation and litigation.

ITEM # 18 POLICE DEPARTMENT REPORT

Chief Whitney provided the following updates:

- A. Chief Whitney provided a written copy of his June report to the board.
- B. There were instances on June 30th and July 15th where police officers were involved with individuals experiencing meth psychosis where someone is seeing and hearing

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- things that aren't real.
- C. There was a robbery at the Bristol Pike WAWA. Two of the three actors were arrested.
 - D. A teacher's assistant at the Valley Day School was arrested after having an inappropriate relationship with a student.
 - E. We have been getting reports of unemployment fraud from several citizens.
 - F. On July 10th, there was a traffic pursuit on Rt. 13 terminated by our officers. We were able to identify the suspect and follow up on that.
 - G. On July 4th we issued twelve fireworks citations. There was a 42-year old male who had a hand injury and required hospitalization.
 - H. On July 1st there was an aggravated assault which was later upgraded and charged as a homicide.
 - I. Also on July 1st, there was a fatal crash on Trenton Road which was the result of a medical condition. This is still under investigation. The driving habits of people are showing distress. Chief Whitney urges people to drive safely.
 - J. The Youth Police Academy has started back up. Today was day 3. This is the last Youth Police Academy with Officer Yeager as he retires next month. Moving forward, Officer Mike Kelly will now be responsible for this program.

ITEM # 19 MANAGER COMMENT

- A. Member Galloway moved to approve escrow releases as follows: Escrow release # 4 for MM Metals USA LLC in the amount of \$94,352.58 and earth disturbance escrow release for 106 Rice Drive in the amount of \$685.18; Member Palmer seconded the motion; all board members were in favor. (5-0)
- B. Member Galloway moved to approve a \$6,000 donation to Historic Fallsington Day; Member Palmer seconded the motion; all board members were in favor. (5-0)
- C. Member Galloway moved to waive the fees for the Christopher Mensch Foundation project at 16 Nearwood Lane; Member Palmer seconded the motion; all board members were in favor. (5-0)
- D. Chairman Dence moved to appoint Chris Avani to the Shade Tree Commission; Member Galloway seconded the motion; all board members were in favor. (5-0)
- E. Chairman Dence moved to appoint Kristin Grapes to the Parks & Rec Board; Member Galloway seconded the motion; all board members were in favor. (5-0)
- F. Chairman Dence moved to appoint Michel Brown and Donna Molloy to the Historic Preservation Commission; Member Galloway seconded the motion; all board members were in favor. (5-0)
- G. Chairman Dence moved to appoint Amy Gallagher to the Neighborhood Traffic Advisory Committee; Member Galloway seconded the motion; all board members were in favor. (5-0)
- H. Chairman Dence moved to appoint Ian James to the Cable Advisory Board; Member Galloway seconded the motion; all board members were in favor. (5-0)

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- I. Chairman Dence moved to appoint David Walsh to the Environmental Advisory Council; Member Galloway seconded the motion; all board members were in favor. (5-0)
- J. Chairman Dence moved to appoint Dianna Siderio to the Disabled Persons Advisory Council; Member Galloway seconded the motion; all board members were in favor. (5-0)
- K. Chairman Dence moved to appoint Robert Hedden to the Historic Architectural Review Board; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 20 BOARD COMMENT

Member Galloway no comment.

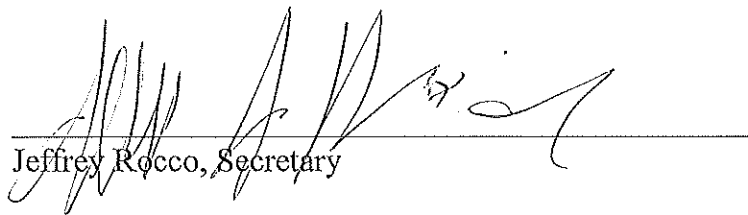
Member Boraski no comment.

Member Rocco said he would not be able to attend the next meeting.

Member Palmer said he is glad to be back. This is his second in-person meeting.

Chairman Dence said the new equipment seems to be working well and the speaker up front is a big help. It is hot outside and everyone is stressed. Please be careful out there.

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 7:06 p.m.



Jeffrey Rocco, Secretary

