

Board of Supervisors – December 6, 2011

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

ROBERT HARVIE, JR., CHAIRMAN	PRESENT
JONATHAN SNIPES, VICE-CHAIRMAN	PRESENT
JEFFREY DENCE, SECRETARY-TREASURER	ABSENT
PHILIP SZUPKA, SUPERVISOR	PRESENT
DOROTHY VISLOSKY, SUPERVISOR	ABSENT

The meeting commenced at 7:04 p.m. with roll call and salute to the flag. All Board members were present with the exception of Member Dence and Member Vislosky. Also present were Township Manager Peter Gray, Township Solicitor Lauren Gallagher, and Township Engineer James Sullivan.

**PRESENTATION BY THE FALLS TOWNSHIP COMMUNITY AND
ECONOMIC DEVELOPMENT COMMISSION**

Mr. Hess, Chairman of the Falls Township Community and Economic Development Commission presented their ideas on the Lincoln Highway Corridor. Mr. Hess said that the CEDC was founded by the Board of Supervisors in 2002. The CEDC is strictly an advisory body, and its main role is to seek ways to promote economic development within the Township. The board was originally a seven member board but was cut down to a five member board with difficulty maintaining a full member slate and is still having problems filling the board. There are two current vacancies. Anyone interested should contact the Supervisors or Manager. The meetings are held every fourth Thursday at 7:30 p.m at the Township Building. Initially, this project was focused on the Riverfront area on Pennsylvania Avenue with possible development opportunities. Eventually, the Township undertook the work on Biles Island so it took the interest in the development potential. The presentation tonight is mainly focused on the Lincoln Highway Corridor. It starts at Oxford Valley Road extending to Tyburn Road. We are looking into the conditions of the Lincoln Highway corridor and what some of the issues and concerns with businesses are and what development opportunities there might be. The slide presentation is to help promote the modification and beautification of the existing antiquated shopping areas on the Lincoln Highway corridor. The first thing they would look at is economic development, design or appearance, and transportation issues and traffic flow. Conditions are constantly changing and we are trying to stay abreast with all the changes with businesses and vacancies. Manager Gray and his staff sent out letters to businesses and property owners in the surrounding area when they sent out the yearly business licenses. Fifteen business owners attended a meeting to explain issues that were affecting them and ideas for improvements. Transportation issues that were addressed were speed of traffic, unsafe turning movements, lack of bus service and difficult environment for bicycles and pedestrians. Some of the issues that people felt that were lacking in the design aspect of the plan were landscaping, presence of utility poles and overhead wires and sign clutter.

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The land use alternatives that were tried to identify were automotive base and small retail uses. Desirable regional destinations included a big box retail, chain restaurant and Ikea. Neighborhood base uses included small grocery shops or a town center, residential development like open space or park land. It was almost unanimous that all the categories listed were all extremely important to future development. There are no plans at this point. We are just gathering ideas for the future. We are looking into a four lane to three lane cross section, adding in bike lanes and landscaping to give it a more appealing factor. There is potential for residential use on the corridor on the land use and development side. The next step in the process is to continue what we are doing and look more into the improvement concepts. We also would have to get PENNDOT involved since Lincoln Highway is under state jurisdiction. DVRPC is a transportation agency which provides grants to towns to do studies into getting us ready. TCDI is another agency to look into. If the Township looks into this further, we can look into these two agencies. Chairman Harvie thanked Mr. Hess and the Board for presenting all the information. Member Szupka also thanked Mr. Hess and the Board. Member Snipes asked if Mr. Hess can go into further detail with the Gateway idea. Mr. Hess explained that the Gateway treatment can involve landscaping, treatment to the roadways regarding the median with signage and landscaping. It gives a different context to the area rather than being just a strip corridor. Member Snipes said that people will oppose going from a four lane to a three lane highway. Mr. Hess said that there will always be some that will oppose it. Studies show that the four lane cross section is the most dangerous highway for crashes. The Engineers may look at that as an improvement. Member Snipes asked Ms. Gallagher if we could look into more mixed use. Do we have to look at special zoning? Ms. Gallagher said we have to look into the zoning codes and whether or not that would have to be adjusted. Mr. Sullivan said we would have to look at the uses on the corridor. Ms. Gallagher said that it would require a Use Variance. Member Snipes wanted to know whether it would attract a mixed use concept or deter them. Mr. Hess said some research developers think there is a demand for that type of development.

ITEM # 1: SOUTH END AUTO PARTS, INC. – WAIVER OF LAND DEVELOPMENT, 791 WEST BRIDGE STREET, MORISSVILLE, PA 19067. TMP # 13-18-82.

Chairman Harvie introduced the Waiver of Land Development for South End Auto Parts, located 791 West Bridge Street. The applicant is installing a truck scale for weight measurements. Eric Goldberg, Esquire, said that they are requesting a Waiver from Land Development for a truck scale for South End Auto Parts. The main reason for this is for economic viability of the business. Without the scale, they are unable to accurately determine how much they are purchasing. South End Auto Parts feels they are overpaying. They are seeking 9 waivers. The Planning Commission is recommending waivers and the applicant already went in front of the ZHB. South End Auto Parts had to seek a dimensional variance because the scale will be located within the front yard setback. Chairman Harvie had a question regarding the December 2, 2011 review letter and also discrepancies in the resolution as it was drafted. In the review letter Mr. Goldberg referenced 191-77 (C) (5), which is stated in the resolution. Mr. Sullivan

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confirmed that it was 191-78 (C) (5). Mr. Sullivan also stated that 191-81 is a will comply and no waiver request is needed. Chairman Harvie also confirmed with Mr. Goldberg that 191-81 is a will comply and Mr. Goldberg confirmed. Member Szupka asked how long the business has been there. Mr. Goldberg said six decades. Member Szupka had a concern regarding the four waivers. The curbs and trees are a waste of time to put in. In 191-78 (C) 3, all the monuments have to be found and put in so we have an accurate survey. C3, C5, C8 should not be waived and need the right sight calculations. Member Snipes asked Mr. Goldberg to describe what the truck scale will look like and where it will be. Mr. Goldberg stated that it will not increase traffic. The truck scale is setback 20 feet or so from MY Lane. The reason for it to be placed in the front yard is because it is a corner property and because everything will be done manually from the office. If it was located further back the applicant would not be able to see what is going on. Member Szupka confirmed that the trucks will be weighed on the way in and also on the way out. Member Snipes would like to hear from Mr. Sullivan on the requested waivers in regards to the site capacity calculations, the aerial contours and the locations of the monuments. Mr. Sullivan stated it's in the ordinance. The plan is based on a previous survey done by another company. They would have to do a field survey to determine whether there are monuments there and if they are not, they will have to put them in. They haven't established a benchmark nearby which would require a survey to be tied to a benchmark. Site capacity calculations are not required in this case because they are just putting a truck scale on the existing property. Mr. Goldberg said the applicant is looking to remain economically viable. They are looking to proceed before the weather turns for the worse. Member Snipes mentioned not planting street trees because the front end is tight. Maybe they could donate trees elsewhere and he is not sure where the board stands on that. Member Harvie stated the Fire Marshall was ok with everything. Member Harvie said that he is in agreement with Member Szupka with item numbers six and seven in the resolution. He is also in agreement with Mr. Sullivan on Section 191-78 (C)(8). It is not necessarily needed. He would like to grant all the waivers except number six and seven. There is no public comment on this item. Member Harvie mentioned that since there are only three board members present, all three have to be in agreement or it does not pass. He would like to see 191-78 (C) (3), and 191-78 (C) (5) done. Member Szupka asked Mr. Sullivan if they can stipulate that the monuments be in place and if that would be a problem. Mr. Sullivan said they can make that a condition that the monuments are placed there before we issue a Certificate of Occupancy to use the truck scale. Mr. Goldberg said if it gets approved with items six and seven not being waived but submitted at a later date, at least they can start some of the work. Mr. Sullivan mentioned that they can do an As-Built survey. They can obtain a Temporary Certificate of Occupancy with the stipulations being in place. Mr. Goldberg said that is agreeable if the board approves. Member Harvie entertained a motion to approve **Resolution 2011-23** granting all waivers except six and seven and stipulating a permanent Certificate of Occupancy will not be granted until sections six and seven are complied with. Mr. Goldberg agreed as long as they can start the foundation work. Mr. Sullivan stated they will allow them to record the plans with notes of these conditions and move forward with the Earth Disturbance Permit, foundation, footing permits and move forward with the project. Member Harvie asked Ms. Gallagher if she agreed.

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will improve financial reporting by providing fund balance categories of classification that will be more easily understood and more consistent. Users will have the information they need to understand the processes under which the use of resources are constrained and the strength of those constraints. A resolution has been prepared for the board's consideration tonight for the Gasb 54 Fund balance policy. Member Harvie asked what GASB 54 is? Manager Gray said it is Governmental Accounting Standards Board, which puts out new requirements that we have to enact here at the Township for our books, which is a federal agency. Member Harvie asked if the fund titles are changing to make it more user-friendly. Ms. Reukauf said the fund titles will remain the same. It's the balances remaining in each of those funds. Basically what it is trying to do is show you what amount of that balance is useable for certain things. Is it restricted legally to one use, committed by the board for a particular use? It shows how it is restricted and the strength of the restrictions whether it is board level, legal level, etc. It depicts a broader range of how the money is being used and by whom. Member Szupka asked if this is something that they are required to do to comply with State regulations. Ms. Reukauf said yes and that annually she submits the financial statements for the certificate of achievement through the GFOA. If they do not come in compliance with GASB 54, my financial statements won't be eligible. This is an award that we have got in the past 13 years. Member Snipes asked if this is something they have to pass. Member Harvie said this is a resolution they have to adopt, which will be Resolution 2011-24. Member Snipes asked if this is being put in place to make sure that municipalities are protecting money well. Ms. Reukauf said that it is a help to board members and to the residents for transparency. When the budget comes around again, everyone can see what they are working with when you go forward to budget revenues and expenditures against a current fund balance and you will know what you will be left with at the end. Member Snipes made a motion to open Public Comment. Member Szupka seconded the motion. All board members were in favor. (3-0). Mr. David Shaw stated that he was piecing through the proposed budget and was uncertain about the ambiguity of the transparency of it. He feels that it is extremely important. It is difficult enough for the non-financially educated individual to understand the types of financial statements or balance sheets. The Government's intention is to have the language be as consistent as possible. I would also like to mention that I would like to see a better effort from the finance team when they created the proposal for 2012, to adopt the same type of consistencies in the language. I shared my concerns with my clients about the proposed budget and they agreed that they were misinformed with what they read. I was in two weeks ago and listened to Ms. Reukauf go over the details and I had a good understanding of the blueprints of what was happening. Some of my clients that live in this Township were opposed because they misread it and it created an unsettling feeling of misappropriation of funds. Member Snipes made a motion to close Public Comment. Member Szupka seconded the motion. All Board members were in favor. (3-0). Ms. Reukauf said that next year the Township will provide additional line items that will show the fund balance broken down. She also supplied a memo to the board which she put out with the budget that breaks it down in English. She also suggested putting out a cover sheet on the budget document as well. Member Szupka made a motion to Adopt Resolution #2011-24; Member Snipes seconded the motion. All board members were in favor. (3-0)

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**ITEM # 5: PUBLIC COMMENT – FIVE MINUTE LIMIT PER PERSON
FORTY-FIVE MINUTE MAXIMUM**

Mr. Gary Thompson said the meeting was talking about bringing in new businesses. His business down the street was robbed for a few hundred thousand dollars. The police force, Detective Small, didn't question anyone. There were cars stolen, all kinds of stuff. We are standing there with our budget of 9.4 million dollars and Detective Small just walks in circles. He doesn't even do anything about it. He asked if there was anything that we could do to motivate him or his boss or have any suggestions. Member Harvie said that he does not know the specifics of what happened with the burglary. Member Harvie said we have a high degree of confidence in our police force and Detective Small is not here to defend himself. Chairman Harvie said he would discuss it with the Chief of Police and get some background of what is going on. Mr. Gary Thompson said that we are discussing new businesses entering our township and businesses that are already here are getting burglarized and the police department is doing nothing about it. Member Harvie said he is sure there is something being done, maybe not to your satisfaction, and I apologize. Our police force is very good and I am going to defend them until I find out otherwise. I am going to withhold any further comments until I speak with the Chief of Police about it. Ms. Madeleine Jones would like to ask about leaf collection in Falls Township and what surrounding municipalities have. Ms. Jones would like the board to reconsider the discussion of leaf collection in our municipality. Some businesses do not even pick up their leaves or they dump on private property or have companies clean up their leaves and put it in our sewers. Mr. Andrew Dell stated that a couple of meetings ago there was a discussion that TOFA was suppose to pay the Township. Member Harvie said we received 16 million dollars. Mr. Andrew Dell wanted to know if we signed off on the loan that was taken out for that money. Member Harvie said we are essentially guaranteeing the loan. It's standard procedure when you have a water authority and a municipality. Ms. Reukauf said that is was just shy of 17 million dollars. Mr. Andrew Dell asked where that got placed. Manager Gray said that it went into the Capital Reserve Fund so it currently is earning interest. The Capital Reserved Fund is for money that is set aside for future projects.

ITEM # 6: EXECUTIVE SESSION

There was no Executive Session held.

ITEM# 7: MANAGER COMMENT

Manager Gray said that the first item pertains to the DP Auto Body and Mechanical Services. On October 26, 2011 at 10:00 a.m. a hearing was conducted in front of the Township Manager regarding an allegation that DP Auto had overcharged on an invoice for a tow that was conducted on September 8, 2011. On September 8, 2011 an invoice was submitted from DP Auto Body and Mechanical Services for the amount of \$175.00. It was alleged that the invoice included an overcharge for the amount of the tow itself and

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improperly charged an administrative fee and improperly charged another fee. The township has not paid the invoice. Based on the evidence presented, it was recommended that the Township require DP Auto Body to submit a revised invoice that reflects the total of \$75.00 and reduction of \$100.00, the total amount of the overcharge. A written warning is issued to DP Auto Body stating that further violations of the Townships towing ordinance or fee schedule could result in a revocation of its towing license. Member Harvie stated that the recommendation is to ask DP Auto Body to submit a revised \$75.00 charge and to receive a written warning about the policy. No public comment needed. Member Snipes made a motion to accept the recommendation; Member Szupka seconded the motion; all board members were in favor. (3-0)

Manager Gray said the next item concerns the Falls Township Police Pension Plan Act 51 Killed in Service Death Benefit. Our insurance broker Gerry Vaughan has secured four quotes for the coverage to replace our expiring policy that was secured at a cost of \$20,683.41. Our current insurance policy with Chartis expires as of December 14, 2011. Our four quotes are as follows: Hartford Insurance Group for \$500,000 limit for \$9,586.00 for the annual premium. The second also from Hartford Insurance Group: \$750,000 for the annual premium of \$14,352. The second one for Chubb Insurance Company: \$28,333. The third was from Peterson International Underwriters. There were two separate quotes; one was five times the officer's salary for \$110,975 and ten times the officer's salary for \$227,750. The final one was from Lloyds of London, ten times the officer's salary, \$114,396. The recommendation of Mr. Vaughan is that we secure coverage of \$500,000 per officer through the Hartford Insurance Group at an annual cost of \$9,586.00. The board is asked to consider this insurance policy. Member Harvie asked if the \$9,586.00 is the total premium for the year. Member Szupka asked if the amount of sworn officers we have affect the premium. Manager Gray said that this is the policy for all the police officers for the one year period. Member Snipes asked if in terms of the benefit paid in case of a tragedy like this happens, is this your recommendation that the Hartford Group benefit is similar to what we are receiving now. Manager Gray said no. The one with Chartis does not have a cap on it. There were times in the past why Chartis had some reasons why they are not continuing in this plan. The cap is limited to \$500,000 per officer going forward for this one year deal. Member Snipes stated that the insurance that we had is no longer available. Manager Gray said yes. Member Snipes made the motion to open Public Comment; Member Szupka seconded it. All Board members were in favor. (3-0) Mr. David Shaw said there are a lot of variables to someone's financial health. When you are trying to replace the income that is being lost to a family in case of a death, the \$500,000 seems inadequate to me. He apologizes for his lack of understanding of the benefits that officers receive whether from the township or the state but feels that the second offer of \$750,000 would be more adequate. Member Snipes makes a motion to close public comment. Member Szupka seconded the motion. All Board members were in favor. (3-0) Member Harvie said they were given a copy of the contract that they had with the police department. Is there anything that would be in addition to this contract? Ms. Reukauf said that the \$500,000 is what we are insured for. If an officer is killed in the line of duty, the insurance policy will pay \$500,000 into our pension plan to assist us in our payout to the officer's family. The police officers salary

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goes to their spouse for the rest of their life. It's insuring our pension plan. If the Township chooses not to supply their own, then the State would cover that expense. We have a contract through the police department through their union. It is subject to negotiations through the Police Union whether that remains in the contract. Member Harvie said that the recommendation by Manager Gray and Mr. Vaughan is to go through the Hartford Insurance Group at \$500,000 per officer, annual premium \$9,586.00. Member Snipes made a motion to award this to Hartford Insurance Group for the annual premium of \$9,586.00; Member Szupka seconded the motion; all Board members were in favor. (3-0)

Manager Gray said the township received a memo from Tom Hecker, Esq., dated November 23, 2011 regarding the Land Development Application for Viking Associates. The application is set to expire on December 31, 2011. Mr. Hecker is requesting an extension on the project until March 31, 2012. The board is asked to consider this extension. Member Szupka makes a motion to grant the extension for Viking Associates to March 31, 2012; Member Snipes seconded the motion. All Board members were in favor. (3-0)

Manager Gray said he has another letter from Tom Hecker, Esq., dated November 23, 2011, regarding the Land Development Application for CNG Fueling Station at 451 Tyburn Rd. This application is set to expire on December 27, 2011. There is a request for an extension for this project until March 27, 2012. The board is asked to consider this extension. Member Snipes makes a motion to grant the extension for CNG Fueling Station to March 27, 2012; Member Szupka seconded the motion. All Board members were in favor. (3-0)

Three Arches will be having their annual Children's Holiday Party on Saturday, December 10th from 4:30 to 6:30. There will be food, entertainment, games and a special visit from Santa Claus. This event is free for families with children from ages 2 to 12 years of age. The tree lighting ceremony will be immediately following the event. The annual breakfast with Santa Claus will be held on Saturday December 10th at the Three Arches from 10:00 am to 12:00 noon. There will be food, entertainment, games and a special visit from Santa Claus. This event is free for families with children from ages 2 to 12 years of age.

ITEM #8: BOARD COMMENT

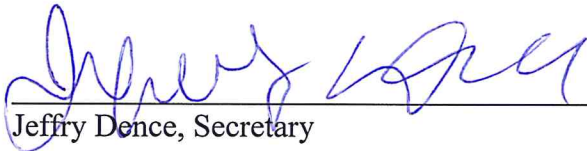
Member Snipes also announced the Holiday celebrations happening in the Township. A note from Historical Fallsington: Christmas in Fallsington, Annual Tree Lighting Ceremony on Sunday December 11, 2011 at 6:00 p.m. Gather around the Christmas tree in front of the Stage Coach Tavern. At 6:30, the Jolly old elf will arrive to visit all.

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Member Szupka wanted to mention to remember December 7th, in which 70 years ago tomorrow we remember Pearl Harbor. Take some time to reflect on what that generation has done for us. All the servicemen and woman that are serving now please keep them in your prayers. Keep in mind all the places to make donations to make it a happier holiday for all the service personnel. Member Harvie mentioned Ms. Jones speaking on behalf of leaf collection. She referenced from the last meeting an area that people can take their leaves to. Mr. Arnao from Public Works is not in favor of it. He feels that it would take his staff away from their more critical duties. We do have free leaf collection three times during the year. Collections for the year 2012 will be held on Saturdays, spaced two weeks apart, which gives enough time to rake, bag and have them out on the street. There's another spring collection also. Member Harvie mentioned a public website in case anyone that is interested in debunking myths and urban legends. The website is called snopes.com. It is a very informative website that looks into emails and rumors. Member Harvie also mentioned that we have a house decorating contest going on through the Township. We usually have five winners that we award different prizes to in January.

Member Szupka entertains the motion to adjourn; Member Snipes seconded the motion. All Board members were in favor. (3-0)

The meeting was adjourned at 9:05 p.m.



Jeffrey Dence, Secretary