

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

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

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 7:05 p.m. Also present were Township Manager Peter Gray, Township Solicitor Michael Clarke, and Township Engineer James Sullivan.

PERFORMANCE BY THE MEN OF HARMONY

Mr. Bob Thompson, President of the Men of Harmony, gave some history about their group. The Men of Harmony then performed four songs. They will hold a concert celebrating 60 years of singing in the Delaware Valley. The concert will be held on Saturday, April 30th at 3 p.m. at Conwell-Egan High School. Admission is \$10; children under 12 are free. For more information, send an e-mail to menofharmony@hotmail.com or visit www.themenofharmony.com.

**ITEM # 1 74 JENNIFER LANE – PRELIMINARY LAND DEVELOPMENT –
TPN 13-33-112**

Manager Gray said the applicant is represented by Mr. Douglas Maloney. Mr. Jeff Skinner, Engineer was also present as well as Mr. Bob Manzo, from Jakoba LLC, who is the owner of the property. Mr. Joe Ciambrelli is the investor and builder of the house. Mr. Maloney said when this subdivision was approved, it was approved twice – once in 1987 and once in 1995. When it was approved, there was a note put on the plan providing that all buildings had to be set back at least 20 feet from the 100-year flood plain limit. That was fine for all of the other lots except for this one. This one, based on the configuration, is a triangular parcel and it greatly restricts the depth of the house if they were to comply with that note. They are seeking relief from that because they would either end up with an extremely small or oddly-shaped house. The township's suggestion was to file a new land development plan and come forward so this could be approved for this parcel without that note. If this were land development, they would need a waiver. This entire property is within the wetland margin. They are not building in the flood plain and they are not building in the wetlands. They do have to disturb the wetland margin. Mr. Maloney sent out a notice to the entire neighborhood so the neighbors would know what they are doing here. Member Szupka asked about the green line on the aerial photograph and if that were the edge of what is considered the wetlands. Mr. Skinner said yes. Member Snipes also questioned the green line and asked if it were the flood plain or wetlands. Chairman Harvie said there are two green lines. Mr. Skinner said the green line in front of the house is the 100-ft. margin. The

green line behind the house is the wetlands line. Member Dence asked about the blue line on the plans. Mr. Skinner said the blue line is the flood plain line. It runs parallel to the wetlands line. Member Snipes asked Mr. Sullivan to comment on the wetlands, the 100-ft. margin, and how he sees things intersecting on this property. Mr. Sullivan said the ordinance defines flood fringe when there is a mapped flood way. For this creek there is a flood way. You can disturb the flood way fringe which they show on their plan with the house, if there is no one foot rise in the flood way. By calculations, the applicant has shown that to be the case. As far as the wetland margin goes you are only to disturb 20% of the wetland margin. In this case they are disturbing 100% of the wetland margin. He asked for an aerial of the entire wetland to see what the total disturbance of the wetland margin is for that particular wetland. This map shows some of that, but not all of that. Member Snipes asked if the 100% was a new rule once these homes were built. Mr. Sullivan said a lot of the development has encroached on the wetland margin. Member Snipes asked if there was a history of flooding. Member Dence said on Rock Run, yes. Member Dence asked if the house that is under construction had been under construction for a long time. Mr. Maloney said yes. Member Snipes moved to open public comment; Member Dence seconded the motion; all board members were in favor. (5-0) Mr. Scott Scheffler said he has lived at 27 Jennifer Lane since 1991. He said there has been flooding as far as up to 62 Jennifer Lane. Mr. Scheffler said the construction at 70 Jennifer Lane began about 3-4 years ago and it still is not completed. They had been asking a lot of money for that house. Mr. Scheffler said it does encroach on the wetlands. He wonders if this project will increase flooding and also affect other houses. Mr. Scheffler said 66 Jennifer Lane had flooding issues as well. Mr. Maloney said Mr. Scheffler has normal concerns. He said this project is not in the wetlands and they are not in the flood plains. They will not increase the flood stage at all as stated earlier by Mr. Sullivan. If the current houses on that street flooded in the 1990's, there may be nothing one can do if there is an extremely major rain event. It could be that their sump pump was not working; he does not know. Member Vislosky asked Mr. Sullivan about the soil in this area. There are three types of soil here. They are hatboro, mada peak and othello. Member Vislosky asked about the ratio between the soils as far as the drainage is concerned. The property drains from the front, back to the creek. Mr. Skinner said the basement is 1.5 feet above the flood zone. It would meet all FEMA requirements and would not require flood insurance. There is a 10-15 foot rise from the back of the property to the basement. The front door is set above the flood zone. Member Vislosky thanked Mr. Scheffler for speaking. Mr. Tom Ryan lives at 78 Jennifer Lane. He is not sure if he is for or against this project. He would be concerned if this did impact the flooding. He has been in his house for 2-1/2 years. They have had a little bit of water in the basement and he had to get flood insurance. Mr. Ryan said he is also concerned about how quickly this gets done. Mr. Skinner said Mr. Ryan's property is lower in elevation than this proposed project. Chairman Harvie said the elevation lines look almost identical to the house project that is under construction. The slope looks pretty close to being the same between the two houses. Member Snipes moved to close public comment; Member Dence seconded the motion; all board members were in favor. (5-0) Member Vislosky wondered why it was taking so long to build the other house. Mr. Maloney said it is not his project; he doesn't know. Member Vislosky said water scares her. Mr. Scheffler is not aware of why the process of the current construction is taking so long. He knows the asking price was around \$500,000 and doesn't

know if that was an issue. Member Szupka said in the letter from Mr. Sullivan, it talks about the 100-year flood plain and the 100-year storms. He is also hearing about what FEMA requires. The Midwest got hit by a large storm that people didn't think would ever hit their house and look at Katrina. FEMA has a lot of regulations. We are going into a cycle where we are getting more and more storms. We are taking down a lot of trees and a lot of shrubs. He has a fear it will create more issues with water in this area. Member Szupka said he cannot support this. Member Snipes asked if the requirement of the 100-ft. set back from wetlands is an increase of what used to be 20 feet or has this been long standing? Mr. Sullivan said this has been long-standing. Member Snipes said if all of the other houses were built within that 100-ft. area, why single out a few that haven't been built yet. However, if there are serious issues of potential flooding in the area then that is another issue. It is complicated. Mr. Clarke said all of the other properties that were built do not encroach on the 20-ft. set back; this property will. Mr. Clarke said the issue that is before you this evening and the waiver that is being requested deals with encroaching into the 20 feet of the flood plain and also the 100-ft. wetland margin. Member Vislosky wondered what percentage of the lot the dwelling unit will take. Mr. Maloney said the building area ratio is 11% of the lot size and the impervious surface ratio is 16%. In both of those cases they are well below the ordinance requirement. Member Vislosky said one nagging question to her is the undeveloped house and if that has anything to do with drainage. Mr. Maloney suspects it has more to do with economics. Mr. Clarke said the undeveloped property was part of the previously-approved land development. The fact that the property may be unfinished now, even though it was done as part of a previously approved land development application, really doesn't affect the review of this. If the majority of the Board is inclined not to approve this land development, he would advise you not to base this on the one undeveloped property. This applicant should not be held responsible by the deficiencies of another applicant or another development. Mr. Clarke said they do not comply in all respects of the ordinance. Member Szupka said it was stated the house takes up 11% and asked if that was 11% of the entire lot. He asked how much it takes up excluding the flood plains and wetlands. Mr. Skinner said the lot is completely within the wetlands margin line. It comes out to the street. Member Dence asked how much of that lot is buildable. Mr. Skinner said about 50%, so it would roughly be 22% which is still well under the 30% allowed by your ordinance. Mr. Clarke said by approving preliminary it would, in essence, be approving final because the applicant's plans would not be changing dramatically. The applicant is at the end of their time period from when they had the right to have their application heard so it either has to be approved, denied, or Mr. Maloney needs to grant us another extension. Member Dence moved to deny preliminary land development for 74 Jennifer Lane, TPN 13-33-112; Member Snipes seconded the motion; all board members were in favor. (5-0)

ITEM # 2 CONSIDER PURCHASE OF INCLUSIVE PLAY SPACE AT THE FALLS TOWNSHIP COMMUNITY PARK

Manager Gray said a quote for inclusive play space equipment at the Falls Township Community Park has been secured. The total cost of the project is in the amount of \$188,659. It is from George Ely Associates and is off of the Co-Stars list. This has been

approved in the 2011 budget. Manager Gray said they have endorsements from the Disabled Persons Advisory Board as well as the Parks and Rec Department. Ms. Tara Ely and Mr. Bill Reese spoke about the equipment. Mr. Bob Leary from the Disabled Persons Advisory Board is in the audience and is available to answer questions. Mr. Reese said the inclusive play space is accessible for anyone in a wheelchair and is completely handicap accessible. Any child can go on this play space. The equipment will be located in Phase 1 along the parking lot between the soccer shed and the garage. The dimensions are roughly 100 ft. x 40 ft. Ms. Ely said the inclusive nature of this set is unique because it not only allows any child of any ability to play on this, but also parents, relatives, anyone who has a disability can also access the elevated play area equipment as well as the ground level components. The surface is also accessible and allows people to easily maneuver on and around the playground. Mr. Sullivan asked about the fall height. Ms. Ely said the fall height is 6 feet. Member Vislosky asked if there are other manufacturers who make this equipment. Ms. Ely said there are several that do similar designs. Manager Gray said they went off of the Co-Stars list. There are other vendors on the Co-Stars list. They have worked with George Ely for many years. Mr. Clarke said this was not a bid. They went off of the Co-Stars list. They are vended through the state and they provide a non-negotiable number on their equipment. When someone like George Ely Associates offers this equipment it is at a highly competitive price and you are saving the cost of bidding the job. Co-Stars is used by every municipality throughout the state. Member Vislosky said she just likes bidding and wants to know we are getting the best price if they are doing this. She said some of the worst expenditures occur at the state level. Chairman Harvie asked Mr. Leary if he had any comments or questions. Chairman Harvie said Mr. Leary responded from the audience that he had one concern but it was addressed by George Ely Associates. His board is 100% in favor of this project. Chairman Harvie and Mr. Reese said George Ely has an outstanding record in the township and if they need any service to the playground equipment his response time is very good. Member Snipes and Member Dence both think this will be a great addition to the park. Member Dence moved to purchase the playground equipment from George Ely Associates in the amount of \$188,659; Member Snipes seconded the motion; all board members were in favor. (5-0)

ITEM # 3 CONSIDER AWARDING BIDS FOR 2011 LANDSCAPING SERVICES

Manager Gray said on March 28th the township opened bids for landscaping service. Three bids were received. Manager Gray said that while reviewing the bids it was determined that some of the bids had some incomplete responses. All three bids had pieces missing. It is recommended that the Board reject these bids and then immediately re-authorize the Township Manager to re-bid. Member Vislosky asked if there were any bid that was done correctly. Manager Gray said each one had something incomplete. There was shrub tree trimming not included, fall clean up not included, spring cleaning not included. Some included mulch, but not how many yards. Some bids listed hourly rates, but not how many hours. Member Vislosky said she had a complaint from one of the bidders. Member Vislosky asked the bidder to approach the podium. Mr. Don Seratch said his bid should have been complete. He asked Manager Gray what was wrong with his bid. Manager Gray said the shrub trimming dollar amount was there but it was left out of the total dollar

amount. There was a number amount, but it was not in the amount column and the amount was not in the total amount column. Mr. Seratch said he has been doing this for 11 years now. Manager Gray said one bidder didn't measure the mulch and did not have a figure for how many yards. Mr. Seratch said he had a total dollar figure for the entire year. Mr. Clarke said there were technical defects in all bids. This individual company was not the low bidder. If we are going to reject one bidder for a technical defect then they have to reject all bidders for technical defects. If they are going to waive the technical defects from one bidder then he is not the low bidder. Some of the responses from all three were a little confusing and it makes it hard to come up with an apples to apples comparison. We are recommending that all the bids be rejected and then immediately re-authorize it for advertisement. They will clarify the bid specs and then re-advertise to be awarded the first meeting in May. Member Vislosky said if you bid the way they have permitted you to bid each subsequent year then she thinks changing the rules in the middle of the game is not right. Mr. Clarke said they are not changing the rules. Member Vislosky told Mr. Seratch he bid the same way last year and the year before that. She cannot understand why they did not award his bid. She does not believe it is fair to take that bid away from him because he put the number down but according to Manager Gray he didn't put it in the right square. Member Vislosky said the fact is that you bid it the way you always did in the past. Member Vislosky further explained why she does not like the way things are bid. Member Vislosky said to change the bidding process and define the rules for next year's bid. Member Dence said after last year it was brought to their attention that their bid specs weren't clear. He was under the impression that this year they cleaned it up pretty good. When they got the bids back he spoke with Manager Gray again because someone had offered to help us with the bid specs. Manager Gray said he and Mr. Arnao went through the bid forms to try to clean them up as best they could. Member Dence said last year there was one low bidder who wasn't even in the ballpark. Manager Gray told Mr. Seratch what was missing on his bid. Member Szupka asked Mr. Seratch if his total was \$19,713.37 and if that included the shrub trimming. Mr. Seratch said that was the correct total. Member Szupka said Mr. Seratch put something in the wrong column. The shrub trimming was for twice a year. Member Snipes asked Mr. Seratch if the bid specs were clearer this year. It sounds like what has happened is that some numbers were not added up correctly. Chairman Harvie told Mr. Seratch that Member Szupka just asked him to clarify his bid, which he was able to do. The problem is that the other two bidders could have clarified their bids, but they are not here. Chairman Harvie asked Mr. Clarke about the issue of Member Szupka asking for clarification and what is the situation? Mr. Clarke said allowing a bidder to clarify something after they have already submitted their bid is not permitted. A clarification is, in essence, allowing them a second bite of the apple. The low bidder clearly cannot do the work for the amount that he bid. The problem that Manager Gray is confronted with is making a recommendation to the board with an apples to apples comparison of what has been bid. If you allow one bidder to clear something up you have to allow all the other bidders to do that as well. The specs need to be cleaned up a little bit more so at the end of the day Manager Gray can look at the bottom numbers and make a recommendation to the board. Member Dence said if you look at the column, the numbers do not add up. Member Vislosky believes the thinking that makes this unfair is the fact that everyone knows what Mr. Seratch's bid is. Member Vislosky asked if the bottom number

lined up. Member Dence said no and that is the problem. The total bottom line number does not add up. Member Dence said he is under the impression they made it clearer than last year. Chairman Harvie said they have to be very strict. He said if there is any problem they have to reject all of them. There was even a person who was two minutes late and their bid was not accepted. Chairman Harvie said he understands this issue with everyone knowing the dollar amounts. Member Szupka said we know we have one bid that is ridiculously low. The other bid doesn't even add up. Here is a gentleman who gives us a total figure. Regardless to where he has things in the columns we have dealt with him before and know he will do what he said he would do. Chairman Harvie said that is not the issue. Member Dence moved to open public comment; Member Snipes seconded the motion; all board members were in favor. (5-0) Mr. Andy Dell said they had a real low bidder the last time and he thinks that person thought it was a monthly charge. They are not reading the packet. He said he offered to help with the bid project and said he is not going to bid on it. Mr. Dell said whatever prices are paid to who gets the contract is public record. If anyone wanted to see Mr. Seratch's bid from last season they can see exactly what he charged and what he did for that money. The people have the opportunity to see what he was paid last year. Mr. Dell said he will read the bid spec and look at quantities, the amounts, times, and visits. Mr. Dell said he bids on jobs and if he forgot to add in a bush trimming or chemical he would have to eat that cost. Member Dence moved to close public comment; Member Snipes seconded the motion; all board members were in favor. (5-0) Member Snipes said for the flower and shrub planting it lists \$25 per man hour, and asked Mr. Seratch if he has an estimated total? Mr. Seratch said last year he didn't do anything. They tell him what they want. Manager Gray said they did receive per hour for this one and on others they received a dollar amount. It was different across the board. One thing if they do re-bid this, is to put in the number of flats or per flat install. Chairman Harvie asked if this is a matter for which they could have Executive Session. Mr. Clarke said this is a matter of potential litigation. If you award these bids as-is, you might end up getting sued. If you needed some counsel on the potential litigation of this, it could be a consideration for Executive Session.

The Board went into Executive Session at 8:35 p.m. and the meeting reconvened at 8:50 p.m.

Mr. Clarke said that while in Executive Session the Board discussed potential litigation involving award of the 2011 landscaping services bid. Chairman Harvie said they have had quite a bit of board comment and public comment on this issue. Member Dence said last year Mr. Dell came to them and told them these bid specs were a mess. He thinks last year was the first year they went out to bid. We have had conversations that the bid specs would be cleaned up and make it clear what the bidders would be bidding on. He saw Mr. Dell and he was surprised he didn't bid on it. It is embarrassing that this happened again this year and that we cannot get this right. Chairman Harvie said there were issues with all three bids and assumptions with them. Member Dence moved to approve Don to Dusk's bid for landscaping for the 2011 landscaping services in the amount of \$19,713.37; Member Szupka seconded the motion; all board members were in favor with the exception of Member Snipes who abstained. (4-0-1) Member Snipes said he abstained because one of the bidders is a business associate of his.

amendment to Chapter 51, Section 6 – Manager, Township, Powers and Duties; Member Snipes seconded the motion; all board members were in favor. (5-0)

ITEM # 8 CONSIDER TRUMARK AGREEMENT

Mr. Clarke said earlier this year the county, township, and the school district were sued by TruMark Financial. TruMark Financial had mistakenly paid property taxes to a Falls Township tax parcel number when it was supposed to be paid in another municipality. They mistakenly transferred the money to our tax collector and it was disbursed to the county and the school district. When it was brought to our attention that the money had been improperly paid, it was returned by the township. It was not done so immediately by the county or the school district. TruMark Financial filed a lawsuit against the county, the township, and the school district along with the individual who was the beneficiary of the mistaken payment. This was the individual in Falls who had his personal taxes paid by TruMark Financial when they should not have been paid by TruMark Financial. The matter was filed in the Bucks County Court of Common Pleas, we entered our defense, and there is now a resolution to this matter where the individual whose property taxes were paid will repay them. Mr. Clarke said he is asking the Board to approve this settlement agreement between the Township of Falls and Mr. Ron Howard. Member Vislosky said she does not know how this mistake could have taken place. She wonders who will pay the legal fees for this work. Mr. Clarke said TruMark Financial made the mistake. Many of these bills are paid electronically by the mortgage company. They sent our tax collector a tax bill with a payment and they sent it with the tax parcel number for Falls Township. The tax collector received and disbursed the money. It was only after the fact, that TruMark Financial discovered the problem. When the problem was discovered, Falls Township immediately returned the money. Member Vislosky asked who paid the legal fees for a mistake that we weren't responsible for and said the person who made the mistake should reimburse Mr. Clarke's fees. Member Snipes moved to approve the TruMark Financial settlement agreement and general release involving TruMark Financial Credit Union; Member Dence seconded the motion; all board members were in favor with the exception of Member Vislosky who voted no. (4-1)

**ITEM # 9 PUBLIC COMMENT – FIVE MINUTE LIMIT PER PERSON
FORTY-FIVE MINUTE MAXIMUM**

Mr. Joe Kraus spoke about wind energy. He said we have the Gamesa plant. The wind turbines like they use at Lincoln Financial Field are different. Mr. Kraus just leased a property and said that he doesn't want the gas or the 5-ton air conditioner unit because those energy costs put small business people out of business. He wants to heat the building in a greener way. Mr. Kraus said if you want to do something like wind energy in Falls Township, all you really need is high ground. To put things on a roof the roof top may need to be modified. Mr. Kraus spoke about the Bucks County Zoo. He said they are looking for a place to grow and a possible re-location. Mr. Kraus said the zoo takes the animals to schools and other organizations and hold special programs. Mr. Kraus said one of our former police officers, Joe Fortunato, is the one who runs the zoo. Mr. Kraus said if they

had something like this in Falls Township, it would be a welcome attraction and feels it would bring more commerce into the area.

Mr. Jim Mayger said he understands there is an agreement with the Lower Bucks County Joint Municipal Authority. Mr. Mayger said the township is compromising his safety and his neighbors' safety. He doesn't feel like he will be safe when they do take down the tower. Mr. Mayger is not happy about the deal that was made. He said they are breaking the nuisance law and noxious odor law. He thinks there is an industrial accident law which requires them to send in township employees to clean up. Mr. Mayger said he heard it reported from the last meeting that this is not hazardous. Mr. Mayger said he has MSDS sheets for the paint. He has these for the paint that was put on 15 years ago and the MSDS sheet for the paint that was put on prior to that. There seems to be a conflict. This came right from the water authority's files. Mr. Mayger said the dust is not going away. He said he told his insurance company that they have to come out to clean up his property because he is getting sick on a daily basis. Mr. Mayger said they hired a forensic engineer who evaluated it. Mr. Mayger said he did get the OSHA analysis report and it mentioned that the center of the tank is contaminated. Chairman Harvie asked Mr. Mayger about the report from his doctor indicating what toxins he had been exposed to and reminded him that Mr. Clarke asked him to forward that information. Mr. Mayger said he did not want to sign the HIPPA form. In the OSHA report it did identify manganese fumes. In the beginning of the cutting of this tower he was working from home and Mr. and Mrs. Kenner and their grandson were in their home. Chairman Harvie said he understands the privacy issues, but unless Mr. Mayger agrees, Mr. Clarke cannot talk to his doctor. Iron oxide and magnesium are both contained on the hazardous chemical list. All of the chemicals that were tested were below acceptable limits so it does not report on the actual number. On the other side of Vermilion Hills there are children living near that tower. Chairman Harvie asked if any of the reports Mr. Mayger has indicate the levels of what was released. Mr. Mayger said no. He said the point he is making is when they cut, there is dust. Lower Bucks County Joint Municipal Authority claims this tower was stripped. Mr. Mayger said only the outer columns were stripped, not the center. Chairman Harvie asked Mr. Clarke what they received from the Lower Bucks County Joint Municipal Authority. Mr. Clarke said he believes that Mr. Sullivan and his office received all of the MSDS sheets. They also received the sheets from the DEP when they issued their original two permits - the one regarding asbestos and the water surface permit. Those were the documents they have that were reviewed. OSHA was out there because the contractor was not having its employees follow its written respirator program when they were using the torches to cut the tank. Mr. Mayger said OSHA protects the employees. He said the contractor knows the control room in the center of the tank contains lead. Chairman Harvie said the Lower Bucks County Joint Municipal Authority is waiting for the contractor to come back. Mr. Clarke said there are two permits they need from the DEP. One involves taking a tank off line. It is merely an administrative permit. The second permit involves levels of asbestos. They are time limit permits. They previously issued the permits and all indications are that they will issue the permits again. Mr. Mayger said he called the Lower Bucks County Joint Municipal Authority and they told him the contractor will be back on April 18th. Chairman Harvie encourages Mr. Mayger and Mr. Kenner that if they experience any material flying onto

their property, to contact the township. There will be code enforcement personnel on hand once the work resumes. Member Vislosky explained why she was not here for two months. She said she would have been here and would have stopped this if she were here. Mr. Clarke said they will take the tank down in larger sections. When it is on the ground, they will erect a 6-8 ft. enclosure where they will be cutting the larger pieces into smaller pieces. They will also be monitoring the wind. They will have Mr. Sullivan out there as well as someone from Mr. Bennett's office. If the wind goes above a certain number they will stop work. It should take less than a week to 10 days to take down the remainder of the tank. After that is down they have to take down the legs that are holding it up. Mr. Clarke said they are complying with all of the rules in the township. They have a right to take the tank down.

Mr. Gallus Obert said at the last meeting he made a comment about lights at the boat ramp and the fact that the boat ramp would close at dusk. Then he heard that the boat ramp may be open 24 hours/day. Mr. Obert does not agree with this. Mr. Obert said the proposed New Falls Road walking path has four different plans and figures. He doesn't know if Mr. Sullivan is aware of it, but you have to take into consideration the hazardous walking routes for people that go to school. Mr. Obert said the Primary Election will be held on Tuesday, May 17th and voters should be careful who they vote for.

Mr. Tom Kenner said he has allergies from mold, mildew, pollen, and dust. When his allergies turned to bronchitis, he became concerned. Mr. Kenner spoke about when the tower was erected, painted, and re-painted. Mr. Kenner said he did not attend the last meeting. He said Mr. Clarke made some statements about debris leaving the work site and said that those comments bothered him. Mr. Kenner said that information was false. Mr. Kenner said he had heavy paint chips and dust from day one of the demolition. The dust and debris does not just float straight down. Mr. Kenner spoke to the Lower Bucks County Joint Municipal Authority about the metal and they assured him it would be taken care of. Mr. Kenner said if the contractor followed all the rules, maybe it is time for the township to change the rules. Member Vislosky said she gave the other gentlemen her number and said Mr. Kenner can also contact her at any time. Chairman Harvie said it is one thing for them to fill out a permit application and do something the right way and then another thing for them to actually do it the right way. That was one of the problems with the Lower Bucks County Joint Municipal Authority. We have to work on the information available to them. In terms of the comments Mr. Clarke made, he got that information from the Lower Bucks County Joint Municipal Authority. Chairman Harvie said we are conscious of what is going on and we will have the ability to shut them down on a moment's notice.

Mr. Andy Dell suggested that the municipal authority bring in a larger crane to cut down the tower half way and bring it down to ground level. Then they would be cutting it on the ground instead of 80 ft. in the air. Member Vislosky said she thinks it is a good suggestion if the topography were flat. Mr. Dell asked if the new police cars had been outfitted yet. Chairman Harvie said the bids are not due until April 14th. Mr. Dell said he understood we had a local person, but they did not meet certain criteria. Mr. Dell said with so many of these vehicles being out of service at the same time, the other vehicles are constantly being over-used and you will go through them much faster. Mr. Dell said a lot of these dealers are

in Connecticut. He wonders if there is a warranty issue, how the work would get done. Member Dence said they had to go out to bid because they were doing so many vehicles at once. Mr. Clarke said if it is over \$10,000, it has to be publicly bid. The attempt to by-pass the public bidding statues is illegal. You cannot break down an identical job into five separate jobs in order to go to a specific place. Mr. Dell spoke about the tasers that the police officers use. He thinks every officer should have their own taser. Chairman Harvie said he spoke with Police Chief Wilcox who thought the expense for a taser for each police officer was un-necessary. Mr. Dell thinks it would be a good investment. Member Vislosky said since they have an officer who was injured it might be a good idea for the public to send get-well cards to Officer Moratti.

Chairman Harvie reminded Member Vislosky that when she is speaking under public comment, she is not shielded by the laws that protect the supervisors when speaking.

Mrs. Dorothy Vislosky told Chairman Harvie not to tell her about the law and said she will call him stupid whenever he tells her about it. She told him that is her time to speak and said she shouldn't even be here because she has a brother in the hospital. Mrs. Vislosky said she wanted to share with the people of Falls Township that she would come back and do something about the atrocious school taxes. She said they waste money over there like we do here. She said she gets reams and reams of paper about nothing. When we have something as serious as the water tower happening and no one can get it right. We cannot even get the bid process done right. Mrs. Vislosky said it is the 60th Anniversary of Fairless Hills. Mrs. Vislosky said she is running for School Board as she promised to do last November. She said it is a thankless job, but she is ready to take it on with vigor. Mrs. Vislosky said there are 22,976 registered voters in Falls Township and only 3,737 came out to vote. This is the most important election we will ever have in Falls Township. If she doesn't win, she will happily go to Florida. Mrs. Vislosky said not to wait until November to vote. There are three school board positions open in region 2 which is Fairless Hills and Levittown - this side of Rt. 1. There is one seat on the other side of Falls Township. Mrs. Vislosky said the Democratic Club lies about everything. Member Vislosky left the meeting at 10:09 p.m.

Ms. Madeleine Jones said every time she passes the Township of Falls Authority, she wonders why they do not have an American flag hanging outside. Ms. Jones said that since Tyburn Road has been closed she has been traveling Rt. 13 and Rt. 1 to get into Morrisville. The lanes in front of Snipes have been adjusted and it is a hazard. The highway is two lanes and there are times when it is almost suicide to take that road. She said the speeding is intolerable. She is tired of having no one stop at stop signs. At Oxford Valley Road across from Aria Hospital, people sometimes block the highway with their vehicle. Ms. Jones said it is getting nice outside and college students are out at intersections collecting and fund-raising. She urges motorists to please slow down. Ms. Jones said she hopes everyone will take the time to get out and enjoy the flowers. Put the cell phones away and stop texting. Ms. Jones wants everyone to be responsible. Use a trash can and put trash in the proper place. Chairman Harvie said in terms of the Township of Falls Authority building, they have not yet had the flagpole installed because they are doing renovations.

ITEM # 10 MINUTES – MARCH 15, 2011

Member Snipes moved to approve the minutes from March 15, 2011; Member Dence seconded the motion; all board members were in favor with the exception of Member Szupka who abstained. (3-0-1) Member Szupka abstained as he was absent from the March 15, 2011 meeting.

ITEM # 11 EXECUTIVE SESSION

Executive Session was held during agenda item # 3. Mr. Clarke said that while in Executive Session, the Board discussed potential litigation involving award of the 2011 landscaping services bid.

ITEM # 12 MANAGER COMMENT

1. Member Snipes moved to approve the time extension request for Viking Associates to June 30, 2011; Member Szupka seconded the motion; all board members were in favor. (4-0)
2. Manager Gray said the Annual Egg Hunt will be held on Saturday, April 16th at the Falls Township Community Park at the Phase 1 pavilion at 1 p.m. Breakfast with the Easter Bunny will be held on Saturday, April 23rd from 10 a.m. until noon at the Three Arches. Both of these events are for children 2-10 years of age. Summer Camp applications are being accepted as well as Pinewood Pool applications. For information on any Park & Rec events, please call 215-949-9000, X220, X221, or X222.
3. Mylars for Air Products are ready for signature.

Mr. Clarke said that for the last year we have been talking with Tullytown regarding the boundary line issue that affects the landfill. The original boundary line to determine where Tullytown was and where Falls Township was has disappeared over the years. Tullytown engineers reviewed the information and came up with a conclusion. Mr. Sullivan reviewed the information and also came up with a conclusion. Those conclusions were not in agreement. What they were able to agree upon is the method to determine where the boundary line is. The two engineers have agreed it will cost \$12,000 to make this determination. They would split the cost of determining the boundary line. If the boundary line moves and we were getting paid for trash going into Tullytown or if Tullytown was getting paid for trash coming into Falls Township then there would be some accounting to be done to determine that amount and a credit would be due. After the boundary line is determined, if either of the municipalities received more money than they should have, there will be no reimbursement from one township to another township. It will be done in the form of an adjustment in the tipping fees going forward. It will be an agreement with Waste Management and they have agreed to do this. Member Szupka asked how can two engineers not be able to figure out where the boundary line is? Mr. Clarke said over the years the boundary line went away. Mr. Sullivan said the boundary line is now buried by the landfill. Mr. Sullivan explained what they will do to determine the correct boundary line. Mr. Clarke said they believe this is the best way to avoid litigation and the quickest way to get this resolved. Tullytown counsel wants to determine where the boundary line is.

Member Snipes asked if a boundary line of a township is described by metes and bound? Mr. Sullivan said most municipal boundaries are not done by metes and bound. When this is done, we will have a metes and bound line between Tullytown and Falls Township. Member Snipes moved to approve the expenditure of \$6,000 for engineering services to determine the boundary line between Tullytown and Falls Township; Member Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 13 BOARD COMMENT

Member Dence commented on the water tower. When Lower Bucks County Joint Municipal Authority started taking down the tower they did get the permits that were needed. They did everything right except the process in which they took the tower down and the way they handled the problems with the tower coming down. As soon as we found out there was a problem as big as it was we did everything proper and they were shut down. They did provide MSDS sheets of everything that was on the tower. They came up with a plan that was acceptable. We will have people there and hopefully get the tower down as soon as possible and in a safe way. Member Dence said the weather is starting to get nice and it is getting warmer. Be mindful of kids playing in the streets and people who walk in the street and not on the sidewalk.

Member Snipes said in terms of requirements for taking down the tower, it is not a requirement for the tower to be tarped in the air. Chairman Harvie said the permit says it needs to be taken down in a safe manner. Member Snipes said there is still some cutting and wonders how there will not be some metal fragments or dust. They cannot do this on a windy day. Member Snipes asked who is responsible for the clean up of the residential property. Chairman Harvie said the responsibility falls on Lower Bucks County Joint Municipal Authority. Chairman Harvie said essentially there are two parties – the parties who have been damaged and the party who did the damage. Member Snipes asked what role we have by making sure Lower Bucks County Joint Municipal Authority does what they are supposed to do? Mr. Clarke said what we have done is we have discussed this matter with Lower Bucks County Joint Municipal Authority and they have advised that anyone who has a claim for damage to their property or if there is any physical damage or personal injury, they need to make a claim to Lower Bucks County Joint Municipal Authority. Lower Bucks County Joint Municipal Authority will then refer it to their insurance company who will refer it to the contractor's insurance company. They should contact Lower Bucks County Joint Municipal Authority and make a claim. It is the same if someone makes a claim against the township. Manager Gray would contact the township's insurance company. When the tower starts to come down, a township representative will be on site the entire time. Member Snipes asks how people will be protected from metal dust. Mr. Clarke said Mr. Kenner was not happy when he said that debris had only gone onto the property one time. Mr. Clarke said that is information he received from various sources. There is no doubt that on certain days dust was going into these neighboring properties, but he would submit to you on a windy day if your next-door neighbor is sanding his garage doors, dust is getting onto your property. What we were most concerned with was making sure that any of that dust, if it becomes airborne, was not hazardous. Mr. Sullivan reviewed the MSDS sheets. The DEP has reviewed what is in the tank, and OSHA has reviewed this

for lead. These things exist around us at all times. The agencies have come up with acceptable levels. Everyone who has reviewed this tank has said there may be some lead on there, but it is at a level that is acceptable. Neither the DEP nor OSHA determined this needed to be completely enclosed. We have heard stories about magnesium and cadmium, which is a highly toxic chemical. There is no evidence that any of that is prevalent on this tank. The torches are using propane and oxygen. The tank does not seem to have anything toxic on it. It has hazardous materials, but the levels are acceptable. Mr. Clarke said they would not have allowed them to move forward with taking this down if we were not comfortable or confident that there are no toxins or hazardous materials on this tank. We will have inspectors out there. If anything happens, we will shut them down. Member Snipes said he is glad we will have our staff on site. Member Snipes asked if the affected homeowners know who they should be speaking to? Chairman Harvie said the Engineering Manager, Vijay Rajput, is the one who should be contacted. Mr. Clarke said both of the gentlemen who were here this evening indicated they had watched the tape from the prior meeting. At that meeting he said if you have a claim, you should report it to the Lower Bucks County Joint Municipal Authority. In some of the e-mails he exchanged with Mr. Mayger, he told him if you have been physically injured, you should retain the services of a lawyer and make a claim against Lower Bucks County Joint Municipal Authority. Mr. Clarke said he does not know if Mr. Mayger has specifically done that. Member Snipes said the Men of Harmony will be presenting a concert on Saturday, April 30th at 3 p.m. at Conwell-Egan High School. Admission is \$10 and children under 12 years of age are free. For more information the public can visit www.menofharmony.com. Another upcoming event is the Annual Basket Raffle to be held at Levittown Fire Co. No. 1, Colonial Hall, on Saturday, April 30th. The time is 5-9 p.m. with drawing at 7:30 p.m. Admission is \$15 per person. For more information please call 215-945-4231 or 215-943-6896.

Member Szupka said that April is Organ Donor month. If you have never thought about it, one body can probably save eight people. It is a really good program. Member Szupka said you cannot imagine what it can do for people. When you get your license renewed, you can sign up for this program. Member Szupka wished everyone a good evening and said he is looking forward to spring.

Chairman Harvie said regarding the water tower, we will do the best they can do to make sure it is taken down in the safest way possible. There was a discussion on the date of the next meeting. The date of the next meeting has been changed from April 19th to April 12th.

Member Snipes moved to adjourn the meeting; Member Dence seconded the motion; all board members were in favor. (4-0) The meeting was adjourned at 10:41 p.m.


Jeffrey Dence, Secretary