

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

ROBERT HARVIE, JR., CHAIRMAN	PRESENT
JEFFRY DENCE, VICE-CHAIRMAN	PRESENT
JEFFREY ROCCO, SECRETARY-TREASURER	PRESENT
JEFF BORASKI, SUPERVISOR	PRESENT
BRIAN GALLOWAY, SUPERVISOR	ABSENT

The meeting commenced at 7:03 p.m. with roll call and pledge to the flag. All Board members were present with the exception of Member Galloway who had work this evening. Also present were Township Manager Peter Gray, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher and Township Engineer Joe Jones.

**ITEM # 1 CERTIFICATE OF APPROPRIATENESS – 35 YARDLEY AVENUE –
TMP # 13-020-283 – REMOVE ASPHALT 3-TAB SHINGLE ROOF
AND INSTALL TIMBERLINE DIMENSIONAL SHINGLE ROOF**

Member Rocco moved to approve the Certificate of Appropriateness for 35 Yardley Avenue, TMP # 13-020-283, to remove the asphalt 3-tab shingle roof and install a Timberline dimensional shingle roof; Member Dence seconded the motion; all board members were in favor. (4-0)

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

Ms. Toni Battiste said she is here to speak about fiscal responsibility. She said in regard to the notices that the township posts in the newspaper, they read that they have been drafted for the health, welfare, and safety of the residents of Falls Township. We have heard about the health and safety regarding Elcon, so let us talk about the welfare. When there is a spill, and there will be one, who is responsible for the cleanup? The soil around here is very permeable. The contaminants may be sinking and spreading into the ground. If the company decides to leave town, how will we get in touch with them to pay for it? If there is a truck spill, the trucking company may go out of business because they cannot afford the millions of dollars it will cost for the cleanup. Down the road there may be loss of jobs, people may move, and what about those people who have to stay because they cannot afford to sell their house since no one will want to purchase it? That will be tough on the community. It is an ongoing effect. We were supposed to have a big savings account from the Waste Management funds, but we are using a lot of these funds to cover our yearly budget. The county probably won't cover it, and neither will the state. We need to think about the fiscal part of this along with the health, safety, and welfare of the residents.

Ms. Joan Graves said during the last meeting she spoke about if there were a toxic spill and who was responsible. She thinks the answer was PennDot. Is there any type of a plan in place if this happens? Ms. Graves said she believes the local responders would respond first. Who would respond next in the chain of command? She would like a plan posted on the township website so everyone would be aware of who to contact if a spill occurs. Ms. Graves read a letter she composed. It is addressed to Mr. Clarke and she also sent a copy to the supervisors today. The letter requested that a question be placed on the November 5, 2019 ballot, regarding the Elcon facility. She would like the residents to be polled since it is our right to oppose a hazardous toxic waste processing facility; and it is not a recycling facility. She would like to know the next step for this to happen. Ms. Graves said she knows that advisory questions are not permissible in the state of Pennsylvania, but this would be different; it would be a resolution. Ms. Graves said she saw something on Channel 6 news about a resolution in Delaware County in regard to a liquor license. People in the township wanted to be able to bring wine and beer into restaurants and certain restaurants in those townships which border Philadelphia. If they got that question on their ballot, why can't we vote on something that is dangerous coming into our township? Let the residents of Falls Township have a voice.

Ms. Sharon Furlong said today she will speak about trucks and give some statistics and facts. Ms. Furlong provided information from the U.S. Department of Transportation report titled, "Large Trucks and Bus Crash Facts of 2017." Truck accidents had declined from 2005 to 2008 but began increasing from 2009 to the close of the period prior to the writing of this report in March of this year. Fatal crashes involving trucks rose about 40% from 2009 to 2017. Injuries stemming from non-fatal crashes also rose. In Pennsylvania, the state saw a steady and high rate of accidents with fatalities averaging 160 per year over the last 10 years. Incidents for hazardous waste tanker truck accidents indicated that crashes of this particular type of vehicle numbered about 721 for one year with spills occurring in 175 of those events. The highest occurrence happens on exit and entrance ramps. About 60% of all crashes were caused by drivers of other vehicles. The type of tanker vehicle used made a significant difference of whether a spill actually occurred. Roll-overs occurred in 22% of all crashes. Full tanks are most likely to roll over. There was another report of how trucks handle on the roads when they are full, half-full, a or a quarter full. A driver has to have special endorsement on their CDL license because that is how important it is. Ms. Furlong spoke about a truck which rolled over in New Jersey and spilled 6,000 gallons of fuel onto Route 9, forcing the entire road to be closed. Ms. Furlong said the Bucks County HazMat team consists of two paid staff members and 32 volunteers. They serve over 200 chemical plant facilities.

Ms. Amanda Lapham said she is the Bucks County organizer for Penn Environmental, a state-wide environmental non-profit group. She hears constantly from their members that the Elcon plant is the last thing Falls Township needs. Everyone speaks about the risks of this plant. The Delaware provides drinking water for 15M people in four states. There is a reason in 2015 when this was being proposed that the Philadelphia Water Department, which provides clean drinking water for 1.7M people, came out with concerns for this

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project. This plant poses a significant risk to our drinking water. A spill is not if; it is when. The Baxter drinking water intake is downstream of this proposed project on the Delaware River. Because the Delaware is a tidal river, any release of hazard waste forms a chemical plume. The tides would hold onto the pollution in front of this intake and other water intakes. Any sort of spill at this facility could endanger the drinking water of a huge part of the region. Our regulatory agencies are failing to protect us. It is left to you leaders to protect your citizens. Use every tool you have at your disposal to oppose this plant.

Ms. Barb Michalski said she speaks for the Lenape Indian. She stands here as part of her people who once lived in harmony with all natural resources. We have continually struggled against the genocide not only of their people, but of the environment. The proximity of this facility to the river has a direct impact on the water supply of over 15M residents. The air is precious to us. We all share the same breath of life. The community has suffered enough from Waste Management, the Tullytown landfill, and Rohm & Haas. This proposed waste site will worsen our air quality. Pennsylvania ranks fifth in hazardous chemical spills and transportation accidents. With all the trucks coming in and out, that will increase. This facility will not benefit our community. We must take a stand in treating the earth better. If you want this facility here, take a hard look at your family, your loved ones, and your generations to come. This facility will forever alter their lives. Ms. Michalski said she strongly opposes this facility.

Mr. Russell Zerbo said he works for the non-profit clean air council. On page 249 of the Elcon application, they cite that they are seeking the facility-wide permit limit of 25 tons of nitrogen oxide per year. In other places of their permit application, this number is 23.4 which they got by lowering some of the operational hours they would be using their burner. Even with this lowering, that is the exact threshold for a major source of air pollution in a county like Bucks which fails the federal standards for ozone. Bucks has the most orange ozone days than any other county in Pennsylvania. Elcon has attempted to skirt permitting requirements through their application process. There is no applicable zoning for this facility. Elcon operates a facility in Israel that isn't at the capacity they are proposing. On their website they have a page that their Israel facility processes solid waste. This proposal is entirely different than their facility in Israel. When applying to the DEP, you have to prove that you have a good record. They have no record. They submitted permit documents to the state in Hebrew. Even with the U.S. Steel compound's very generous recovery zoning, this is not a resource recovery facility. It does not apply to that zoning. There are some other hazardous waste treatment plants in the United States. One is in the desert in Utah. East Liverpool, Ohio has an incredibly dangerous hazardous waste incinerator facility that has created a cancer cluster. The EPA has declared it an environmental disaster area.

Ms. Jackie Palmer said she was told that they get all their water in the summer from the pipes in the Philadelphia area. She is opposed to Elcon because of the air pollution. What it comes down to is that when you monitor something, you compare it to a background level. We already have a problem. By adding another industrial development, they are just compounding the problem. Ms. Palmer thanked the board for their hard work that they do. Cleaning this up is not having a company that will put in a concrete bathtub to protect any

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spills. She does not trust what she has seen over the past four years. Ms. Palmer said for six months they were told they were on probation because things didn't come the way they said they would. They are now on a third six-month probation period. We are all finding out how many dangerous things they have done. Ms. Palmer doesn't believe we should be adding more.

Mr. Jared Freddo asked if the board has the authority to prevent this facility. He also wonders if there is a benefit he is not seeing. He would think the reason you would get involved as a Supervisor is to try to make Falls Township the best it can be. Part of that would be to make the best decisions to make it the best place to live and that would also include the best air quality. Mr. Freddo said he is a Pennsylvania tree tender and saw tree trimming on tonight's agenda. Please ask that your tree trimmer not do topping. Chairman Harvie said we are contracting with a company to address the trees damaged by the Emerald Ash Borer beetle. We have been dealing with trees that have been destroyed. Mr. Freddo asked if you will be replacing the trees. Chairman Harvie said it depends on where they are located. Over the past several years we have planted over 700 trees in Falls Township.

Mr. Steve Cickay spoke about government. Mr. Cickay said he is a believer in good government and that is what we need from the board. The issue is the safety of our citizens. We want to think about governing well. Two weeks ago, Mr. Cickay said he was so proud of the Planning Commission. That was an example of good government. These people listened to the people coming here. They thought about the safety of the citizens. The people that come here sacrifice their time to attend these meetings. They are sincerely concerned about their community. Mr. Cickay said he saw the Planning Commission listen to the people and they made a good decision. That is how politics should govern. He knows there is an upcoming vote in a couple of weeks. We need a good decision. Mr. Cickay said this vote is not just for the people of Falls Township but for everyone who gets water from the Delaware. Mr. Cickay read the list of these communities. He hopes in a couple of weeks you make a good decision.

Chairman Harvie thanked the public for coming out to speak. One speaker made a comment about tax relief. There was a 14-year tax relief abatement period for about 1,300 acres in the U.S. Steel property. That tax abatement period ended December 31, 2018. All properties are now paying their taxes. There was a comment made in reference to PennDot being responsible for clean up of spills. We said that PennDot is responsible for their roads. We recently approved a renewal of our emergency action plan. The reason it is not on the website is because it is a very large document. We have very good staff in the township and we have three very good fire companies. We have a lot of faith in them. If there were a spill, the first responders would come from Falls Township, the DEP would be immediately notified, and they would take control over any hazardous spills. With respect to putting issues on the referendum, Pennsylvania doesn't have that as part of its constitution. Mr. Clarke said use of a referendum is extremely limited in Pennsylvania. You are not allowed to put advisory opinions on there. The speaker made mention of a referendum in Delaware County for a liquor license coming into previously dry towns. That is appropriate for a

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referendum. The legislature does not want elected officials advocating their authority by putting everything on a referendum. They want to make sure that the elected officials do what they are supposed to do when they make decisions on certain matters. A land development application, of which this is one, is one of those areas that is squarely under their authority and discretion and would not be eligible for a referendum. The application for preliminary land development is scheduled for the 30th of this month and under the time limits within the MPC, a decision will be made on this project long before the November election.

There was a break in the meeting at 7:45 p.m. and the meeting reconvened at 7:58 p.m.

ITEM # 3 CONSIDER BIDS FOR LANDSCAPING SERVICES AT TOWNSHIP FACILITIES FOR YEARS 2019, 2020, & 2021

Manager Gray said the township received landscaping bids for the year 2019 with options for years 2020 and 2021. The results are: WDB Lawn and Garden - \$22,178 (2019), \$23,587 (2020), and \$23,971 (2021) and Realty Landscaping - \$46,985 (2019), \$47,925 (2020), and \$48,884 (2021). Member Dence moved to award the 2019, 2020, and 2021 landscaping work to WDB Lawn and Garden in the amounts listed in the April 12, 2019 memo for the three years, contingent on securing a Falls Township business license and finalizing an insurance requirement; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 4 CONSIDER BID FOR TREE TRIMMING AND REMOVAL OF TREE SERVICES IN FALLS TOWNSHIP

Manager Gray said the township received one bid for tree trimming and removal on township properties. The bid is from Jimmy's Tree & Landscape Contractors, LLC. Half day rate (\$975); Full day rate (\$1,780); Emergency hourly rate (\$330); and Crane hourly rate (\$225). Member Boraski moved to retain the services of Jimmy's Tree & Landscape Contractors, LLC for the purpose of tree removal in Falls Township in the amounts specified in the memo dated April 12, 2019, contingent on securing a Falls Township business license, execution of the contract, and finalizing an insurance requirement; Member Rocco seconded the motion; all board members were in favor. (4-0)

ITEM # 5 CONSIDER THE PURCHASE OF POOL CHEMICALS AND SUPPLIERS FOR THE PINWOOD POOL THRU BUCKS/MONT AQUATIC CONSORTIUM

Manager Gray said the township received the bid results for pool chemicals for the upcoming 2019 Pinewood Pool season. The bid has been awarded to Buckmans for the 2019 season. The prices are: \$1.47 per gallon for chlorine; \$18.75 for a 5-gallon carboy of hydrochloric acid; and \$15.50 for a 50-lb. bag of soda ash. Mr. Brian Andrews said it is a good advantage to join in with other municipalities or else we would be paying more money for these items. Member Dence moved to enter into the agreement for the Bucks/Mont

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Aquatic Consortium for the bid for chemicals for the 2019 season; Member Rocco seconded the motion; all board members were in favor. (4-0)

ITEM # 6 CONSIDER RESOLUTION FOR THE SEWAGE FACILITIES PLANNING MODULE FOR BEHAVIORAL HEALTH AND PERSONAL CARE – 312 NORTH OXFORD VALLEY ROAD

Manager Gray said this is for the property at 312 North Oxford Valley Road. Their request is for the change of use to increase sewer flows from 1 EDU to 5 EDU's. Mr. Jones said an EDU is an Equivalent Dwelling Unit. It is the way DEP allocates capacity. If you have 800 gallons per day in flow, you would have 2 EDU's; if you consider an EDU at 400 gallons per day. It is the flow you would anticipate from one household. Member Rocco moved to approve Resolution # 19-13 for the Sewage Facilities Planning Module for Behavioral Health and Personal Care, 312 North Oxford Valley Road; Member Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 7 MINUTES – MARCH 19, 2019

Member Dence moved to approve the minutes from March 19, 2019; Member Rocco seconded the motion; all board members were in favor. (4-0)

ITEM # 8 ENGINEERS REPORT

Mr. Jones said there have been no new submissions made during the month of March. Most land development projects are at final plan approval. There are some highlights in the report for earth disturbance projects. In terms of township projects, for the 2018 Road Program, the waring course on Walton Drive will be going down during the spring break at Eleanor Roosevelt Elementary School. We anticipate Bustleton Services starting next week on landscaping, top soil, and seeding. At the same time, Share Drive will go to full depth reconstruction. We anticipate one week to complete that work as well as Lions Drive between Share and Walton. We are looking at four to five weeks to complete the project. For the 2019 Road Program, we are in various stages of development in the plan. We are planning to have our first resident meeting in three to four weeks, to explain the project to them. In terms of the culvert project, we met with the Pennsylvania Emergency Management Agency (PEMA). We think we have a good opportunity to expand the scope of the project to include improvements to the golf course and to reduce the flood plain along the Queen Anne Creek. When we presented it to the PEMA folks, they were pretty excited about it. We have a good chance of being successful with the grant. That would cause a delay to the construction project. We are on target and on budget, but we would like to take 30 days and dig in and look further into this grant. It will be a 75%/25% split and is a hazard mitigation program. We will identify what the cost share would be and report back in May to seek your advice with that. The Quaker Penn Park compost toilet facility is in place. The manager has the bids for electrical work. Once the electrical work is completed, the backfilling will take place. The docks are in and the boat ramp is open. Manager Gray

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said the electrical bids went back out. The inspection date is Friday, April 26th and the bid opening is set for May 9th. Mr. Jones said at St. Josephs Court, they aim to have work completed by the end of the year. All of the buildings are under construction. The safety lighting is not yet complete, but they are working in the right direction. Member Rocco moved to accept the March Engineers report; Member Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 9 BILL LIST

Member Rocco moved to approve the April 16, 2019 bill list in the amount of \$1,918,968.21; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 10 EXECUTIVE SESSION

Mr. Clarke said at the end of the March 19th meeting, the board met to discuss personnel matters. Prior to tonight's meeting, the board met to discuss contract negotiations and various personnel matters.

ITEM # 11 POLICE DEPARTMENT REPORT

Lt. Ward reported on the following:

- A. On March 29th, we held a Coffee with a Cop. It was every well attended and we had some good back and forth conversation between both sides. There will be another Coffee with a Cop in a couple of months at the senior center. Everyone is welcome to attend.
- B. The Drug Take Back event will be held on April 27th from 10 a.m. – 2 p.m. We will not collect needles. This will coincide with the Shredder Event the same day from 9 a.m. until 1 p.m. There is a maximum of six bags per person. These will be held at the township building.
- C. If you are selling items on-line, there is an area at the police department where your transaction is well lit and videotaped.
- D. This time of year is a big season for IRS scams. The IRS never uses the telephone; they always use the mail. No reputable business will ask you to pay for your bill in gift cards. If you hear or see something, please contact the police department.
- E. Applications are being accepted for the Falls Township Youth Police Academy. Please contact the police department for more information.
- F. The Safety Net program is progressing. (This replaces the Rapid Recovery program.) The Safety Net program is for impaired individuals and the elderly. They wear a homing device which looks like a watch, and it helps us when someone walks away from someplace.
- G. With regard to ATVs, if the township declares a state of emergency, ATVs and quads are legal to be used on the roads under Pennsylvania law. Any other time, there is no reason to be out on the roads with these vehicles. If you are caught, we will take your vehicle and you will get ticketed.

ITEM # 12 MANAGER COMMENT

- A. Member Rocco moved to approve the non-service-related disability for James Moratti; Member Boraski seconded the motion; all board members were in favor. (4-0) Chairman Harvie wishes James Moratti good health moving forward.
- B. Member Boraski moved to approve the police department's in-car camera system policy; Member Rocco seconded the motion; all board members were in favor. (4-0)
- C. Member Rocco moved to approve escrow release # 8 in the amount of \$51,637.50 for St. Josephs Court; Member Dence seconded the motion; all board members were in favor. (4-0)
- D. Manager Gray announced the following new businesses: Ace Automotive, Poke Ocean Japanese Cuisine, and MicroTrap Corporation.
- E. There will be a free Bulk Disposal Day on Saturday, April 20th from 7-11 a.m. This is for residents and homeowners in Falls Township and Tullytown Borough. Please call 1-800-869-5566 for more information.
- F. Member Dence moved to approve Advantage Engineers for geotechnical work at the price NTE \$8,000, to assist the solicitor's office with a land development matter; Member Rocco seconded the motion; all board members were in favor. (4-0)
- G. Member Rocco moved to approve the pending service agreement with Tyler Technologies (software for the finance department) subject to final approval by the solicitor's office; Member Dence seconded the motion; all board members were in favor. (4-0)
- H. Member Rocco moved to approve the Safety Net agreement; Member Dence seconded the motion; all board members were in favor. (4-0) Member Boraski asked if folks have to pay for this device. Lt. Ward does not believe there is any cost for residents.
- I. Member Rocco moved to approve the special events application for product demonstrations at Dick's Sporting Goods from May 23rd to May 27th and execution of the indemnity agreement for them to sign; Member Boraski seconded the motion; all board members were in favor. (4-0)
- J. Member Dence moved to approve the consulting agreement for the Pennsylvania Chiefs of Police Association; Member Rocco seconded the motion; all board members were in favor. (4-0)

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ITEM # 13 BOARD COMMENT


Member Boraski – no comment.

Member Dence – no comment.

Member Rocco – no comment.

Chairman Harvie said the May meeting falls on Election Day. It was agreed that the next Board of Supervisors meeting will be rescheduled to Monday, May 20, 2019. Chairman Harvie wishes everyone a Happy Easter and a very blessed Passover.

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



Jeffrey Rocco, Secretary