

**TOWNSHIP OF FALLS  
BOARD OF SUPERVISORS MEETING**

**ROLL CALL:**

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

The meeting commenced at 7:08 p.m. with roll call and pledge to the flag. All Board members were present. Also present were Township Manager Peter Gray, Township Solicitor Michael Clarke, Township Solicitor Valentina Nicolo, and Township Engineer James Sullivan.

**PROCLAMATION PRESENTED TO EDWARD G. BUNTING SR. FOR THE 2018 MEMORIAL DAY PARADE GRAND MARSHAL**

Chairman Harvie read a proclamation for Mr. Edward G. Bunting, Sr. Mr. Bunting served from 1943-1946 in the United States Army Air Force and was in the Air Force Reserves until 1950. He was the 2018 Memorial Day Parade Grand Marshal and had his 100<sup>th</sup> birthday earlier this year. Thank you to Mr. Bunting for your service to the United States of America and congratulations. Member Dence moved to approve the proclamation to Mr. Bunting; Member Boraski seconded the motion; all board members were in favor. (5-0)

**PRESENTATION OF AWARDS FOR THE SCARECROW DECORATING CONTEST**

Mr. Brian Andrews announced the winners of the 2<sup>nd</sup> Annual Scarecrow Decorating Contest. They are: Boy Scout Troop 53 Elk Patrol for 3<sup>rd</sup> place for their Darth Vader scarecrow; Girl Scout Daisy Troop 2703 for 2<sup>nd</sup> place for their Daisy Power scarecrow; and Walt Disney Kids Care Program for 1<sup>st</sup> place for their Gru and the Minions scarecrow.

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

Ms. Danielle Bush is here with Tim Philpot, on behalf of the United Way of Bucks County. Ms. Bush thanked the board for letting them bring to the attention of the board and the public, their need for warehouse space. One way to help the community is by their in-kind donations. This could be any variety of items that are donated to them. These include brand new housewares and home goods, usually anything other than cash. They have a relationship with big box stores and they pick up donations on a weekly basis. They have a very small shed where they store their donated goods, but the shed is in very poor condition. Through the shed, they give families items that they are not able to afford while trying to get

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back on their feet. In 2017, the United Way of Bucks County helped over 10,000 people with \$1.1M worth of in-kind goods, all through this little broken-down building. There is still more need. We have an opportunity to bring in 53-foot trailers to help these families that are looking for in-kind goods. We need warehouse space. We are looking for an in-kind donation of a large securable storage space, accessible Monday through Friday, 9 a.m. to 5 p.m. It needs to have a loading dock capable of accommodating a 53-foot trailer. Ms. Bush asked if the board knew of any available space in Falls Township. If anyone in the community is able to help, please contact Ms. Bush at 215-949-1660, x112. Ms. Bush thanked the board for allowing them to attend tonight's meeting and wishes everyone a Happy Thanksgiving.

Ms. Danielle Zadnik wanted to express her concerns over Elcon. Although there is the potential of taxes and jobs to be created, there are far too many concerns with Elcon coming into the township. Our county is the second highest county in the state for high pollution levels. Ms. Zadnik said her concern is bringing in a company that has a lot of risks associated with it. With what they will contribute, it will barely fall under the regulations. Ms. Zadnik asked if our government would be able to create more strict air standard regulations or a clean air act ordinance that would not allow companies who will be high polluters to come into our county. Chairman Harvie said we do not have any projects in front of us right now. We received a draft copy of a clean air ordinance. Our attorney has reviewed this and will give us some feedback.

Ms. Lisa Farrell said she wanted to address some things about Elcon. The 2,500-year floods have occurred in the last ten years. In North Carolina and Houston - all these people have been affected by poor infrastructure or poor planning. It doesn't mean that can't happen here. With Elcon being located so close to the river, it could happen here and it is not far-fetched that a 500-year flood could happen here. When you have chemicals coming in to be processed at Elcon, you don't really know what chemical reactions would be occurring because she doesn't really think they know what is coming in. We need to think about these things.

Mr. Michael Mullen said he lives in Fallsington. He is also here to speak about Elcon. Mr. Mullen said he remembers when he was a child and was able to drink water from a well in Fallsington. He said you can no longer do this because the water is brown. Mr. Mullen said we need to be better stewards of our environment and start looking to improve our township, not add to the problem. Mr. Mullen said he felt it was his responsibility to provide his opinion.

Mr. Greg Thompson said in regard to Elcon, he feels it is starting to threaten his family and homestead. We are in jeopardy with this company. These people are a danger. No one can run if something bad happens at that facility. Mr. Thompson said he loves his neighborhood and a lot of people in his neighborhood do not want this. It is a major concern to him and a lot of other people. Mr. Thompson would rather see shops, condos, or something similar to Penns Landing at this location. Mr. Clarke said the Bucks County Commissioners do not have any say with land development here in the township. Chairman Harvie said the DEP is

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the first big hurdle that Elcon has to get through. With respect to the property down there, it is private property, owned by U.S. Steel. We have no control over who they attract. In regard to the comment about making this area homes or something else; when the most recent landfill went in, Waste Management had to spend \$10M to clean the property so it could be a landfill. Chairman Harvie said the amount of money and investment it would take to make it a shopping area, a park, or homes is very expensive, so those kinds of things are very cost prohibitive.

Ms. Joyce Thomas said her understanding is that you have the final say as to whether or not Elcon is allowed to set up their business in Falls Township. Chairman Harvie said yes, if they get through the DEP, you are correct. Ms. Thomas also believes you can pass an ordinance so that they would not be allowed to come in here. Chairman Harvie said no, we do not have the authority to regulate air quality. The state or federal government has that power. We could require businesses to include us more in issues. For example, if a company violates what they are permitted to put into the air and they go above and beyond that, we are notified by the state. Mr. Clarke said this is something we will be looking at. Elcon is going through the DEP process, but at this point in time, we don't have anything in front of us from Elcon. Ms. Thomas said our township is very polluted. She doesn't understand how anyone can even consider putting this here. She will keep fighting against this.

Ms. Lise Baxter asked if it is possible to change a property from Heavy Industrial to Industrial. She believes if this can be done, it will help solve the problem of Elcon locating here. Chairman Harvie said it is possible to change the zoning of an area, but there is a process. There has to be notice given to the property owner. Ms. Baxter thinks you can do something about it. If Elcon doesn't come here, another company like it could come after it. Ms. Baxter asked if the township is doing anything to encourage green or clean businesses. Chairman Harvie said as a township, we have planted over 500 trees in various areas and we are listed by the Audubon Society as a bird town. All of our approximate 2,300 street lights were changed to more efficient LED lights. Chairman Harvie authored an Energy Efficiency Policy about 12 years ago. We looked at putting solar panels on this building, but it wasn't financially worthwhile. We try hard to get businesses in here, but we are not property owners. We are resurrecting the Community and Economic Development Commission and hope they can work to attract businesses into the township.

Ms. Sharon Furlong also spoke about Elcon. Ms. Furlong referenced Gerald Kauffman's "Economic Value of Nature and Ecosystems in the Delaware River Basin" that was posted in 2016 in the Journal of Contemporary Water Research and Education. This is for the entire Delaware River Basin Watershed area. The river itself is about 198 miles. In the watershed area of New York, New Jersey, Pennsylvania, and Delaware, there are 600,000 jobs that are directly involved with the clean river and basin area. This does not involve jobs that are related to construction or water treatment. Ms. Furlong provided information in regard to jobs and wages. She said whatever happens here will go downstream. There are 17 million people who rely on this river for water. Elcon reports that they will bring in 100-120 construction jobs. Once it is built, they feel there will be between 50-55 people at

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this facility. It is a highly specialized field and Ms. Furlong does not believe there are many folks in this area who would qualify for these types of positions. Ms. Furlong said she is a representative of the Bucks County Sierra Club and the Bucks Environmental Action Group and they have several thousand people in their membership. Chairman Harvie said there are certainly people in Falls township who have degrees and are highly-qualified. Ms. Furlong said this has never been done so the kind of degrees or experience is probably only a handful of people in the world. An industry such as this will bring their own crews with them, so they don't usually hire from the area. They recruit from an international group of people they work with and not hire from the area.

Ms. Clare Finkel said she is still confused about this board. She understands that you have to wait for other people to approve before you can do anything. Ms. Finkel thought Elcon applied in New Jersey and were denied because the local town created an ordinance or denied for them to locate there. It sounds like you are not interested in this whole situation. Chairman Harvie said they are very informed. Mr. Clarke said there is nothing before the township right now. There is nothing for the township to rule on at this point in time. Once they are permitted by the DEP, then they will file a land development application. Chairman Harvie said this project would come before the Planning Commission two times, the Environmental Advisory Council, and twice before the Board of Supervisors. Chairman Harvie said there were restrictions passed about large waste vehicles driving on township roads. We can only restrict traffic on roads that we have control over.

Mr. Steve Cickay said a lot has already been said about Elcon. Mr. Cickay thanked the board for their work as township supervisors. It is a big responsibility and you have to think about yourselves, but you also have to think about the people you represent as well as rules, regulations, and procedures. We think about Thanksgiving and when people first came to this land, there was clean air and clean land. We have made a mess of it. With the actions you will take over the next few months, you have the responsibility to stop that trend. It is for the health, safety, and welfare of you and your loved ones. He hopes you will not sell us out for jobs, votes, union support, or campaign donations. Don't get bogged down by the system. Please keep focused on clean land and clean air. Mr. Cickay said he and his friends will fight against this project.

**ITEM # 2 BRITTON REALTY OF MORRISVILLE, LLC – AMENDED FINAL PLAN, 1 M Y LANE – TMP # 13-028-077 AND TMP # 13-028-084 AND TMP # 24-008-307**

Manager Gray said the applicant's proposed project involves the creation of twelve lease lots and paved driveways with twenty-four parking spaces. The applicant is represented by Mr. Mike McGinniss and Mr. Heath Dumack. Mr. McGinniss introduced this project. He is here on behalf of Mr. Hecker. Mr. McGinniss said they are seeking approval of a second final land development plan. Mr. Dumack provided additional information and indicated changes on the diagram. This plan is an improvement to the storm water management controls. The requested waivers have been granted twice and they ask the board to reaffirm those waivers. They received approval from Morrisville and they are in the process of

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getting their NPDES approval. Member Galloway moved to approve Resolution # 18-24 for Britton Realty of Morrisville, LLC – Amended Final Plan, 1 MY Lane – TMP # 13-028-077 and TMP # 13-028-084 and TMP # 24-008-307; Member Dence seconded the motion; all board members were in favor. (5-0)

**ITEM # 3 CONSIDER APPOINTMENT BY RESOLUTION TO APPOINT AUDITOR FOR THE 2018 FINANCIAL AUDIT**

Manager Gray said the township received bids for the 2018 Audit as follows: Major and Mastro, LLC (\$22,000 for 2018, \$22,000 for 2019, and \$22,000 for 2020); Zelenkofske Axelrod LLC (\$25,000 for 2018, \$25,000 for 2019, and \$25,000 for 2020). Bee, Bergvall & Company declined to supply a proposal. It is recommended that the board appoint Major and Mastro for the 2018 audit of Falls Township’s financial records and include the option to reappoint them for the audit of the 2019 and 2020 fiscal years. Mrs. Reukauf explained some of the tasks performed by the auditor. The auditor may review many of our processes and internal controls, they go through a test sample of all of our transactions whether it be accounts payable, accounts receivable, or payroll transactions. They make sure there are no irregularities. They run reports, comparing the current year to previous years. Member Rocco moved to approve Resolution # 18-25 to appoint Major and Mastro, LLC for the 2018 audit of Falls Township’s financial records for the period of January 1, 2018 through December 31, 2018 and including the option to reappoint them for the audit of the 2019 and 2020 fiscal years; Member Galloway seconded the motion; all board members were in favor. (5-0)

**ITEM # 4 2019 PROPOSED BUDGET PRESENTATION AND AUTHORIZATION TO ADVERTISE**

Mrs. Betsy Reukauf presented details for the proposed 2019 budget. The tax millage rate remains the same at 7.22 mils. Proposed capital projects include: the 2019 Road Program, intersection improvements, the South Olds Boulevard culvert, tree trimming and removal, Police Department purchases, Public Works purchases, Pinewood Pool improvements, and rehabilitation of the hockey rink at the Falls Township Community Park. The budget is scheduled to be adopted at the December 18, 2018 Board of Supervisors meeting. Member Dence moved to open public comment; Member Boraski seconded the motion; all board members were in favor. (5-0) Mr. Guido Mariani said we continue to use host fees as the main source of funding. Normal operating expenses should be solely reliable on taxes. Mr. Mariani spoke about the cost for healthcare and employee contributions. Mr. Mariani believes that instead of a new township building, the existing building could be renovated to make it more efficient. He said it could be financed and paid within five to six years, without depending on host fees, and the estimate would be around \$15M. Mr. Mariani suggested that an employee’s salary should be based on qualifications, skills, experience, performance against a job description, and not on seniority or longevity. Mr. Mariani spoke about the township enacting an EIT tax. Mr. Mariani provided handouts to the board about taxes. Member Dence moved to close public comment; Member Galloway seconded the motion; all board members were in favor. (5-0) Chairman Harvie said he doesn’t know if

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most Falls Township residents pay the EIT because many residents work in New Jersey. Chairman Harvie thanked Mr. Mariani for his comments. Member Dence moved to authorize advertising of the 2019 proposed budget; Member Galloway seconded the motion; all board members were in favor. (5-0)

**ITEM # 5 CONSIDER AUTHORIZATION FOR ADVERTISEMENT FOR ORDINANCE AMENDING CHAPTER 188 – STREETS AND SIDEWALKS AT ARTICLE III – EXCAVATION IN STREETS – REPEALING AND REPLACING SECTION 12 – COMPLETION OF WORK; DELAYS AND PENALTIES**

Mr. Clarke said over the last decade, the township has spent a considerable amount of money on the road program. If passed, this ordinance will make sure that any contractor or utility that does work in the township and digs up the roads would need to return the road as nearly as possible to the condition as they found it instead of just patching the road. This ordinance would set standards on how they would have to repair the road once they are done. Member Galloway moved to authorize advertisement for ordinance amending Chapter 188 – Streets and Sidewalks at Article III – Excavation in Streets – Repealing and Replacing Section 12 – Completion of Work; Delays and Penalties; Member Dence seconded the motion; all board members were in favor. (5-0)

**ITEM # 6 MINUTES – OCTOBER 16, 2018**

Member Dence moved to approve the minutes from October 16, 2018; Member Rocco seconded the motion; all board members were in favor. (5-0)

**ITEM # 7 ENGINEERS REPORT**

Mr. Sullivan said the 2018 Road Improvement Program is moving along. On Walton Drive, they finished the curb work on the Eleanor Roosevelt side of the street and they will be tearing out the curb on the other side. Once the two curbs are complete and poured, then they will start on the road. The Chief and Mr. Sullivan will talk about a potential traffic pattern they can have at the school. They may have people come in the back instead of the front. It would probably be for a week or two. Storm sewer work has also begun on Share Drive. There are two crews out there. There are five houses ready at St. Josephs Court, but we won't let them occupy them until there is a safe route to those houses. The Quaker Penn Park boat ramp docks were removed as of last Friday. Chairman Harvie said the WAWA is going in and Rite Aid was already built. The smaller pad site will be a McDonald's. Member Rocco moved to approve the October, 2018 Engineers Report dated November 15, 2018; Member Galloway seconded the motion; all board members were in favor. (5-0)

**ITEM # 8 BILL LIST**

Member Rocco moved to approve the bill list for November 20, 2018 in the amount of \$2,662,648.98; Member Boraski seconded the motion; all board members were in favor. (5-0)

**ITEM # 9 EXECUTIVE SESSION**

Mr. Clarke said prior to tonight's meeting, the board held an Executive Session to discuss several personnel matters.

**ITEM # 10 POLICE DEPARTMENT REPORT**

Chief Wilcox reported on the following:

- A. A week ago, the Police Department supplied and served 100 dinners at the Falls Township Senior Center. They cooked the food, served it, and cleaned up.
- B. The next Coffee with a Cop will be held on December 3<sup>rd</sup> from 9:30 – 11 a.m. at the Falls Township Senior Center.
- C. Chief Wilcox said our detectives have made some significant arrests dealing with children and endangering the welfare of children.
- D. There were two burglaries in the township. One at the Oxford Valley Pharmacy and the other at Country Farms. They are asking for help from the public in regard to these burglaries. If you have any information, you can go on the Crime Watch page and submit your anonymous tip.
- E. On November 14<sup>th</sup>, our police department, in conjunction with other agencies, was engaged in breaking up a heroin drug operation. This operation supplied between six and one thousand bags of heroin per day throughout the area. There were eleven total arrests. Four of them were drug dealers and the other seven were buyers. More arrests are expected in the future. A total of 2,510 bags of heroin were seized along with two vehicles. This was a major drug dealing operation that was dismantled. The initial tip came from the Push Out the Pusher tip line.
- F. Please keep in mind to let your neighbors know if you will be away on travel. Put your porch lights on. You may also call the county and let them know in case anyone has questions as to what is going on at your house.
- G. Remember to always lock your vehicles, whether at home or while out shopping. If you leave anything of value in your vehicle, always lock it in the trunk. While shopping, park in a well-lit area. There have been many unlocked cars in the Commons of Fallsington and the Hedgerow Woods development. Please lock your cars.
- H. Chairman Harvie spoke about recent accidents involving school buses. Chief Wilcox said if there are any incidents, the bus drivers notify their supervisor who, in turn, will notify our lieutenants. Lt. Whitney has been very active in this area.

**ITEM # 11 MANAGER COMMENT**

- A. Member Dence moved to approve a \$5,000 donation to Towns Against Graffiti (TAG); Member Boraski seconded the motion; all board members were in favor. (5-0)
- B. Manager Gray announced new businesses within the township. They are: Ninerell Insurance (830 West Trenton Avenue, Suite 6), Progressive Living Units (242 West

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Trenton Avenue), Progressive Living Units (2 Wildrose Lane), and Elite Massage Therapy of B.C. (81 Big Oak Road, Suite 110)  
C. Mylars for Kent's Tree Service and Air Gas are ready for signature.

**ITEM # 12 BOARD COMMENT**

Member Rocco – no comment.

Member Dence – wished everyone a Happy Thanksgiving.

Member Boraski – no comment.

Member Galloway said to have a good holiday.

Chairman Harvie said there will be a special Board of Supervisors meeting to be held on Tuesday, December 4<sup>th</sup> at 7 p.m. We have a pretty large update to our zoning codes. Mr. Clarke introduced a newer member of his firm, Ms. Valentina Nicolo. She is sitting in for Ms. Gallagher this evening.

Member Dence moved to adjourn the meeting; Member Rocco seconded the motion all board members were in favor. (5-0) The meeting was adjourned at 9:00 p.m.

  
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Jeffrey Rocco, Secretary