

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

ROBERT HARVIE, JR., CHAIRMAN	PRESENT
JEFFRY DENCE, VICE-CHAIRMAN	ABSENT
JEFFREY ROCCO, SECRETARY	PRESENT
JONATHAN SNIPES, SUPERVISOR	PRESENT
BRIAN M. GALLOWAY, SUPERVISOR	PRESENT

The meeting commenced at 7:05 p.m. with roll call and salute to the flag. All Board members were present with the exception of Member Dence. Also present were Township Manager Peter Gray, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher, and Township Engineer James Sullivan.

A brief Executive Session was held before the meeting. Mr. Clarke said the board discussed two matters of litigation.

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

Mr. Tom Wilson spoke on behalf of the Delaware Valley Road Runner's Car Club. They meet every third Thursday of the month from 6-9 p.m., weather permitting. This summer they will meet behind the Pizza Hut located at 401 South Olds Boulevard in Fairless Hills. The Road Runner's sponsor, Pizza Hut, will donate a portion of the profits for car show patrons to the Road Runner's charities. The Road Runner's are also in partnership with the Endoscopy Center at St. Mary Hospital. For more information, please visit www.delawarevalleyroadrunners.com.

Mr. James Queenan said there is county property behind his 704 Chatham Road home. Mr. Queenan said he has been trying for several years to get the creek behind his home cleaned up. He said the area is a wreck from the flooding that always occurs. Chairman Harvie said he is aware of the problem and said Mr. Sullivan has been there to look at it. We have spoken with the county many times and it is county property. Chairman Harvie asked Mr. Clarke if the township can cite the county. Mr. Clarke said that would be very difficult to do. He is not sure what the specific situation would be, but they can take a look at it. Chairman Harvie said he wishes he had an answer for Mr. Queenan. Mr. Queenan said the mosquito guy started putting the traps out today. Member Snipes asked what kind of solution would correct this problem should the county decide to do something. Mr. Sullivan said he thinks the real problem is the area on the other side of Queen Anne Drive. It is higher than the Chatham Road side. The upper end of Chatham Road and South Olds Boulevard flow north and the water can't get anywhere. There is a low spot down there and has been there for a long time. The only way to fix this would be to re-grade the entire area. Mr. Sullivan said the county has been out there a few times but they have not done anything

to correct this problem. Member Snipes asked if the county would allow us to do something on their property. Mr. Sullivan said they have been out there to clear the brush but they haven't been able to do anything to correct the no-flow situation. Mr. Clarke said it is impossible for us to do something on county property without their permission. It would probably be an impermissible use of township funds to repair other property, not owned by the township. Chairman Harvie asked if it is possible to report the county to the County Health Department for creating an unsafe environment. Mr. Clarke said we could report them, but he is not sure how much good it would do. He is assuming that at some point this was looked at by the county and the county property department. He assumes they have looked at this and it is like multiple pieces of property throughout the entire county where work needs to be done, but it is not something within their budget. Mr. Clarke referred to the work that still needs to be done to the intersection half a mile from here and how we have been waiting fourteen years for it to be re-designed. Everyone knows it needs to be done but the state does not have the resources to commit to, in order to make the repairs. Mr. Clarke said he thinks Manager Gray and his office can reach out to the County Health Department to make sure they are aware of these complaints and see if they plan to do anything about it. Mr. Galloway asked if we could somehow involve the State DEP. Mr. Sullivan said we could try. If it is a wetland issue, they probably wouldn't let us touch it. Mr. Sullivan said it is probably a silt build up over time that has caused this problem. Chairman Harvie said we will keep making phone calls to the county and elected officials and try to get them motivated to do something.

Mr. Gallus Obert agrees with Mr. Queenan and said he can attest to this problem. He said there is something called storm water management which should be followed. Mr. Obert explained what he thinks needs to be done to correct this situation. Mr. Obert said he checked the agenda items on the township website and questioned agenda item 6. Chairman Harvie said these are the traffic signals at Tyburn Road and New Falls Road. Mr. Obert said he doesn't like the way his tax money is being spent. Mr. Obert asked about agenda items 7 and 8. Chairman Harvie said for both of those items we were asking for proposals from anticipated vendors to come out to run the concession stand for us. We went out to bid twice, but did not receive any information from parties interested in doing this. Mr. Obert asked about agenda item 9. Chairman Harvie said this is for a house on Jennifer Lane. Mr. Obert asked if they could tell him why we need to have two solicitors attend these meetings. Mr. Clarke said as they have done for the past 1-1/2 years, when they have two solicitors sitting here, the township is only billed for one of them.

Mr. Roland Kenney said he hopes to hear answers about Bengazi tomorrow. Mr. Kenney spoke about the abortion doctor from Philadelphia.

**ITEM # 2 CERTIFICATE OF APPROPRIATENESS – 6 HILLSIDE LANE
TPN # 13-020-239-002 – SECOND STORY PARTIAL ADDITION
ABOVE GARAGE**

This item was approved by the Historic Architecture Review Board. Member Galloway moved to approve the Certificate of Appropriateness for 6 Hillside Lane for a second story

partial addition above the garage; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 3 INTERNATIONAL SALT – PRELIMINARY/FINAL LAND DEVELOPMENT, #TMP 13-050-003 – 1121 BORDENTOWN ROAD, MORRISVILLE, PA

Manager Gray said this project is for preliminary and final land development for International Salt. They are proposing to build a concrete salt storage pad. Present this evening are Mr. Christopher Marchesi, Mr. Stephen Benben, as well as representatives from International Salt, Mr. James McCormick and Mr. Richard Kolenda. Mr. Marchesi said this is a simple expansion of an existing facility to build a bituminous asphalt concrete pad for two new stockpiles at an existing location. International Salt occupies a small percentage of the Waste Management site. Next to the site is the Keystone Industrial Port Complex. Mr. Marchesi reviewed the operation of International Salt and the plans for this project. This project will generate twenty-five new jobs, transferred from another location. The applicant reviewed the waiver requests which lighting, parking and drive aisles, grading encroachment, and full site plan. Member Snipes asked if Mr. Sullivan agrees with these waivers. Mr. Sullivan said yes. Member Snipes asked if the waiver request for the full site plan is an issue. Mr. Clarke said it is not an issue. In light of where the work is being done, it makes sense to not have to do a full plan. Member Rocco asked about the hours of operation for the new pads. Mr. McCormick said they unload ships ten to twelve times per year. When they do that, it is a 24-hour operation. The typical hours to unload are 6 a.m. to 2 p.m. or 7 a.m. to 3 p.m. except during heavy snow, in which they will expand up to sixteen to twenty hour days, if required. For ten months of the year, it is a simple 6 a.m. to 2 p.m. or 7 a.m. to 3 p.m. operation. Member Rocco asked if there will be any lighting on the new site. Mr. McCormick said they have five light poles that are supplied by solar battery power and then when they do have heavy operations, they bring in supplemental lighting and use generators. Member Snipes moved to approve Resolution # 13-11 for preliminary and final land development for International Salt, TMP # 13-050-003 – Bordentown Road, Morrisville, PA, including the applicant's requested waivers; Member Rocco seconded the motion; all board members were in favor. (4-0)

ITEM # 4 DISCUSSION ON THE PROPOSED TOWNSHIP BUILDING

Chairman Harvie introduced this item, dealing with construction of a new township building. The board will look at approving a lot of the engineering and architectural work that needs to be done before this goes out to bid. We have been talking about this for many months now and there have been many meetings with the architecture. Mr. Martin Kimmel is here this evening to answer questions. The proposed amount of this work is in the amount of \$798,422. Mr. Kimmel gave a brief description of the plans. This will include comprehensive engineering, architecture, and design engineering services as required to complete the details of the design and a number of cost estimates along the way, to come back to the board at regular intervals, and with separate approval of the board, to put the project out to bid and then oversee this project, all of the way through construction. It includes specific work by the architecture firm itself, a mechanical and plumbing engineer, a

structural engineer, and a civil engineer. In addition, it includes geo-technical services and specific design for audio, visual, and IT services. It is a comprehensive effort that is managed through that contract. Member Snipes asked if everything just described is included in what they would be considering tonight. Mr. Kimmel said yes. Ms. Gallagher said the contract itself expects the work to be completed in thirty months. Member Snipes asked how long the design and development phase would take. Mr. Kimmel said in the schematic and development phases combined it will take about four months to get through those details. You could easily have it out to bid at the beginning of 2014 and have the work started next spring or this time next year. Member Rocco asked what they are looking to spend this year, if they conform to the proposed schedule. Manager Gray said \$1.2M was budgeted in the 2013 budget. Mr. Kimmel said about 25% of the contract amount is for during construction. Chairman Harvie said a lot of people had questions about the CoreTen material that is on the plan. Member Galloway spoke about a building in Pittsburgh and also the Barclay building that were both built with this material. Mr. Kimmel said they will use whatever the township wants to use. Member Snipes moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (4-0) Mr. Andy Dell asked if the township is still trying to get the LEED certification for this project. Chairman Harvie said by nature of what they are planning, we may end up with silver or gold LEED certification. Mr. Dell asked if it would have made sense to purchase the property that was just sold and was adjacent to the current township building. Chairman Harvie said they were asking for a lot of money for that property. Mr. Dell said that property was rather flat and with this proposed project, they may be encroaching on wet lands. Chairman Harvie said with the proposed housing development going in there and this proposed building, it will actually improve the drainage. He thinks this will work out good for everyone. Mr. Dell said he is not in favor of the rusted steel and thinks there are other products out there that would look much better for an extended period of time. Mr. Guido Mariani asked if they will eventually tear down this building. Chairman Harvie said yes. Mr. Mariani spoke of the system of energy production for this proposed new building and said it should be employed by the ability to satisfy our energy needs at an acceptable economic value. Mr. Mariani said you cannot compare the efficiency of solar with geo-thermal. He said geo-thermal is a lot cleaner than solar. Chairman Harvie said we were told that we don't use enough energy to justify using solar. Mr. Mariani spoke about the solar being used at the Snipes Farm. Member Snipes said our engineers and our architecture will design and tell us what will work for this building. Member Snipes invited Mr. Mariani to visit the farm. Member Galloway moved to close public comment; Member Snipes seconded the motion; all board members were in favor. (4-0) Member Galloway moved to approve the architectural engineering services for the Falls Township Municipal Building Complex to Kimmel Bogrette in the amount of \$798,422; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 5 CONSIDER QUOTES FOR THE 2013 MOSQUITO SEASON

Manager Gray said the township contacted four vendors to request quotes for mosquito services for the upcoming summer season. The results were: Clarke Mosquito in the amount of \$11,610, Expert Pest Control in the amount of \$10,582.28, and the other two vendors (Terminix and Mosquito Free) declined to quote. Last year the township used

Clarke Mosquito. Representing Clarke Mosquito is the Regional Manager, Mr. Patrick Patterson. Chairman Harvie asked Mr. Patterson what work he would be doing and how long it would last. Mr. Patterson said they would do adult mosquito surveillance and trapping to see what kind of mosquito you have and to see if they have any diseased mosquitos. You have thirty-six trap nights at the cost of \$210 per trap. Mr. Patterson said they are experts in that area and they have over sixty years of experience. Mr. Patterson explained the type of product they use. He said there is more information on their website, www.clarke.com. Mr. Patterson said they can do larvae spraying and check breeding areas. They also have backpack sprayers which allow them to get closer to where the mosquitos are located. Member Rocco asked how Clarke Mosquito's chemicals differ from what the county uses and also questioned the safety of the chemicals. Mr. Patterson said on their spraying they may use the same chemicals. Mr. Patterson said there are two times of day for mosquitos. There are those that appear in the early daytime and those that come out in the early evening. Mr. Patterson said he believes Natural R is better to use in the evening. Chairman Harvie asked about Clarke Mosquito's timetable if they approve this tonight. Mr. Patterson said the schedule is weather related. Once this is signed and everything set, they would start toward the end of May. You don't want to do this too early. Member Snipes moved to approve the agreement with Clarke Mosquito in the amount of \$11,610 for mosquito services for 2013; Member Galloway seconded the motion; all board members were in favor. (4-0)

ITEM # 6 CONSIDER PROPOSAL FROM REMINGTON, VERNICK & BEACH ENGINEERS FOR TYBURN ROAD AND NEW FALLS ROAD

Manager Gray said the township received a proposal, dated April 2, 2013, from Mr. Tom Beach of Remington, Vernick & Beach for the traffic signals at Tyburn Road and New Falls Road. This proposal is in the amount of \$3,925. Mr. Beach said they are proposing to re-look at the light at this intersection where there have been some traffic problems. The light is new at that location and it meets all of the requirements, but there are conflicts with traffic coming out of Fallsington as well as traffic coming from New Falls Road and turning left. Mr. Beach explained some options they would be looking at. They will be studying this intersection and also checking with PENNDOT to get their input. Member Galloway moved to approve the work on the Tyburn Road and New Falls Road signal light interchange in the amount NTE \$3,925; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 7 CONSIDER REQUEST FOR PROPOSAL FOR THE FALLS TOWNSHIP COMMUNITY PARK CONCESSION SERVICES

The township went out to bid twice on this item, but received no response.

ITEM # 8 CONSIDER REQUEST FOR PROPOSALS FOR THE PINWOOD POOL CONCESSION SERVICES

The township went out to bid twice on this item, but received no response.

ITEM # 9 CONSIDER SETTLEMENT AGREEMENT AND STIPULATION FOR JOCAFA

Ms. Gallagher said this is a litigation matter relating to property located at 74 Jennifer Lane in Falls Township. The property owners had approached the township as a land development matter which was denied by the board. This was appealed to Doylestown and there was a subsequent litigation initiated by the property owners against Mr. Bennett as the Zoning Officer and several Code Enforcement Officers of the township. It sought to compel Mr. Bennett to issue a building permit to allow the proposed development. This settlement agreement and stipulation would resolve that litigation matter and allow the property owners to construct the residence within ten feet of the flood plain. The entire project is in the wetland margin. This property is the last to be developed in a residential neighborhood which was constructed in the late 80's or early 90's. In order to construct a reasonably-sized house, they would need a waiver as far as the flood plain. After litigating this matter, we recommend the settlement as described in the proposed stipulation. We are just waiving the twenty feet and allowing the ten feet. Mr. Sullivan said it is ten feet outside the 100-year flood plain. The original plan asked for twenty feet. Member Snipes asked if there is any liability for allowing this. Member Rocco asked if they have to go to the Zoning Hearing Board. Ms. Gallagher said there are no zoning issues and they would not have to apply for another earth disturbance. Mr. Sullivan has reviewed the plans. They are building in the buffer zone. Chairman Harvie said they do not have to appear before them for preliminary and final land development. Member Snipes moved to approve the settlement agreement stipulation and authorize Mr. Clarke's office to execute the plan agreement; Member Galloway seconded the motion; all board members were in favor. (4-0)

ITEM # 10 CONSIDER AUTHORIZING ADVERTISEMENT FOR AMENDMENT TO THE TOWNSHIP CODE OF ORDINANCES, CHAPTER 203, SECTION 22 FOR NO PARKING SIGNS ON PHILADELPHIA AVENUE

Chairman Harvie explained the reason for this change. There is a junkyard along Philadelphia Avenue where people park along the roadway and also where some people actually work on their vehicles right along the road. This change will allow us to keep that area clear. Member Galloway moved to authorize advertisement for amendment to the Township Code of Ordinances, Chapter 203, Section 22 for No Parking Signs on Philadelphia Avenue; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 11 MINUTES – APRIL 16, 2013

Member Snipes moved to approve the minutes for April 16, 2013; Member Galloway seconded the motion; all board members were in favor. (4-0)

ITEM # 12 EXECUTIVE SESSION – There was no Executive Session held.

ITEM # 13 MANAGER COMMENT

Board of Supervisors – May 7, 2013

- A. Manager Gray announced that the Yard Waste Clean Up will occur on May 11, 2013. Residents may place yard waste on the curbside by 6 a.m. Yard waste must be bagged in 30-gallon biodegradable paper bags or placed in 30-gallon trash containers without lids. Branches must be bundled in no more than four feet lengths and not weighing more than fifty pounds.

ITEM # 14 BOARD COMMENT


Member Rocco – no comment.

Member Snipes – no comment.

Member Galloway – no comment.

Chairman Harvie said our next meeting will fall on Election Day. The date of the next meeting will move to the following day – May 22, 2013. Chairman Harvie said since it is springtime, children are out on the roads. It is staying lighter longer. Chairman Harvie urges everyone to be safe while driving. Keep in mind that kids are everywhere. Chairman Harvie wishes mothers a Happy Mother's Day.

Member Snipes moved to adjourn the meeting; Member Galloway seconded the motion; all board members were in favor. (4-0) The meeting was adjourned at 8:35 p.m.



Jeffrey Rocco, Secretary

