

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

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

The meeting commenced at 7:00 p.m. with roll call and salute to the flag. All Board members were present. Also present were Township Manager Peter Gray, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher, and Township Engineer James Sullivan.

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

Mr. Roland Kenney said there are three buildings that this township owns. The township municipal building is the first one and we plan to spend about \$15M to build a new one. The second building is the senior center. We just paid to have that renovated and the renovations turned out fantastic. Mr. Kenney said at the ceremony, Senator McIlhinney spoke and said he and Representative Galloway came up with \$60,000 and then came up with another \$40,000 to put into it. The third building the township owns is the Three Arches. Mr. Kenney said he recently attended the 300th birthday of the Three Arches. He was there along with Chairman Harvie and Mr. Dell. When he walked around the building, he said it looks beautiful except it has not been kept up for many years. Mr. Kenney spoke about the condition of the building and some of the issues that need to be repaired. Mr. Kenney would like to see the new township building built before starting any other new projects.

Mr. Andy Dell congratulated Mr. Boraski on his win for this election. He is glad this campaign season is behind us and wants to move forward. Mr. Dell said there are a lot of things that are brought up at election time. He respects everyone on the board, but he does not agree with their politics. Mr. Dell said he, as well as the board, want Falls Township to be a good place to live. He and the board have different points of view. It was an unusual election this year and the political machine which backs you guys is a hard one to overcome. You have a lot of people manning the polls. Mr. Dell thanked everyone who supported him and came out to work the polls. He wishes Mr. Boraski the best of luck.

Mr. Jeff Boraski thanked Member Snipes for all of the years he has been on the board. He is ready to get started and is looking forward to January. Mr. Boraski thanked everyone

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who supported him in this election and worked the polls. He is also glad this election is over and looks forward to moving on.

ITEM # 2 CERTIFICATE OF APPROPRIATENESS – 53 OLD LOCUST AVENUE TPN # 13-032-044 – REPLACE ROTTED CEDAR SIDING WITH CEMENT BOARD ABOVE FRONT PORCH ROOF ON FRONT OF HOUSE

Member Snipes moved to approve the Certificate of Appropriateness to replace the cedar siding at 53 Old Locust Avenue, TPN # 13-032-044; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 3 ATLANTIC CONCRETE – MAJOR SUBDIVISION – 8900 OLD ROUTE 13 – TMP # 13-040-045

Manager Gray said the Atlantic Concrete project is to propose subdividing a 16.88-acre parcel into three lots. No construction is being proposed at this time. The applicant is represented by Mr. Joseph Hamill from Hamill Land Surveying. Mr. Joe O'Donnell from Premium Lift, and Mr. Tom Jacobs from Atlantic Concrete Products were also in attendance. The applicant is looking to subdivide a 16.88-acre property. Lot 2 will be approximately four acres. That will be obtained by Mr. O'Donnell and will be developed at a later date. Mr. Hamill reviewed the township engineer's letter dated October 29, 2013. Waiver requests include: Section 191-39(G) – Sidewalks; Sections 191-48(A) & 191-48(E) – Street trees; Section 191-51(C) – Land development plan for the entire tract; Section 191-51(E) – Access between the lots; Section 191-62(B) – Curbs along the right of way; and Section 191-65 – documentation regarding water supply from the Township of Falls Water Authority. They also have letters from Remington Vernick dated August 19, 2013 and they have no issues with the traffic engineer. They have a letter from the Fire Marshal dated August 19, 2013 and there were no comments at this time. They have a letter from the Bucks County Planning Commission dated September 4, 2013 which reflects some of the same things as the township engineer. There is public water available. They had Del Val Soil Environmentalists check the soil and they determined that the soil is adequate. Mr. Sullivan had no issues. Member Rocco moved to approve Resolution # 2013-32, major subdivision for Atlantic Concrete, TMP # 13-040-045; Member Dence seconded the motion; all board members were in favor. (5-0)

ITEM # 4 RST BUCKS GROUP – AMENDED FINAL PLAN – 80 MY LANE TMP # 13-78-75-002

Manager Gray said this plan is for RST Bucks Group, TMP # 13-78-75-002. The property is zoned as Light Industrial (LI). The applicant proposes improvements consisting of the enclosure of two covered concrete porch additions totaling approximately 5,417 sq. ft. Representing the applicant is Mr. John Coopman and Mr. Heath Dumack of Dumack Engineering. Mr. Coopman said they were here in September and received approval to cover the porches. Since that time, they have found it is more economical to enclose the

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structures. Mr. Dumack spoke about the changes in the plan. They are now enclosing each of these porches to close in the sides. Everything else remains identical. Member Snipes said he understands the square footage is the same, but it seems to him that an enclosed pavilion is an entirely different thing than a covered pavilion. Chairman Harvie said the Fire Marshal reviewed this and indicated that this building will need to be sprinklered and fire apparatus will need to be able to get to the structure. Mr. Dumack and Mr. Coopman both agreed to the installation of sprinklers. Member Rocco asked if the walls are already built. Mr. Dumack said no; they are in the process of developing the building permit plans now. Member Rocco asked why they wanted the changes. Mr. Dumack spoke about how the cost is substantially cheaper to build the walls. Mr. Coopman said there is one waiver to Section 191-37(B) for existing parking. This extension will require a waiver for two parking spaces. They will comply with Mr. Sullivan's comments and concerns as well as the Fire Marshal review and the Traffic Engineer review. Member Galloway moved to approve Resolution # 2013-33 amended final plan for RST Group; Member Dence seconded the motion; all board members were in favor. (5-0)

ITEM # 5 CONSIDER AUTHORIZING NOTICE OF INTENT TO AWARD BID FOR A FISHING PIER AT THE FALLS TOWNSHIP COMMUNITY PARK LAKE

Manager Gray said T&M Engineers have reviewed the bids submitted to Falls Township and publicly opened on October 11, 2013. Bids were received as follows: ABC Construction Co., Inc. in the amount of \$107,989.88; Eastern Earthmovers, LLC in the amount of \$173,820; PKF-Mark III, Inc. in the amount of \$174,994; and Loftus Construction, Inc. in the amount of \$202,202. Chairman Harvie said these bids came in higher than expected. Mr. Sullivan spoke about the materials being used. Their first estimate was using pressure-treated wood. They changed the scope to a different type of material. They figured bids would come in around \$90,000 - \$100,000. The low bidder had a contingency of \$9,000 so it came in around \$100,000 for the base bid. Chairman Harvie said the thought behind some of these high bids could be because contractors are still doing work due to Hurricane Sandy. Member Dence said he still thinks these bids are a little high. He is not opposed to this, but thinks they could do better in the spring. Mr. Sullivan said construction will be about thirty days. Mr. Sullivan said they will investigate to see if there is a cheaper way to proceed with this project. Member Dence moved to reject all bids; Member Rocco seconded the motion. Member Snipes moved to open public comment; Member Rocco seconded the motion; all board members were in favor. (5-0) Mr. Guido Mariani asked how many Falls Township residents are estimated to use this fishing pier. Chairman Harvie said they have no idea. Member Dence said they do not require a permit to have a boat in the community park lake so they do not keep track of it. Mr. Mariani asked why they would consider spending about \$150,000 for a fishing pier that we have no way of knowing how many people will use it. There are thirty fishing lakes in Bucks County alone. He wonders how many fishing piers we need in Falls Township. He said there is no doubt that this board is going to pursue the Biles Island project and that project itself calls for another two fishing piers. We are also committed to \$15M to replace this building. With the spending commitments that we have, there has got to be better uses than

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to spend the money on a fishing pier that he does not think will get much use. Mr. Mariani said to those people at home, when you look at the attendance at these meetings, it is clear that they should be attending this meeting. If you speak at this meeting, occasionally, there may be someone who expresses opposition to you. This township belongs to the folks sitting at home as well as it belongs to any person sitting on that board. Please come out to the meetings and express your opinion. Mr. Andy Dell asked about the pier length. Mr. Sullivan said it is forty feet and it will be T-shaped. Member Snipes moved to close public comment; Member Galloway seconded the motion; all board members were in favor. (5-0) A vote was taken on Member Dence's motion; all board members were in favor. (5-0)

ITEM # 6 CONSIDER AUTHORIZING ADVERTISEMENT FOR ADOPTING CHAPTER 199 – TOWNSHIP OWNED PROPERTY

Chairman Harvie spoke about the proposed ordinance change as well as the increase in gun violence. The township is taking a look at township-owned properties here in Falls Township and this ordinance was drafted. Mr. Clarke said this is an ordinance adopting Chapter 199, Township Owned Property. The Board of Supervisors propose to adopt this ordinance for the health, welfare, and safety of the residents of Falls Township. This ordinance will make it unlawful for any person to possess, carry, utilize, bear, or otherwise cause to be present any firearm on, in, within or at any property owned by Falls Township, including but not limited to this township building, the Falls Township Community Park, the Quaker Penn Park, the Pinewood Pool, and any other township-owned property. The ordinance will provide that if you are at any of these facilities, you can leave your firearm in a locked vehicle. It shall not apply to police officers, constables, fire police officer, peace officer, detectives, or other bona fide member of law enforcement, so long as the individual is employed by a law enforcement agency, is not currently suspended from active duty for any reason, and maintains any necessary permits or licenses related to the firearm. Any person who violates or permits a violation of this chapter shall be subject to a civil enforcement proceeding and upon conviction, shall be sentenced to pay a civil penalty of not more than \$1,000, plus all court costs, plus all attorney fees for enforcement of this ordinance. This ordinance is dealing only with township-owned property and not township-controlled property. Member Galloway said he thinks this is commonsense. No one has any reason to carry a gun in here. He recognizes the difference between township-owned property and township-controlled property. Member Snipes asked if this is common in Pennsylvania or if this is relatively new. Mr. Clarke said the ban on firearms in parks and other areas where the public gathers is not that new. The ban on firearms in municipal buildings is relatively new. There has been more of a need due to some incidents that have taken place. We have tried to craft this in a way that infringes the least amount possible on the rights of lawful gun owners, but we do have the right to control our property. Member Dence asked if someone can take their gun out on the river if they are at the Quaker Penn Park. Mr. Clarke said once you are out on the river, you are no longer on township-owned property. Member Rocco asked about this being a civil penalty. Mr. Clarke said possessing a firearm does not create a disorderly situation; that is why we have done this as a civil penalty and not a criminal penalty. Mr. Clarke said this has to be advertised twice. We may be able to have this for our meeting on November 19th, but it may be the first meeting in

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December. Chairman Harvie gave an example that if someone wanted to file a permit to put something on their house and they came into this building with a gun. They would be asked to take their weapon out, leave it in their car, and then they can come back in to take care of business. If you are putting a gun in your boat to take out on the river, you will not be arrested. He wants to be very clear what they are attempting to do. Where there are people gathering, the presence of guns doesn't necessarily mean it is safer. Member Galloway said there are already laws about carrying guns on school property. Member Snipes moved to authorize advertisement for adopting Chapter 199 – Township Owned Property; Member Dence seconded the motion; all board members were in favor. (5-0)

ITEM # 7 CONSIDER PURCHASE OF VEHICLES FOR THE POLICE DEPARTMENT

Manager Gray said the township received a memo from Chief Wilcox regarding two quotes for the purchase of three police vehicles. The quotes are in the amount of \$16,664.31 plus \$76,845.56 for the total of \$93,509.87. The vendor for this purchase is on the Costar's list. Lt. Hank spoke about the proposed purchase of vehicles. Member Rocco moved to approve the purchase of three police vehicles from KME Kovatch, off the Costar's list, in the amount of \$93,509.87; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 8 MINUTES – OCTOBER 15, 2013

Member Snipes moved to approve the minutes from October 15, 2013; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 9 EXECUTIVE SESSION – There was no Executive Session held.

ITEM # 10 MANAGER COMMENT

- A. Member Dence moved to accept the proposal from ICEE, LLC in the amount NTE \$4,200; Member Galloway seconded the motion; all board members were in favor. (5-0) Member Snipes moved to authorize the Township Manager to accept and execute the best proposal procured by ICEE, LLC; Member Dence seconded the motion; all board members were in favor. (5-0)
- B. Member Snipes moved to approve the Remington Vernick proposal, in the amount of \$5,560, for completion of the ACT 537 Plan; Member Galloway seconded the motion; all board members were in favor. (5-0)
- C. Member Dence moved to approve change order # 3 for the senior center to Kraftsource in the amount of \$73,599; Member Galloway seconded the motion; all board members were in favor. (5-0)
- D. Member Dence moved to approve the time extension for New Seaview Lubricycle at 150 Solar Drive to January 20, 2014; Member Rocco seconded the motion; all board members were in favor. (5-0)

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- E. Member Dence moved to approve the sixty-day extension for Penske Truck Leasing at 225 Newbold Road; Member Rocco seconded the motion; all board members were in favor. (5-0)
- F. Manager Gray has Waste Gas mylars ready for signature.

ITEM # 11 BOARD COMMENT

Member Rocco said the Fall Township Police Department has a Facebook page. Member Rocco asked about increasing the frequency of township meetings on the cable channel. All board members were in agreement. It was suggested to try to put the date and time back on the display as well. Member Rocco congratulated Mr. Boraski for winning the supervisor seat.

Member Galloway – no comment.

Member Snipes thanked Mr. Boraski for agreeing to run for supervisor. It is good learning and good service to the community. To those folks who ran, putting yourself out there is not always easy, but it is a good thing to help the community.

Member Dence commented on the new proposed township building. There was some literature during the election about Newtown Township building a new building for \$7.4M and we are looking at \$15M. Falls Township is about twice the size of Newtown Township. Their building does not house their Police Department or their Public Works Department. About two thirds of our new building is for the police department. We have a Parks and Rec Department with space for public use. They have been looking for some space for a long time, other than in a tent on the lawn of Three Arches. Talking with the folks in Newtown Township, they said when they moved in, their building was already too small for their needs. There is a lot of thought and planning going into our new building.

Chairman Harvie also wanted to comment about our proposed building. Even at \$15M to build it, the price per square foot is cheaper than the Newtown Township building. He has also heard complaints about Newtown Township's building being too small. The person who was complaining about this is the same person who has complained about the condition of this building for a long time. Chairman Harvie said in politics you get used to the truth being stretched a little bit and this campaign was pretty embarrassing. Chairman Harvie said his comments are not aimed at Republicans in general. There were a lot of outright lies in the literature. The green booklet mailing that went out was bold and totally not true. Regarding the boat ramp, it was mentioned that only forty Falls Township residents use it. We have sold over 100 yearly passes and over forty of them went to Falls Township residents. The daily kiosk was used over five hundred times. There is no way for us to know how many daily kiosk passes were Falls Township residents and who were not Falls Township residents. It is a shame when people have to completely lie about what they are doing. It makes him angry. Chairman Harvie congratulated Mr. Boraski for running a campaign that was 100% positive. He deserved to win. Mr. Dell and Mr. Falkowitz should be embarrassed for running the kind of campaign they did and completely lying. Another


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inaccuracy was the horrible job that was done on the soccer fields. We actually have some of the nicest soccer fields in Bucks County and have many games on those fields every week. To read the literature that was put out by the other side is an insult to people like Mr. Sullivan who did the work and got it done on time. Finally, it was mentioned about the sidewalk to nowhere which is going to cost \$1M. The only time they looked at the sidewalk and it was \$1M was about six years ago and when the engineer spoke about building an eight-foot sidewalk on both sides of the road all the way down New Falls Road involving extensive work. Chairman Harvie said there was no way they were going to build that. He has heard from people in Vermillion Hills that they just want a safe place to walk to get where they need to go. You have heard about the political machine here in Falls Township. It is insulting to people who have worked for decades. The people who worked outside the polls are Falls Township residents. These are people who care about this community and do more than some other people who think they know what is going on. What was left out is that Mr. Dell's campaign received \$11,000 from the State Senator who represents and who is Republican. Chairman Harvie spoke about how many Republicans hold office. Of the fifty-four municipalities in Bucks County, only seven are controlled by Democrats. In terms of operating like a machine, it seems like sour grapes to be complaining about things that are totally inaccurate. It is insulting to the people who work on this board to be called puppets. Chairman Harvie said he is honored to be sitting in the Chairman seat. He and the other board members are up here as equals and all five of them get along very well. Chairman Harvie said he is anxious for Mr. Boraski to begin. Falls Township did a gun buy-back program a few weeks ago. The township spent about \$2,200 to purchase guns back. Of that \$2,200, \$1,000 of that was donated by a local business to help offset the cost. During this program, they got a little over sixty weapons of various types off of the street. Chairman Harvie said the program was successful and he appreciates the work from the police department and the professionals. Chairman Harvie thanked the poll workers from yesterday's election. They do it because they love their community. The Bucks County Board of Elections are always looking for additional workers. Member Snipes said he was asked for identification when he went to vote. He was handed a description of the law requiring identification and asked where the law stands at this point in time. Mr. Clarke said the lawsuit challenging voter identification was proceeding and had reached a certain point when the state agreed voluntarily not to attempt to enforce it for this upcoming election. There were ads on television about asking for identification, but not being required to show it. He is not certain if poll workers were required to ask for identification. Mr. Clarke said when he voted, no one asked him for his identification, but you were clearly not required to provide one. Hopefully, this will be cleared up by the May Primary next year. He just knows that you were not required to produce it. Chairman Harvie said a senior citizen emailed him today. This individual suffers from breathing difficulties. Chairman Harvie reminded the public that burning leaves is illegal. Burning leaves makes it difficult for some people to be outside. If you see someone in violation of this, call the Code Enforcement Office here or the Fire Marshal's Office. Chairman Harvie said the township will have three leaf collections. One just passed, and the other two are scheduled on November 16th and December 7th. Residents may place their leaves in containers or bags to have Waste Management take them away. Chairman Harvie thanked everyone for their

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work and also wished those who served in the Armed Forces or have served a Happy Veterans Day.

Member Dence moved to adjourn the meeting; Member Rocco seconded the motion; all board members were in favor. (5-0) The meeting was adjourned at 8:29 p.m.



Jeffrey Rocco, Secretary