

**TOWNSHIP OF FALLS  
BOARD OF SUPERVISORS MEETING**

**ROLL CALL:**

<b>ROBERT HARVIE, JR., CHAIRMAN</b>	<b>PRESENT</b>
<b>JONATHAN SNIPES, VICE-CHAIRMAN</b>	<b>PRESENT</b>
<b>JEFFRY DENCE, SECRETARY-TREASURER</b>	<b>PRESENT</b>
<b>PHILIP SZUPKA, SUPERVISOR</b>	<b>PRESENT</b>
<b>DOROTHY VISLOSKY, SUPERVISOR</b>	<b>PRESENT</b>

The meeting commenced at 7:00 p.m. with roll call and salute to the flag. All Board members were present with the exception of Member Vislosky. Member Vislosky joined the meeting at 7:45 p.m. Also present were Township Manager Peter Gray, Township Solicitor Michael Clarke, and Township Engineer James Sullivan.

**ITEM # 1 THE LEARNING EXPERIENCE – FINAL LAND DEVELOPMENT –  
8829 NEW FALLS ROAD – TPN 13-19-218 AND 13-19-219**

Manager Gray introduced this item. Representing the applicant is Mr. Kurt Schaefer. Mr. Schaefer said they received preliminary approval in February, 2011 and final approval from the Planning Commission last August. There are two waiver requests. The first is from Section 191.31A, regarding driveway radius of the turn must be located 24 ft. from the center lines and the second waiver request is from Section 191.36D, regarding a maximum grade of 5%. Mr. Schaefer said everything else is a will comply. Mr. Schaefer said the applicant plans to demo what is currently on this site and build an 11,000 sq. ft. daycare center which will be operated by the entity, The Learning Experience. Their facility will be licensed for 180 children, but 180 children never attend. They plan to operate at 80% capacity. Mr. Schaefer presented some information in regard to their operations. Member Szupka said he is not a big fan of this project. He is not saying the center isn't needed in the area; he is afraid of what will happen with the traffic since they are changing the traffic pattern on a busy road. The set back for the drop off and pick up area could, at times, back up onto the road and now we allow a shorter turning area on the other side. Member Szupka said he is looking at an area that will be very close to the road and possibly blocking traffic. There is a school up the street and a shopping center close by. Member Szupka said you have locations in Lawrenceville and Mercerville and one is on a high-density road, but there is a considerable setback at one location and the other location is on a road that is not busy. Member Szupka said he thinks this project will get approved, but feels that at times the traffic will turn into a real debacle. Member Snipes asked Mr. Sullivan if he had any comments on the waivers. Mr. Sullivan said both he and Mr. Baker do not have any concerns over these waivers. Member Dence said the applicant has been here several times and they did address what they asked them to. Member Snipes said he thinks this will be an improvement over what is on this property at the present time. Chairman Harvie said he heard Member Szupka's concerns and thinks all the board members had the same concern. Chairman Harvie told Mr. Schaefer when he was here they asked them to go back and do a



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traffic study and that was an extensive study. Mr. Schaefer said they tried to find a site that was comparable to their other sites. He said he appreciates Member Szupka's concerns, but said their traffic study addressed the issues brought forth by the township and said this will work. Chairman Harvie said at this school, the drop off is more staggered than a regular school with set start and end times. Chairman Harvie wanted to mention that The Learning Experience project has nothing to do with the water tower project. Member Snipes moved to open public comment; Member Szupka seconded the motion; all board members were in favor. (4-0) Mr. Guido Mariani said he thinks the traffic dilemma is imaginary. He spent time on New Falls Road during various times of the day, and he does not anticipate any traffic problems. There is a facility on Trenton Road and Woodbourne Road, where there is a lot of traffic, and they also have a traffic light at that location. What they do works for them. Member Dence moved to close public comment; Member Szupka seconded the motion; all board members were in favor. (4-0) Chairman Harvie asked Mr. Schaefer if they agreed with the October 7, 2011 Fire Marshal review letter. Mr. Schaefer reviewed the letter and said it was acceptable. Mr. Clarke said the applicant has received a copy of the resolution and there were some edits. He asked Mr. Schaefer if they reviewed and comply with the revised resolution. Mr. Schaefer said they do comply. Member Snipes moved to approve Resolution # 2011-21 for final land development for The Learning Experience, 8829 New Falls Road, TPN 13-19-218 and 13-19-219, granting the two waiver requests; Member Dence seconded the motion; all board members were in favor with the exception of Member Szupka who voted no. (3-1)

### **ITEM # 2 2012 BUDGET PRESENTATION AND AUTHORIZATION TO ADVERTISE**

Mrs. Betsey Reukauf presented the 2012 budget. The real estate tax will remain at 7.22 mills. A total of \$29,935,673 is projected to be spent in the year 2012. Mrs. Reukauf reviewed the list of proposed project expenditures. Chairman Harvie thanked Mrs. Reukauf, Manager Gray, and the township employees for their input to the budget. The 2012 budget can be viewed at the township building, on the township website, and at the Fallsington Library. Member Szupka said he knows this process started a few months ago and the staff has come up with what they wanted and then it was cut down. It has taken a lot of hard work. He would like to point out that even though it always appears that we stay in the budget, there are things that come up where we have to work outside the budget. It is hard in today's world. Member Szupka thanked everyone for their hard work on this and said we will see how this progresses. Member Snipes said our 2012 Road Program budget amount is just shy of \$6M. Member Snipes said he had asked Manager Gray if we needed to be as aggressive with next year's road program. The issue is with each year they wait, there are increases in costs. Member Snipes asked Mr. Sullivan if he could estimate what \$1 spent next year might cost in subsequent years. Mr. Sullivan said you end up saving money by doing as much as you can each year. It is hard to predict the price of asphalt. The cost of labor and equipment goes up. At this point, we are looking at about three more years to complete the road program. Member Snipes said there is an end in sight to some of these larger expenditures. Chairman Harvie said he had a similar conversation with Manager Gray about the road program and how much money they should be spending. Chairman Harvie said Manager Gray has been Manager for five years and was Finance Director for



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eight years before that. He has worked in this area for a long time and he trusts Manager Gray's judgment. People are looking for work so some bids are coming in lower. Chairman Harvie thanked everyone who worked on the budget. He said we are still financially stable, but we are still impacted by the economy. Member Snipes asked about the \$1M budgeted for the purchase of emergency radios. Mrs. Reukauf said all of the Motorola radios currently operate at 25 kHz and the bandwidth is being reduced to 12.5 kHz in order to provide more channels for emergency services. When that happens, all of our radios become obsolete. The original date of the mandate was by January 1, 2013 when everything had to be switched over. This means the radios have to be replaced by 2012. There has been a little bit of back and forth on that date. It may be a year difference, but it is going to happen regardless. The radios cost between \$5,000 and \$7,000 a piece and we need at least 90-100 in the police department alone. We have to set aside funding for this expenditure. It is a federal mandate and is unfunded. This is nationwide where everyone has to purchase new radios. Member Szupka moved to open public comment; Member Snipes seconded the motion; all board members were in favor. (4-0) Mr. Andy Dell asked about the trees to be replaced at the skatepark. Manager Gray said we did replace those trees several years ago. Mr. Dell asked if we planted those trees or if it was done by an outside company. Manager Gray said an outside company planted the trees and the warranty has expired. Mr. Dell said regarding the road program, he thinks with people looking for work you can lock them into their labor costs and leave the asphalt costs open. Mr. Dell said he thinks they would be willing to lock in their price this year for next year. Mr. Dell asked why we needed this many more channels on the radios. Chairman Harvie said the law was passed in 2006. They delayed implementation so municipalities could come up with the money. There is only so much frequency out there. More bandwidth is being used up by cell phones and wireless equipment. Mr. Dell asked how they come up with the millage rate. Mrs. Reukauf said the way they come up with the value of a mill is set by the assessed value of the properties within the township. A mill is approximately \$319,000 in real estate tax revenue to us. For each mill we charge that is approximately how much we expect back. In the smaller funds like the fire hydrant and the library, they have very few outgoing expenses we can nail that pretty close. We charge just enough millage to bring in enough revenue to cover those expenses, basically on a break even. We take those balances and add those to the general fund which has the highest number of expenditures. Mr. David Shaw said with regard to the road reconstruction, he shares some of the same concerns that were already mentioned. He works as a financial advisor in the township. He thinks that there is power in the type of volume we are talking about, whether to do something now or later. Mr. Shaw thinks that \$6M figure gives us the leverage to lock in the labor rates and also set up the contract so that the expenses are paid out over a 2-yr. period. He doesn't see why we wouldn't have the ability to make our own terms. Mr. Shaw said he is interested in hearing the figure of the total revenues that the township would bring in for 2012. Chairman Harvie said we get revenues from taxes, real estate transfer taxes, various money from the state, the crime prevention fund, and the highway aid fund. This information will be in the budget. Mrs. Reukauf will get that information. Mr. Shaw said he is not political by any means. He saw a newsletter sent out by Member Vislosky and it had talked a little about how the township funds were being invested. Mr. Shaw asked for clarification if what he read was accurate. Chairman Harvie said he did not look at the Vislosky newsletter so he cannot



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comment on what he did not see. Mr. Shaw said there was a community bank where approximately \$10M was being held and it had made reference to earning a 1/20<sup>th</sup> of a percentage point. Manager Gray said the township has several bank accounts. They are with First National Bank of Newtown, PLGIT, SEI, and First Service Bank. Mr. Shaw said he would like to know what they would do if they had a gap. Chairman Harvie suggested to Mr. Shaw that he would prefer, he could put in a request to ask a specific question on what he is looking for. (Member Vislosky joined the meeting at 7:45 p.m.) Mr. Roland Kenney asked if they are getting rid of their current radios. Chairman Harvie said the radios will be obsolete so they will not be able to use them. Member Dence moved to close public comment; Member Snipes seconded the motion; all board members were in favor. (5-0) Member Snipes moved to authorize advertisement of the 2012 Budget; Member Dence seconded the motion; all board members were in favor. (5-0)

**ITEM # 3    CONSIDER AMENDMENT TO CHAPTER 206 - WRECKERS**

Manager Gray introduced this item. The township is requested to consider an amendment to Chapter 206 – Wreckers. At the October 18, 2011 meeting, the board approved authorization to advertise. Some of the changes included in this amendment include: the weight of the heavy tow (26,000 lbs. or more); standard tow (less than 26,000 lbs.); all 2012 applications must be submitted to the township prior to December 15, 2011; they must have a fence no less than six ft. high to be included on the towers list; they have to have a yard no less than 10,000 sq. ft.; all storage lots shall be clearly identified for signage with name and telephone number of the company who owns the lot; each tow truck must have a broom, shovel, crowbar, and oil dry; there is also some additional language regarding violations. The Police Department has reviewed this document and there was a meeting held with the wreckers that work in the township. At this time the board is asked to consider adoption of this ordinance. Member Szupka asked if they will be discussing agenda items 3 and 4 at the same time. Chairman Harvie said they can speak about both items now. Member Szupka asked how they came up with a classification of a heavy tow versus a standard tow. He said maybe the heavy tow should be 26,001 lbs. and a regular tow is 26,000 lbs. or less. For the fees, did we do a survey of what insurance companies are paying so that we are not putting a charge in there whereby the customer, if it is an insurance job or warranty, will have to lay out extra money on top of it. Member Szupka said he thinks a heavy tow of \$225 is a light amount when you look at equipment that has to come out. You are probably looking at a \$500,000 piece of equipment that has to come out. Member Szupka said maybe that should be adjusted, but if the tow operators are fine with it, that is good enough for him. It talks about equipment that has to be on the wreckers. It mentions a crowbar, shovel, and oil dry. Maybe there should be a bucket or container included in order to clean up the oil dry. Member Szupka thinks this should be added to Section H. He would like to hear from some of the wreckers on their feelings over this. Member Snipes said it might be helpful to have some background as to why we are making some of these changes. Chairman Harvie said Section 13 deals with violations. There have been issues about complaints being made and they are finding out, in some cases, that the system in place now did not work as smoothly as they would like it to work. Lt. Airey has been working on a lot of these issues and he has received feedback regarding what should be happening. Lt. Airey said this came about because they did receive some complaints from the public and some things were not clear.



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They wanted the public to be treated fairly and they also realize the towers need to make a living. Member Vislosky asked Lt. Airey if he were satisfied with the changes that are being made. Lt. Airey said he is satisfied and feels it is fair. Member Dence said the big thing is the fee schedule being adjusted. It wasn't clearly defined in the past and this makes it cut and dry what the customer is being charged. Lt. Airey said they are requiring fences at this point. Chairman Harvie thanked Lt. Airey and Ms. Gallagher from Mr. Clarke's office for her work on this issue. Member Snipes moved to open public comment; Member Szupka seconded the motion; all board members were in favor. (5-0) Mr. Bill Leonhouser (Pennel Towing) said the amendment states they can tow up to 12 miles for that fee. He thinks the wording should be that they can tow within the township, not within a 12-mile radius. Mr. Leonhouser said 12 miles can take you into Northeast Philadelphia and East Windsor, NJ. Mr. Clarke said that change is only a 2 mile change from what it originally stated. Much of the fee schedule is in line with what other municipalities have in place. Mr. Brian Binney had a question regarding the debris removal. Is there a requirement in the ordinance that they have to sweep up the debris and is there a fine if the tower does not remove the debris? In Section 11B, it mentions that if they do not remove the debris, there are penalties that can be assessed. Member Snipes moved to close public comment; Member Dence seconded the motion; all board members were in favor. (5-0) Member Szupka said the difference in the basic tow – the light-duty tow, you will be basically dealing with cars and normal pick-up trucks. When you get into heavy-duty, he thinks the base figure AAA charges is \$350 just to roll the truck. Mr. Leonhouser said the price for big wreckers start at \$500,000 and the insurance is crazy in their business. Member Szupka said he is in favor of the residents, but he doesn't want to see them being taken advantage of. That is why he is dwelling on the heavy duty tow more than anything. Member Szupka said he thinks the price of a heavy duty tow should be higher. Mr. Leonhouser said his biggest concern is having his truck out of the township while he is on police tow. Member Szupka said the difference is in the weight. You can have a class C motorhome weighting 21,000 lbs., but you will not move that with the same vehicle. Mr. Leonhouser said once you put a vehicle 10,000 lbs. and over on the hook, you are automatically CDL. Member Szupka said he would like the wording to list heavy duty as 26,001 lbs. or more and regular tow as 26,000 lbs. and under. Mr. Leonhouser had a question regarding the charging of storage fees. Member Dence said if you tow a car on a Friday night, you charge them for the first night, but if you are closed on Saturday and Sunday, you cannot charge storage fees for those two days you are not open. Mr. Clarke said the idea was that if they couldn't get the car out because they weren't open, they cannot charge additional storage time. There is a provision in the fee schedule called unusual circumstances. It says that additional fees, at reasonable prevailing rates, may be applied in the case of unusual circumstances such as a seriously wrecked vehicle, cleaning up of an exceptional amount of debris, retrieving a vehicle in a remote area, and/or destination 12 miles or greater from the location of the subject vehicle or like situations. There are certain circumstances such as a rolled vehicle that has gone down an embankment and it will take five hours to remove. This is in there so they will be able to charge additional fees. Chairman Harvie said the existing ordinance says ten miles. It has been that way since 2005. Member Vislosky asked Lt. Airey who makes the decision of whether or not it is an unusual circumstance. Lt. Airey said the storage is only for the first 72 hours. After that if the vehicle is still there, they can charge



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additional days even if the business is not open. Mr. Clarke said if you were to bring it back to ten miles, he does not believe that would constitute a substantial amendment which would require re-advertising. If you eliminate it altogether and say it is only within the boundaries of the township, it might require re-advertising. In much of the discussions, when this was originally put in five or six years ago, there was a recognition that there may be someone who may be involved in an accident who needs their vehicle towed where they live in Bristol or Northampton where if they didn't have twelve miles, the car would be towed back to the towers lot and the person would have to get another tow truck to get it to their home. They thought the ten miles was reasonable. Member Dence asked if there had ever been any complaints from the towers. Lt. Airey said no. He said most of the time the vehicles go back to the towers or sometimes to the resident's house. Member Dence said he would consider being on the tow list a privilege and said you are representing Falls Township. Member Szupka said they can't deal with every circumstance that comes up, but the priority would be on the residents in the township. Chairman Harvie said he would prefer to keep it for ten miles or saying something such as keeping it in state he would consider reasonable. Member Vislosky said she wants to see our residents taken care of, but also wants to keep the towers happy. She would prefer to keep it the way it is now, as ten miles. Mr. Leonhauser said a couple of weeks ago during a snowstorm when he was on duty, there was no way he could have sent a truck out of town. Lt. Airey said the vast majority of towers don't go more than ten miles away. The board agreed to change the twelve miles back to ten miles. Member Vislosky moved to approve Ordinance 2011-7, Amendment to Chapter 206 – Wreckers; Member Dence seconded the motion. Member Szupka asked about adding a bucket for oil dry to the list. Mr. Leonhauser said if they sweep up the oil dry, the road will be slick. It has to stay on the road. A vote was taken on Member Vislosky's motion; all board members were in favor. (5-0)

**ITEM # 4    CONSIDER RESOLUTION AMENDING FEES RELATING TO THE SERVICE, TOWING AND STORAGE OF VEHICLES IN ACCORDANCE WITH THE TOWNSHIP OF FALLS CODE CHAPTER 206 - WRECKERS**

Member Vislosky moved to approve Resolution 2011-22, amending fees relating to the service, towing and storage of vehicles in accordance with the Township of Falls Code Chapter 206 – Wreckers, and keeping the miles at ten, not twelve; Member Snipes seconded the motion; all board members were in favor. (5-0)

**ITEM # 5    CONSIDER T&M PROPOSAL FOR ENGINEERING AND INSPECTION SERVICES TO INCREASE THE HEIGHT OF THE BACKSTOP AT THE POLICE SHOOTING RANGE**

Manager Gray said the township received a memo from T&M Assoc. regarding the police shooting range. The quote from T&M Assoc. for the design phase of the project is in the amount of \$9,000. Member Snipes moved to open public comment; Member Szupka seconded the motion; all board members were in favor. (5-0) Mr. Andy Dell asked what is there to design to pile more dirt on top of the back stop. Mr. Sullivan said they need a conservation permit to do this work. They have to prepare a plan that will need to be



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approved, then the berm needs to be constructed. It has to be compacted and is 300 ft. long. Mr. Clarke said if the berm isn't constructed and designed properly and there is an injury that results because it wasn't constructed and designed properly, our governmental immunity may not apply; so it needs to be designed and constructed properly. Mr. Dell asked about the material being used for the backstop. Mr. Sullivan said they plan on using the cover material from Waste Management. Mr. Dell asked how much height they will add to the backstop. Mr. Sullivan said about five to six feet. Member Dence moved to close public comment; Member Snipes seconded the motion; all board members were in favor. (5-0) Member Snipes moved to approve the T&M Assoc. proposal for the Police Shooting Range backstop in the amount NTE \$9,000; Member Szupka seconded the motion; all board members were in favor. (5-0)

### **ITEM # 6    CONSIDER AMENDMENT TO CHAPTER 193 – SEX OFFENDER RESIDENCY RESTRICTIONS**

Chairman Harvie introduced this item and explained why this item needs to be removed from the books. This was originally passed in 2005. Unfortunately, the Supreme Court in Pennsylvania has decided this violates the constitution. This ordinance would repeal the action taken in 2005. Member Snipes asked if we remove this protection, how are residents protected under state law. Mr. Clarke said the Pennsylvania Supreme Court stated that these ordinances, which were being adopted in many municipalities, were creating what they referred to as localized penile colonies and they believed it was restricting the rights of those who had been convicted of certain crimes from living in certain areas. The main reason it was struck down is that consistent with Megan's Law, there are already provisions in place where sex offenders are required to register with the state and when moving into a particular area, the local police departments are notified. There is a municipal law database on the state website where you can go and type in your zip code and you can find out within a certain radius where sex offenders live in your area. Sex offenders are required to register for at least ten years after being released from prison or having their parole complete. Some sex offenders are required to register for lifetime. If they move into or out of an area without providing their information to the local police department, they can be prosecuted. The Supreme Court said the dealing with this issue with those who are sex offenders was the purview of the state and therefore all of these ordinances which were being passed through the state were being pre-empted by state law. Member Snipes asked if these are offenders who have offended against both adults and children or just children. Mr. Clarke said it is not necessarily against all sex offences. Those involving children are automatically required to register and automatically classified as sex offenders. There is sexually-violent predator and that requires lifetime registration and that is usually preceded by a lengthy prison sentence. If you have committed a sex crime against a child you are automatically classified and automatically have to register. Member Snipes said we do not have a choice but to repeal what was passed earlier. He hopes residents of the township know they can look into this database and hopes this can be advertised on the township website. Mr. Clarke said there is no problem putting a link to the database on the website. Member Dence said in the past few weeks and months most other municipalities have also been repealing their ordinances. Member Vislosky said she had pictures against sex offenders on her website and that was a popular site where people visited. It was rather widespread and you could go



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to other states and can locate sex offenders within proximity to any address. Member Vislosky would also like to see a link to the database on the township website. Chairman Harvie asked Manager Gray to make sure there is a link to the database on the website. Member Snipes moved to open public comment; Member Dence seconded the motion; all board members were in favor. (5-0) Mr. Guido Mariani said you can go to the website and find the information and photographs of these people. Mr. Mariani said on September 22<sup>nd</sup> he sent to Chairman Harvie a note with a letter that Mr. Mariani sent to Representative John Galloway with what he thought the Legislature should do to close the gap. The Senate Judiciary Committee Chairman, Stewart Greenleaf expects to have a vote before the end of this year from the Legislature on the Registry Bill. Mr. Mariani said he thinks it would be helpful if our board, along with other townships, prompted our Legislature in Harrisburg to act promptly on this legislation. He thinks you ought to consider getting in touch with other townships and building a fire under our representatives. Member Snipes moved to close public comment; Member Szupka seconded the motion; all board members were in favor. (5-0) Member Snipes moved to approve Ordinance # 2011-8, repealing Chapter 193 – Sex Offender Residency Restrictions; Member Szupka seconded the motion; all board members were in favor. (5-0)

**ITEM # 7 CONSIDER AMENDMENT TO CHAPTER 209.92 – ZONING:  
COMPLAINTS OF VIOLATIONS**

Manager Gray said the board is asked to consider repealing Chapter 209.92. Part of the reasoning for this is that we already have a policy that if there is a complaint that is filed they are supposed to get in touch with the person who complained to let them know the outcome of the complaint. Mr. Bennett is aware and in favor of this change. Member Snipes moved to approve Ordinance # 2011-9, amendment to Chapter 209.92 – Zoning: Complaints of Violations; Member Dence seconded the motion; all board members were in favor. (5-0)

**ITEM # 8 CONSIDER T&M PROPOSAL FOR ENGINEERING SERVICES FOR  
THE THREE ARCHES BUILDING RENOVATIONS**

Manager Gray said the township received a proposal from T&M Assoc. to look at the purchasing and installing new shutters on the Three Arches windows, repairs to the front walkway and patio paver area, and rear walkway patio paver area. The board is asked to consider this proposal from T&M Assoc. in the amount NTE \$7,000. Member Vislosky said we wouldn't have had Three Arches if she didn't sue Danhurst. Member Snipes asked if this is budgeted. Manager Gray said yes. Member Dence said this is something we have been discussing for some time and it is good to see it getting done. Chairman Harvie said about \$4,000 is for the engineering and inspection services and \$3,000 is for the architecture of the historic nature of the building. Three Arches will be 300 years old in 2012. Chairman Harvie said they have had shutters that have been falling down. Member Snipes moved to award to T&M Assoc. the engineering services for the Three Arches building renovations in the amount NTE \$7,000; Member Dence seconded the motion; all board members were in favor. (5-0)



**ITEM # 9 CONSIDER T&M PROPOSAL FOR ENGINEERING SERVICES FOR 2012 ROAD PROGRAM**

Manager Gray introduced this item. There are twelve roads scheduled for full-depth reconstruction and eight roads scheduled for mill and overlay. The cost for the engineering services for this project is in the amount of \$676,088. Mr Sullivan said there are a couple of elements and some storm drainage problems identified by Mr. Arnao. There are a couple of pipes that need to be removed and some new pipes to be installed. Member Vislosky asked if there is still flooding in the lower part of Thornridge. Mr. Sullivan said he is not aware of any serious flooding issues on the roads, but the ditches need to be maintained. Member Snipes moved to award the proposal for engineering services for the 2012 Road Program to T&M Assoc. in the amount NTE \$676,088; Member Dence seconded the motion; all board members were in favor. (5-0)

**ITEM # 10 PUBLIC COMMENT – FIVE MINUTE LIMIT PER PERSON FORTY-FIVE MINUTE MAXIMUM**

Mr. Roland Kenney thanked Member Dence for attending the event at Pennsbury Manor honoring retired FBI agent, Robert Whitmann. Mr. Kenney apologized for not being able to talk with Representative John Galloway who also attended this event. Mr. Galloway said the 2012 Budget looked good. Mr. Kenney congratulated the winners of this past election. He explained how one vote can make a difference in the outcome of an election. Mr. Kenney said Holly Nights at Pennsbury Manor will be December 1<sup>st</sup> and 2<sup>nd</sup>. He invites the public to attend this event which starts at 5:30 p.m. each night.

Mr. Andy Dell asked Manager Gray if anyone had a chance to look at the trees along Tyburn Road. Manager Gray said they did identify the trees and the property owners. Several of the trees are township-owned and they will look into the matter to remedy the situation. They will also contact the homeowners along Tyburn Road as well. Mr. Dell congratulated the two new supervisors. He wishes them the best of luck.

Mr. Ed Matthias asked if it is possible to get a leaf drop-off site in Falls Township so residents can take their leaves to the site and not have to bag them and leave them at the curb. Chairman Harvie said there was one bulk disposal day where you can take anything you want, but it was a little bit before the leaves fell. Manager Gray said to have such a site, they would need the manpower to monitor it and turn over the compost. Chairman Harvie said there are three dates where you can put out leaves. Mr. Matthias said he knows other municipalities have drop off sites and thought this would be a good idea. Mr. Matthias said his main reason for being here tonight is on behalf of the Lower Bucks Flag Football Association. They have 150-250 kids in the league ages four and up; a lot of them from Falls Township. They also have an adult league. They are looking to get some money to do some things for their league. They play behind Emerson School on Mill Creek Road and asked if it is possible to have their games at the community park. They have a travel team which has been to Boston and and will be going to Florida in the middle of January. Since this league is through the NFL, they do help out, but with the economy, no one wants to purchase fundraisers and they are in need of funds. Mr. Matthias said they would like to



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purchase a concession stand and are looking at about \$5,000 to \$6,000 for that. Member Vislosky said she is prepared to support Mr. Matthias for the flag football league. Chairman Harvie said Mr. Matthias spoke about running a concession stand and there is a concession stand at the township park. We do have facilities where if you are looking to sell things you can certainly do that. A lot of leagues have to share the facilities. Chairman Harvie said he is glad to hear of this league doing so well. Member Vislosky moved to donate \$20,000 to this league. Chairman Harvie said we don't have a lot of information about this league. This board can't give you anything until you have documentation that you are a 501 (c) organization and we would like to see your budget. Chairman Harvie asked Manager Gray to talk with Mr. Reese and have Mr. Reese contact Mr. Matthias to try to work out a schedule and also look at the Quaker Penn Park. There are facilities they can use; they just have to schedule them. Member Vislosky said she has heard that before and you have too. She said this is for kids. We have done for everything and we can do this for the kids. Member Szupka seconded Member Vislosky's motion. Member Snipes said you asked for some basic information about the league which he thinks we should get and then we can move forward from there. He thinks a conversation with Mr. Reese will also help. Member Dence agreed. A vote was taken on the motion. Member Szupka and Member Vislosky voted yes. Member Dence, Member Snipes, and Chairman Harvie voted no. The vote did not pass. (2-3) Mr. Clarke said he asked Manager Gray to get in touch with Mr. Matthias to schedule a meeting so that Mr. Matthias can provide all of the documentation that was requested by the board.

Member Vislosky said this morning on the radio and all day long they were talking about the problems in Rhode Island. She spoke about the \$9B in pension deficit. They have to find \$3B before the end of the year or they cannot fund their pensions. Member Vislosky said she raised the issue of our police pension plan and said that is underfunded. Member Vislosky said it isn't just this country and the Obama Democrats; it is the entire continent. You saw what happened in Italy. France is in trouble along with other countries. Member Vislosky said she brought the deed to one of her houses with her tonight and said no one is calling her a liar. Member Vislosky said the first Waste Management contract was done in her dining room and she didn't take credit for it; nothing was said about it until they started to waste the money. Tullytown gives \$5K to their people; they are talking about \$6K a year now. We had \$32M after we paid our debt and the two supervisors who came on then promised they would match the debt and have \$32M in the black for us and that was a beautiful start. It is 16 years later and she heard Chairman Harvie say we have \$32M in our long-term savings. Member Vislosky said we started the 1995 contract with \$32M and asked what happened to it. She said she went through papers and couldn't find vital information. She said she kept asking for it from January of this year until now. She said there was a meeting of some sort because she received a letter from the solicitor's office telling her that they hired a lawyer to see if she is entitled to those records. Member Vislosky said if she is not entitled to records, then no one is entitled to those records. Member Vislosky said now we have problems because we are spending the interest from our long-term savings. Member Vislosky said she will have more to say later.



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### **ITEM # 11 MINUTES – NOVEMBER 1, 2011**

Member Snipes moved to approve the minutes from November 1, 2011; Member Dence seconded the motion; all board members were in favor with the exception of Member Szupka and Member Vislosky who both voted no. (3-2) Member Vislosky said the minutes are inaccurate. They are supposed to summarize the action by this board. Member Snipes said the minutes are excellent and thanked the secretary for her work. Chairman Harvie said the minutes are in narrative form and read some examples from the minutes.

### **ITEM # 12 ENGINEERS REPORT**

Mr. Sullivan said tomorrow they will be having a kick-off meeting about the senior center expansion. The boat ramp will be transported back to where they had it fabricated to add a rail on one side. They have one more puddle to address on the 2010 Road Program, and then it will be in the maintenance period. Member Dence moved to approve the October, 2011 Engineer's Report dated November 10, 2011; Member Snipes seconded the motion; all board members were in favor. (5-0)

### **ITEM # 13 BILL LIST – NOVEMBER 15, 2011**

Member Vislosky said she gave reasons why she continues to vote no on the bill list. She said they take the invoices and clump them all together. Member Vislosky spoke about the letter the solicitor's office sent to her. She asked Mr. Clarke if they had a meeting about her getting those documents. Mr. Clarke said his office reviews all open record requests. He said Member Vislosky filed an open record request. It wasn't that you weren't entitled to these records. Mr. Clarke said all of the records that Member Vislosky asked for were turned over. The only legal review that was done was to see if they were required or able to redact some of the information regarding account numbers and things of that nature because once that information leaves this building, we were concerned that people would have access to all of our account numbers and all of that information. That was the only legal review. He doesn't know what she is talking about when she says, "whether she was entitled to." The letter sent out said that they were asking for the extension, as it is permitted under the law, to complete the legal review. You got all of the information you asked for and it was sent to both of your houses. Member Snipes moved to approve the bill list dated November 15, 2011 in the amount of \$2,222,385.35; Member Dence seconded the motion; all board members were in favor with the exception of Member Szupka and Member Vislosky who both voted no. (3-2)

**ITEM # 14 EXECUTIVE SESSION – There was no Executive Session held.**

**ITEM # 15 MANAGER COMMENT – No comment.**

### **ITEM # 16 BOARD COMMENT**

Member Vislosky said she asked Member Dence at one meeting about reading records and he had replied at the time that he did. Member Vislosky wants to bring in someone who is a financial officer to look at our records. Member Vislosky asked if Mr. Shaw was here. Mr.



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Shaw was here earlier in the meeting. She said none of you are trained in finance and investments. Member Vislosky said sometimes the people who take these offices are dumb as dirt. She thinks we need to have someone come in to take a look at the records and she would like to propose to have the man who manages Tullytown's funds to come in here. She brought some of the records she has received, but said she won't tell what she has seen. She is making a suggestion here tonight to have some other financial investor take a look at what we are doing with our money and find out where the dike is leaking because we are losing so much money. We are spending all of our interest and we are still down to \$32M that we had when that first Waste Management contract was negotiated in her dining room. Member Vislosky said we rob from the interest money that they earned over the last 15 or 16 years and we balance the budget for all the spending happening here. She talked to George Fox in Tullytown and he was talking about their investments. Member Vislosky said George Fox is articulate in their finances and none of our board is. Member Vislosky said both she and Member Szupka will be leaving the board. We elected a school teacher this time to join Chairman Harvie. She will write about Snipes and said that is a special book. Member Vislosky spoke about her grandson who is studying to be a diplomat. Member Vislosky said she will ask Member Dence and Member Szupka to support her in bringing someone in, preferably the man who looks at Tullytown's financial records. Member Dence said every month the supervisors get a magazine in the mail. This month there was an article and it talks of how townships are only authorized to put their money in certain places. Member Dence read a list of where townships can put their funds. Member Dence asked Member Vislosky if she wanted a copy. Member Dence said we are limited as to where our money can go. Member Vislosky said we have \$20M in our police pension fund and we are not earning any money. She said she sees our money declining. She wants to know why the man from Tullytown can't take a look at our money. Member Dence said he is not sure he will support this tonight. Member Vislosky said if it happens that we don't get it tonight, then she can tell you that it will never happen because this is the only time she is certain that she will be here the rest of the year as she is having surgery in December.

Member Snipes thanked the Chairman and the staff for a mostly good meeting as they accomplished quite a bit. He congratulated Mr. Jeff Rocco and Mr. Brian Galloway for winning the election. Member Snipes said any questions they have about their budget or investments, that are in excellent shape, can be handled by the new board.

Member Szupka said we have had a snowstorm and trees down and now we have 70 degree weather all before Thanksgiving. We have Christmas coming up. To him it is just a little depressing to see all the Christmas advertisements before Thanksgiving. Member Szupka said Thanksgiving is a time to be with family and hopes everyone has a Happy Thanksgiving.

Member Dence said we had a semi-productive meeting. It was good to move forward with the Three Arches renovations. He wished everyone a Happy Thanksgiving.

Chairman Harvie said he received in the mail the financial statement for the senior center. They sent a copy of the report by the CPA who looked at the senior center books. Chairman Harvie said he will leave it here in the township building for anyone who may want to take a



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look at it. Chairman Harvie said there were a couple of issues regarding finances. There are outside firms that take a look at the finances. We have an auditor who makes a report every year in terms of investments. Manager Gray said we have Thomas Anderson who is our pension consultant for the police fund, we have Beyer Barber, who is our actuary, and we also have SEI. Chairman Harvie asked if it is safe to say that there are numerous financial firms that have an objective look at our finances. Manager Gray said there are various people looking at our accounts. Chairman Harvie asked Manager Gray when he started as Finance Director. Manager Gray said in August of 1999. Chairman Harvie asked how much money was in the long-term savings account. Manager Gray said in 1999 the balance was zero and now we have \$32M. Chairman Harvie said the leaf collection has two dates remaining. November 19<sup>th</sup> is the next date and the last date is December 3<sup>rd</sup>. You can put leaves out in paper bags or in trash cans without the lids. Chairman Harvie wanted to wish a Happy Belated Veterans Day to all the men and women who have served or are still serving. Chairman Harvie said the Holiday House Decorating Contest will be starting soon.

Member Snipes moved to adjourn the meeting; Member Dence seconded the motion; all board members were in favor. (5-0) The meeting was adjourned at 9:54 p.m.



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Jeffrey Dence, Secretary