TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING

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

The meeting commenced at 7:02 p.m. with roll call and salute to the flag. All Board members were present with the exception of Member Dence. Township Manager Gray was on vacation. Also present were Police Chief William Wilcox, 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. Dick Trimble spoke about a bus which consistently parks on a residential street for five to six hours a day. He said he called the police department about this matter and received a phone call back that school buses are exempt. Mr. Trimble said he looked in the code and could not find an exemption. Mr. Trimble said this is a serious matter and is concerned that someone could get hurt. Mr. Trimble would like this matter further looked into. The residential street is Cardiff Road. Chairman Harvie said they will ask the solicitor to take a look at the ordinance.

Mr. Roland Kenney said that he and Mr. Mariani are not the only residents who are talking about the Earned Income Tax (EIT). In 2006, Public Financial Management told the Pennsbury Tax Commission that an EIT would benefit retired seniors. Recently, Mr. Kenney saw that the Pennsbury Tax Study Commission voted 5-1 in favor of an EIT and he thinks it failed at that time. Middletown Township’s EIT went from 1% down to .5%. So far $1.2M has come into that township and that is $200,000 more than expected. Because of the EIT, Middletown will not have to tap into the investment fund to balance their budget. Mr. Kenney said the EIT works. We have to stop this year after year of real estate tax increases for the seniors. Mr. Mariani asks how much more a senior citizen has to pay before putting a for sale sign on their homes. Even a .5% tax would stop the school board from raising taxes. Mr. Mariani said he believes it is people like him (the senior citizens) who put each of the board members in their seat. Mr. Kenney wished everyone a good night.

Mr. Guido Mariani said there was a meeting, or will be a meeting, with PECO in regard to improving service. Instead of a meeting, he would rather see this board file a complaint
with the PUC. He doesn’t believe PECO will make any improvements until the cost of defiance exceeds the cost of improvements. Mr. Mariani said each company that produces or distributes electric must annually submit to the PUC information concerning future plans to meet customer demands. He said that PECO engineers are analyzing their utility system that provides service to Falls Township. Mr. Mariani believes PECO already knows why their service is bad. On May 27, 2008, the PUC approved final regulations to require electric distribution companies, on a 2-year basis, to explain and file their plans for inspection, maintenance, replacement and repairs of their facilities that are to meet their reliability performance benchmarks and standards. On May 4, 2004, the PUC implemented new standards ensuring electrical utility performance with regard to the number and duration of power outages which does not decline or get worse. Mr. Mariani asks if the board thinks PECO complies with these regulations. Mr. Mariani gave an example of PECO’s 2014 summary overviewing their comprehensive vegetative management program to protect transmission and distribution systems from vegetation-related interruption. Mr. Mariani said if you walk to the back of his house, there is an enormous amount of vegetation on the power lines. He would like the township to question PECO. Mr. Mariani said if you are really interested in improving service, to please file a complaint against PECO.

Mr. Andy Dell said he wanted to touch base on the electric issue. Every storm he loses power and 90% of the problem is due to the vegetation on the golf course. There is no one taking down dead trees and during every storm the trees fall on the power lines. No one is doing any preventative maintenance on the golf course. Mr. Dell said it has become almost any substantial storm that has wind with it. Chairman Harvie said he can call Diane Marseglia and will pass his concerns on to her. Mr. Dell said he thinks the last time his power was out for almost a week.

Mrs. Dorothy Vislosky said she has 50 years of service to this community. She has been in Florida and has had serious health problems. Mrs. Vislosky said when she goes to the grocery store, she has people ask her to get involved again. She would like to tell the public that she is back to stay and will attend meetings as often as she can when she is not in the hospital. She intends to comment on issues and will tell the public what is going on. Mrs. Vislosky suggests to the people who have concerns, to mail her a letter with their concerns to 273 Yardley Avenue in Fallsington. Mrs. Vislosky said she promises that she will answer. Mrs. Vislosky said she is 84 years old and has also heard that she is too old to be involved but age is just a number. Mrs. Vislosky recited a favorite poem of hers that she has known since she was a teenager. She will contact everyone who writes to her and she guarantees that you will hear from her.
ITEM # 2 FAIRLESS WORKS ENERGY STATION – PRELIMINARY AND FINAL LAND DEVELOPMENT – 50 SINTER ROAD – TMP # 13-051-001

Mr. Ed Murphy is here on behalf of Dominion. Mr. Murphy said every ten years Dominion undertakes a comprehensive major upgrade to their facilities. Because the parts are difficult to get and take some time to receive, they order the parts and store them until they are ready to be used. Dominion requires that those parts and services be safely stored so they require installation of three temporary covered structures. After about 6-12 months when they are finished using the structures, they will be removed until they are needed again. Waivers deal with street trees and curbing. Member Galloway moved to approve Resolution # 14-23 for the Fairless Works Energy Station, preliminary and final land development, TMP # 13-051-001; Member Rocco seconded the motion; all board members were in favor. (4-0)

ITEM # 3 CONSIDER RESOLUTION AMENDING THE TOWNSHIP’S ACT 537 PLAN

Mr. Clarke gave a brief explanation of the Act 537 Plan. The Act 537 Plan is required to be updated by the municipality for the sewer service and then submitted to the DEP. It is a planning tool and it is recommended that the plan be updated every 5-10 years. Mr. Thomas Beach has put together the 537 Plan. He recommends adopting it and submitting it to the DEP. Member Boraski asked if there were major changes between the last one and now. Mr. Beach said the last plan was from 1985. There was a draft started in 2008, but it was never completed. This current plan brings everything up to date. Member Galloway moved to approve Resolution # 14-24, amending the Township’s ACT 537 Plan; Member Rocco seconded the motion; all board members were in favor. (4-0)

ITEM # 4 DISCUSSION BY KIMMEL BOGRETTE REGARDING THE NEW TOWNSHIP BUILDING

Member Harvie introduced this item. He said over the past few years this board has been looking at the possibility of replacing this existing building. We have retained the services of Kimmel Bogrette who has worked with township personnel to look at current space, budget issues, and put together a plan. Chairman Harvie said they wanted to have a public discussion about the next step. Kimmel Bogrette will give a presentation and Concord Public Finance will talk about ways to move forward to help finance this project. Mr. Jonathan Trump from Kimmel Bogrette gave a presentation. Kimmel Bogrette was hired in 2011 to conduct a feasibility study. They met with township staff to establish a building program. The current building is 34,500 sq. ft. and the planned building is 64,200 sq. ft. The current cost estimate is $16,844,000. This includes: New buildings ($12,696,000), Site work and landscaping ($1,113,000), Furniture, fixtures, and equipment ($1,135,000), Professional fees ($798,000), 4% contingency on construction ($552,000), and Unsuitable soils replacement ($550,000) for a total of $16,844,000. The proposed timeline is to complete construction documents (September 2014 – January 2015), project bidding and award of contracts (February 2015 – May 2015), building and site construction (June 2015 –
August 2016), and to have the project completed by September 2016. Mr. Christopher Gibbons from Concord Public Finance and Finance Director, Mrs. Betsey Reukauf, were present to answer questions. Member Rocco asked if the cost included the geothermal work. Mr. Gibbons said no, the cost is about $350,000-$400,000 with a payback of less than ten years. Chairman Harvie said we are very undersized as a building and as to the people who work here. They did have an open house to allow people to tour the building, but there weren't a whole lot of people who were interested in looking at the building. This project takes a lot into consideration. They had some people compare this projected building with other municipalities and some people have said that those buildings cost a whole lot less. As a comparison, the Newtown Township building is only a township administration building. Chairman Harvie said they asked the architect to stall a little bit while they looked into options of moving forward and financing this project. The board is not taking action tonight, but may ask the architect to move forward. Mr. Gibbons provided the board with a handout. It included information about his firm and gave examples of debt service cost and millage impact. Mr. Gibbons reviewed this information. Member Galloway asked how much money is available for a project like this. Mrs. Reukauf said the township has about $34M in the long-term restricted savings account. Free and clear, without prior commitments, there is over $24M. Member Galloway asked if it were possible to finance this ourselves. Mrs. Reukauf said yes. Member Boraski said borrowing from ourselves seems logical and then paying it back. He has concern over a future board. Member Rocco said these were both written up as a debt service and asked if that means that the taxpayers would pay for it. Mr. Gibbons said the say it is written up, yes. Mr. Clarke said ultimately the way Mr. Gibbons put this together, since payment would be from tax dollars, paying back the annual debt service would be from tax dollars. Mr. Gibbons is indicating it would be paid for by the taxpayers. It is not contemplated that this would be done by any kind of special assessment or tax increase; that is not what is contemplated here. When it says debt service, it means what you are paying back yearly on the loan. Chairman Harvie said it does not specify where the money comes from, but this would strictly come from the general fund. That is not what is contemplated in Mr. Gibbons' numbers. Chairman Harvie said given that we are debt free, he is assuming that we would be a pretty safe bet from banks that would loan money to us. Mrs. Reukauf said yes. The township has triple A rating. Chairman Harvie echoed Member Boraski's thoughts in terms of borrowing money from ourselves and said that this current board would be diligent in paying back the loan, but that is something they cannot bind a future board to adhere to.

Mr. Andy Dell said he thought we had about $70M-$80M in the long-term restricted savings account. Chairman Harvie said it is about $34M. Mr. Dell said he understands we make 1% or less on our investments. He thinks if we paid cash for this building and tried to lower the cost a little bit, we could go into it with no debt. He asked if the Public Works Department and the Police Chief had input to this. Chairman Harvie said every staff member, or through their supervisor, has had input on this. Member Rocco said there was an exercise where they already did cut down some space and made some rooms smaller. Everyone was involved. Member Galloway said paying for it ourselves, free and clear, is an option. Mr. Dell asked how much the interest would be on a loan. Mr. Gibbons said for a 30-year loan of $15,345,000 the interest is $5.2M. Mr. Dell suggested spending the money out of the long-term savings account, especially since we are restricted on where we invest.
our money. He asked about the Coreten steel façade on the planned building and said he does not think it is very attractive. **Mr. Guido Mariani** said he has always been in favor of this project and wants to replace the heating and air conditioning with geothermal, the most efficient option available today. There are grants available and the Department of Energy funds these types of projects. Mr. Mariani suggested that as far as financing this project, we do a study of the income that an EIT could produce for this township. Mr. Trump said that on two recent projects – the Haverford Community Center and the Manheim Township Public Library, both went with the geothermal and it has far exceeded their expectations. What they found out on both of these projects is that it is saving both of those buildings a substantial amount of money. Member Rocco asked about the estimated cost of geothermal. Mr. Trump said it would cost between $250,000-$350,000, perhaps even $400,000 and there is an easy 8-10 year payback, but for the two projects already mentioned, they think it will actually be less. It is working out very well. **Mr. Bob Kremetz** asked if natural gas was considered for this project. Mr. Gibbons said natural gas is a viable option, but the up-front costs are very expensive. **Mr. Brian Binney** spoke about some of the financial information given by Mr. Gibbons. Mr. Binney thinks it would be better to partially fund this project from our long-term savings, and not taking our reserve down to about $5M. Chairman Harvie thanked everyone who commented on this project. Member Rocco asked about construction costs going up. Mr. Trump said it has been about 1-1/2 years since the estimate, and construction costs have increased by about 1.7%. He expects another increase as contractors are pretty busy. Member Rocco said he thinks they have sat on this long enough and suggests moving forward with the construction documents and continue to have discussions on overall financing. Member Galloway and Chairman Harvie agree that we should move forward with the construction documents. Chairman Harvie said one concern he has is trying to get the road program moving along. If they are spending money on this project, it could slow down the road program considerably and that is a concern of his. We have two landfills operating and the former Coke Works is under construction. That is scheduled to come on line in about two years and should operate for about two decades. We won’t have as much money flowing in as fast, but we will have money flowing in for a considerable length of time.

There was a break in the meeting at 8:23 p.m. and the meeting reconvened at 8:27 p.m.

ITEM # 5  DISCUSSION REGARDING LED STREET LIGHT AUDIT FOR FALLS TOWNSHIP

Member Rocco said they authorized an audit of all of the existing street lights in the township. They met with Philips to make sure the street lights they were paying for was accurate, to make sure the wattage was correct, and ask them to put together a proposal. Member Rocco said when we review the information, it makes sense to move forward with this program. Mr. Vaughn Van Gilson from Penn Lighting said they will be focusing on the cobra head fixtures. There are 2,170 fixtures that will need to be replaced. Mr. David Vukovich with Philips Lighting said he performed the audit along with about four other people. The total out cost is $418,515. Mr. Vukovich said he has checked into the signed contract that the township has with Constellation Energy and there is no penalty for reduction in demand. Member Rocco asked about the decorative lighting that is located in some parts of the township. Mr. Vukovich said they did not count any of these decorative
fixtures. Chairman Harvie asked about the shorter payback time. Mr. Van Gilson said the street lights are becoming more efficient and use less wattage. The reason they have a good payback is due to the lower cost of LEDs. You get a better rebate for a lower cost. These last about ten to fifteen years. Chairman Harvie asked what would happen if the driver goes bad. Mr. Vukovich said it is just the driver that gets replaced. Chairman Harvie said the next step is to purchase the actual equipment, then find a contractor to do the work. Member Rocco moved to direct the manager to purchase the necessary LED equipment off of the Co-Stars list; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 6 CONSIDER AUTHORIZATION FOR ADVERTISEMENT FOR ORDINANCE AMENDING CHAPTER 116 – DOGS AND OTHER ANIMALS – SECTION 1 – DEFINITIONS – SECTION 5 – CURBING OF ANIMALS AND SECTION 11 – VIOLATIONS AND PENALTIES

Chairman Harvie said a few months ago they had a discussion about this ordinance and especially about people not picking up after their dogs. They took a look at the penalties and found that this ordinance has not been updated for some time. This updates the penalties and failure to pick up after your dog. It also deals with dogs that are considered a nuisance. Member Galloway moved to authorize advertisement of Ordinance amending Chapter 116 – Dogs and Other Animals – Section 1 – Definitions – Section 5 – Curbing of Animals and Section 11 – Violations and Penalties; Member Rocco seconded the motion; all board members were in favor. (4-0)

ITEM # 7 CONSIDER AUTHORIZATION FOR ADVERTISEMENT FOR ORDINANCE AMENDING CHAPTER 173 – PEDDLING AND SOLICITING

Chairman Harvie said this item addresses people who go door to door and it specifies the kind of license you need to get in order to do so. Chief Wilcox said for someone to get a license, they would come to the police department and fill out paperwork which gets forwarded to Manager Gray. Once completed, Chief Wilcox approves the documentation as well. If you have a “No Solicitors/No Solicitation” sign and the solicitors come to your door, that is something they can be cited for. In addition, this ordinance will create a no solicitation registry where residents can register here in the township and a list of those addresses will be given to the people who go door to door. These kinds of regulations would not apply to political or religious – we cannot regulate that kind of speech. Member Boraski said there are time limitations that say solicitation shall occur from Monday through Saturday, 9 a.m. to 7 p.m. and shall not be permitted on Federal holidays. Mr. Clarke said there will be a change that will need to be altered with respect to political speech where we cannot stop them before 9 p.m. in the evening. Ms. Gallagher said for political and first amendment type speech, it does not require a permit, but we can still put a time limit on these. Member Rocco said he likes the do not solicit list and asks that it be available for the public as well as maybe posting it on social media. Member Rocco asked if we are able to do background checks on these individuals. Ms. Gallagher said that is one of the issues they
will look into prior to passing this. Member Galloway moved to authorize advertisement for ordinance amending Chapter 173 – Peddling and Soliciting; Member Rocco seconded the motion; all board members were in favor. (4-0)

ITEM # 8 CONSIDER AUTHORIZATION FOR ADVERTISEMENT FOR ORDINANCE AMENDING CHAPTER 168 – PARKS SECTION 10 – ALCOHOLIC BEVERAGES AND CHAPTER 96 – AMUSEMENTS AND SPECIAL EVENTS

Ms. Gallagher said this ordinance would permit the sale, distribution, and consumption of alcoholic beverages in the township park if a special events permit has been obtained from the township. This clarifies what would be considered a special event and strengthens the insurance and indemnification requirements for all special events. This increases the fees for these types of events because of the additional review of these permits, and requires the applicant to appear before the Board of Supervisors if their event will include alcoholic beverages. It requires police presence at these events and imposes penalties if they fail to clean up after the event. Chairman Harvie would like to see the end time in Section 96-5 changed to 11 p.m. instead of 12 a.m. The rest of the board agreed to this change. He is in favor of making this difficult. This is for larger events and there are strict guidelines that would need to be followed. Member Rocco said he is not in favor of charging a fee for block parties. Member Galloway and Member Boraski agreed with not charging the block party fee. This will be taken out of the revised ordinance. Member Rocco asked about the $5,000 fee. Ms. Gallagher said that is the application fee. If there are significant costs that are associated with police presence up and beyond the $5,000, that would be an additional fee that the applicant would be required to pay. The $5,000 would cover the professional fees, township staff, and the Park & Rec fees, but not the police presence fee. Member Rocco said the fee is significant. Member Galloway asked about waiving the fee for a non-profit group. Ms. Gallagher said the applicant would need to appear before the board and at that time, they can ask for a waiver of any fees or refund of any fees that have been paid. This procedure is just when alcohol is involved. Mr. Clarke said the $5,000 fee was put in there and since it will require a significant amount of staff time review; it is not something that every small event will want to do. The insurance is not waivable and is relatively expensive for those who are trying to do this. Member Galloway moved to authorize advertisement for the ordinance amending Chapter 168 – Parks Section 10 – Alcoholic Beverages and Chapter 96 – Amusements and Special Events; Member Rocco seconded the motion; all board members were in favor. (4-0)

ITEM # 9 CONSIDER AUTHORIZATION FOR ADVERTISEMENT FOR ORDINANCE AMENDING THE ZONING ORDINANCE CHAPTER 209-7

This proposed zoning ordinance change is to change a property located at 450 New Bold Road, TMP # 13-028-088-002 from Lite Industry (LI) to Planned Industrial Park (PIP) District. Mr. Sullivan said they took a small piece of a commercial property in the back of their property and this change will make the entire property consistent. Member Boraski
moved to authorize advertisement for ordinance amending the Zoning Ordinance Chapter 209-7; Member Galloway seconded the motion; all board members were in favor. (4-0)

ITEM # 10 CONSIDER ADOPTING ORDINANCE AMENDING CHAPTER 203 – VEHICLES AND TRAFFIC

Chairman Harvie said this addresses some issues we have had over the past winter and it also talks about the powers of the Chief of Police and the manager. It clarifies some of the issues that came up during some of the past snowfall events. One thing the old ordinance included is when snowfall reached 2” or more, people were expected to have their vehicles off of the streets. This is not something new. It is not just a random depth of snow, it is as much snow as is needed for the plows to go out. When it gets to 2”, the plows need to go out. It is common courtesy to move your vehicle. When it is snowstorm after snowstorm and vehicles are still parked in the street, it becomes a nightmare for the snowplows to get down the street. The whole road belongs to everyone in the township and it is not fair for one person to leave a vehicle in the street and not move it. Ms. Gallagher said this is also a comprehensive redo of the stop sign provision. This proposed change also removes certain sections of Chapter 203 which were no longer used. All the towing is dealt with in Chapter 206 rather than having separate sections in Chapter 203. Member Galloway moved to adopt Ordinance 14-06, amending Chapter 203 – Vehicles and Traffic; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 11 CONSIDER ADOPTING ORDINANCE AMENDING CHAPTER 206 - WRECKERS

Chairman Harvie provided information on this ordinance change. Member Galloway moved to approve Ordinance # 14-07, amending Chapter 206 – Wreckers; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 12 CONSIDER AGREEMENT OF REIMBURSEMENT BETWEEN THE TOWNSHIP OF FALLS AUTHORITY AND FALLS TOWNSHIP

Mr. Sullivan said during the road work on Makefield Road, the Township of Falls Authority decided they would like to have a water main extension. The Township of Falls Authority will pay for this work, but the township has to exercise a change order with the contractor. Member Galloway moved to approve the agreement of reimbursement between the Township of Falls Authority and Falls Township; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 13 MINUTES – JULY 15, 2014

Member Galloway moved to approve the minutes for July 15, 2014; Member Boraski seconded the motion; all board members were in favor with the exception of Member Rocco who abstained since he was absent for the July 15, 2014 meeting. (3-0-1)
ITEM # 14  ENGINEERS REPORT

Mr. Sullivan said new pilings were installed at the boat ramp in the beginning of August and the boat ramp is now open for use. Mr. Sullivan gave a progress report on the 2013 Road Program. Scheduled completion is the middle of September. Member Rocco said there is a sign posted that says WAWA is moving into the old Acme building. Ms. Gallagher said there was a zoning application that was turned in today. Member Rocco moved to approve the July 2014 Engineers Report dated August 15, 2014; Member Galloway seconded the motion; all board members were in favor. (4-0)

ITEM # 15  BILL LIST

Member Galloway moved to approve the bill list in the amount of $3,137,738.72; Member Boraski seconded the motion; all board members were in favor. (4-0)

ITEM # 16  EXECUTIVE SESSION

Mr. Clarke said the board had an Executive Session earlier this month on August 4th to discuss personnel matters, a matter of litigation, and matters of potential litigation.

ITEM # 17  MANAGER COMMENT

A. Member Galloway moved to authorize advertisement for zoning change of TMP # 13-018-001 (8525 New Falls Road) from NCR to NC and TMP # 13-018-002 (8545 New Falls Road) from NCR to NC; Member Rocco seconded the motion; all board members were in favor. (4-0)

B. Member Galloway moved to accept the easement agreement with Verizon for internet services at the boat ramp (285 Pennsbury Road); Member Rocco seconded the motion; all board members were in favor. (4-0)

C. Member Galloway moved to approve escrow release # 5 to Mercer Court, in the amount of $89,082.45; Member Rocco seconded the motion; all board members were in favor. (4-0)

D. Chairman Harvie asked about the speed spy equipment in the amount of $3,484. Chief Wilcox said Lt. Arie and the township manager are working on this. He does not think this has been finalized yet.

ITEM # 18  BOARD COMMENT

Member Rocco said he is excited about moving forward on the new township building. With regard to the lighting program, saving $1.2M over ten years is a lot of money. It was a good night and he thanked everyone.

Member Boraski said they had a good meeting tonight. Mr. Boraski spoke about the building and the street lights. He encourages residents to come to the next meeting and give their opinions on these subjects.
Member Galloway – no comment.

Chairman Harvie echoed comments from fellow board members as well as the public coming out to voice their opinions. He said the opinions and agenda of the board members, the professionals, and administration is nothing more than to better Falls Township. He said they are all fathers and they want to make this township better. Chairman Harvie said they make the decisions they feel are best and they appreciate the trust from the public. Chairman Harvie moved to appoint Ms. Jessica Hrouda to the Park and Rec Board; Member Boraski seconded the motion; all board members were in favor. (4-0) Chairman Harvie moved to appoint Mr. Steve Russell to the Historic Review Board; Member Boraski seconded the motion; all board members were in favor. (4-0) Chairman Harvie moved to appoint Ms. Alyce Koruna for the longest available term on the Environmental Advisory Council; Ms. Barbara Nelson for the second longest available term on the Environmental Advisory Council; and Mr. Andrew Hutzell for the third longest available term on the Environmental Advisory Council; Member Boraski seconded the motion; all board members were in favor. (4-0) In regard to the ongoing Falls Township-Tullytown border dispute, it turns out the new border is in our favor, 51 to 49. There will be $27,000 a year that we should be getting. He would like us to reach out to Tullytown to make sure they sign off on this.

Member Galloway moved to adjourn the meeting; Member Rocco seconded the motion; all board members were in favor. (4-0) The meeting was adjourned at 9:28 p.m.

Jeffrey Rocco, Secretary