

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

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

The meeting commenced at 7:03 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 and Township Engineer Joe Jones.

A moment of silence was held in memory of Rosemary Malisheski who held the position of elected Auditor in Falls Township. She was also a long-time member of the Democratic Club and served on the school board. She was a friend to all of us.

CONSIDERATION OF APPOINTMENT TO FILL VACANCY ON THE BOARD OF AUDITORS

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

No one signed in for public comment.

**ITEM # 2 PRESENTATION OF DONATION TO LEVITTOWN HOMELESS
SHELTER FROM PROCEEDS FROM MARIE’S KOZY KORNER
CHILI COOKOFF**

Marie’s Kozy Korner presented Ms. Murielle Kelly from the Levittown Homeless Shelter with a \$6,000 donation. Money was raised from their chili cook-off event. Ms. Kelly said this is a 24-hour shelter. They have over 30 staff and case management services. Each year they serve more than 300 families. Ms. Kelly thanked Marie’s Kozy Korner for their generous support. Ms. Kelly said they also run a waitlist. Each year the shelter houses more than 300 families. Before COVID, there were about 30-75 people waiting for shelter. Over the past few years, there have been more than 200+ people waiting for shelter. It can take up to six months to get into permanent housing. They also run the housing link hotline if you are experiencing a housing crisis. The phone # to call is 800-810-4434. They answer 4,500 calls from people experiencing a housing crisis with an increase of over 1,000 calls. Some of the shelter’s basic needs include linens, comforters, pillows, sheets, towels, bottled water and detergent. Marie’s Kozy Korner will have a box to collect these items.

ITEM # 3 PRESENTATION OF DONATION TO FALLSINGTON LIBRARY FROM PROCEEDS FROM THE FALLS TOWNSHIP COMMUNITY YARD SALE

Mr. Neil Vance, Treasurer of the Fallsington Library was present along with Board Member Donna Petrecco, Librarian Charlene Renderio and volunteer Dexter Lazar. Mr. Vance spoke on behalf of the patrons and staff. He said they are grateful to the township and its citizens for the financial support they receive. The library has been here since about 1800. They hope to continue being a resource to the community for many years to come. Mr. Brian Andrews and Ms. Theresa Katalinas worked together to organize a yard sale at the community park and raised \$645 to donate to the Fallsington Library. The Fallsington Library staff was very thankful for the donation.

ITEM # 4 PRESENTATION OF AWARDS FOR THE FALLS TOWNSHIP SCARECROW CONTEST

Mr. Andrews said this is the fourth year they have had the Scarecrow Contest. Mr. Andrews announced the winners of the scarecrow contest who received a certificate and a gift card to Arosso's Restaurant. The winners were: 3rd place: The Hanson Family; 2nd place: Girl Scout Troop 2029; and 1st place: The Stillwell/Kelly Family.

ITEM # 5 CERTIFICATE OF APPROPRIATENESS – 78 MAIN STREET – TMP # 13-020-260 – 5 FT FENCE ON REAR LEFT SIDE OF PROPERTY

Member Galloway moved to approve the Certificate of Appropriateness for 78 Main Street, TMP # 13-020-260 for the 5 ft. fence on rear left side of property; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 6 DANJA TRACT – PRELIMINARY AND FINAL LAND DEVELOPMENT – CENTRAL AVENUE – TMP # 13-005-202; 13-005-207; 13-005-208

Ms. Megan Kinley (Gilmore & Associates) was present for the applicant. The property is located on Central Avenue and is comprised of three tax parcels. The three lots will be consolidated for the applicant to build a 3,800 sq. ft. warehouse to be used in conjunction with the applicant's existing company, CDA, Inc. The property is in the Highway Commercial zoning district. Ms. Kinley said all items in the Resolution are will comply. Mr. Jones said this project was previously approved in 2011 with an underground basin and then the project sat. The only change from then is the underground storm water management system and this one has an above-ground storm water management system. The waivers are the same as previously granted. Member Palmer asked where this was located. Ms. Kinley said this is located directly behind Peruzzi on Central Avenue, across from CDA, Inc. which is the applicant's current business. Member Galloway moved to approve Resolution # 2022-33, preliminary and final land development for the Danja Tract,

Board of Supervisors – November 21, 2022

Central Avenue, TMP # 13-005-202; 13-005-207; and 13-005-208; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 7 MORRISVILLE MUNICIPAL AUTHORITY – WAIVER OF LAND DEVELOPMENT – 1 SESSA CIRCLE – TMP # 13-051-001

Mr. Stephen Michalczyk (Pennoni Associates) represents the applicant. The development is located at the southwest intersection of Sessa Circle and South Port Road. It is zoned Materials Processing Manufacturing (MPM). The lot area is approximately 54 acres in size. The parcel currently contains industrial buildings, associated site features, wastewater treatment, water storage, water distribution and electrical substation. The applicant proposes a 3,500 sq. ft. building addition between the u-shaped building that currently exists on site. The proposed use is a water distribution facility and office space for the applicant. Parking is at the front of the building and on the north and east sides. Access to the site will remain will full access from Sessa Circle and the already-existing internal access. They intend to capture the majority of the roof run off to a seepage pit located in the rear adjacent to Sessa Circle. Waivers include Section 191-18.1A, preliminary and final land development procedure and Section 191-48 A through I which deals with plantings. All of the review letters are will comply. Member Mullen asked why we would waive almost the whole development process. Mr. Jones said the project has no real public improvements since this is a developed site. It could have gone through the whole land development process but the only difference between that and the waiver of land development is the need for the developer’s agreement after approval. Since there are no public improvements to be secured, it made sense for us to proceed under the waiver of land development where we wouldn’t need that. Member Palmer asked about the waivers. Mr. Michalczyk said they are from Sections 191-18.1A preliminary and final land development procedure and Section 191.48 – plantings. They requested a waiver from adding plantings to a major industrial area. Member Palmer asked if there were any reason why you do not want to plant them on the property. Mr. Michalczyk said the site is primarily industrial. They have room for plantings but it may not be beneficial for those plantings. Member Palmer said they are trying to make that entire site from a brown site to a green site and we are going in that direction. If you choose not to plant, you can donate them to our Tree Commission and they will find a place for them somewhere in our community. Member Palmer said he will not approve if you do not. Mr. Clarke indicated to Member Palmer that if they want to voluntarily make a donation of the trees they can. Predicating your vote on them not doing that would not be appropriate. Member Palmer said he is not in favor of this going forward. Member Galloway moved to approve Resolution # 2022-34 granting the waiver of land development for the Morrisville Municipal Authority, 1 Sessa Circle, TMP # 13-051-001; Member Boraski seconded the motion; all board members were in favor with the exception of Member Palmer who voted no. (4-1)

ITEM # 8 CONSIDER RESOLUTION FOR THE DCNR GRANT APPLICATION FOR THE PINWOOD POOL PLAYGROUND

Mr. Andrews said we submitted a grant to the Department of Conservation and Natural Resources (DCNR) for a new playground for the Pinewood Pool. Part of the grant is

Board of Supervisors – November 21, 2022

submitting a Resolution saying we abide by the terms of the grant. The grant requires a 50% match, providing receipts for expenses and inspection of the playground when it is done. The project itself is approximately \$207,000. We would be responsible for half of that if it is awarded. Member Boraski asked if this is something that would be put out to bid to put together or would our Public Works Department be doing the install. Mr. Andrews said it would be an outside company putting this together. Member Galloway moved to approve Resolution # 2022-35 for the DCNR Grant application for the Pinewood Pool playground; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 9 2023 PROPOSED BUDGET PRESENTATION AND AUTHORIZATION TO ADVERTISE

Mrs. Betsy Reukauf presented details for the proposed 2023 budget. The tax millage rate is proposed to increase to 8.97 mils. This increase equates to about \$1 per week for the average homeowner. The increase in the millage rate is funding for the Fire Protection Fund that supports the three Falls Township fire companies. Falls Township taxes continue to be lower than our surrounding municipalities and Falls Township residents do not pay for trash and leaf removal. Proposed 2023 Capital Projects include: the New Municipal Complex (\$28M); 2023 Road Program (\$4.6M); Other Road Construction/Repair/Maintenance projects; Tree Trimming and Removal (\$50,000); Police Purchases (\$470,000); Public Works Purchases (\$372,000); and the Pinewood Pool Playground Equipment (\$140,000). Based on the proposed 2023 Budget, a total of \$73,240,677 is projected to be spent in the year 2023. The budget is proposed to be advertised starting November 27th and adopted at the December 19, 2022 Board of Supervisors meeting. Member Palmer asked about the history of the fire protection fund. When was the last time that was raised? Mrs. Reukauf said it has been a very long time; since the 80's or 90's. There was a referendum done that allowed the increase of the fire protection tax to a maximum of 5 mills. Since that time, we have only been charging 1.25 mills. They are well within the limits of that tax. Prices continue to rise especially in the last several years. Equipment, trucks, fuel, utilities and costs keep going up and donations keep going down. Mr. Colin Henderson said he agree with the fire department needing extra funds but maybe we should have looked at this before now. We are more than doubling it and maybe we should have looked at this before now so we could have done gradual increases over time. With that being said, \$28M for the township building - is that a do not exceed number or a guess at the current rates of labor and material costs? Member Boraski said we have to get the final numbers back. We hope it is not more. Member Boraski said this is coming down to the steel that is still standing, and we will have a brand new building. Member Galloway moved to authorize advertisement of the 2023 proposed budget; Member Mullen seconded the motion; all board members were in favor. (5-0).

ITEM # 10 CONSIDER REAPPOINTMENT BY RESOLUTION TO APPOINT AUDITOR FOR THE 2022 FINANCIAL AUDIT

Mrs. Reukauf said the audit of the 2021 financial statements for the township was performed by the CPA firm of Zelenkofski Axelrod LLC. At the time of their proposal, they

Board of Supervisors – November 21, 2022

were asked to submit a bid that included the option to re-appoint them for the audits of the 2022 and 2023 fiscal years. Their bid for the second year remains the same as the first year and is in the amount of \$27,000. Member Mullen asked them if we were happy using them. Mrs. Reukauf said we were satisfied with them and they were great to work with. Member Galloway moved to approve Resolution # 2022-36 to re-appoint the firm of Zelenkofski Axelrod LLC for the audit of our financial records for the period of January 1, 2022 to December 31, 2022 and to include the option to re-appoint them for the 2023 fiscal year; Member Mullen seconded the motion; all board members were in favor. (5-0)

ITEM # 11 AUTHORIZATION TO ADVERTISE AN ORDINANCE OF TOWNSHIP OF FALLS, BUCKS COUNTY, PENNSYLVANIA AMENDING THE ZONING MAP INCLUDED AS SECTION 209-7 OF THE TOWNSHIP ZONING ORDINANCE TO RE-ZONE TAX MAP PARCEL 13-047-088, LOCATED ON S. PENNSYLVANIA AVENUE FROM RD-3 (RIVERFRONT DISTRICT) TO HI (HEAVY INDUSTRIAL DISTRICT)

Manager Takita said this is a request to authorize advertisement to rezone that portion of the township. Mr. Clarke said this is a request from NorthPoint to relocate an existing business within the KOIZ, within the steel mill area so that it can free it up for phase 3 development of the NorthPoint site. The business is Harsco. The current location is right in the middle of phase 3 and if they do not relocate them, NorthPoint would not be able to develop phase 3. This is a text amendment for re-zoning the site. This does not have the same time constraints as a land development approval. They are re-locating them to S. Pennsylvania Avenue. Member Palmer asked if this was going to be a tax-free abatement property. Mr. Clarke said if it is not in the existing KOIZ, they would have to go back to the DCED to have it expanded. This board, the county, and Pennsbury School District would all have to approve it to extend the KOIZ. There is no indication they are asking for it. Member Palmer said he knows Biles Island was eventually going to get repurposed for \$1. This might hinder future usage for us as a Township with Biles Island so he definitely has a concern with this. Mr. Colin Henderson said he is on the Planning Commission and he has a lot of concerns. The company they are talking about crushes coal or copper scale and they have a lot of piles out there. Is that something we want on Pennsylvania Avenue with houses not far away? He doesn't think we should go along with whatever they want just so they can make money. NorthPoint can find another spot within the KOIZ to relocate them to. The property where they want to put them is on has wetlands behind them. Maybe we can rezone it from riverfront to something else. Mr. Henderson thinks this is a bad move. Member Galloway moved to authorize advertisement of an Ordinance of the Township of Falls, Bucks County, Pennsylvania, amending the zoning map included as Section 209-7 of the Township Zoning Ordinance to re-zone Tax Map Parcel 13-047-088, located on S. Pennsylvania Avenue from RD-3 (Riverfront District) to HI (Heavy Industrial District); Member Boraski seconded the motion; all board members were in favor with the exception of Member Palmer who voted no. (4-1)

ITEM # 12 AUTHORIZATION TO ADVERTISE AMENDING CHAPTER 198 – TAXATION – TO ADD IN A NEW ARTICLE VII – EARNED INCOME TAX TO LEAVY AN EARNED INCOME TAX OF ONE PERCENT (1%) PURSUANT TO THE AUTHORITY OF THE LOCAL TAX ENABLING ACT; TO INCLUDE DEFINITIONS; TO PROVIDE FOR DECLARATION AND PAYMENT OF THE TAX; TO PROVIDE FOR COLLECTION OF THE TAX AT THE SOURCE AND WITHHOLDING BY EMPLOYERS; TO ESTABLISH THE POWERS AND DUTIES OF THE TAX COLLECTOR; ESTABLISH THE AMOUNT OF THE TAX RATE; TO ESTABLISH THE EFFECTIVE DATE OF THE IMPOSITION AND LEVY OF THE TAX; TO PROVIDE FOR SUITS FOR COLLECTION OF UNPAID TAXES, INCLUDING INTEREST AND PENALTIES; REPEALING ALL INCONSISTENT ORDINANCES OR SECTIONS OF THE CODE; AND ESTABLISHING AN EFFECTIVE DATE THEREFOR

Chairman Dence said we did a study about ten years ago about how much money Falls Township residents were paying to other municipalities when it could be paid here. We have relied on a landfill for a long time. We were able to negotiate a deal with Waste Management to extend it for a few more years but there is an expiration date. With the EIT study we had done, approximately \$3.5M is going to other municipalities. There would probably be another \$3M or so from residents who do not currently pay the EIT. This will not affect senior citizens. This is the first step in securing finances once the landfill is gone. These are the hard decisions that this Board has to make. For more than twenty years we have not raised taxes, but that is coming to an end. Member Boraski understands this is one of those tough decisions we have to make. It is the future of the township and how we are going to get the funding and pay our bills. Member Boraski said he pays 1% to Huntingdon Valley and we don't get that back. This affects people who don't currently pay an EIT. We cannot collect what is being paid to Philadelphia – we do not get that back. Member Palmer said this is something we have to think about over the next month. He has had many people come to him and he knows a lot of people who currently do not pay this tax right now. He will approve advertising but he is not sold on pushing this forward. We may have to go back to the budget and make some decisions. Mr. Colin Henderson said he is against the EIT. He is here because the EIT tax but he thought that what NorthPoint is for; to take that over. Chairman Dence said it is not going to pay us what the landfill pays. The landfill pays over \$1M a month right now. Mr. Henderson said people currently pay the EIT money to other townships because they went that route. He believes we have the ability not to go that route. Mr. Henderson said he believes this is the wrong way to go. Mr. Dexter Lazar said he doesn't like the idea that we are depending on a garbage company to keep the lights on. We are bringing garbage from all over the eastern seaboard and then we build a park. It does not feel right. When they leave if we have to tax people all at once then people will be more upset than taxing them incrementally. Member Boraski moved to authorize advertisement amending Chapter 198 – Taxation – to add in a new Article VII – Earned Income Tax to levy an Earned Income Tax of one percent (1%) pursuant to the authority of

Board of Supervisors – November 21, 2022

the Local Tax Enabling Act; to include definitions; to provide for declaration and payment of the tax; to provide for collection of the tax at the source and withholding by employers; to establish the powers and duties of the Tax Collector; establish the amount of the tax rate; to establish the effective date of the imposition and levy of the tax; to provide for suits for collection of unpaid taxes, including interest and penalties; repealing all inconsistent ordinances or sections of the code; and establishing an effective date therefor; Member Dence seconded the motion; all board members were in favor with the exception of Member Mullen and Member Galloway. (3-2)

ITEM # 13 CONSIDER RESOLUTION TO IMPLEMENT ACT 57 OF 2022

Mr. Clarke said it has always been the responsibility of a property owner to make sure they are paying their property taxes even if they do not get their tax bill. Act 57 is allowing new homeowners, who did not get a tax bill and are delinquent on their property taxes and have had fees and penalties assessed, to seek a waiver during the first year of home ownership to have those fees and penalties waived. Brand new homeowners may not realize it is their responsibility to get their tax bill. As the law stands right now, not getting the bill and not paying your taxes is not an excuse. Member Mullen said this almost happened to her but her mortgage company looked out for her. Member Galloway moved to approve Resolution # 2022-37 to implement Act 57 of 2022; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 14 AUTHORIZATION TO ADVERTISE FOR PROVISIONS OF CLEANING SERVICES FOR FALLS TOWNSHIP

The township is requesting sealed bids for cleaning services for various township properties. This is a request to advertise. Member Palmer said he thought we wanted to stay with the same company because of the background checks and how hard it was to get a qualified company. Manager Takita said we would like to stay with the same company but because of the amount of the contract, it has to go out to bid. Member Galloway moved to authorize advertisement for provisions of cleaning services for Falls Township; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 15 RATIFICATION OF INDEMNITY AGREEMENT BETWEEN FALLS TOWNSHIP AND HIOSSEN FOR PROPERTY LOCATED AT 85 BEN FAIRLESS DRIVE

Mr. Clarke said this is a ratification of agreement to allow Hiossen to proceed with construction while they are waiting for DEP approval. The agreement is attached but the DEP has already issued its approval. This is something we do from time to time while a business is waiting for DEP approval. We allow them to move forward. There is an indemnification agreement that says if you don't get your DEP approvals and you have a full constructed building we are now at risk at all. We need to ratify the agreement. Member Mullen moved to ratify the agreement between Falls Township and Hiossen for

Board of Supervisors – November 21, 2022

property located at 85 Ben Fairless Drive; Member Palmer seconded the motion; all board members were in favor. (5-0)

ITEM # 16 CONSIDER ESCROW RELEASE REQUESTS

Member Galloway moved to approve the escrow release for W.G. Lincoln Properties in the amount of \$21,197.71; Member Mullen seconded the motion; all board members were in favor. (5-0)

ITEM # 17 APPOINTMENTS TO VARIOUS BOARDS, COUNCILS, COMMITTEES AND COMMISSIONS

Mrs. Rosemary Malisheski was the elected Auditor and recently passed away. Mr. Clarke said when there is a death of an elected office in the township, the township has thirty days to fill that vacancy otherwise it can be filled by the Court or it can be filled by the Vacancy Board. Chairman Dence said we have received some letters of interest but one of them is a township employee and the auditor cannot be an employee of the township. Chairman Dence moved to appoint Mr. Sean Murphy to fill the Auditor vacancy; Member Mullen seconded the motion; all board members were in favor. (5-0)

ITEM # 18 MINUTES – OCTOBER 17, 2022

Member Galloway moved to approve the minutes from October 17, 2022; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 19 ENGINEERS REPORT

Mr. Jones said there were five new earth disturbance applications and one land development application submitted. For the KA at Fairless Hills project (WAWA) we have met with the contractor and they will be starting soon. The NorthPoint Phase 2 buildings 4, 5, and 6 is now under construction for all site improvements. We already discussed the NorthPoint/Harsco rezoning. For the 6 Steel Road East development project, they submitted plans but they are in technical issues with our office and should appear before the Planning Commission next month. For the County Park/Lake Caroline path, Mr. Jones said he has had multiple conversations with their Engineer. We see eye to eye, and they will submit to FEMA and the project will be under construction this spring. The residences and the pools are nearing completion or completed. For the Township 2021 Road Improvement Project, they are now in the maintenance period. The 2021-2023 Road Improvement Project for Elderberry is substantially complete. The punch list is underway. The Pinewood Drive construction has commenced and the residents have been notified. Member Palmer asked about Mission BBQ. Mr. Jones said Mission BBQ has a similar issue with the DEP Act 537 sewer approval. They were authorized to proceed on the retail side of the building but the restaurant side they have to wait until DEP approves the planning module. DEP understands this is a pressing issue and they have assured us they will put that on the top of their list to approve. Member Palmer asked about the car wash project. Mr. Jones said for

Board of Supervisors – November 21, 2022

the car wash, we just recently communicated with the engineer and the permits are in hand. It is scheduled for construction. Chairman Dence said for the Rice Drive culvert, that went out to bid and no one bid on it. Mr. Jones said that is correct. General Asphalt and ABC Construction didn't have time to put the numbers together. Prices were also increasing. We can bid at any time so we intend to do it and can receive the bids and be ready to start in the spring.

ITEM # 20 BILL LIST

Member Galloway moved to approve the bill list in the amount of \$4,447,682.71; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 21 EXECUTIVE SESSION

Mr. Clarke said prior to the meeting, the board held an Executive Session to discuss personnel matters, matters involving Collective Bargaining Agreements and litigation.

ITEM # 22 POLICE DEPARTMENT REPORT

There was no police report this evening.

ITEM # 23 MANAGER COMMENT

There was no manager comment this evening.

ITEM # 24 BOARD COMMENT

Member Galloway wished everyone a Happy and safe Thanksgiving.


Member Boraski – No comment.

Chairman Dence also wished everyone a Happy and safe Thanksgiving.

Member Mullen wishes a Happy and safe Thanksgiving to everyone.

Member Palmer wishes everyone a Happy and safe Thanksgiving.

Member Galloway moved to adjourn the meeting; Member Mullen seconded the motion all board members were in favor. (5-0) The meeting was adjourned at 8:27 p.m.



Brian Galloway, Secretary

