

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

JEFFRY E. DENCE, CHAIRMAN	PRESENT
JEFF BORASKI, VICE-CHAIRMAN	PRESENT
JEFFREY ROCCO, SECRETARY	PRESENT
BRIAN M. GALLOWAY, SUPERVISOR	PRESENT
JOHN PALMER, SUPERVISOR	PRESENT

The meeting commenced at 6:30 p.m. with roll call and pledge to the flag. All Board members were present. Also present were Township Manager/Chief Code Enforcement Officer & Zoning Officer Matthew Takita, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher and Township Engineer Joe Jones.

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

Ms. Toni Battiste thanked the township for the work at the Vermillion Hills playground. She said her grandchildren enjoyed playing there.

**ITEM # 2 BUMM HOLDINGS CO., LLC – DISCUSSION OF PROPOSED
FUTURE AMENDMENTS FOR PRELIMINARY AND FINAL LAND
DEVELOPMENT APPLICATION**

Mr. Ed Murphy was present on behalf of the applicant. Also present was Mr. Justin Geonnotti, Project Engineer. Mr. Murphy said they are here this evening to give everyone an update on the status of their plan. They had previously shared with the staff a revised plan which showed a different point of access for vehicles leaving their property lot and making a left onto Cabot Boulevard West. Tonight is to confirm that this revision to the principal access point would be acceptable so that we would engineer the plan and then come back to you next month with the similar plan for you to consider. Mr. Clarke said this went to the Planning Commission a few months back and the Planning Commission had some concerns regarding the access in and out of the property. Following that meeting, Mr. Murphy reached out to Manager Takita, Mr. Jones, and Mr. Clarke to discuss some issues the Planning Commission had raised and also to discuss some potential alternatives. There was a discussion which yielded this alternative plan. The purpose of tonight is for Mr. Murphy and his client to give you an overview of what the revised plan would look like and if the board was comfortable with it, they would submit all the revised plans and then they will be back on the agenda in June for preliminary and final approval. Mr. Geonnotti explained the proposed traffic plan. They are here tonight to get the board's approval on the plan. The applicant will comply with all of the engineering aspects of the plan. All vans exiting this parking lot would have to turn onto Oxford Valley Road and then make another

left-hand turn. They were able to obtain an easement from the adjacent property owner. Member Boraski asked if they could do something to keep the vans on that property. Do you have to make a left, go around an island and then another left? Mr. Geonnotti said the island was removed. There is enough of an area for the trucks to exit, stage in the center drive isle, then turn into the parking lot. Member Boraski is concerned about vans turning safely out of the lot and then making another quick left-hand turn with oncoming traffic. He would have rather had that driveway to turn left before where it says Cabot Boulevard so that all the vans would stage in that area. Mr. Geonnotti said they did try that but were denied. Member Rocco asked if it was the original plan to bring them in property to property and not head out on Cabot Boulevard. Mr. Geonnotti said the original plan was to take access where they have access – Old Oxford Valley Road. Member Palmer asked if they were contacted from the person who runs that property/company. Are you working for that property owner and why wouldn't they give access to that property? Mr. Murphy said the customer doesn't own the real estate and that is the issue. Right now, that option is not available. We have had multiple conversations with the next-door property owner. They are well aware of the intended use of our parking lot. We continue to talk but right now, that is not an option for us. They have tried and will continue to try. Member Palmer said at this point, he really doesn't like either proposal. Member Galloway and Chairman Dence understand the issues. Even though this is a difficult situation, they both believe they solved the issues the Planning Commission had. There was no action taken this evening.

**ITEM # 3 NORTHPOINT FALLS TOWNSHIP INDUSTRIAL, LLC – BUILDING
1 MINOR SUBDIVISION – 100 RIVER ROAD – TMP # 13-051-001**

Mr. Mike Meginniss (Begley Carlin) represents the applicant. He said this is a minor subdivision with building 1. We are here to formalize the sub-division process. There is no change to NorthPoint's intention to maintain control and ownership of the property. The two waivers are Section 191-52.1C2 regarding natural resource protection calculations and Section 191-79C3 natural resource mapping. Member Galloway moved to approve Resolution # 2021-14; Member Palmer seconded the motion; all board members were in favor. (5-0)

**ITEM # 4 INDEMNIFICATION AND HOLD HARMLESS AGREEMENT
BETWEEN FALLS TOWNSHIP AND NORTHPOINT FALLS
TOWNSHIP INDUSTRIAL, LLC**

Ms. Gallagher said this will allow NorthPoint to proceed with getting some of their site work don and pouring footers and foundation. They are waiting on certain approvals from the DEP. They will not get their U&O permits until the DEP is satisfied with everything. Member Boraski moved to approve the indemnification and hold harmless agreement between Falls Township and NorthPont Falls Township Industrial, LLC; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 5 CONSIDER RATIFYING LICENSE AGREEMENT FOR PERMITTED USE OF EASEMENT BETWEEN FALLS TOWNSHIP AND 5 MARTHA CIRCLE

Ms. Gallagher said this is a property in the township that is located next to township property. There is a pool on the property and some of the deck and fencing is encroaching on the township property. This would require the property owner to comply with all of the underlying zoning so they wouldn't be able to use that section of property to meet setbacks for impervious surface requirements. This would allow the deck and fence to remain in place. It also maintains that the property is township-owned property. Member Galloway moved to ratify the license agreement for permitted use of easement between Falls Township and 5 Martha Circle; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 6 CONSIDER EMPLOYMENT AGREEMENT BETWEEN FALLS TOWNSHIP AND LT. HENRY WARD

Ms. Gallagher said Lt. Ward has been working without a contract. This new agreement mirrors the agreement he has had in place since he has been a lieutenant. Member Galloway moved to approve the employment agreement between Falls Township and Lt. Henry Ward; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 7 CONSIDER RATIFYING APPROVAL OF HEALTH BENEFITS PROGRAM RATE RENEWAL

Manager Takita said the board is being asked to consider ratifying the approval of the health benefits program rate renewal. This is a 2% increase and is the lowest increase we have had in a number of years. Member Galloway moved to ratify the approval of the health benefits program rate renewal; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 8 CONSIDER AWARDED TOWNSHIP INSURANCE POLICY FOR THE PERIOD OF JUNE 18, 2021 TO JUNE 18, 2022 (PROPERTY, GENERAL LIABILITY, AND PUBLIC LIABILITY)

Manager Takita said our broker Vaughn Insurance has recommended that the Board of Supervisors make a transition and award the township insurance policy to Argonauts. Argonauts will provide equivalent or increased coverage and the cost difference between Argonauts and Travelers is approximately \$26K. Member Rocco said he understood the total award amount to be \$342,163. Member Galloway moved to award the Township insurance policy for the period of June 18, 2021 to June 18, 2022 (Property, General Liability, and Public Liability) to Argonauts; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 9 CONSIDER AMENDING THE 2021 FEE SCHEDULE

Ms. Gallagher said the 22-gallon cans are \$16 and the 32-gallon cans are no longer available. Member Galloway moved to approve Resolution # 2021-15, amending the 2021 Fee Schedule; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 10 CONSIDER NOTICE OF INTENT TO AWARD BID FOR THE 2021 FALLS TOWNSHIP ROAD IMPROVEMENT PROGRAM – ELDERBERRY DRIVE

Mr. Joe Jones said there were two bidders for the 2021 Falls Township Road Improvement Program. General Asphalt Paving Inc. is the lowest bidder and came in under budget at \$3,197,176.26. Member Boraski said General Asphalt Paving has been in the township for a number of years and asked Mr. Jones if we are happy with their work. Mr. Jones said we are satisfied with their work. Member Galloway moved to approve the notice of intent to award bid for the 2021 Falls Township Road Improvement Program – Elderberry Drive to General Asphalt Paving Inc. in the amount of \$3,197,176.26; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 11 CONSIDER FINALIZING THE AWARD FOR BID FOR THE 2021 FALLS TOWNSHIP ROAD IMPROVEMENT PROGRAM – ELDERBERRY DRIVE

Member Galloway moved to authorize the Township Manager to finalize the award for bid for the 2021 Falls Township Road Improvement Program – Elderberry Drive; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 12 CONSIDER PROPOSAL FROM JONES ENGINEERING ASSOCIATES FOR PROFESSIONAL & CONSTRUCTION ADMINISTRATION SERVICES FOR THE 2021 FALLS TOWNSHIP ROAD IMPROVEMENT PROGRAM

Member Galloway moved to approve the proposal from Jones Engineering Associates for professional and construction administration services for the 2021 Falls Township Road Improvement Program; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 13 CONSIDER PROPOSAL FROM REMINGTON AND VERNICK ENGINEERS TO PROVIDE FIELD SURVEY LOCATION SERVICES ASSOCIATED WITH GIS SANITARY, WATER AND STORMWATER UTILITY INFRASTRUCTURE MAPPING – PHASE 1

Manager Takita said the proposal from Remington and Vernick Engineers is for field surveying for our GIS system. This is necessary in order to complete our base mapping and

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is in the amount NTE \$60,000. This is in our budget. Member Palmer said our present equipment works with this program. We purchased some of this equipment and some of it is in our trucks now. Member Galloway moved to approve the proposal from Remington and Vernick Engineers to provide field survey location services associated with GIS sanitary, water and stormwater utility infrastructure mapping – Phase 1 in the amount NTE \$60,000; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 14 CONSIDER ADOPTING THE REPEALING OF ORDINANCE 2017-4 AND REINSTATING CHAPTER A214 – CABLE TELEVISION FRANCHISE AT SECTION 36 – SUBSCRIBER LISTS

Mr. Clarke said this was an Ordinance adopted four years ago by a handful of municipalities and it related to the dissemination of information by Verizon or any other cable carrier in the township. It was a practice at Verizon that they have never engaged in. When Falls Township adopted this Ordinance, it prevented Verizon and Falls Township from entering into a new updated agreement. Their position was outside their standard agreement. This is something that has never come into play. The board was asked to consider repealing it and then nothing ever happened with it. Within the last couple of months, Verizon has asked us to repeal this Ordinance. Member Galloway moved to approve Ordinance # 2021-6, adopting the repealing of Ordinance 2017-4 and reinstating Chapter A214 – Cable Television Franchise at Section 36 – Subscriber Lists; Member Palmer seconded the motion; all board members were in favor. (5-0) Manager Takita said the Resolution number should have been 2021-5. Member Galloway moved to approve Resolution # 2021-5, adopting the repealing of Ordinance 2017-4 and reinstating Chapter A214 – Cable Television Franchise at Section 36 – Subscriber Lists; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 15 CONSIDER ADOPTING ORDINANCE AMENDING ITS EFFECTIVE DATE OF THE NON-UNIFORM PENSION PLAN ADMINISTERED BY THE PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM PURSUANT TO ARTICLE IV OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW; AGREEING TO BE BOUND BY ALL PROVISIONS OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW AS AMENDED AND AS APPLICABLE TO MEMBER MUNICIPALITIES

Ms. Gallagher said this Ordinance will amend the township's pension Ordinance. The first change is that it will set an effective date for the new PMRS to January 1, 2021 and the second change is that it will create a three-year vesting period for all employees. Member Galloway moved to approve Ordinance # 2021-6; Member Palmer seconded the motion; all board members were in favor. (5-0)

**ITEM # 16 CONSIDER AUTHORIZATION FOR ADVERTISEMENT
AMENDING ORDINANCE CHAPTER 203 – PARKING
REGULATIONS AMENDING SECTION 22 – PARKING
PROHIBITED AT ALL TIMES**

This item relates to no parking zones on both Lincoln Circle and Cedar Lane. Member Galloway moved to authorize advertisement amending Ordinance Chapter 203 – Parking Regulations amending Section 22 – Parking Prohibited at all Times; Member Palmer seconded the motion; all board members were in favor. (5-0)

**ITEM # 17 CONSIDER AUTHORIZATION FOR ADVERTISEMENT
AMENDING ORDINANCE CHAPTER 153 – MASSAGE
ESTABLISHMENTS**

Ms. Gallagher said they have been working with the Code Department and the Police Department to create this Ordinance. This creates a requirement for establishments that offer massage services within the township to register with the township and provide some information to the Code Department which will then be subject to verification. It also requires the licensing of alternative massage therapists which requires the registration of alternative massage establishments within the township. Lt. Whitney said this is about human trafficking. The District Attorney's office is pushing to increase awareness about this. This would allow us to discourage businesses from engaging in human trafficking in our community and allows us to detect it. There was a human trafficking case with a restaurant in Lower Makefield. This Ordinance would help us discourage businesses from coming into town to engage in this activity. Member Palmer asked why it just mentions massage; why doesn't it mention restaurants, retail, construction and everything else. Lt. Whitney said this Ordinance is modeled by some similar ordinances in towns around us. That doesn't mean we cannot enact other Ordinances in the future, but we are following suit with the efforts already being done in Bucks County. Member Galloway moved to authorize advertisement amending Ordinance Chapter 153 – Massage Establishments; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 18 MINUTES – APRIL 19, 2021

Member Palmer said he thought there was a 5-0 vote at the last meeting when appointing Mr. Leon Thompson to the Neighborhood Traffic Advisory Committee. Chairman Dence agreed. Member Galloway moved to approve the minutes from April 19, 2021; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 19 ENGINEERS REPORT

Mr. Jones said there were four new land development applications submitted, seven earth disturbance applications, three new cell tower antenna co-location applications and one flood plain application. M&M Metals is requesting a TCO. That project is nearing

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completion on the aluminum building. All of the site work is substantially complete. Site work continues at the Petrucci tract. The KA Fairless Hills project is for the Lincoln Highway WAWA. They submitted a plan with a drive-through lane and subsequently submitted a new plan with no drive-through lane. That project will be before the Planning Commission next week as well as the subdivision for NorthPoint. The other two NorthPoint buildings (#2 and #3) will be before the Planning Commission in June. For earth disturbance projects, the Dollar General issue has been closed out and the basin is now functioning. For the 2020 Road Program, we are now substantially in the Burgess Manor section. For the current Road Program on Elderberry Drive, our office continues to prepare the base mapping as it comes from our surveyor. Next year's Road Program will focus on Pinewood Drive. Member Rocco said he was glad to hear the drive-through was taken out because he did not like that plan. Member Galloway moved to approve the Engineers Report; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 20 BILL LIST

Member Galloway moved to approve the May 17, 2021 bill list in the amount of \$2,601,104.68; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 21 EXECUTIVE SESSION

Ms. Gallagher said the board met earlier to discuss several matters of potential litigation, matters of litigation, and one item of personnel.

ITEM # 22 POLICE DEPARTMENT REPORT

Chief Whitney provided the following updates:

- A. During the month of April, there were 33 out of 60 shifts where manpower was at or below minimum staffing for at least part of the shift. This amounts to 55% of the time in April. This is up from 32% in March. The objective is to be at minimum staffing no more than 25% of the time.
- B. There were 7 overdoses in April; 25 year to date. There were 0 fatal overdoses for the year; this number could change once we get the final report from the Coroner's office. There were 1,651 calls for service for the month of April; 6,455 year to date. There were 245 medical calls in April; 912 year to date. There were 77 traffic accidents in April; 352 year to date and 56 arrests in April; 242 to date.
- C. Chief Whitney provided information on township hotels and motels.
- D. There was a robbery at gunpoint at the Nolan Park Apartments, a shooting at Castle Club Apartments, and there were two vehicle pursuits after retail thefts at Dicks and out of Bensalem. An officer was assaulted by a drunken subject at the Commons of Fallsington, and there was a robbery at gunpoint at Lakeview Terrace Apartments.
- E. There was a fatal accident today involving a motorcycle. There have been several recent serious traffic crashes. Speed and excessive driving leads to crashes and it is

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- a tragedy to lose a life in a vehicle crash.
- F. We have had a number of vehicle thefts and thefts from vehicles. Please lock your vehicle doors and do not leave your keys or any other valuables in your vehicle.
 - G. The CRS's have been making contacts. Two individuals were successfully placed into treatment. One graduated and the other is still in the treatment program. This is an important program to get help to those in the community.
 - H. We recently had the Drug Take Back event. We collected over 300 pounds of prescription medications.
 - I. The Falls Township Police Department hosted a class last month and we will host another class tomorrow. Training is an important aspect in law enforcement and Chief Whitney said it is important for us to be a leader in this respect.

ITEM # 23 MANAGER COMMENT

- A. Member Galloway moved to approve a \$6,000 donation to the American Legion for the Memorial Day ceremony; Member Palmer seconded the motion; all board members were in favor. (5-0)
- B. Member Boraski moved to approve escrow release #3 for MM Metals USA LLC in the amount of \$421,904.34; Member Galloway seconded the motion; all board members were in favor. (5-0)
- C. There was a request from Mr. Treandous Cuthbertson, the owner and operator of the catering hall on MY Lane. He would like to be appointed to the Community and Economic Development Commission. Chairman Dence asked to address this during his Board Comment.

ITEM # 24 BOARD COMMENT

Member Boraski said in their packets there are always residents requesting appointments and putting in letters of interest on our boards. At the time, we may not have had openings. There were two people for the Planning Commission from a few years ago. Maybe we can have the Manager's office or Rose draft a general memo from the Board of Supervisors or Chairman and send an email to these people to see if they are still interested in being on the boards or commissions. Board members thought this was a good idea.

Member Rocco said tomorrow is Election Day. Good luck to his fellow board members who are running.

Member Palmer spoke about the appointment for Leon Thompson in last month's minutes. He thought the vote was 5-0, not 4-1. Neighborhood Traffic Advisory Committee. Please get out to vote and have a good night.

Member Galloway – no comment.

Chairman Dence said he would like to appoint Mr. Treandous Cuthbertson to the

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Community and Economic Development Commission; Member Galloway seconded the motion; all board members were in favor. (5-0) Chairman Dence also thought it was a good idea to send out an email to see if folks are still interested in board positions.

Member Galloway moved to adjourn the meeting; Member Palmer seconded the motion; all board members were in favor. (5-0) The meeting was adjourned at 7:43 p.m.



Jeffrey Bocco, Secretary

