

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

JEFFRY E. DENCE, CHAIRMAN	PRESENT
ERIN M. MULLEN, VICE-CHAIRPERSON	PRESENT (ONLINE)
BRIAN M. GALLOWAY, SECRETARY	ABSENT
JEFFREY M. BORASKI, SUPERVISOR	ABSENT
JOHN W. PALMER, SUPERVISOR	PRESENT

The meeting was called back to order at 7:00 p.m. on Monday, June 30, 2025 with roll call and pledge to the flag. All Board members were present with the exception of Member Boraski and Member Galloway. Also present were Township Manager/Chief Code Enforcement Officer & Zoning Officer Matthew Takita, Township Solicitor Michael Clarke and Township Engineer Joe Jones.

ITEM # 1 EXECUTIVE SESSION

There was no Executive Session to report on.

**ITEM # 2 PUBLIC COMMENT – FIVE MINUTE LIMIT PER PERSON
FORTY-FIVE MINUTE MAXIMUM**

There was no action on this agenda item this evening.

**ITEM # 3 CONSIDERATION OF APPROVAL HIRING POLICE OFFICER
SEAN PERRY**

Member Palmer moved to approve the hiring of Police Officer Sean Perry; Chairman Dence seconded the motion; all board members were in favor. (3-0) Chief Whitney introduced Sean Perry. Sean is the first graduate of the Falls Township Youth Police Academy to become a Falls Township Police Officer. He grew up in Pennsylvania and is a graduate of Pennsbury High School. Sean is currently enrolled at West Chester University, pursuing a degree in Criminal Justice. He is also in the National Guard as a Military Police Officer. We are very happy to have him on board as part of our team.

**ITEM # 4 AMAROK LLC – CONDITIONAL USE HEARING – 100 RIVER
ROAD – TMP # 13-051-001-032**

Member Palmer moved to open the Conditional Use Hearing for AMAROK LLC; Chairman Dence seconded the motion; all board members were in favor. (3-0) Mr. Clarke said this is a Conditional Use Hearing. The applicant is AMAROK LLC and they have filed a Conditional Use application for their property located at 100 River Road, TMP # 13-051-001-032. This property is located in the HI zoning district. The applicant seeks to install a

Board of Supervisors – June 30, 2025

low-voltage perimeter security fence situated behind an existing perimeter fence. Pursuant to our Zoning Code Section 207-39A, electrical fences are permitted in industrial areas by Conditional Use. This has been properly advertised and posted. Mr. Clarke explained the Conditional Use process. The applicant is represented by Ms. Maryanne Garber, Esquire (Buchanan and Ingersoll & Rooney). Ms. Garber said Amarok is a company that provides outdoor perimeter security systems to commercial and industrial developments. The applicant entered the following exhibits. A1 – Deed for the property; A2 – Proof of the mailed notice sent out to abutting property owners; A3 – Conditional Use Application; A4 – The three-sheet site plan that accompanied the Conditional Use Application; A5 – Township Engineer Review Letter dated April 17, 2025; and A6 – Minutes from the April 22, 2025 Planning Commission meeting. There was one witness, Michelle Affronti who is the Compliance Manager for AMAROK LLC. The FedEx facility is located within the Keystone Trade Center at 100 River Road. FedEx wants to install this system as an added security measure for their facility. The location of the proposed fence is 4-8 in. behind the existing chain-link fence. There will be signs warning of the electric nature of the system every 30 ft. and it sounds an alarm when touched. It also sends a signal to the AMAROK's monitoring system who would contact the business owner. The alarm can be silenced by the business owner or it can be programmed to shut off after a certain amount of time. The system will emit a small pulse similar to a dog collar shock. The system will not change anything about the vehicular access or any other access to the site. It won't change any storm water systems on the property and it doesn't trigger any additional landscaping or lighting requirements. The system is battery powered. There are no issues with the Township Engineer's review letter. The Township Engineer asked that they verify four items and one of those things is that there is no change to the emergency access by the proposed system. Regarding maintenance of the ground cover between the security system and the chain-link fence, there is room to weedwhack in there. They have not received any comments from the Township Fire Marshal or the Traffic Engineer. When they were at the Planning Commission, they asked for an emergency shut-off mechanism for the system. They will install a Knox 3502 which would shut off the power to the system when necessary. Ms. Michelle Affronti was sworn in. Ms. Affronti agreed to the information presented by Ms. Garber. Chairman Dence said they are installing a 12-volt electric fence inside their regular fence at the FedEx property on River Road. Member Palmer asked who would have access to the KNOX box. Ms. Affronti said access to the KNOX is all done by the fire department. Member Palmer asked if there were a hostage situation how do they shut off the system. Ms. Affronti said they can put one in for the police as well. They are amicable to that. Member Mullen said you said it is invisible to the eye and delivers a shock similar to the dog collar. Ms. Affronti said it is not invisible; it is hard to see from the road. Chairman Dence moved to close the Conditional Use Hearing; Member Palmer seconded the motion; all board members were in favor. (3-0) Member Palmer moved to approve the Conditional Use for AMAROK LLC, 100 River Road, TMP # 13-051-001-032; Member Mullen seconded the motion; all board members were in favor. (3-0)

**ITEM # 5 CONSIDERATION OF APPROVAL FOR CERTIFICATE OF
APPROPRIATENESS – 133 YARDLEY AVENUE – TMP # 13-032-040
ERECT GARAGE WITH PINE BOARD AND BATTON SIDING WITH
A STEEL BLACK ROOF**

Member Palmer moved to approve the Certificate of Appropriateness for 133 Yardley Avenue, TMP # 13-032-040 to erect garage with pine board and batten siding with a steel black roof; Chairman Dence seconded the motion; all board members were in favor. (3-0)

**ITEM # 6 CONSIDERATION OF APPROVAL FOR CERTIFICATE OF
APPROPRIATENESS – 2 MEETINGHOUSE SQUARE – TMP # 13-
020-319 REPLACE CEDAR ROOF WITH CEDAR ROOF**

Member Palmer moved to approve the Certificate of Appropriateness for 2 Meetinghouse Square, TMP # 13-020-319 to replace cedar roof with cedar roof; Chairman Dence seconded the motion; all board members were in favor. (3-0)

**ITEM # 7 CONSIDERATION OF APPROVAL FOR CERTIFICATE OF
APPROPRIATENESS – 37 MAIN STREET – TMP # 13-020-277 –
REMOVE EXISTING CONCRETE WALKWAY, PATIO AND SOLID
WOOD FENCE, REPLACE WITH PAVING STONES, RETENTION
WALL AND NEW 6 FT. SHADOW BOX WOOD FENCE**

Member Palmer moved to approve the Certificate of Appropriateness for 37 Main Street, TMP # 13-020-277 to remove existing concrete walkway, patio and solid wood fence, replace with paving stones, retention wall and new 6 ft. shadow box wood fence; Chairman Dence seconded the motion; all board members were in favor. (3-0)

**ITEM # 8 CONSIDERATION OF APPROVAL FOR CHANGE ORDER # 16, 17 &
18 FOR RYCON CONSTRUCTION, INC. FOR THE TOWNSHIP
MUNICIPAL BUILDING RENOVATION PROJECT**

Item numbers 8 through 12 listed under agenda item number 12.

**ITEM # 9 CONSIDERATION OF APPROVAL FOR CHANGE ORDER # 7 FOR
QPI ELECTRICAL CO., INC. FOR THE TOWNSHIP MUNICIPAL
BUILDING RENOVATION PROJECT**

**ITEM # 10 CONSIDERATION OF APPROVAL FOR CHANGE ORDER # 5 FOR
MYCO MECHANICAL, INC FOR THE TOWNSHIP MUNICIPAL
BUILDING RENOVATION PROJECT**

**ITEM # 11 CONSIDERATION OF APPROVAL FOR CHANGE ORDER # 3 FOR
ALLSTATES MECHANICAL LTD FOR THE TOWNSHIP
MUNICIPAL BUILDING RENOVATION PROJECT**

**ITEM # 12 CONSIDERATION OF APPROVAL FOR CHANGE ORDER # 5 FOR
RONCO TECHNOLOGY SOLUTIONS, LLC FOR THE TOWNSHIP
MUNICIPAL BUILDING RENOVATION PROJECT**

Chairman Dence said they were told if they did not approve these change orders, the contractors are going to start pulling off of the job. Chairman Dence asked Mr. Clarke to explain where they stand. Mr. Clarke said after the last meeting and after discussions with the Board we took another look at the contract documents that were signed by all of the contractors and the Township. Specifically, they looked at the document known as A201. This is the document that specifies payments, claims, dispute resolutions and stop work. In that language, we could find nothing to say that the Township can decline these change orders once they have been reviewed and approved by the entity who is empowered by the contractor to review and approve them and that is Grace Construction. Section 15 of A201 deals with disputes and what happens if we do not pay this. The contractor would be permitted to terminate the contract and walk away from the job. That would leave us at this very late stage of the project having to go out to get someone to finish the work. It is for that reason that we are recommending that the change orders that are on the agenda tonight, numbers 8, 9, 10, 11 and 12 be approved. As we have discussed in the past, when the job is complete we can take another look at all the issues with this job and if there is any action to be taken, we can take action at that time. Chairman Dence asked about the total dollar amount of the change orders. Chairman Dence said this project has been mismanaged from the start. You cannot manage Rycon and Rycon cannot drive the subs that are working there. It is a disgrace. Mr. Gates reviewed the invoices. The total amount is \$350,791.35. Member Palmer said he echoes everything that Chairman Dence said. This is something we have to see through. Chairman Dence when Mr. Clarke said we were legally obligated, your subs were talking about pulling off the job if these didn't get approved. Mr. Clarke said these are for item numbers 8-12. The change order for item 13 is for Grace Construction and the same rules do not apply to Grace Construction. Ms. Jennifer Metzger said for item 13, the Grace Construction rules are different. She understands the Board is doing everything they can. Her question is what can we do going forward so we get better bids and we have better control. Chairman Dence said we are required by law to go with the lowest bidder. Ms. Metzger asked how can we go back after the project is complete. Mr. Clarke said we are not going to discuss that at this point in time. Member Palmer moved to approve change orders for Rycon Construction, Inc., QPI Electrical Co, Inc., MYCO Mechanical, Inc, Allstates Mechanical Ltd and Ronco Technology Solutions, LLC for the Township Municipal Building renovation project in the total amount of \$350,791.35; Member Mullen seconded the motion; all board members were in favor. (3-0)

**ITEM # 13 CONSIDERATION OF APPROVAL FOR CHANGE ORDER # 2 FOR
GRACE CONSTRUCTION FOR THE TOWNSHIP MUNICIPAL
BUILDING RENOVATION PROJECT**

The change order for Grace Construction is in the amount of \$308,925.32. Member Palmer asked if the job site had been robbed at least twice. Mr. Gates said yes, two times. The

Board of Supervisors – June 30, 2025

second time the security guard was on site, inside the building. They found all of the stolen items stored under Rycon's trailer. Member Palmer questioned if insurance covered the theft. Member Palmer said he believes we are paying for security and they are robbing when the security guy is there. Ms. Jennifer Metzger said she is trying to understand that a third is for inspections. What is the timeframe of this change order. Mr. Gates said this is a Not To Exceed cost for our full-time on-site Superintendent, his time and his office staff's time through November. We were contracted for ten months of construction management and two months of project close out originally. We are billing hours spent per month on a contract. Member Mullen motioned to approve change order # 2 for Grace Construction in the amount of \$308,925.32. The motion failed for lack of a second.

ITEM # 14 CONSIDERATION OF APPROVAL FOR CHANGE ORDER FOR THE 2025 LANDSCAPING BID

Member Palmer moved to approve the change order for the 2025 Landscaping bid in the amount of \$900; Chairman Dence seconded the motion; all board members were in favor. (3-0)

ITEM # 15 CONSIDERATION OF THE 2025 DIESEL AND UNLEADED FUEL BIDS FOR FALLS TOWNSHIP

Member Palmer moved to approve the 2025 Diesel and Unleaded Fuel bids for Falls Township; Member Mullen seconded the motion; all board members were in favor. (3-0)

ITEM # 16 CONSIDERATION OF APPROVAL FOR SURPLUS VEHICLE BIDS

Member Palmer moved to approve the surplus vehicle bids; Member Mullen seconded the motion; all board members were in favor. (3-0)

ITEM # 17 CONSIDERATION OF APPROVAL OF PROCLAMATION FOR DISABILITY PRIDE MONTH

Chairman Dence read the Proclamation for Disability Pride Month. Chairman Dence moved to approve the Proclamation for Disability Pride Month; Member Mullen seconded the motion; all board members were in favor. (3-0)

ITEM # 18 CONSIDERATION OF RATIFYING THE TOWNSHIP INSURANCE POLICY FOR THE PERIOD OF JUNE 18, 2025 TO JUNE 18, 2026 (PROPERTY, GENERAL, LIABILITY AND PUBLIC LIABILITY)

Member Palmer moved to ratify the Township insurance policy for the period of June 18, 2025 to June 18, 2026 (Property, General, Liability and Public Liability); Member Mullen seconded the motion; all board members were in favor. (3-0)

ITEM # 19 CONSIDERATION OF APPROVAL FOR THE ENVIRONMENTAL POLICY FROM CRUM & FORSTER SPECIALTY INSURANCE COMPANY

This policy covers any environmental incidents we may have. There is a minor increase in the cost, about \$200 from last year. Ms. Jennifer Metzger said we have a ton of pollution issues in Falls Township. Who can she follow up with on that. Chairman Dence said this is if there is an incident like a spill or something like that. Ms. Metzger said we have liabilities that we caused and they haven't been dealt with yet. What are we going to do about the landfill where we got the superfund but it has to be cleaned up? Chairman Dence said this is if an incident were to happen. Member Palmer moved to approve the Environmental policy from Crum & Forster Specialty Insurance Company; Member Mullen seconded the motion; all board members were in favor. (3-0)

ITEM # 20 CONSIDERATION OF APPROVAL FOR THE FLOOD INSURANCE POLICY FROM TOKIO MARINE SPECIALTY

This coverage is the same as last year and the premium has not changed. Member Palmer moved to approve the flood insurance policy from Tokio Marine Specialty in the amount of \$2,173.26; Member Mullen seconded the motion; all board members were in favor. (3-0)

ITEM # 21 CONSIDERATION OF APPROVAL FOR THE CYBER RISK COVERAGE POLICY FROM TRAVELERS

Manager Takita said this is to protect our IT services, our web services if we get hacked. The new premium is \$32,495. Member Palmer asked about the recent 911 hack. Did that cost us anything? Manager Takita said it did not cost us anything. Ms. Jennifer Metzger asked how you are determining that the \$3M coverage is enough. Mr. Clarke said it is usually calculated by a risk assessment by our insurance carrier and they recommend an amount. Member Palmer moved to approve the Cyber Risk coverage policy from Travelers in the amount of \$32,495; Member Mullen seconded the motion; all board members were in favor. (3-0)

ITEM # 22 CONSIDERATION OF APPROVAL FOR VALLEY DAY SCHOOL LEASE AGREEMENT

Chairman Dence said earlier this year Valley Day School came to us and said the Township's playground equipment was installed on their property. Valley Day School decided they wanted to lock it down and not allow anyone to use the playground. People from the community said there previously had been some kind of agreement in place. The playground equipment belongs to the Township and the Township always maintains it. Mr. Clarke said they drafted an agreement that they thought covered and protected both the Valley Day School and the Township and were told to take the current agreement or leave it. We either approve it or reject it at tonight's meeting. Valley Day School wants the

Board of Supervisors – June 30, 2025

playground to be closed to the public during school hours, 8:00 a.m. to 4:00 p.m. Mr. Andrews said that had never been the practice. The Valley Day School would require the Township prior approval before maintenance or changes to the equipment. If we are aware of a dangerous situation on this equipment and we don't take immediate action, we can be held liable in that particular instance. There cannot be a time we have to get prior approval to make necessary repairs. The Valley Day School said if we are going to make any changes to the existing equipment, we have to provide them with our plans and obtain the prior written permission from the day school, in which they can withhold for any reason they want. Despite the equipment belonging to us, we need to pay their attorney fees as well as 6% of any costs they incur. There is disagreement with the indemnification language. We proposed joint indemnification. They refused to indemnify us. There is no lease but they are asking for a 6% default and we do not know what that 6% would be on. The Valley Day School is seeking the Township provide additional insurance for things like vandalism and theft. We are dealing with someone who does not want to reach an agreement. Mr. Clarke recommends the Township not approve this agreement tonight and that we remove all of our equipment from the site as soon as possible. Chairman Dence said when you talk about maintenance, you have to be trained and certified to work on this equipment. Member Mullen said when we found out this wasn't our property, the whole Board was very much in favor of trying to make this work. We heard from residents. Mr. Clarke gave an excellent explanation. Valley Day School became aggressive so quickly. They just do not want us there. It is very unfortunate they do not want to work with the Township. The Parks and Rec Director indicated that some of the equipment can be moved to replace aged equipment at another playground. Ms. Jennifer Metzger said she appreciates the time you took to look at this. She agrees the equipment needs to be removed. Chairman Dence moved to reject the lease agreement with Valley Day School; Member Palmer seconded the motion; all board members were in favor. (3-0)

ITEM # 23 CONSIDERATION OF APPOINTMENT TO THE CABLE ADVISORY BOARD, DISABLED PERSONS ADVISORY BOARD, ENVIRONMENTAL ADVISORY BOARD, HISTORICAL ARCHITECTURAL REVIEW BOARD, HISTORIC PRESERVATION COMMISSION, NEIGHBORHOOD TRAFFIC ADVISORY COMMITTEE, PARKS & RECREATION BOARD, PLANNING COMMISSION, POLICE PENSION COMMITTEE, SHADE TREE COMMISSION AND ZONING HEARING BOARD

There were no appointments this evening.

ITEM # 24 CONSIDERATION OF APPROVAL FOR ESCROW RELEASE

Member Palmer moved to approve the escrow release to UFP Real Estate LLC in the amount of \$293,039.01; Member Mullen seconded the motion; all board members were in favor. (3-0)

ITEM # 25 MINUTES – MAY 21, 2025 AND JUNE 10, 2025

Member Palmer moved to approve the minutes from May 21, 2025 and June 10, 2025; Member Mullen seconded the motion; all board members were in favor. (3-0)

ITEM # 26 ENGINEERS REPORT

Mr. Jones said for the month of May, there were three new land development submissions and two new earth disturbance submissions. LPC Morrisville on South Pennsylvania Avenue is finishing up and working on curbs, fencing and landscaping. Hiossen is operating under a TCO waiting for vegetation to establish. The Danja Tract on Spencer Avenue is working on earthwork and erosion control measures. Pennsbury School District construction is ongoing for the previously approved alternate field. They recently submitted an amendment to add lighting to that project. Geleste Phase 3 is operating under a TCO waiting for vegetation to establish. Recent activities at Air Liquide include landscaping. The NorthPoint Area 3 Building 20 is nearing completion with wearing course pavement being applied and other small site improvements. The Lykon Investment Company recently started construction with erosion control measures. The Levittown Lanes project will be before this Board in July. The NorthPoint Area 2 amended plans are under construction with drainage and demolition. The Hale property was a sketch plan that was submitted to us. We issued a review letter and they are appealing to the Zoning Hearing Board for various dimensional variances. For Pennsbury High School, we issued our review letter. They may want to appear before the Planning Commission in July but it will most likely be in August by the time they get their plans revised. The PGE Rentals project on Lower Morrisville Road will be before the Planning Commission in July. The NorthPoint Lot 20 is a subdivision of the construction project previously mentioned and will be before the Board in July. The Lakeview Townhomes is another sketch plan and they are seeking zoning relief. For earth disturbances, the Kalimar Properties project is complete. The Waste Management project is substantially complete. NorthPoint Falls Industrial is working on basin and storm-water management. The Commons at Fallsington built some retaining walls without permits. We are reviewing what the contractor constructed and whether it meets good engineering practice in our codes. The Sunbelt Forest Products is substantially complete. The One Newbold Road LLC project has commenced with drainage work. NorthPoint Falls Industrial is working under a TCO. The Pro Group Properties has been approved. A letter recommending the issuance of an earth disturbance permit was sent. NorthPoint Industrial is operating under a TCO or multiple TCO's is for the multiple parking areas that are down near phase 2 for the amended building 6. The other Waste Management property earth disturbance is under review. We discussed the Township building earlier in the meeting. The ongoing site work is sidewalks, ADA ramps and curb construction as we work through the paving issues with the contractor.

Board of Supervisors – June 30, 2025

ITEM # 27 MANAGER COMMENT

Manager Takita said Township offices will be closed on Friday, July 4th for the Independence Day holiday.

ITEM # 28 BOARD COMMENT

Member Palmer – No comment.

Member Mullen – No comment.

Chairman Dence = No comment.

Member Palmer moved to adjourn the meeting; Chairman Dence seconded the motion; all board members were in favor. (3-0) The meeting was adjourned at 8:00 p.m.



Brian Galloway, Secretary

