

**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 7:00 p.m. with roll call and pledge to the flag. All Board members were present. Also present were Chief Code Enforcement Officer & Zoning Officer/Assistant Township Manager Matthew Takita, Township Solicitor Michael Clarke, and Township Engineer Joe Jones.

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

Ms. Sandra Gartner lives on Wheatsheaf Road. Her home sits at the entrance to the park and on the other side is the canal path. There is a constant flow of pedestrians walking in front of her home. The issue she has is with the vehicular traffic that speed through this walkway. There are tow trucks, dump trucks and cars flying through this pedestrian area. There are no speed bumps on the street. The township put up a temporary radar sign but it is not in the correct location. It was put up near the Penn Valley entrance to the park instead of the Wheatsheaf Road entrance to the park. It has not worked for the past five days. It is completely out. Ms. Gartner would like to request a permanent speed radar sign between the park entrance and the canal path. We know this sign works. When Lt. Whitney put one out front, it was a completely different street. Drivers were more alert, they went the speed limit, and were more aware of their surroundings. A handful of the regulars who use this walkway have special needs. The sooner we get a permanent sign, the better. Chairman Dence said they took the temporary one down there but was not aware of the location. He will follow up with Lt. Whitney tomorrow. Ms. Gartner said Pennsbury High School has a speed radar sign on South Olds Boulevard which runs off of solar panels. Her concern is that she sees too many close calls. Even with the Mill Creek bridge re-open, we still have these problems. Member Boraski said it sounds like we may need more police presence in the area, but we will have the township manager check into this with Lt. Whitney. Ms. Gartner said the temporary sign and the police presence work for the days they are there and then once they are gone, we have the problem again.

Ms. Toni Battiste said she sent Mr. Takita some questions about Elcon which he answered. Ms. Battiste said there is no readily available information on Elcon updates and she would like residents to know what is going on with this company. Due to the shutdown, there is nothing scheduled at this time. They are waiting for the judge to reschedule oral arguments.

There is no communication from the DEP or Elcon. Ms. Battiste asked if anyone from the township has visited the proposed site to make sure nothing is being done to change the status of the land. Chairman Dence said no, we do not make regularly scheduled visits, but we can report there is nothing going on. Ms. Battiste asked if they could have updates on the website or make this subject a regular part of the meeting. Chairman Dence said no one from the township goes down there, but the engineer's office is down there every day. As far as updates, we can look into putting something on the website.

ITEM # 2 MM METALS USA, LLC – PRELIMINARY AND FINAL LAND DEVELOPMENT – 53 MIDDLE DRIVE – TMP # 13-051-001

Mr. Michael Meginniss represents MM Metals USA, LLC. This site is in the Materials Processing and Manufacturing (MPM) zoning district. The applicant's proposed plans include construction of three buildings on a 5.405-acre lease area. Building 1 is a 28,044 sq. ft. (office/laboratory). Building 2 will be 15,720 sq. ft. (ferrochrome) and building 3 will be 10,000 sq. ft. (aluminum). The location will be used to manufacture low-carbon ferrochrome alloy. They are not dealing with any contaminated materials and they are not processing any radio-active material. Their operation is 24 hours per day, 7 days per week and there is no overnight truck storage. Ferrochrome is used in the production of high-temperature alloys for jet engines and rocket exhausts. This is the only domestic producer of this material. There are six waiver requests. They will comply with the review letters from the township engineer, traffic engineer and fire marshal. Mr. Jones said he has no objection to the waivers. Member Boraski moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (5-0) Ms. Toni Battiste asked if there were any negative impact on air or water quality or any loud noises. Mr. Meginniss said there is no negative impact from an environmental standpoint and no loud noises created on site. Member Galloway moved to close public comment; Member Boraski seconded the motion; all board members were in favor. (5-0) Member Palmer loves the fact that they are bringing jobs to Falls Township. Welcome to the township. Member Rocco asked how many new jobs would be created. Mr. Dan Shaw said there will be 60-70 new hires in Falls Township. Member Galloway moved to approve Resolution # 20-15 for preliminary and final land development for MM Metals USA, LLC, 53 Middle Drive, TMP # 13-051-001; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 3 GELEST REALTY, INC. – AMENDED FINAL LAND DEVELOPMENT – 11 STEEL ROAD EAST – TMP # 13-047-152

Mr. Michael Meginniss said this is an amended final land development for Gelest Realty. The 6.972-acre parcel is zoned Heavy Industrial (HI). They are looking for approval for a 550 sq. ft. accessory building to permit an increase in the manufacturing capabilities of bio-safe products, identified to assist in the fighting of COVID. There are no waiver requests and everything is will comply. There is no increase in traffic. Member Boraski moved to approve Resolution # 20-16 for the amended final land development for Gelest Realty, Inc.,

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11 Steel Road East, TMP # 13-047-152; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 4 CONSIDER JONES ENGINEERING ASSOCIATES TO ISSUE NOTICE OF INTENT TO AWARD BID FOR THE 2020 FALLS TOWNSHIP ROAD IMPROVEMENT PROGRAM

The township received bids for the 2020 Road Improvement Program as follows: General Asphalt Paving Co. in the amount of \$3,017,338.17 (base bid), \$29,237.50 (alternate #1) for the total of \$3,046,575.67 and James D. Morrissey Inc. in the amount of \$3,223,974.56 (base bid), \$24,392.50 (alternate #1) for the total of \$3,248,367.06. Member Palmer said he had concerns with Lower Makefield and their side of the street. Mr. Jones said it is his understanding that Lower Makefield is willing to reimburse the township for that amount but it may be over a couple of years. Member Rocco asked about Elbow Lane and if this includes the Lower Makefield portion as well. Mr. Jones said yes, that is what alternate #1 was for. Member Rocco asked Mr. Clarke what we can do to make sure we get paid by Lower Makefield. Mr. Clarke said we can have an agreement to make sure we get paid. They are committed to doing this. We will put something together. Member Boraski had the same concerns as Member Rocco, making sure we have some sort of agreement in place. He asked about the negative attention with Elbow Lane. Mr. Jones said on his side it has quieted down but he did have a conversation with one of the residents who was unsure of what the improvements would be. Mr. Jones believes they will have a thicker road section at the end of the day. We have done everything in our power to alleviate concerns by explaining the full scope of the improvements. When it goes under construction, we will be out there quite a bit. Member Galloway moved to issue a notice of intent to award the bid for the 2020 Falls Township Road Improvement Program to General Asphalt Paving Co. in the amount of \$3,046,575.67 for the base bid plus alternate # 1; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 5 CONSIDER CHANGE ORDER FOR THE 2018 FALLS TOWNSHIP ROAD IMPROVEMENT PROGRAM

Mr. Jones provided an explanation for this change order. There was an overage of topsoil. Mr. Jones said they negotiated the cost down to less than half of what they were asking for. Member Palmer asked if the contractor notifies Mr. Jones when there is a change order, or do they just go ahead and do the work. Mr. Jones said the process is to get written authorization from our office before they go over the bid item and they did not. The inspector on the job no longer works for Mr. Jones. Mr. Jones said moving forward no work will proceed until we issue written notification. Member Boraski said he appreciates Mr. Jones staying on top of the situation and thank you for being able to meet in the middle on the pricing with the contractor. Member Galloway moved to approve the change order for topsoil the 2018 Falls Township Road Improvement Program in the amount of \$7,670; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 6 CONSIDER RESOLUTION FOR THE SEWAGE FACILITIES PLANNING MODULE FOR MM METALS USA, LLC – 53 MIDDLE DRIVE

Mr. Jones said this is a typical process that applicants must go through to have approval from the DEP to discharge their sewage. This is standard operating procedure. Member Palmer asked Mr. Jones if this had anything to do with our local authority. Mr. Jones said this has nothing to do with our local authority. This is USX's authority plant. Member Galloway moved to approve the resolution for the Sewage Facilities Planning Module for MM Metals USA, LLC, 53 Middle Drive; Member Palmer second the motion; all board members were in favor. (5-0)

ITEM # 7 CONSIDER RATIFICATION OF DECLARATION OF EMERGENCY AS APPROVED BY THE BOARD OF SUPERVISORS DATED APRIL 24TH, MAY 1ST, MAY 8TH, AND MAY 15, 2020

Member Galloway moved to ratify the declaration of emergency as approved by the Board of Supervisors for the dates of April 24th, May 1st, May 8th, and May 15, 2020; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 8 CONSIDERATION OF EMPLOYMENT SEPARATION AGREEMENT AND RELEASE BETWEEN FALLS TOWNSHIP AND WILLIAM J. WILCOX

Chairman Dence said that Chief Wilcox has decided to retire. This will give him a cash severance, extended health benefits, life insurance and sick time. Chief Wilcox has not yet made his official announcement but we need to get this approved. His retirement will be at the end of the year. Member Boraski moved to approve the employment separation agreement and release between Falls Township and William J. Wilcox; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 9 CONSIDERATION OF APPROVAL OF HEALTH BENEFITS PROGRAM RATE RENEWAL

Mr. Takita said this is the IBX rate renewal and employee health system program for June 1, 2020 to May 31, 2021. This is a 3% increase from the current premium. Member Galloway moved to approve the health benefits program rate renewal in the amount of \$3,311,840.88; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 10 APPOINTMENTS TO VARIOUS BOARDS, COUNCILS, COMMITTEES AND COMMISSIONS

There was no action on this agenda item.

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ITEM # 11 MINUTES – APRIL 20, 2020

Member Galloway moved to approve the minutes from April 20, 2020; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 12 ENGINEERS REPORT

Mr. Jones provided the board with an update. There were two new land development application submissions. We had one earth disturbance application submitted for a residential pool. In terms of land development earth disturbance updates, MLH Explorations was approved by this board and operates under a temporary CO. The Kampi Components project is substantially complete. We are in the process of reviewing their storm water management as built. We spoke about MM Metals. The 2019 Road Program is substantially complete. For the 2021 to 2023 Road Program, the scope of work was identified last month. We are ordering core samples and identifying the areas we would like to start based on the core samples. Member Palmer moved to approve the April Engineers report; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 13 BILL LIST

Member Boraski asked if they are using the new software for the bill list as it is much easier to review now. Mr. Takita said yes. Member Galloway moved to approve the bill list in the amount of \$2,696,522; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 14 EXECUTIVE SESSION

Mr. Clark said there was an Executive Session on April 28th to discuss a personnel matter. There was an Executive Session on April 30th to discuss potentially opening the township offices. No deliberation or official action was taken at that meeting. There was an Executive Session on May 6th to discuss a personnel matter, and an Executive Session on May 14th to discuss a personnel matter. The board also met on May 18th to discuss issues related to Parks and Rec and a Collective Bargaining Agreement.

ITEM # 15 POLICE DEPARTMENT REPORT

Chief Wilcox provided Chairman Dence with updates as follows:

- A. On April 27th, Officer Michael Collins Jr. was sworn in by Judge Vislosky. He will be starting Temple's Police Academy.
- B. On May 11th, Chief Wilcox appointed a Jr. Police Officer to Michael Bond-Schley for his help during a medical emergency when his mother gave birth at home.
- C. On May 12th, officers handled an armed suicidal subject at the Red Roof Inn. The subject was taken into custody.
- D. We continue to receive supplies and food from the community. Chief Wilcox thanked Chadd Braily from Faith Baptist Christian Academy, the International

Brotherhood of Electrical Workers (IBEW) Local Union 269, Penn Ryn School, Deer Park, and the Police and Fire Credit Union for their generous donations and continued support.

- E. Our officers have participated in multiple drive-by parades. We have done our best to accommodate those requests.
- F. Our officers remain healthy and are still practicing social distancing in compliance with the Governor's order.

ITEM # 16 MANAGER COMMENT

- A. Member Galloway moved to approve a \$6,000 donation to Levittown American Athletic Association; Member Palmer seconded the motion; all board members were in favor. (5-0)
- B. Member Boraski moved to approve the agreement with Avenrowe for removal of six large damaged pine trees in the amount of \$4,500; Member Galloway seconded the motion; all board members were in favor. (5-0)
- C. Gelest mylars are ready for signature.

ITEM # 17 BOARD COMMENT

Member Palmer is looking forward to getting back to normal. Member Palmer thanked all public servants for everything they do.

Member Rocco wishes for everyone to stay safe.

Member Galloway – no comment

Member Boraski – no comment

Chairman Dence said we are still following state and county guidelines. We are doing the best we can and we appreciate cooperation from everyone. We have guidelines in place to open the township building in early June. There will be procedures in place and most of this will be by appointment. The Pinewood Pool and summer camp will not be opening this year. Payments will be refunded right away. We rely on Pennsbury for the summer camp. With the guidelines in place there will be no way to have 160 kids in place. There are a lot of what ifs that we do not have answers to. We apologize, but this is out of our hands. Please stay safe and be considerate of everyone around you. He hopes everyone has a nice Memorial Day. The Memorial Day Parade and the DV3 Flag Memorial are both canceled for this year. As we start to get back to normal, please be considerate and cooperative.

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 8:10 p.m.



Jeffrey Rocco, Secretary