

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

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

The meeting commenced at 7:04 p.m. with roll call and salute to the flag. All Board members were present. Also present were Township Manager Peter Gray, 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**

Ms. Carol VanShaick said she is here to speak about a fence which was installed at 2 Emerald Lane. Her residence is at 223 Elderberry Drive and when she sits on her deck, her view is of her neighbor's fence. Ms. VanShaick questioned whether or not the fence was installed according to Township Code # 209-27. She did not think you could put a fence on an easement and nothing other than a chain link or split-rail fence. She also thought you had to be a homeowner and the person who is living there is only a tenant. Chairman Harvie said the homeowner would have to know about this, but the township does not know if he knows or not. Mr. Bennett is looking into this. With the easement, he did get a letter from PECO. Mr. Clarke said it is their understanding that Mr. Bennett has reviewed the fence and the document from PECO and has determined that the fence is compliant with the code. The person who put up the fence may not have gotten a permit in the beginning and he thinks Mr. Bennett is clearing that up but when discussing this matter this afternoon with Mr. Gray, it does appear that the fence is code compliant. Ms. VanShaick said according to code, it is not compliant. Manager Gray said the speaker is under the understanding that this is a secondary front yard; perhaps Mr. Bennett has not determined that to be the fact. Mr. Bennett has looked at it and has told Manager Gray that it is code compliant. Chairman Harvie said they will talk with Mr. Bennett and find out what his reasoning is.

Mr. Roland Kenney said he is glad to see the Earned Income Tax (EIT) on tonight's agenda. Mr. Kenney asked if people were permitted to burn pine trees. He said his wife and a lot of other people in his development are allergic to the smoke and they have to close their windows and doors when people around them are burning wood. Chairman Harvie said it is

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something they looked at. It is legal if they are burning wood or pellets. You cannot burn trash or leaves.

Mr. Laventhal (Hedgerow Woods) said he believes there are some problems with regard to the 2014 Road Program. Mr. Laventhal asked if the taxpayers are getting what was specified in that program. Mr. Laventhal spoke of the poor quality of the grass. The road contractor on Walton Drive planted the grass over three months ago. Mr. Laventhal said if you see a real nice lawn, it is probably due to the actions of the homeowner who paid for it themselves. Mr. Laventhal suggests that when you advertise the 2015 Road Program contract, please don't use the same verbiage; make it homeowner-centric and uphold the contractor to a higher standard. Mr. Laventhal spoke about topsoil used in the road program. He took a test sample and sent it to Penn State. The top soil PH in that vial was 8.1 on the graph. It fills up the entire above optimum on the chart. Mr. Laventhal doesn't know if the contractor treated the soil prior to use, but he said the only way you can balance that soil is to put granulated sulfur in it before planting grass seed. He has been told grass will grow but it just won't thrive. Mr. Laventhal asked if the board is familiar with the 'do not seed' signs put around the township. Mr. Laventhal suggests that you do a complete review, and talk with your engineer to see what was called for with this project. Mr. Laventhal understands that if the contractor doesn't do it right they will come back time and time again, but homeowners deserve to have the work done correctly the first time. Chairman Harvie thanked Mr. Laventhal for his suggestions. They will speak with Mr. Sullivan. They do still have contractors working on past road programs, even the 2012 Road Program. Member Dence said the grass over there is pretty bad. Mr. Sullivan said there should be some improvement in the next couple of weeks and they will be back in the spring. Member Dence asked what it would cost to give the homeowners the option to put sod down. Mr. Sullivan said the price for sod is about 15 cents per square foot and the price for grass seed is about half of that.

Mr. Guido Mariani wants to be sure that everyone understands housing for older persons and the 80/20 rule that was discussed at the last meeting. The Fair Housing Act exempts age-restricted housing from the prohibition of discrimination against families with children in two categories. Mr. Mariani said 100% of the occupants must be 62 years of age or older or 80% of the occupied units must be occupied by at least one person who is 55. A community coming in here could market itself as 55+ or age restricted provided they maintain that 80% of the occupied units are occupied by one person who is 55 or older. If the number of people 55 or older falls below the 80% threshold, the community could lose its age-restricted status. Once that happens, it is permanent; you cannot go back. A 55+ community is not guaranteed it will be that forever. The 20% doesn't mean that 20% of the units must be occupied or they have to be reserved for those under age 55. A community coming in should plan carefully not to sell or to rent the 20% under 55. That could risk losing the exemption if the occupants over 55 die, leaving surviving spouses or heirs who are under 55. When you are calculating whether a community meets the 80% requirement, it is the occupants of the dwelling units who are counted, not the owners of the units. Mr. Mariani said he wants to stress the necessity of a mixed-age housing in this township. We

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need a proper mix of age to remain a viable job market. Consider what we allow to come in to our township.

Mr. Joel Balasco (Cardiff Road, Fairless Hills) spoke about Gary Von Hoffman Park, which is in back of his house. He understands the township is looking to install a new fence. Mr. Balasco said a new fence would be nice, but he would prefer seeing the parking lot get paved. He said only half of the parking lot is able to be used because it is all grown in and some is still gravel. There are also a considerable amount of people who gravitate there after hours. Mr. Balasco asked the board to please take his request into consideration. Chairman Harvie said they will look into this. They will check with Mr. Sullivan to see what it costs to fix the parking lot and ask Chief Wilcox to have police check the area. Mr. Balasco said he is the bus driver who was mentioned at a previous meeting. He said if the park wasn't there he would be parking on the street like every other bus driver. He said he does that out of courtesy as both he and his girlfriend work for Pennsbury.

ITEM # 2 PUSS-N-BOOTS TAVERN – WAIVER OF LAND DEVELOPMENT – 942 TRENTON ROAD –TMP # 13-17-283, 13-17-292 AND 13-17-296

Manager Gray introduced this item. This is for a 1,400 sq. ft. addition to the existing tavern. The site is also served by public sewer and water. The applicant is represented by Mr. Heath Dumack. What is before the board tonight is a waiver of land development for a covered porch behind the existing building. It is currently an outdoor area with tables and a small fire pit and they would like to make it a covered porch. They have revised the plan on two occasions and they are ready to present this evening. Member Boraski asked if the area is presently stoned and if it will stay the same. Mr. Dumack said it will be kept as it is now. Mr. Dumack said waivers include the proposed building addition exceeding the size limitation for the waiver of land development process, sidewalks, street trees, documenting certain aspects within 200 feet of the site, and underground utilities within 200 feet of the site. Chairman Harvie said they have been looking at the refurbished Pathmark and part of that development was to build sidewalks. They have looked into doing it in other places as well. The other waivers seem reasonable. Chairman Harvie said he had a hard time looking at this plan and figuring out what they were doing. He thought this was being closed in. Mr. Dumack spoke with the client this evening and the sidewalk installation would be conditioned on PENNDOT approval. Mr. Sullivan said they will need to apply for a Highway Occupancy Permit (HOP) in order to install the sidewalks. If they do install the sidewalks, they will lose parking along the front. In the resolution, they will remove the waiver request for sidewalks and include some language that makes it conditional on getting a HOP. Mr. Clarke suggested another option that if PENNDOT agrees to install the sidewalks, then they will be installed. If PENNDOT says no, then the applicant will come back to re-visit it at that time. Mr. Sullivan asked Mr. Dumack about the fire pit. Mr. Dumack said that would be eliminated if there is a roof. Member Galloway moved to Resolution # 14-31 for Puss-N- Boots Tavern waiver of land development, TMP # 13-17-283, 13-17-292, and 13-17-296; Member Rocco seconded the motion; all board members were in favor. (5-0)

ITEM # 3 CONSIDER PROPOSAL FROM ECONSULT SOLUTIONS FOR AN EARNED INCOME TAX STUDY

Chairman Harvie said for some time there has been a couple of residents who have talked about an Earned Income Tax (EIT) and how it could benefit the township. About ten years ago, the township had performed a study and they found that the percentages of people who already paid an EIT were very low; about 20%. Tonight they are considering a proposal that would look at who pays this tax now. Mr. Peter Angelides from E Consult Solutions said tonight he will give an explanation of what the EIT is and also review his proposal. The EIT is assessed on earned income but not on un-earned income. It can be assessed by a township and a school district up to a maximum of 1%. If both the school district and the township impose an EIT, you cannot go more than 1% so they would both get half. You can also impose the EIT on non-residents. Phase 1 of the proposal will look at how many people living in Falls Township currently pay the EIT. Phase 2 will look at residents who are not paying it, non-residents who are working in Falls Township, and how much we could earn from an EIT if one were imposed. Member Galloway asked if he would have to pay the EIT if he lived in Falls Township and worked in New Jersey. Mr. Angelides said yes. Member Galloway spoke of someone who did not know they had to pay the EIT and ended up owing a lot of money for previous unpaid years. Member Boraski asked if they had the results from the past study which was done ten or eleven years ago. Chairman Harvie said no, but he thinks it was around 18% or 20% of residents who paid the EIT at that time. Member Galloway asked if Mr. Angelides would get the number of residents who work in Philadelphia. Mr. Angelides said yes, he would get that number. If someone works and pays in Philadelphia, the money would stay in Philadelphia. Chairman Harvie wondered if a school teacher who teaches in Lower Makefield, but works for their school district home office located in Falls Township, would the money stay in Falls Township. Mr. Angelides said these are things they would need to look at. Chairman Harvie said the proposal is in the amount of \$19,250. Member Rocco and Member Galloway said they would like to get the numbers and then make an informed decision on the subject. Member Rocco moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (5-0) Mr. Guido Mariani said he believes this study will set in motion some actions to establish sound fiscal accountability that will result in Falls Township taking the first step to becoming self-supporting without host fees. Mr. Mariani said 96% of all Pennsylvania municipalities have an EIT. He believes this study will confirm to produce considerable income without affecting the overwhelming residents of our township. He thinks 1% will be about \$4M being paid by Falls Township residents in this township. Member Rocco said he is for the study, but doesn't think we will be fiscally sound by this. Mr. Mariani said it is the first step, but you have to do other things as well. Mr. Roland Kenney is glad to hear about the EIT study. He hopes that if you do pass it, to cut it in half and give half to the school district. He thinks there should be an agreement that the school district will cut tax increases for the seniors. Member Dence moved to close public comment; Member Galloway seconded the motion; all board members were in favor. (5-0) Mr. Clarke said he has been looking for the study and has been unable to find it. He

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thinks the initial study that was done ten or eleven years ago, was not the full blown analysis, but more the demographic data showing how many Falls Township residents were already paying an EIT. The percentages were so low of those residents who were already paying an EIT and that this was going to be a new tax on a great many Falls Township residents and working families and he doesn't think they ever went to the second step of that analysis of how much money it would generate. Phase 1 will look at who is paying it now and where they are paying it. Phase 2 gives a more comprehensive report on it with different calculations. Member Rocco moved to move forward with Phase 1 of the EIT study for \$7,000; Member Galloway seconded the motion. Member Boraski asked if the \$500 in travel expenses was something they would have to pay. Mr. Angelides said he does not expect to incur those charges. Member Rocco amended his motion of moving forward with Phase 1 of the EIT study in the amount NTE \$7,000; Member Galloway seconded the amended motion; all board members were in favor with the exception of Member Dence and Chairman Harvie who both voted no. (3-2)

ITEM # 4 CONSIDER AUTHORIZING NOTICE OF INTENT TO AWARD BID FOR LED STREET LIGHT REPLACEMENT PROJECT FOR FALLS TOWNSHIP

Manager Gray said bids were opened on October 3, 2014 as follows: Armour & Sons Electric, Inc. in the amount of \$126,055; Mirarchi Brothers Inc., in the amount of \$156,020; Ray Sizer, LC in the amount of \$352,000; Phillips Brothers Electrical Contractors, Inc. in the amount of \$363,200; and Carr & Duff, Inc. in the amount of \$390,400. Based on the bid evaluation, Armour & Sons is the lowest responsible bidder. It is recommended that the Board of Supervisors authorize the Township Engineer's office to issue a Notice of Intent to Award to Armour & Sons, Inc. for the total bid cost of \$126,055. Member Dence said these street lights are 100% made in Pennsylvania and it is a local Falls Township contractor who will do the installation. He said that is a good thing. Member Boraski moved to approve Armour & Sons Electric, Inc. for the LED street light replacement project for Falls Township in the amount of \$126,055; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 5 CONSIDER PROPOSAL FROM T&M ASSOCIATES FOR GREEN BELT DRAINAGE IMPROVEMENTS FOR VERMILLION HILLS

Mr. Sullivan said this is a proposal for professional engineering services for the Vermillion Hills greenbelt drainage improvements. There is an area in the open space where they will install two underground seepage bed re-charge areas which will eliminate any standing water. The total cost of the proposal is \$12,080 and includes base map preparation, engineering design and construction plans, bid documents and bid administration, and construction observation and administration. The total cost of the project is estimated to be about \$42,000. Member Galloway moved to approve T&M Associates in the amount of \$12,080 for the green belt drainage improvement proposal for Vermillion Hills; Member Dence seconded the motion; all board members were in favor. (5-0)

ITEM # 6 CONSIDER PROPOSAL FROM THE BUCKS COUNTY CONSORTIUM REGARDING THE PURCHASE OF ROCK SALT FOR 2014-2015

Manager Gray said bids were publicly opened on September 9, 2014 for the purchase of rock salt. Bids were as follows: Morton Salt (\$57.57 per ton delivered/\$57 per ton undelivered); Cargill, Inc. (\$64.20 per ton delivered/\$62 per ton undelivered; Oceanport, LLC (\$66.20 per ton delivered/\$64 per ton undelivered). Manager Gray said Mr. Arnao reviewed the Bucks County Consortium letter dated September 16, 2014 for the purchase of rock salt for the 2014-2015 period. It is recommended to purchase the rock salt from Morton Salt, Inc. Member Dence moved to approve the proposal dated September 16, 2014, from the Bucks County Consortium regarding the purchase of rock salt for 2014-2015; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 7 CONSIDER AUTHORIZATION FOR ADVERTISEMENT FOR ORDINANCE AMENDING CHAPTER 120, SECTION 7 – VIOLATIONS AND PENALTIES

Chairman Harvie said we are taking a look at increasing the fine for littering. We have received many complaints and quality of life issues. Ms. Galloway said last year the board took a look at the section of the code, Section 120-6 for optional payment of fines. There was previous a procedure where, to get out of the ticket, one could pay a \$5 fine. This increases the fine to \$500 up to \$1,000. You can still get out of the ticket by paying a \$300 fine to the Township Manager. Often times, the first fine is up to \$1,000. Rather than risk the \$1,000 fine, depending on the matter of infraction, the offender can come in and pay the \$300 fine and be done with it. Member Rocco moved to authorize advertisement for ordinance amending Chapter 120, Section 7 – Violations and Penalties; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 8 MINUTES – SEPTEMBER 16, 2014

Member Dence moved to approve the minutes from September 6, 2014; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 9 EXECUTIVE SESSION

An Executive Session was held prior to tonight's meeting. Chairman Harvie said the board discussed two matters of litigation and a personnel matter.

ITEM # 10 MANAGER COMMENT

A. Manager Gray said this item is for purchase of a new scheduling software package from RagnaSoft Inc. The police department is having major problems with the existing software. Police Chief Wilcox explained the need for this purchase and said

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- they are up against a deadline. Mr. Matt Markey gave some details about the product and why it is needed. Member Galloway moved to approve purchase of a new software package from RagnaSoft, Inc. in the amount of \$5,865.60, pending the solicitor's review of the contract; Member Dence seconded the motion; all board members were in favor. (5-0)
- B. Member Dence moved to approve the land development application extension to December 19, 2014 for Extra Space at 915 Lincoln Highway; Member Rocco seconded the motion; all board members were in favor. (5-0)
 - C. Member Dence moved to approve the land development application extension to December 19, 2014 for 38 Cabot Boulevard; Member Galloway seconded the motion; all board members were in favor. (5-0)
 - D. Manager Gray said Bulk Disposal Day will be held from 7-11 a.m. on Saturday, October 11th at G.R.O.W.S. Landfill, 1000 New Ford Mill Road. Proof of residency is required. For more information, please call 1-800-869-5566.
 - E. Manager Gray said on Thursday, October 9th from 7-8 p.m., there will be a meeting with PECO representatives regarding reliability issues. The meeting will take place in the public meeting room at the township building.
 - F. Gelest and Dominion mylars are ready for signature.

ITEM # 16 BOARD COMMENT

Member Dence said if any residents are interested in attending a question and answer session with PECO, this Thursday night is your chance to come and hear from the PECO representatives. Member Dence moved to appoint Lane Striluk to a position on the Parks and Rec Board; Member Galloway seconded the motion; all board members were in favor. (5-0) Member Dence said he voted no on the EIT proposal because he doesn't think we need the EIT.

Member Galloway – no comment.

Member Boraski asked about any dog waste and littering signs that are currently posted in the township and if they needed to be updated. Ms. Gallagher said she can check with Mr. Bennett to see if any of them need updating. Member Boraski said this Saturday is Historic Fallsington Day. It starts at 10 a.m. Fallsington Elementary School will be there supporting the school, students, PTO and teachers and there will be games and food.


Member Rocco said in regard to the agenda item for the EIT, this is just a study that was passed. He looks forward to getting some data. Member Dence said they did not pass the actual EIT. He believes it would be a tax increase for some people.

Chairman Harvie said he voted no on the EIT as well. He is already paying the money, and would rather see it come here. He doesn't think the numbers are going to come back high enough to justify this tax. The November meeting falls on Election Day. Board members agreed to hold the first meeting in November on Monday, November 3rd. There is some

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utility work going on around IHOP. After all of the work is completed, PENNDOT will come back and repave the roadway. Chairman Harvie said there are still some tickets left for this Saturday's Jerry Blavat night at the Levittown Fire Co. No. 1. They are also having a Designer Bag Bingo to be held on Saturday, November 1st. More information is available on the cable channel.

Member Dence moved to adjourn the meeting; Member Galloway seconded the motion; all board members were in favor. (5-0) The meeting was adjourned at 8:50 p.m.



Jeffrey Rocco, Secretary