

Board of Supervisors – December 19, 2023

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

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

The meeting commenced at 7:05 p.m. with roll call and pledge to the flag. All Board members were present with the exception of Member Boraski who had a prior commitment this evening. Also present were Township Manager/Chief Code Enforcement Officer & Zoning Officer Matthew Takita, Township Solicitor Lauren Gallagher and Township Engineer Douglas Waite.

PRESENTATION OF TOWNSHIP GIS FROM CARROLL ENGINEERING

There was no action on this item.

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

No one signed in for public comment.

**ITEM # 2 JOSEPH BISSOL AND ROSETTA MARIE BUSSELLI –
PRELIMINARY & FINAL LAND DEVELOPMENT – 9169 MILL
CREEK ROAD TMP # 13-040-022**

Ms. Gallagher said the applicant’s attorney requested this agenda item be tabled for this evening. Member Galloway moved to table this agenda item; Member Mullen seconded the motion; all board members were in favor. (4-0)

**ITEM # 3 CONSIDERATION OF ADOPTING THE 2024 BUDGET AND
RESOLUTION ESTABLISHING THE MILLAGE RATE FOR 2024**

Member Galloway moved to approve Resolution # 2023-44 to adopt the 2024 Budget and establish the Millage Rate for 2024; Member Mullen seconded the motion; all board members were in favor. (4-0)

**ITEM # 4 CONSIDERATION OF A RESOLUTION AMENDING THE 2023 FEE
SCHEDULE FOR THE CODE ENFORCEMENT, FINANCE AND
PARKS & RECREATION DEPARTMENTS**

There was no action on this agenda item.

ITEM # 5 CONSIDERATION OF ADOPTING ORDINANCE OF THE TOWNSHIP OF FALLS, BUCKS COUNTY, PENNSYLVANIA AMENDING CHAPTER 198 – “TAXATION” BY ADDING ARTICLE VII – “VOLUNTEER SERVICE TAX CREDIT,” SECTIONS 62 TO 67, REPEALING ALL INCONSISTENT ORDINANCES AND ESTABLISHING AN EFFECTIVE DATE THEREFOR

Chairman Dence said this is a tax credit for volunteer firefighters. It is a flat rate of up to \$500. Ms. Gallagher said the original version of this Ordinance that was advertised does have a percentage rather than a flat rate but after discussing this with Mrs. Reukauf, it was recommended that this be a flat rate of up to \$500. Member Galloway moved to approve Ordinance # 2023-4, amending Chapter 198 – “Taxation” by adding Article VII – “Volunteer Service Tax Credit,” Sections 62 to 67, Repealing All Inconsistent Ordinances and Establishing an Effective Date Therefor, in the amount of up to \$500; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 6 CONSIDERATION OF A RESOLUTION OF FALLS TOWNSHIP, COUNTY OF BUCKS, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING ANNUAL REQUIREMENTS FOR THE CERTIFICATION OF ACTIVE VOLUNTEER SERVICE

Member Galloway moved to approve Resolution # 2023-45, Establishing Annual Requirements for the Certification of Active Volunteer Service; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 7 CONSIDERATION OF RATIFYING CHANGE ORDER FROM REMINGTON & VERNICK ENGINEERS FOR THE CMAQ ADAPTIVE TRAFFIC SIGNAL SYSTEM PROJECT

Member Galloway moved to ratify the change order from Remington & Vernick Engineers for the CMAQ Adaptive Traffic Signal System Project in the amount of \$50,000; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 8 CONSIDERATION OF PROPOSAL FROM LERRO FOR THE MUNICIPAL BUILDING RENOVATION PROJECT FOR AV SERVICES

Member Galloway moved to approve the proposal from Lerro for the Municipal Building Renovation Project for AV Services in the amount of \$345,565.42; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 9 CONSIDERATION OF A STIPULATION TO SETTLE IN APPEAL OF 8 EAST M-Y LANE V. BUCKS COUNTY BOARD OF ASSESSMENT, TMP # 13-028-075-004, DOCKET # 2022-06470

Ms. Gallagher said this is a tax assessment appeal for TMP # 13-028-075-004 which relates to property located at 8 East M-Y Lane. This has been negotiated by the school district solicitor and would reflect the change in taxes effective January 1, 2024 for Township and County taxes and July 1, 2024 for school district taxes. The property's assessment shall be increased from \$64,080 to \$804,000, reflecting a fair-market value of \$12M for 2024 and this results in an increase in assessment of \$740,000. Member Galloway moved to approve the Stipulation to Settle in Appeal of 8 East M-Y Lane v. Bucks County Board of Assessment, TMP # 13-028-075-004, Docket # 2022-06470; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 10 CONSIDERATION OF APPROVAL OF A RESOLUTION ADOPTING AND SUBMITTING A PLAN REVISION FOR NEW LAND DEVELOPMENT TO THE PA DEPARTMENT OF ENVIRONMENTAL PROTECTION, IN CONNECTION WITH UPDATING THE TOWNSHIP'S ACT 537 SEWAGE FACILITIES PLAN, REFLECTING THE CONSTRUCTION OF THE PENNSBURY HIGH SCHOOL CAMPUS

Ms. Gallagher said from time to time these Resolutions come in front of the board regarding the township's ACT 537 Plan. The ACT 537 Plan is the township's plan for public sewer services throughout the township. This has to do with a project proposed by the Pennsbury School District. The township engineer has worked with the school district engineer to review the proposed plan and they are finalizing this Resolution for submission to the DEP. This is for approval of the sewage planning module to be sent to the DEP. Member Palmer asked if the school district is looking for more EDU's. Ms. Gallagher said these typically come in when there is a proposed increase in capacity. Mr. James Lynch (D'Huy Engineering – Facilities Engineer for Pennsbury School District) said to answer Member Palmer's question; yes, there are additional EDU's. The school district has been working with the Falls Authority and DEP for about a year. This sets the stage for the last phase of the stadium project to be completed, which are team rooms and rest rooms at the stadium. The plan and permitting for that would be the next step. Member Mullen asked when people would be able to use the restrooms at the stadium. Mr. Lynch said the buildings are pre-fabricated and will be delivered in July and on line for the first home football game. Ms. Joanna Steere (School Board President) thanked everyone for continuing with approval of this project so they can move forward with DEP. Member Galloway moved to approve Resolution # 2023-46, adopting and submitting a plan revision for new land development to the PA Department of Environmental Protection, in connection with updating the Township's ACT 537 Sewage Facilities Plan, reflecting the construction of the Pennsbury High School Campus; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 11 CONSIDERATION OF APPROVAL FOR UPDATED POLICIES FOR THE POLICE DEPARTMENT

There was no action on this agenda item.

ITEM # 12 CONSIDERATION OF PROPOSAL FROM COFCO FOR THE ADDITIONAL CHAIRS FOR THE MUNICIPAL BUILDING RENOVATION PROJECT

Member Galloway moved to approve the proposal from COFCO in the amount of \$884.60 for the additional chairs for the Municipal Building Renovation Project; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 13 PUBLIC HEARING FOR CONSIDERATION OF APPLICATION FOR DANIELS AUTO BODY & CUSTOM, LLC, D/B/A LYNCH COLLISION CENTER FOR STANDARD TOW TRUCK WRECKER SERVICE FOR THE 2024 CALENDAR YEAR

There was no action on this agenda item.

ITEM # 14 CONSIDERATION OF SETTLEMENT STIPULATION AND AGREEMENT IN ZONING APPEALS OF MIKURIYA V. FALLS TOWNSHIP ZONING HEARING BOARD AND FALLS TOWNSHIP FOR TMP NO. 13-024-002, CASE NOS. 2020-01193 AND 2020-06072

Ms. Gallagher said this represents a settlement of two Zoning Hearing Board matters that were appealed back in 2020. It has to do with properties located at 22-24 Fallsington Tullytown Road. This is a two-unit building which has long existed on the property. The applicant had originally requested relief to operate a medical office on the property to accommodate the practice of evaluation and prescription of medical marijuana cards. Ms. Gallagher reviewed terms of the settlement, what they are allowed to do, occupancy limits, parking and hours of operation. The terms of the settlement include that no pharmaceuticals will be stored onsite, the second use in the building remains to be determined but there have been some permitted uses added into the settlement agreement. This is restricted from being a medical marijuana dispensary. Ms. Gallagher said all parties are in agreement regarding terms of the settlement. Member Mullen asked if the conditions only apply to this applicant. Ms. Gallagher said this goes with the property and will be part of the property file. Member Palmer said it seems like all of the parties are okay with this and he thinks we addressed everything. Member Mullen asked about number 5; were these uses that are permitted without this document? Ms. Gallagher said no. The uses that are permitted were pulled from the NC district and we wanted to make it clear that those uses that are permitted in NC are not permitted at this property. This property is much closer to residential uses and we wanted to make sure that what would normally be in the NC would not be permitted here. Ms. Gallagher said we are not rezoning this property; we are settling a zoning appeal. Mr.

Board of Supervisors – December 19, 2023

John Feher has party status. He said he has some problems when they wanted to do the medical marijuana card. He is not against pot or medical marijuana. He is concerned about this property near residences. The parking lot at this property is a complete disaster and believes this will be a high-volume facility. Is it clear in this agreement that no medical marijuana cards will be distributed out of there? Mr. Feher said it is not really a doctor's office. It is just a rubber stamp place to get a medical marijuana card. We need to bring the property up to code and watch what gets put in there. This property isn't set up for a high-volume business. Instead of blanketing this as anything NC, why not tell them to go back for a zoning change or use variance? We are attracting a business to a building rather than bringing it up to code. The sidewalk is 3 ft. wide and there is no handicap parking. Ms. Gallagher said this settlement agreement only has to do with the use. They still have to comply with all other township ordinances. As far as the parking, that is part of what is being addressed here because there is limited parking on that site. This restricts the number of people who are allowed to be in that building at any given time. Their doctor's office is for evaluation and prescription of medical marijuana cards. Mr. Feher said he is against them issuing medical marijuana cards. Ms. Gallagher said the way this is set up is that it restricts the number of people who would be allowed to be in that building at any given time. It is by appointment only and they have limited hours. Mr. Feher is against this project and said this building was abandoned. Ms. Gallagher said those items Mr. Feher brought up have all been argued on appeal. Chairman Dence said this is just for a use. They still have to meet the requirements for parking and ADA compliance. Ms. Gallagher said there were two Zoning Hearing Board matters that were appealed that are currently pending in front of the court and this is a settlement to resolve that. Ms. Gallagher said this is zoned NCR and there were non-residential uses historically at the property. Mr. Todd Savarese (Land Use Counsel for Dr. Mikuriya) said this property and these appeals have been going on for almost four years. There was a lot of briefing and a lot of legal issues and the judge told us we should try to get this case resolved. We have been working through Ms. Gallagher's office. There was a request for a sketch plan to show the parking which we provided and there was a request for a sealed survey plan which we provided. He was under the impression that Mr. Feher's objections had been adequately addressed in the settlement agreement. The use has always been the issue in these land use appeals. The building, parking and setbacks are all non-conforming. This building has existed since 1954. Dr. Mikuriya has conceded on many issues. Ms. Gallagher asked if there were any kind of impending deadline from the court? She is wondering if continuing this discussion until January would make sense. Ms. Gallagher said she was under the understanding that all three parties were on board with the settlement but now understands differently. Mr. Savarese said he had a telephone conference today with Mr. Feher's counsel and they added language in the settlement agreement that says Dr. Mikuriya will otherwise comply with all Township Ordinances and the terms of the municipality's Planning Code. The document is a collaborative effort and up until 20 minutes ago, he was under the impression that Mr. Feher was collaborating with that effort. Mr. Savarese said his request from the supervisors would be to settle the matter. Mr. Feher's signature on the document is required. If he does not agree, then he would not sign the document. He hopes that doesn't happen. He thought there was a meeting of the minds between the Township Administration, Zoning Hearing Board and Dr. Mikuriya. There are protections with the parking lot, the maximum

Board of Supervisors – December 19, 2023

occupancy, hours of operation and what the settlement agreement addresses. What the parties tried to do is to come up with those types of service industries so we are at least defining what uses are permitted and what uses are absolutely not permitted. Ms. Gallagher said the board's options are to either consider the agreement as presented tonight or table it. If there are any changes after tonight, the applicant would need to come back to get approval from the board on those changes. Mr. Feher said this has been going on for four years and at 4:00 p.m. this past Friday he heard there was a meeting today. He never reviewed anything and nothing ever came across his desk. Ms. Gallagher said the township and Mr. Savarese have been communicating with Mr. Feher's attorney. Mr. Feher said we are taking a big leap from a tanning salon and accountant office to a medical marijuana rubber-stamping card facility. He reiterated that the medical marijuana facility would be a terrible idea because of the volume, parking lot and other issues. Member Mullen asked if she was correct in saying if Mr. and Mrs. Feher do not sign this agreement, it is null and void? Ms. Gallagher said yes. Ms. Gallagher said the township has taken the position that neither of these applications should be approved. That has been the township's position throughout. Member Galloway moved to table this agenda item; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 15 CONSIDERATION OF ESCROW RELEASE REQUEST

Member Galloway moved to approve the escrow release to the Levittown Car Wash in the amount of \$2,326.43; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 16 APPOINTMENTS TO VARIOUS BOARDS, COUNCILS, COMMITTEES AND COMMISSIONS

There was no action on this agenda item.

ITEM # 17 MINUTES – NOVEMBER 27, 2023 AND DECEMBER 12, 2023

Member Palmer moved to approve the minutes from November 27, 2023 and December 12, 2023; Member Galloway seconded the motion; all board members were in favor. (4-0)

ITEM # 18 ENGINEERS REPORT

There was no action on this agenda item.

ITEM # 19 BILL LIST

Member Galloway moved to approve the bill list in the amount of \$3,096,742.20; Member Mullen seconded the motion; all board members were in favor. (4-0)

Board of Supervisors – December 19, 2023

ITEM # 20 OBERMAYER REBMANN MAXWELL & HIPPEL, LLP BILL LIST

Member Galloway moved to approve the bill list from Obermayer Rebmann Maxwell & Hippel, LLP in the amount of \$34,231.74; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 21 JONES ENGINEERING ASSOCIATES BILL LIST

Member Galloway moved to approve the Jones Engineering Associates bill list in the amount of \$236,709.25; Member Mullen seconded the motion; all board members were in favor with the exception of Chairman Dence who abstained from the vote. (3-0-1)

ITEM # 22 EXECUTIVE SESSION

There was no Executive Session.

ITEM # 23 MANAGER COMMENT

Waste Management will collect Christmas trees on Saturday, January 13, 2024 and Saturday, January 27, 2024. If residents wish to drop off their tree during the month of January, Waste Management has a collection container located at 1400 Bordentown Road.

ITEM # 24 BOARD COMMENT


Member Palmer – No comment.

Member Mullen – No comment.

Member Galloway wished everyone a safe and happy holiday season.

Chairman Dence said we had a good year in Falls Township. Chairman Dence wished everyone happy holidays and a Happy New Year.

Member Galloway moved to adjourn the meeting; Member Mullen seconded the motion; all board members were in favor. (4-0) The meeting was adjourned at 7:50 p.m.



Brian Galloway, Secretary