

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

JEFFRY E. DENCE, CHAIRMAN	PRESENT
ERIN M. MULLEN, VICE-CHAIRMAN	PRESENT
BRIAN M. GALLOWAY, SECRETARY	ABSENT
JEFFREY M. BORASKI, SUPERVISOR	PRESENT
JOHN W. PALMER, SUPERVISOR	PRESENT

The meeting commenced at 7:00 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 EXECUTIVE SESSION

Mr. Clarke said that while in Executive Session, the Board spoke about personnel matters and potential litigation. The Board received information from one of their professionals. No deliberations occurred and no vote took place.

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

Ms. Stephanie Conserette (117 Makefield Road) spoke about 3 trees in front of her property. She said two of them are diseased and dying and one of them is already dead. These trees pose a severe threat to public safety as they continuously drop large branches. Ms. Conserette said she has reported these to the township but the response has been lagged, non-existent or inadequate. Ms. Conserette said she heard from Public Works that the trees have always been the homeowner's responsibility and the township will continue to clear any fallen branches in the roadway. Ms. Conserette referenced Falls Township Codes Chapter 199, Section 2 and Chapter 79, Sections 5A and 10. Ms. Conserette has solicited four quotes for having the trees removed. She has videos and photos for the last three years. Ms. Conserette asked that the township respond to her within the next 24 hours. Ms. Conserette said she will not move forward with the removal of these trees without either a) documentation superseding the code she noted regarding the custodial and financial responsibility for the trees or b) written confirmation from the township that she will be reimbursed for the cost of acting on their behalf in having these trees removed imminently. Additionally, Rick's Tree Service said they will not move forward with signing a contract with her until this conflict is resolved in writing.

Mr. Todd Vreeland (Deputy Chief of Operations, Levittown Fairless Hills Rescue Squad) spoke about the recent hack of the county 911 system and the CAD system going down. We are starting to bring this back up. Mr. Vreeland wanted to share some data. For the month

of May, there were 335 ambulance calls in Falls Township. Levittown Fairless Hills Rescue Squad responded to 90% of them and mutual aid responded to the remainder of the calls. They are happy to answer any questions the Board may have.

ITEM # 3 COSMOS RESTAURANT AND BAR – PRELIMINARY & FINAL LAND DEVELOPMENT – 980 TRENTON ROAD – TMP # 13-017-300, 13-017-303 & 13-017-303-001

Mr. Michael Meginniss (Begley Carlin Mandio) and Mr. Heath Dumack (Dumack Engineering) were present for the applicant, Ms. Nicole Fkiaras, owner of the property located at 980 Trenton Road. Mr. Meginniss said this is a proposed 3,000 sq. ft. expansion in the shopping center. The existing structure is just under 9,000 sq. ft. Action Karate is looking to expand into the space and the dance studio will be taking the Action Karate space. Member Mullen asked about street trees. There is a waiver for street trees. This would require thirteen street trees and the applicant proposes four street trees. Member Mullen asked how you came up with that number and where you are putting the trees. Mr. Dumack indicated this on the plan. They are planting some of the street trees so they are proposing a partial waiver. Member Mullen said per the ordinance, they must be planted at least 40 ft. apart and asked if that is for every property. Mr. Jones said yes. Every applicant, subject to land development, is required to plant street trees unless waived. Mr. Meginniss said during the Planning Commission meeting, there were communications with the neighbors across on Virga who had desired for the condition to remain as it was. They are looking to maintain the condition as depicted on the plan. If the neighbors wanted additional trees, we would be willing to plant additional trees. If we planted any additional trees, we would be mis-aligning the trees and going closer to the road. Mr. Meginniss said they are adding buffer plantings but they do not constitute the condition of street trees. Member Boraski moved to approve Resolution # 2024-17 for COSMOS Restaurant and Bar, preliminary and final land development, 980 Trenton Road, TMP # 13-017-300, 13-017-303 and 13-017-303-001; Chairman Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 4 FALLS TOWNSHIP FIRE COMPANY NO. 1 – PRELIMINARY & FINAL LAND DEVELOPMENT – 310 YARDLEY AVENUE – TMP # 13-032-081

Mr. Brian Binney (Pennoni), Mr. Dave Shamberg (Trustee, Falls Township Fire Company No. 1) and Mr. Mike McClellan (President, Falls Township Fire Company No. 1) were present. The fire company wishes to add a 2,700 sq. ft. addition to their existing structure so they can house equipment that will be purchased over the next several years. The proposed addition would consist of a front-facing bay to house a full-size fire truck, a bay on the side for a pick-up truck, a gear room for equipment storage and they will reconfigure their bathroom and sleeping quarters so firefighters can occupy the station on off hours. Three waivers are being requested as follows: they propose to provide an aerial view instead of a plan for 200 feet around the property, buffer along the railroad tracks and also a waiver dealing with landscaping as it would interfere with their parking lot. Member Boraski

Board of Supervisors – June 24, 2024

moved to approve Resolution # 2024-18 for Falls Township Fire Company No. 1, preliminary and final land development, 310 Yardley Avenue, TMP # 13-032-081; Chairman Dence seconded the motion; all board members were in favor. (4-0) Mr. Shamberg thanked the Board for all of their help and support over the years to all of the fire companies.

ITEM # 5 LYKON INVESTMENT CO., LLC – PRELIMINARY AND FINAL LAND DEVELOPMENT – 201 DEAN SIEVERS PLACE – TMP # 13-051-001-007

Mr. Albert Lykon is the owner of Lykon Investment Co., LLC located at 201 Dean Sievers Place. Mr. Heath Dumack (Dumack Engineering) was also present. They are looking to expand the building. The current tenant, A&A Machinery Moving, will be renting this space. The building will suit the same number of employees and will result in less traffic on the road as they are currently shuttling equipment back and forth each day. Member Boraski moved to approve Resolution # 2024-19 for Lykon Investment Co., LLC, preliminary and final land development, 201 Dean Sievers Place, TMP # 13-051-001-007; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 6 SUNBELT FOREST PRODUCTS – PRELIMINARY & FINAL LAND DEVELOPMENT – 400 ROCK RUN ROAD – TMP # 13-028-062-003

Mr. Tim Duffy (Hill Wallack), Mr. Matt Ross (Sunbelt Forest Products) and Mr. Sean McGranahan (Van Cleef Engineering) were present. The property is a 500-acre parcel located in the Penn Warner Industrial Park. This has been used since the 1980's to produce pressure-treated lumber. The applicant proposes the addition of an 8,300 sq. ft. building to an existing structure. It is adjacent to the cylinders for which the products are treated. They were before the Zoning Hearing Board in March and received a few dimensional variances. In April, the Planning Commission approved seven waivers and recommended approval. Everything in the Engineer's letter is will comply. Member Palmer moved to approve Resolution # 2024-20 for Sunbelt Forest Products, preliminary and final land development, 400 Rock Run Road, TMP # 13-028-062-003; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 7 CONSIDERATION OF NONDISCLOSURE AGREEMENT BETWEEN NORTHPOINT DEVELOPMENT, LLC AND FALLS TOWNSHIP

There was no action on this agenda item.

ITEM # 8 CONSIDERATION OF RATIFYING THE TOWNSHIP INSURANCE POLICY FOR THE PERIOD OF JUNE 18, 2024 TO JUNE 18, 2025 (PROPERTY, GENERAL, LIABILITY, AND PUBLIC LIABILITY)

Member Mullen moved to ratify the Township Insurance Policy for the period of June 18, 2024 to June 18, 2025 (Property, General, Liability, and Public Liability); Chairman Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 9 CONSIDERATION OF RATIFYING THE ENVIRONMENTAL POLICY FROM CRUM & FORSTER SPECIALTY INSURANCE COMPANY

Mr. Clarke said the Environmental Policy is for any potential environmental liability on behalf of the township that is not covered by our general liability insurance. Member Mullen moved to ratify the Environmental Policy from Crum & Forster Specialty Insurance Company; Chairman Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 10 CONSIDERATION OF RATIFYING THE FLOOD INSURANCE POLICY FROM TOKIO MARINE SPECIALTY

Member Mullen moved to ratify the Flood Insurance Policy from Tokio Marine Specialty; Chairman Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 11 CONSIDERATION OF RATIFYING THE CYBER RISK COVERAGE POLICY FROM TRAVELERS

This covers the township's liability if we are breached. We do not cover any other agency. This is for on-site or in the cloud. Member Mullen moved to ratify the Cyber Risk Coverage Policy from Travelers; Chairman Dence seconded the motion; all board members were in favor. (4-0)

Mr. Clarke said the Board just ratified four insurance policies. The way it works with our insurance is we do not get our quotes for renewal until several days before the policy expires. Since we cannot schedule a special meeting right when the quote comes in, the Board is asked to approve these and then we ratify them at the next regularly scheduled meeting. If we waited until tonight, we would have had a period of time where the township wasn't insured in all of these areas and this would have put the township at risk. That is why we ratified these policies tonight.

ITEM # 12 CONSIDERATION OF BUILDING RENOVATION PROJECT

There was no action on this agenda item.

ITEM # 13 CONSIDERATION OF CHANGE ORDER FROM RYCON FOR THE TOWNSHIP BUILDING RENOVATION PROJECT

Member Boraski moved to approve the change order from Rycon, in the amount of \$293,107.36, for the Township Building Renovation Project; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 14 CONSIDERATION OF CHANGE ORDER FROM GRACE CONSTRUCTION FOR THE TOWNSHIP BUILDING RENOVATION PROJECT

Member Mullen moved to approve the change order from Grace Construction, in the amount of \$232,064.90, for the Township Building Renovation Project; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 15 CONSIDERATION OF PETITION FROM DANJA, LLC TO VACATE ROME STREET

There was no action on this agenda item.

ITEM # 16 CONSIDERATION OF ADOPTING ORDINANCE AMENDING CHAPTER 199 – TREE PROTECTION STANDARDS – TO ADD 199-6 CONTAINING A FEE IN LIEU OF TREE REPLACEMENT

Ms. Gallagher said this Ordinance would apply any time there is a subdivision of land development application, an earth disturbance, building permit, zoning permit or anything of that nature. Where there are trees removed, they would need to be replaced or a fee in lieu of would be offered to the township to plant elsewhere. This would not apply to single family residential properties. This is standard compared to similar Ordinances in other municipalities. Member Palmer moved to approve Ordinance # 2024-1, amending Chapter 199 – Tree Protection Standards – To Add 199-6 Containing a Fee in Lieu of Tree Replacement; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 17 CONSIDERATION OF AUTHORIZATION FOR ADVERTISEMENT FOR CHAPTER 203 – “VEHICLES AND TRAFFIC,” ARTICLE III – “PARKING REGULATIONS,” SECTION 22 – “PARKING PROHIBITED AT ALL TIMES,” SUBSECTION C, AND CHAPTER 203 – “VEHICLES AND TRAFFIC,” ARTICLE III – “PARKING REGULATIONS,” SECTION 23 – “PARKING PROHIBITED DURING CERTAIN HOURS,” SUBSECTION A

Member Palmer moved to authorize advertisement for Chapter 203 – “Vehicles and Traffic,” Article III – “Parking Regulations,” Section 22 – “Parking Prohibited At All Times” Subsection C, and Chapter 203 – “Vehicles and Traffic,” Article III – “Parking Regulations,” Section 23 – “Parking Prohibited During Certain Hours,” Subsection A; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 18 CONSIDERATION OF UPDATING POLICE POLICIES – POLICY NUMBERS 308, 309, 313, 314, 317, 318, 319, 329, 331, 403, 433, 600, 604 & 800

Ms. Gallagher said these policies were presented by the Chief of Police. We have reviewed them and they are acceptable for consideration by the Board this evening. The last time

there was a revision in the policy book was in 2002. Chief Whitney said for the last 1-1/2 years, the township has been working with vendor, Lexipol, to get these policies updated. We should be appearing before the Board in upcoming meetings with additional revisions. Member Mullen moved to approve the updating of Police Policies – Policy Numbers 308, 309, 313, 314, 317, 318, 319, 329, 331, 403, 433, 600, 604 & 800; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 19 CONSIDERATION RESOLUTION HIRING POLICE OFFICER FRANCIS BALUYOT

Member Boraski moved to approve Resolution # 2024-21, hiring Police Officer Francis Baluyot; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 20 CONSIDERATION OF RESOLUTION HIRING POLICE OFFICER MICHAEL KUBEK

Member Mullen moved to approve Resolution # 2024-22, hiring Police Officer Michael Kubek; Chairman Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 21 CONSIDERATION OF THE 2024 DIESEL AND UNLEADED FUEL BIDS FOR FALLS TOWNSHIP

Manager Takita said the Board is being asked to consider the Bucks County Consortium fuel bids as follows. Ultra-Low Sulfur Diesel at .3190 cents from Riggins Inc. in Vineland, NJ and Unleaded Regular at .0285 cents from Pilot Thomas Logistics, 1051 Mustang Drive in Grapevine, TX. Member Boraski moved to approve the 2024 Diesel and Unleaded Fuel bids for Falls Township; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 22 CONSIDERATION OF MASCOT FOR TOWNSHIP PARKS & RECREATION EVENTS

Mr. Andrews said Erin Long came up with the idea of a mascot for our township. The name Archie was chosen for the Three Arches. Be on the lookout for Archie at future events. Member Mullen moved to approve Mascot Archie for Township Parks & Recreation events; Chairman Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 23 CONSIDERATION OF STIPULATION TO SETTLE A TAX ASSESSMENT APPEAL FOR ALLIANCE ONE GEOFFREY DRIVE, LLC – 1 GEOFFREY DRIVE – TMP # 13-028-062-004

Mr. Clarke said this is a stipulation to settle a tax assessment appeal that was brought forth by the Pennsbury School District in which the county and township joined in. The property is located at 1 Geoffrey Drive in Falls Township. The owner of the property is Alliance One Geoffrey Drive, LLC. For the tax year effective January 1, 2023 for township and county

Board of Supervisors – June 24, 2024

tax, the assessment will be increased from \$1,580,500 to \$3,352,900 for an increase of \$1,772,400. Effective January 1, 2024 for township and county tax, the assessment will be increased from \$1,580,500 to \$3,103,300 for an increase of \$1,522,800. Member Palmer moved to approve the Stipulation to settle a Tax Assessment appeal for Alliance One Geoffrey Drive, LLC, 1 Geoffrey Drive, TMP # 13-028-062-004; Chairman Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 24 CONSIDERATION OF STIPULATION TO SETTLE A TAX ASSESSMENT APPEAL FOR ALLIANCE TWO GEOFFREY DRIVE, LLC – 2 GEOFFREY DRIVE – TMP # 13-028-062-012

Mr. Clarke said this is a stipulation to settle a tax assessment appeal that was brought forth by the Pennsbury School District in which the County and Township joined in. The property is located at 2 Geoffrey Drive in Falls Township. The owner of the property is Alliance Two Geoffrey Drive, LLC. For the tax year beginning January 1, 2023 for township and county taxes, the assessment will be increased from \$179,200 to \$327,840 for an increase of \$148,640. Effective November 1, 2023 for township and county taxes, the assessment will be increased from \$221,890 to \$327,840 for an increase of \$105,950. Effective January 1, 2024 for township and county taxes, the assessment will be increased from \$221,890 to \$303,840 for an increase of \$81,950. Member Mullen moved to approve the Stipulation to settle a Tax Assessment Appeal for Alliance Two Geoffrey Drive, LLC, 2 Geoffrey Drive, TMP # 13-028-062-012; Chairman Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 25 CONSIDERATION OF PROCLAMATION OF DISABILITY PRIDE MONTH

Member Mullen read the Proclamation for Disability Pride Month to be July, 2024 in Falls Township. Ms. Seema Kazmi, Member of the Falls Township Disabled Persons Advisory Board, asked for the Board to support the Proclamation. Member Palmer moved to approve the Proclamation of Disability Pride Month; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 26 CONSIDERATION OF NOTICE OF INTENT TO AWARD CONTRACT TO ABC CONSTRUCTION FOR THE VERMILLION HILLS FOOTBRIDGE PROJECT

Mr. Jones said they now have a bid for this project from a bona fide contractor. The number is below the budget. Mr. Jones said they are asking for the Board to authorize issuing a notice of intent to award the bid which will start the Responsible Contractor Review Period. This is in the amount of \$72,500. Member Boraski asked about the alternates. Mr. Jones said when they visited the site, they realized that this area holds water and experiences drainage issues during heavy rains and the trail would probably be jeopardized. We will revisit that with Public Works and possibly do something more permanent. Member Mullen asked if the MS4 requirements are still feasible. Mr. Jones said since that time, we have identified a streambank protection project along Martins Creek in the community park

which would get an enormous amount of MS4 credits as opposed to the little bit we would get from this. Member Mullen said it is within budget but we are getting a lot less than what we originally wanted. Mr. Jones said it makes more sense to spend it in the community park because that is a FEMA-studied stream and there is a very large drainage area that contributes to it. Member Boraski moved to approve the Notice of Intent to award contract to ABC Construction for the Vermillion Hills Footbridge Project, in the amount of \$72,500, pending outcome of the Responsible Contractor Review; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 27 CONSIDERATION OF APPOINTMENT TO THE CABLE ADVISORY BOARD

There was no action on this agenda item.

ITEM # 28 CONSIDERATION OF APPOINTMENT TO THE DISABLED PERSONS BOARD

There was no action on this agenda item.

ITEM # 29 CONSIDERATION OF APPOINTMENT TO THE ENVIRONMENTAL ADVISORY BOARD

There was no action on this agenda item.

ITEM # 30 CONSIDERATION OF APPOINTMENT TO THE HISTORICAL ARCHITECTURAL REVIEW BOARD

There was no action on this agenda item.

ITEM # 31 CONSIDERATION OF APPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION

There was no action on this agenda item.

ITEM # 32 CONSIDERATION OF APPOINTMENT TO THE NEIGHBORHOOD TRAFFIC ADVISORY COMMITTEE

Chairman Dence moved to appoint Ian James to the Neighborhood Traffic Advisory Committee; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 33 CONSIDERATION OF APPOINTMENT TO THE POLICE PENSION COMMITTEE

There was no action on this agenda item.

ITEM # 34 CONSIDERATION OF APPOINTMENT BY RESOLUTION TO THE ZONING HEARING BOARD

There was no action on this agenda item.

ITEM # 35 CONSIDERATION OF LABOR COUNSEL FOR FALLS TOWNSHIP

Member Boraski moved to appoint Campbell Durrant as Labor Counsel for Falls Township; Chairman Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 36 MINUTES – MAY 14, 2024 AND MAY 20, 2024

Member Mullen moved to approve the minutes from May 14, 2024; Member Palmer seconded the motion; all board members were in favor with the exception of Member Boraski who abstained as he was not present at the May 14, 2024 meeting. (4-0-1) Member Mullen moved to approve the minutes from May 20, 2024; Chairman Dence seconded the motion; all board members were in favor with the exception of Member Boraski who abstained as he was not present at the May 20, 2024 meeting. (4-0-1)

ITEM # 37 ENGINEERS REPORT

Mr. Jones said there were nine new residential earth disturbance applications and no new land development submissions. The Dinardo project (next to Falls Catering) will be before the Planning Commission tomorrow night. For the township building, we are identifying, watching and overseeing various drainage, paving and site work improvements.

ITEM # 38 BILL LIST

Member Palmer moved to approve the bill list in the amount of \$4,075,482.20; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 39 OBERMAYER REBMANN MAXWELL & HIPPEL, LLP BILL LIST

Member Mullen moved to approve the Obermayer Rebmann Maxwell & Hippel, LLP bill list in the amount of \$44,133.50; Member Palmer seconded the motion; all board members were in favor with the exception of Member Boraski who voted no. (3-1)

ITEM # 40 JONES ENGINEERING ASSOCIATES BILL LIST

Member Boraski moved to approve the Jones Engineering Associates bill list in the amount of \$311,330.87; Member Palmer seconded the motion; all board members were in favor with the exception of Chairman Dence who abstained. (3-0-1)

**ITEM # 41 CONSIDERATION OF CONTRACT AMENDMENT FOR
ALLSTATES MECHANICAL**

Mr. Clarke said Allstates Mechanical was the low bidder for the mechanical contract for the building renovation. After we received the bids and they were awarded, Allstates Mechanical indicated there was a transcription error when they were moving the numbers from one part of their bid packet to another part of their bid packet. We reviewed this and it was the correct number that they said it was. What this amendment would do is to allow Allstates Mechanical the amount they originally bid. It does not change who was the low bidder. This is rectifying what can be described as a clerical error on the part of Allstates Mechanical. Member Boraski moved to approve the contract amendment for Allstates Mechanical; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 42 MANAGER COMMENT

Manager Takita announced that the Township offices will be closed on Thursday, July 4th in observance of Independence Day.

ITEM # 43 BOARD COMMENT


Member Boraski – no comment.

Member Mullen – no comment.

Member Palmer – no comment.

Chairman Dence – no comment.

Member Mullen moved to adjourn the meeting; Member Palmer seconded the motion. The meeting was adjourned at 8:00 p.m.



Brian Galloway, Secretary