

Board of Supervisors – May 17, 2010

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS**

ROLL CALL:

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

The meeting commenced at 7:33 p.m. with roll call and salute to the flag. All Board members were present with the exception of Member Vislosky. Member Szupka advised the Board that Member Vislosky is under a doctor's care, is undergoing testing and could not be present for this meeting. Chairman Harvie wished Member Vislosky well and a speedy recovery. Also present were Township Manager Peter Gray, Township Solicitor Michael Clarke and Township Engineer James Sullivan.

**ITEM #1 SIMS METAL MANAGEMENT – PRELIMINARY LAND
DEVELOPMENT - 300 SOUTH STEEL ROAD - TPN 13-47-147**

This item was tabled from a previous meeting and was being presented tonight for resolution. Manager Gray introduced this item. Sims Metal Management wants to start preliminary land development. Manager Gray introduced Mr. Doug Maloney, representing Sims Metal Management. Mr. Maloney explained that he was back regarding the storm water waiver. This request will make upgraded water systems, a tire cleaning grate at the entrance and paved concrete roads on which the trucks delivering the materials for the metals will drive on. Mr. Maloney indicated he wanted preliminary and final resolution to this matter. He also indicated that the ordinance calls for a 100 year storm drain design versus the 10 year design that PennDot requires. Chairman Harvie advised that this plan has been underway for several months and was designed by T & M Associates who are now the Township Engineers. Mr. Sullivan and T & M did not review this plan. Mr. Baker, Traffic Planning & Design, did the review. Member Szupka asked Mr. Baker if these changes are really improving the storm water issues/problems. Mr. Baker first qualified that Sims Metal is asking a waiver from Section #187-13. He said that the waivers were actually 5 sub-sections to that section and that those 5 waivers were under the one waiver, as previously requested. Mr. Baker further explained that this definitely was an improvement to existing conditions. What is proposed is to split the system into two systems; right now there is one 36" pipe that flows into the basin. The basin was sized to appropriately handle the 100 year flood, but the conveyance system could not and there was potential for flooding. The proposal will split the conveyance into two 36" pipes and each will basically take half the water to the basin. One waiver has to do with cover; lowering the basin or making the site higher. Neither is practical. The velocity is lower than what the ordinance requires. One fix would be to put in a smaller pipe and replace it with a larger pipe. Ponding at inlets was discussed. The 4 feet per second ponding at the inlet was mentioned, along with the hay bale and stone that are placed there to keep sediment out of the inlet. Mr. Baker finalized his discussion by saying that basically the analysis on paper was done for a 100 year storm; if it were a PennDot road it would be a 10 year storm design and that, all in all, it is better than the existing situation. Chairman

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Harvie asked Mr. Maloney about the parking on South Steel Road. Mr. Maloney said that security at Sims Metal has been enforcing the no parking on the opposite side of the road; operators have to turn around and park on the correct side. Chairman Harvie concluded that this is an application for preliminary and final plan of land development. There was no public comment. Member Dence motioned to approve Resolution #2010-09 for Preliminary and Final Plan of Land Development for Sims Metal Management; Member Snipes seconded the motion. All board members were in favor. (4-0)

ITEM #2 CONSIDER AWARDING BID FOR BUS SERVICE FOR SUMMER CAMP PROGRAM

Manager Gray said a sealed bid was received on May 13, 2010 for bus services for the 2010 Summer Camp Program. One bid was received from First Student; cost per trip traveling one to three hours was \$180.00; then \$50.00 per hour after 3 hours. Cost per trip traveling 4-6 hours with return was also \$180.00; Romano's was the service previously used and was taken over by First Student. Last year Romano's fee was \$80.50 per hour for the same service. Member Snipes asked if they did a good job in the past. Manager Gray said they did. Member Snipes moved to award the 2010 bus service for the 2010 Summer Camp Program to First Student as noted in Manager Gray's memo dated May 14, 2010; Member Dence seconded. Members Harvie, Dence and Snipes approved; Member Szupka abstained. Member Szupka abstained as he knows two principals from First Student. (3-1-0)

ITEM #3 CONSIDER ACT 44 – RESOLUTION AMENDING GOVERNING OF MUNICIPAL PENSION SYSTEMS

Chairman Harvie explained this Resolution is to Amend Governing of the Municipal Pension System and referred in the memo by Township Solicitor Jordan Yeager. Manager Gray said that on September 19, 2009, Governor Rendell signed into law a set of amendments to the laws governing municipal pension plans. Chairman Harvie asked Manager Gray which employees currently get pensions. Manager Gray explained that all retired police officers are covered by this system and if a retired officer passes away, there is a possibility his surviving spouse would get a pension. Chairman Harvie asked Manager Gray how long Beyer Barber and Thomas J. Anderson have been working for the Township? Manager Gray replied 1996 and 1996/1997 respectively. Members Szupka and Dence had no questions and Member Snipes confirmed that, as he understood it, they were basically required to do this. Member Szupka motioned to adopt Resolution #2010 –10 Act 44 of 2009; Member Dence seconded the motion; all board members were in favor. (4-0)

ITEM #4 CONSIDER APPROVAL OF LIEUTENANT EMPLOYMENT – DONALD AIREY

Sergeant Donald Airey was recently promoted to the rank of lieutenant. An employment agreement between Lieutenant Airey and Falls Township was prepared commencing May 1, 2010 and ending December 31, 2012. This agreement is similar to the contract prepared for Lieutenant Todd Pletnick. The Board is asked to approve this agreement. Chairman Harvie noted that personnel issues are gone into at depth, but lieutenants are part of the union and have individual contracts. Member Szupka motioned to approve the employment agreement of Lieutenant Airey; Member Snipes seconded the motion; all board members were in favor. (4-0)

**ITEM #5 CONSIDER APPROVAL FOR TOWNSHIP MEMBERSHIP AT
LA FITNESS**

Manager Gray explained that there are 50 memberships, at a price of \$5000, available to members of the Police Department. They are available to the union to satisfy PAFT and the police collective bargaining agreement regarding the \$100 stipend each officer would receive. Member Szupka asked how long Falls has been doing this and Manager Gray confirmed 8 years. Member Snipes asked if all members of the police union took advantage of these memberships. Mr. Gray said about 40-45 uniformed members took the membership; then it was first come first serve to non-uniformed union members, or about 4-5. Member Dence confirmed with Manager Gray that this fulfills Falls end of the contract. Member Snipes motioned to approve the purchase of 50 memberships to L A Fitness at a cost of \$5,000; Member Dence seconded the motion; all board members were in favor. (4-0)

ITEM #6 CONSIDER LEASE AGREEMENT FOR THREE ARCHES

Chairman Harvie explained that the Township is reviewing all lease agreements. Manager Gray said that Elizabeth Reese is the caretaker of Three Arches and that the lease for Mrs. Reese is set to begin June 1, 2010. Member Snipes confirmed that Manager Gray and Mrs. Reese have met and reviewed the lease and that Mrs. Reese has signed same. Member Snipes motioned that the Township enter into the lease agreement with Mrs. Reese, said lease starting on June 1, 2010; Member Dence seconded the motion; all board members were in favor. (4-0)

**ITEM #7 CONSIDER PURCHASE OF VIDEO CAMERA SYSTEM
OVERVIEW**

Manager Gray said Matt Markey has been working on a video camera system to be used by the Township police and at Quaker Penn Park. Mr. Markey could not comment on the police side but that the second part of the system was IP-based and that other businesses/organizations would be able to add a camera and include with our police department. This would give police extra access to cameras at various locations. These additional cameras would be at the expense of the owner, can be digital or analog and that the initial system can handle up to 64 cameras. Member Snipes referred to the boat ramp deployment for Township use; again after the police departments use. Mr. Markey said the boat ramp was selected for its' remoteness and its' new construction. Member Dence asked about businesses already having IP-based cameras and if they could easily be pulled into the Townships' system. Mr. Markey said for a one time licensing fee of \$139, it could become part of the Townships' system. Member Dence confirmed that Falls police have this need and this would certainly fulfill the need. Discussion continued with regard to the remote area of the boat ramp. Chairman Harvie moved to open public comment; Member Dence seconded the motion; all board members were in favor (4-0).

Mr. Gallus Obert commended Mr. Markey on his knowledge about the systems and what an excellent salesman he is, but expressed dismay at having cameras at a boat ramp that is not even built. Mr. Obert opined that although Falls has money in the bank they do not have to spend it, especially on a boat ramp that is not needed. Mr. Ray Erickson asked if this system is similar to the dashboard system used on the TV show "COPS"? Mr. Markey said it is not that system, but a system entirely different. Mr. Erickson asked about the control system and Mr. Markey explained the different ways it can be viewed by the police department and on their laptops. Member Dence

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motioned to close public comment; Member Snipes seconded the motion; all members were in favor. (4-0) Member Dence confirmed that this system is needed by Falls and without much comment, Falls is using other township's equipment to meet the need of the police officers without regard to the boat ramp. Chairman Harvie stated that the Board is looking to purchase this camera system for \$42,851.52 as outlined in Mr. Markey's memo dated May 14, 2010. Member Dence motioned to approve the purchase of the video camera system at a cost of \$42,851.52 from Jan Communications; Member Snipes seconded the motion; all board members were in favor. (4-0) Chairman Harvie thanked Mr. Markey for his work and presentation.

ITEM #8 CONSIDER FINALIZING AWARD FOR ELEVATOR MODERNIZATION PROJECT FOR TOWNSHIP BUILDING

Manager Gray introduced this item. In accordance with the requirements of the Falls Township's Responsible Contractor Policy, T & M Assoc. has completed their review of the qualifications of The Otis Elevator Company of Moorestown, New Jersey. T & M Assoc. recommends the Township finalize the project award and project contract with The Otis Elevator Company. Chairman Harvie stated the elevator project was approved quite a while ago but we have had some difficulty getting it moving. Chairman Harvie noted this is the passenger elevator just past the Tax Collector's office. The freight elevator will be used during the modernization process for access to the second floor. Mr. Sullivan said it is basically a replacement of the elevator and the car. All the hydraulic systems will be replaced, updated and modernized. Member Snipes asked when was the last time the elevator broke down. Manager Gray said it was this past Friday. Member Dence wanted to confirm that the Township is completely replacing everything, the whole elevator is getting scrapped and we're getting a brand new one. There was no public comment. Member Snipes made a motion to finalize the award for the Elevator Modernization Project to Otis Elevator Company of Moorestown, New Jersey; Member Dence seconded: all board members were in favor. (4-0)

ITEM #9 CONSIDER CHANGES TO FEE SCHEDULE

Manager Gray explained that a Resolution and Amended Fee Schedule for electrical permit fees in the Township is up for approval. Chairman Harvie introduced Mr. Tom Bennett, Code Enforcement Officer, and asked him to explain how he came up with the fee schedule changes. Mr. Bennett said he reviewed other township's fee schedules and found electrical items missing on Falls' fee schedule. He said solar and windmill fees were not on the fee schedule at all. Member Szupka expressed his concern for raising fees, especially in this economic situation. Chairman Harvie agreed this was not a change to make money, but just to be sure that the Township was not losing money and that the charges to Falls were covered. Chairman Harvie said that in the future he would like to explore waiving fees for solar panels, etc. for businesses and homes. He asked Manager Gray, Mr. Clarke and Mr. Bennett to look into this for a future meeting. Member Dence commented that after reviewing the old and new schedules, he felt that there were no fees raised that would affect the homeowner. Chairman Harvie also said that the residential fee of \$25 and \$75 for the industrial/commercial fee is also justified because of the time taken for inspection and the size of the job. Member Szupka asked about failed inspections and follow-up for residential. He was told there is no additional charge. He also asked Member Dence his thoughts on the split fees, referring to Member Dence's background in electrical work. Member Dence felt it was all in line and fair to all. Member Dence motioned to open public comment; Member Snipes seconded the motion; all board

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members were in favor. (4-0) Mr. Gallus Obert commented that this was not about fees, but procedure. Member Dence motioned to close public comment; Member Szupka seconded the motion; all board members were in favor. (4-0) Member Szupka asked about swimming pools in residential homes and that it is one fee for the entire inspection process. Member Snipes motioned to approve Resolution #2010-11, amending fees relating to electrical permit fees, with one change which is \$75 for commercial inspections and \$25 for residential inspections; Member Dence seconded the motion; all board members were in favor. (4-0)

A short recess followed. The meeting reconvened at 8:58.

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

Mr. Roland Kenney offered blessings for all the firemen and policeman who were safe in the line of duty. He strongly urged everyone in the room, and those watching the broadcast later in the evening, to get out and vote on Tuesday. He answered Member Vislosky's question about the elected officials on the board. He explained how he went around for various elected officials, talked to friends, family and friends of family, etc. and urged everyone vote. He knew very little about Member Dence, but commended him on his Democratic/Republican ballot and his hard work. Mr. Kenney wished everyone well and a good night. Chairman Harvie told Mr. Kenney that the Pathmark building has a new company leasing part of the building and it is taking longer than expected to finalize the lease agreement. Mr. Kenney commented on the skids, that they were getting cleaned up and that there was fencing around the building. Chairman Harvie said the incoming tenants are working on the building and hope to be in there soon.

Mr. Ed Mathias wanted to talk about his street, Peartree Lane. Mr. Mathias and some of his neighbors are not happy with the work that was being done on their street. They are not happy with the grass strip between the sidewalk and street; some sidewalks are lower than the curbs; some sidewalks are replaced next to old sidewalks and then another new sidewalk; curbs are not done uniformly. Mr. Mathias asked that a Board member come out and take a look at this. Chairman Harvie asked Mr. Mathias for his punch list and said Mr. Sullivan would have someone go out and look at the issues.

Mr. Gallus Obert voiced his appreciation for the chance to speak. He mentioned the benefits and retirement problems so many people are having and that there was a school board budget meeting on May 25th at Pennsbury High School West, a budget meeting hearing on June 8th and a school board meeting on Thursday, May 20th. He was surprised that they pack 850 people covered by contract into a gymnasium with a capacity of 225 people and no one from the Township complains. He then mentioned the upgrades to Tyburn and New Falls Roads and that a few meetings ago it was said it was "shovel ready". He hasn't seen a shovel dig yet or anything else happen. He also referred to the sidewalks on New Falls Road and that he thought they were not worth the money. Mr. Obert then shared his thoughts on the issue at Chatham Road and S. Olds Boulevard. Mr. Obert asked for permission to show a map of the entire area and put it on the wall. On this map he pointed out drainage water and the storm water drains that feed this area. He said the drains were 70 to 75 percent clogged. You have to unclog it, drain it all the way back to Queen Anne, go under the bridge and into Lake Caroline. He said it was the only way to relieve this flooding area. Chairman Harvie

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said he has walked this area recently and that Mr. Sullivan also has. They hope to put together a larger plan with more information and present it to the county.

ITEM #11 MINUTES – MAY 4, 2010

Member Snipes moved to approve the minutes of May 4, 2010; Member Dence seconded the motion; all board members were in favor with the exception of Member Szupka who voted no. (3-1)

ITEM #12 ENGINEER'S REPORT

Mr. Sullivan said there was a pre-bid meeting this morning for the 2010 Mill and Overlay program which bids are due on Wednesday, May 26, 2010. The project will probably get started the end of June and the project should be completed by mid-July. No public comment was needed. Member Snipes moved to accept the Engineer's Report for April, 2010; Member Dence seconded; all members were in favor. (4-0)

ITEM #13 BILL LIST – MAY 17, 2010

Member Snipes asked Manager Gray if, in light of the budget approved, there were any savings, more income or less expenditures. Manager Gray said in general that Falls was close to the budget approved, but would review that information and get back to Member Snipes. Member Snipes moved to approve the bill list dated May 17, 2010 in the amount of \$1,903,528.65; Member Dence seconded the motion; all board members were in favor with the exception of Member Szupka who voted no. (3-1)

ITEM #14 MANAGER COMMENTS

Request from Bob White of the Redevelopment Authority concerning the Enterprise Zone re-designation. The Redevelopment Authority is in the process of preparing an application for the re-designation of the Enterprise Zone of Bucks County. One of the requirements of the grant application is that each of the member municipalities adopts a resolution in support of the submission of the grant application. Various other municipalities are also asked to consider this resolution. At this time the Board is asked to consider this resolution authorizing submission of an application for designation of an Enterprise Zone on behalf of Falls Township. There was no public comment. Member Dence made a motion to approve Resolution #2010-12 Authorizing Submission of an Application for Designation of an Enterprise Zone on behalf of Falls Township; Member Snipes seconded; all board members were in favor with the exception of Member Szupka who voted no. (3-1)

The Township received a memo from Nicholas Talvacchia, dated May 11, 2010. Mr. Talvacchia represents Clearwire, LLC. Clearwire is going for a conditional use application located at 65 MY Lane in Fallsington. They are requesting an extension on their project until August 1, 2010. The Board is asked to consider this extension. Member Dence motioned to grant the letter of extension to Clearwire, LLC until August 1, 2010; Member Snipes seconded; all members were in favor. (4-0)

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Manager Gray made several announcements concerning Park and Rec events.

Annual Fishing Derby: The Fishing Derby will be held on Saturday, May 22 at the Falls Township Community Park Lake. Registration will be at 7:00 am. The fishing derby contest will run from 8:00 am to 10:00 am. Awards will be given out to the first place winner for the largest fish caught and most fish caught per each age group. Other fishing items will be given out by a drawing.

The Summer Camp Program: The Parks & Recreation Department continues to accept registrations for the Summer Camp Program which will run June 28 through August 6, 2010, The Summer Camp Program will held at the Fallsington Elementary School, Monday through Friday, from 9:00 am to 4:00 pm. There will also be a before and after care program which is from 8:00 am to 9:00 am and also from 4:00 pm to 5:00 pm.

Pinewood Pool: Membership applications continue to be accepted by the Parks and Recreation Department. There are family memberships, individual memberships as well as individual memberships for senior citizens. Opening day for the Pinewood Pool is scheduled for Saturday, May 29, Memorial Day Weekend. Anybody requesting additional information for the Summer Recreation Program or any other events through the Parks and Recreation Department please contact the department at (215) 949-9000 ext. 220.

ITEM #15: BOARD COMMENT

Member Dence mentioned that residents should be careful driving at night since the weather is nice and kids are out in the street. Also, tomorrow is election day and everybody should try to get out to vote. Member Dence brought up an issue, that both he and Member Szupka have, is the fact that you see people walking down the middle of the street instead of using the sidewalk. We grew up in an area that if common sense didn't tell you to get off the street, then fear did. Everybody in this area is in the street and nobody uses the sidewalk. Just be careful, it doesn't make any sense to me to walk in the street when there is perfectly good sidewalks. Please get out to vote.

Member Snipes encourages people to please come out and vote if you are registered. I will be at the polls, I know Member Dence will be at the polls. Chairman Harvie said he would as well. We will be encouraging people to vote and will have information outside the polls if you don't believe you are completely informed about who the candidates are. I believe there are lots of people who will encourage you to vote for their own candidate but you take the information, take some time to look through it, and make up your own mind.

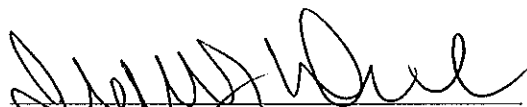
Member Szupka, following up on what Member Snipes was saying, I've heard over the years that is one of the reasons people don't like coming out to the polls is because they get deluged by people handing them papers and trying to get the last word in on the candidate they are supporting. It is important to vote. In Australia, they think it is so important that you vote you actually get fined if you don't vote. But you have to vote, it is not a matter of if you want to or not, they expect you to come out and that has been that way, I believe, for over 80 years in Australia. Member Szupka said it bothers me a lot that you see people walk down the street, younger people. I expect children or kids to be out there playing, but the adults are walking down the street and they seem to be oblivious to the traffic that is out there. But we do also have an issue with people who park their cars on the

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sidewalk, blocking the sidewalk or hanging over the driveway. Some people have to go out into the street. I know that is one of the areas that our Police Department is going to be working on to make the sidewalks better. I know there are problems with some of the sidewalks and curbs, but they are going to get straightened out, and we're spending a lot of time on it. So please, use them and enjoy taking an evening walk with your spouse, like my wife wants me to do. Have a good evening.

Member Harvie said he sent a memo to Board members referencing a letter he received from the St. Patrick's Day Committee. As we know, unfortunately, this year's parade was cancelled due to rain. The Township routinely makes a donation to the parade. Obviously with the parade not going off, the parade committee is asking us if we would prefer that they hold on to the donation of \$6,000.00, and we just won't give them a donation next year, or should the parade committee send it back to us and we give it to them again next year. They haven't spent it obviously, they are going to hold on to it. I don't know if the board has any other issue with that, if that's a problem, we will just let them know to hold on to the money for next year and we won't make a donation next year. Member Szupka said he would rather have them return the money to put back in the bank and get interest on it. When next year comes up we will do like we always do. Member Snipes said it is fine either way. I was thinking they should keep it because it just makes it simpler. I am happy to support them in that way, what little interest they will earn. Another parade is coming up on Sunday, May 30th. This is the Memorial Day Parade here in Falls Township beginning at the High School and ending at the American Legion Post, at the Memorial Park, actually, in Historic Fallsington. It is always a nice parade, it is always a good time, the weather has been pretty cooperative the last few years, not too hot, sunny but not too bad. To remind people what Memorial Day is. Obviously we have Veterans Day in October to honor all those people who served in any branch of the service, whether it was war or peace, at any point in our history. Memorial Day is more specific in referencing and honoring those who did not come home, who paid the ultimate sacrifice. Again, going back to Lexington Green all the way up to Afghanistan and Iraq we want to pay special tribute to them to remember their sacrifice and hopefully live our lives in a way that makes their sacrifice worthy. Member Szupka said that is why you should vote. People gave their lives so we could do that. Member Harvie said that is an outstanding point.

Member Dence made a motion to adjourn; Member Snipes seconded; all board members were in favor. (4-0) The meeting was adjourned at 9:34 pm.


Jeffrey Dence, Secretary