

Board of Supervisors – October 5, 2010

**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 7:35 p.m. with roll call and salute to the flag. All Board members were present. Also present were Township Manager Peter Gray, Township Solicitor Michael Clarke, and Township Engineer James Sullivan.

**ITEM # 1 CERTIFICATE OF APPROPRIATENESS – 37 MAIN STREET –
SHINGLE REPLACEMENT**

The project was approved by the Historic Architecture Review Board on September 29, 2010. Member Snipes moved to approve the Certificate of Appropriateness for 37 Main Street for shingle replacement; Member Vislosky seconded the motion; all board members were in favor. (5-0)

**ITEM # 2 CERTIFICATE OF APPROPRIATENESS – 139 YARDLEY AVENUE –
FALLSINGTON LIBRARY RENOVATIONS**

The project was approved by the Historic Architecture Review Board on October 4, 2010. Ms. Jennifer Stark, Historic Architect, gave a review of the project. Member Vislosky moved to approve the Certificate of Appropriateness for 139 Yardley Avenue – Fallsington Library renovations; Member Snipes seconded the motion; all board members were in favor. (5-0)

**ITEM # 3 GELEST, INC. – WAIVER OF PRELIMINARY LAND
DEVELOPMENT – 11 EAST STEEL ROAD –
TPN 13-47-150 AND 13-47-152**

Manager Gray introduced this project. The applicant is represented by Mr. Doug Maloney. Mr. Reardon, Project Manager, Mr. Barry Arkles, President and Mr. Kevin King, Vice President Operations were also present. Mr. Maloney said the applicant is proposing a 1,600 sq. ft. building and a tank farm. The tank farm consists of six tanks, each of which is less than 10,000 gallons in size. The tank farm enhances their existing operation. Gelest, Inc. is a chemical manufacturer. Because of the nature of the project they were able to receive government funding. Mr. Maloney reviewed the waiver requests which include:

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the requirements to seek a waiver of land development, prohibition of any structures within an easement, sidewalks, showing features within 200 ft. of the property line, and several storm-water management issues. Member Szupka said with regard to the storm water management waivers, the applicant has said that this is a chemical facility and they do not know at this time what they plan to do a few years from now. Member Szupka also had concern with using a natural berm as well as the use of PVC as opposed to concrete. Member Snipes asked Mr. Sullivan if he had any concerns. Mr. Sullivan said he has carefully reviewed the list of waivers the applicant is proposing and has no concerns or objections at this time. Member Dence said he reviewed Mr. Sullivan's comments about the run-off collection area and asked if it had been redesigned. Mr. Sullivan said the Resolution references the comments contained in their latest Engineer's review letter which the applicant, his engineer, and Mr. Sullivan have worked on. It is a small basin and these waivers are required to be in the configuration that they have designed. Member Dence asked what is outstanding. Mr. Sullivan said the discharge of the basin has to be relocated and the way the water is discharged out of the basin has to be revised. Mr. Maloney said other than the waiver requests, all of the comments in the Engineer's letter dated September 28, 2010 are will comply. Member Snipes asked what needs to be revised with the basin discharge. Mr. Sullivan said the original design allowed standing water in the basin. They have to relocate where the discharge is in order for the basin to properly empty. Chairman Harvie said it mentions the tank farm in the Fire Marshal's comments. The Environmental Advisory Council has looked at this and there were no comments. Chairman Harvie asked about locating the small retention basin into the large retention basin. Mr. Reardon said they did look at that to see if it is a possibility. Rather than disrupt the functioning of the existing basin and bringing in additional run off, they felt it was best to provide a separate facility that could manage and treat the run off for the building. Member Vislosky said she gets very upset when someone deviates from the zoning ordinance. Member Vislosky said she is not too upset about what they are proposing here for tonight, but she is concerned about the future. Once they open the door she is not quite sure about future expansion. She asked the applicant if they were saving any money on permits for the waivers or if they had a time crunch in order to get the grant. Mr. Maloney said yes to both questions. By not putting sidewalks in, there is a savings. The same goes for the difference in putting in a 5-ft. berm at the top of the basin as opposed to a 10-ft. berm. Member Vislosky asked if the applicant calculated the amount of money they are saving. Mr. Maloney said no. Mr. Arkles spoke about the research building and said they had funds from the American Recovery Act for this work. They want to put up a research facility for a photovoltaic or solar cell project. Member Snipes asked if they would be hiring any new employees. Mr. Arkles said initially they will use their current employees, and if they are successful, it could amount to about 20 new jobs. Member Dence moved to approve Resolution 2010-21, waiver of preliminary land development for Gelest, Inc., 11 East Steel Road, TPN 13-47-150 and 13-47-152; Member Snipes seconded the motion. Member Szupka voted no. Member Vislosky said she would vote yes if the applicant will compute the cost of the sidewalk and the retention basin and donate those funds to the Fairless Hills Athletic Association because they are in

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need of funds for their field. Member Vislosky was asked to vote either yes or no. Member Vislosky said unless someone has the courage to speak now, she abstains. Member Vislosky said she did not abstain and told the secretary not to record her vote as an abstention. Chairman Harvie said to let the record show that Member Vislosky said she did not abstain after she abstained. Chairman Harvie, Member Dence, and Member Snipes all voted yes. (3-1-1)

ITEM # 4 CONSIDER RESOLUTION FOR MILLCREEK INN SEWAGE FACILITIES PLANNING MODULE

Mr. Sullivan said the reason for this planning module is because of the approval of the Mill Creek Inn and their requirement to use an on-lot sanitary septic system. They have to have a revision to the approved Act 537 Plan in the township because this area has been targeted for public sewer. Member Szupka moved to approve Resolution # 2010-22 for the Mill Creek Inn Sewer Facilities Planning Module; Member Dence seconded the motion; all board members were in favor. (5-0)

ITEM # 5 CONSIDER AUTHORIZING ADVERTISEMENT OF ORDINANCE AMENDMENT TO CHAPTER 203, ARTICLE II, SECTION 9 – VEHICLES AND TRAFFIC, STOP INTERSECTIONS – TEA ROSE LANE AND THORNRIDGE DRIVE

Member Szupka moved to approve to authorize advertisement of Ordinance amendment to Chapter 203, Article II, Section 9 – Vehicles and Traffic, Stop Intersections – Tea Rose Lane and Thornridge Drive; Member Vislosky seconded the motion; all board members were in favor. (5-0)

ITEM # 6 CONSIDER RESOLUTION AUTHORIZING ADVERTISEMENT OF SALE OF SURPLUS EQUIPMENT AND VEHICLES

Manager Gray said the township has four vehicles, a boat and related equipment, and a tire machine as surplus. Member Szupka moved to approve Resolution # 2010-23, authorizing advertisement for the sale of surplus equipment and vehicles; Member Dence seconded the motion; all board members were in favor. (5-0)

ITEM # 7 CONSIDER SUPPORT OF THE PORT OF BUCKS COUNTY TURNING BASIN PROJECT

Chairman Harvie said that at a previous Board of Supervisors meeting he mentioned a proposal to do a study of the turning basin project. There is a Federal grant secured by Congressman Patrick Murphy who asked to speak about this project. Chairman Harvie said the Board is being asked at this time to give their support of this project. Congressman Murphy spoke about the deepening of the turning basin project and its importance to the

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local economy. He said they were able to secure \$1,100,000 in Federal funds and there is a share of about \$350,000. The turning basin is currently 35 ft. deep and this project will deepen it to 40 ft. According to the Martin Report, the economic impact is 3,722 jobs, and the tax rate is \$26,900,000 in state and local taxes in port activities. They want to start this deepening project in September of 2011 and the end date, for environmental reasons as indicated by the Army Corps of Engineers, would be December of 2011. The Redevelopment Authority of Bucks County is the local agency responsible for supporting this activity. Member Vislosky said she is familiar with the Army Corps of Engineers and said most of them trained at West Point. She said she is in support of having a deeper river. Member Vislosky asked Congressman Murphy what he did while he was at West Point. Congressman Murphy said he was an Assistant Professor in the Department of Law. He was at West Point in 2000 and he left in 2003. Member Snipes moved to communicate with the Redevelopment Authority of Bucks County to give them full support of this project and the township's cooperation with them; Member Dence seconded the motion; all board members were in favor. (5-0)

There was a break in the meeting at 8:42 p.m. and the meeting reconvened at 8:49 p.m.

ITEM # 8 PUBLIC COMMENT – FIVE MINUTE LIMIT PER PERSON FORTY-FIVE MINUTE MAXIMUM

Mr. Guido Mariani wanted to comment about Member Snipes' comment at the last meeting about the importance of voting. Mr. Mariani spoke in support of Mike Fitzpatrick.

Mr. Roland Kenney commented about not going after the candidates and leaving them alone. Mr. Kenney spoke in support of re-appointing John Galloway.

Mr. Steve DiSangro (Levittown Continental Little League) – Mr. DiSangro spoke about the Challenger Field. He said there are some punch list items that need to be taken care of, but it is almost complete. Mr. DiSangro thanked the Board of Supervisors, Representative John Galloway, Senator McIlhinney, District Council 21, the painter apprentices who painted the lines, and Mr. Jim Sullivan. Mr. DiSangro said he watched the last meeting. It upset him that this is becoming a 'he said, she said' and 'who did what'. Mr. DiSangro said he is the one who set up getting this field done in 2008. He has a 2009 letter from the little league who asked him to be the representative. Mr. DiSangro said they put in a lot of time on this field. This is for the kids and the people who put their time and effort in. Mr. DiSangro said he does not appreciate getting criticized and badgered about what he did with Chairman Harvie. Mr. DiSangro said Chairman Harvie, Jim Sullivan, and himself did 99% of it together, then it was designed and completed. Mr. DiSangro again thanked everyone for their help.

Mr. Andy Dell said he watched board comment from the last meeting and wanted to clarify some facts about the KOIZ. Mr. Dell said at the beginning of the KOIZ, the school board was given \$9,000,000 which is about 14 years worth of taxes from reassessed U.S. Steel

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property, given by Waste Management, Dominion, and U.S. Steel Real Estate. They continue to pay their township and county taxes. They did not go for reassessment and continue to pay the higher rate. Mr. Dell said the township taxes have not increased. He believes the permitting fees generated from KOIZ are about \$1,500,000. The township would have never seen this money had that area been left a vacant stone parking lot. Mr. Dell said this township has been accustomed to the Waste Management money and said the township is able to donate to programs and projects because of Waste Management and KOIZ. Mr. Dell said he agrees there are not as many jobs down there as originally planned, but there are still more businesses coming in. The entire infrastructure of rail, roads, bridges, and lighting is still being improved. There are about nine years left in KOIZ. Mr. Dell said the school board has received their money up front, but what they did with it, he does not know. Mr. Dell said 1,000 to 1,200 jobs is nothing to sneeze at and on top of that you have all of the electrical and construction contractors working down there all the time. If KOIZ was not there, it definitely would not have the people who are working there today and the future work that will be coming. Falls Township wouldn't have the kind of money they have now if it weren't for this deal. Mr. Dell said it is up to each individual company to maintain their KOIZ status. It is not a pre-requisite of the real estate to maintain each company's KOIZ status. Member Vislosky asked Mr. Dell if he worked for U.S. Steel. Mr. Dell said he maintains the facility down there.

Mr. Ed Matthias asked Mr. Sullivan if anyone went to look at the problem on Peartree Lane. Mr. Sullivan said the puddle is on top of a sanitary manhole. Those manholes were purposely set about 1/2" lower than the road surface, so it is not uncommon to have some water there. By the time Mr. Sullivan got there, the water was gone. Mr. Matthias said he has never tried or asked for credit for the Challenger Field. Mr. Matthias said the Senator's office called him. They had obtained his phone number from Member Vislosky. Mr. Matthias said when he brought up the subject of the Challenger Field in February of 2009, he was trying to gain funds and/or grants. He spoke about some internal communication he had with the little league board. Chairman Harvie clarified that the Board received a letter in January of 2010, designating Mr. DiSangro as the league's representative for the project. This was done at a public meeting. Mr. DiSangro handed the letter to Manager Gray. Chairman Harvie asked Mr. Matthias about receiving a check and questioned where it was. Mr. Matthias said he handed the check over to Member Vislosky. Member Vislosky said the check was for \$30,000 and she is waiting for the other \$10,000.

Mrs. Dorothy Vislosky. Chairman Harvie asked Mrs. Vislosky to please use the podium since she is speaking as a public citizen. Mrs. Vislosky refused to speak at the podium. She spoke from her board seat. Mrs. Vislosky said she has never been convicted of anything. Chairman Harvie said she was convicted of slander. Member Vislosky told Member Snipes that when she was sued, the lawyer who represented her settled with her and she signed a confidentiality agreement. Member Snipes said she was convicted of slander in Federal Court, by her peers. Member Vislosky said she will not speak at the podium and she will file charges for the way the meetings are conducted.

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ITEM # 9 MINUTES – SEPTEMBER 21, 2010

Member Snipes moved to approve the minutes from September 21, 2010; Member Dence seconded the motion; all board members were in favor with the exception of Member Szupka and Member Vislosky who both voted no. (3-2)

ITEM # 10 EXECUTIVE SESSION – There was no Executive Session held.

ITEM # 11 MANAGER COMMENT

1. Member Snipes moved to approve the Clearwire, LLC time extension request to November 30, 2010; Member Szupka seconded the motion; all board members were in favor. (5-0)
2. Member Snipes moved to approve the Kinder Morgan time extension request to December 12, 2010; Member Szupka seconded the motion; all board members were in favor. (5-0)
3. There will be a Bounce U special event for teens aged 12-17 on Friday, October 15th from 9-11 p.m. The cost is \$10 per person and advance registration is required.
4. There will be a Halloween Craft Event on Saturday, October 16th at the Falls Township Municipal Complex, Room 201. Ages 3-6 will be from 9:30 - 10:30 a.m.; ages 7-11 will be from 11 a.m. to 12 noon. The cost is \$5 per person for residents and \$8 per person for non-residents. Advance registration is required.
5. The Annual Children's Halloween Party will be held on Saturday, October 23rd from 1-3 p.m. at the Three Arches. This free event is for children ages 10 and under. For more information on any of the Parks & Rec events, please call 215-949-9000, X220, X221, or X222.
6. Manager Gray said there are Land & Sea mylars ready for signature.

ITEM # 12 BOARD COMMENT

Member Dence said they spoke about some positive things at tonight's meeting. They spoke about the turning basin which generates almost \$27,000,000 in tax revenue and 3,700 jobs. Hopefully, the Commissioners will approve this tomorrow and they can move forward. Member Dence said he knows there are numerous unemployed construction workers in Falls Township. The construction jobs are going on down there and are often overlooked. People would love to be working there. Member Dence said at the last meeting as well as tonight's meeting there have been some jabs toward the Zoning Board and they have been accused of not doing their job. The Zoning Board is comprised of five people and Member Dence said every one of them is qualified to be on that Board. The Zoning Officer and the Zoning Board all do a great job. Member Dence said Member Vislosky made some accusations about the Zoning Board with regard to the PVC Patio business and their setback. Member Dence said the Zoning Board has not granted a variance for any setback for them. He takes offense to that and thinks they do an excellent job.

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Member Szupka said Gelest is a good company and they have a good record and reputation. They are just starting with some technology and are not sure of the direction it will go. With history, people thought things such as asbestos and different solvents were great and we now know that these things are very dangerous. Member Szupka said he thinks the chemicals, processes, and by-products they may end up with can create other problems. Member Szupka said he was pleased to see the project was voted on affirmatively, but they don't always know what will happen down the road. Member Szupka spoke about some roads that still flood when it rains.

Member Vislosky said she remembers when Governor Rendell came here and promised 20,000 jobs at KOIZ. She said Mr. Dell works for U.S. Steel and he is like the U.S. Steel P.R. man. She knows that Gamesa is not fulfilling the jobs. Member Vislosky said she knows of a business that is waiting for a \$2,500,000 grant from the Federal Government. Member Vislosky said she wants to know how Member Snipes is able to advertise his business on the township website. Member Snipes said they run a not-for-profit business and they pay more taxes than Member Vislosky's newsletter says they pay. Member Vislosky said she is for the port being as functional as it can be. Member Vislosky said she is looking at the laid-off steelworkers. She said Member Dence works for the Electrical Workers Union in Trenton. Member Dence said that a local union covers this territory. He said he spent years working at that property before KOIZ, during KOIZ, and hopefully he will be working down there again. Member Dence said he does not have a job. He is a laid-off electrician. Every time a new business comes down there new construction jobs are created. Member Dence said there are plenty of people in Falls Township who would love to work down there. Member Vislosky said she gets e-mails all the time and she will publish them. Member Vislosky said she is going to look into the commercial about the woman in the blue shirt whose job was outsourced to Central America. Member Vislosky said that Debbie DeBlasio runs our Water and Sewer Authority. Member Vislosky said she heard that Morrisville and Trenton have been warned about the quality of the drinking water. Although she did not hear mention of Falls Township, some of the addresses in Falls Township are Morrisville addresses and as far as she is concerned, she will boil the water in her home. Chairman Harvie said that since Member Vislosky brought up the subject of the water quality, he would like to hear Mrs. DeBlasio's comments about this. Member Vislosky spoke about an engineer who she said worked for the Water and Sewer Authority. Member Dence said he was on that Board and what Member Vislosky is saying is not true. The person she is speaking of was not the Engineer; he worked for the Engineer. Mrs. DeBlasio said the current Engineer is Remington, Vernick, and Beach. They have been with them for five years and they were hired by vote of the Board. Member Dence said it was around December the first year that the original one resigned and they appointed Remington, Vernick, and Beach. Mrs. DeBlasio said she remembers they were not on their own yet at the time. Member Vislosky said they did not have a professional staff. Member Dence said they always had a professional staff. Mrs. DeBlasio said Morrisville and Trenton were both put under a 'boil water advisory' from their treatment plants from overflow in the river. The water from the Township of Falls Authority does not come from

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either of those two places. They purchase their water from the Lower Bucks County Joint Municipal Authority which has nothing to do with Morrisville. Mrs. DeBlasio asked Mr. Sullivan if there were any connection with the water that is delivered to the Township of Falls Authority residents and Morrisville's water. Mr. Sullivan said no.

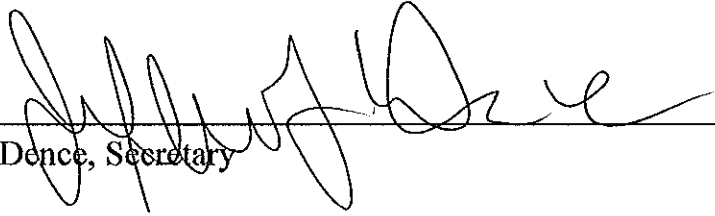
Member Snipes said they have received a resignation letter from the Parks & Rec Board from Ms. Madeleine Jones. Member Snipes moved to accept the letter of resignation from the Parks & Rec Board from Madeleine Jones; Member Dence seconded the motion; all board members were in favor. (5-0) Member Snipes said the date to register to vote has now passed, however, the date to apply for an absentee ballot has not yet passed. As long as college students are registered here they can use an absentee ballot. If someone is ill or away on vacation, they can also use an absentee ballot. Absentee ballots can be obtained from the post office. Member Snipes said these elections for our congress people and senators are crucial because these are the people who need to be in Congress to support the things you want to see. We have to give the people in the White House the support they need. Whichever candidate you are supporting, this is the time to be involved. You have no reason to complain if you do not get out to vote. Member Snipes had an opportunity to attend a fund-raising dinner and auction at Pennsbury Manor. Before the dinner they went through the new visitor center and the new museum dedicated to William Penn and his ideals for government in Pennsylvania. Member Snipes said there was a comment about green jobs. Bucks County is the top county in Pennsylvania for bringing in green jobs and he thanks our congressman for that.

Chairman Harvie said we have heard over the past several months quite a bit about the Challenger Field. He is hoping that tonight's meeting will be the last of the debates we have. There is a lot of credit to go around within this building and the people that work here for the township and Levittown Continental as well. Chairman Harvie said Steve DiSangro did a good job of thanking people and, in particular, Representative Galloway and Senator McIlhinney for their support. The original intent was for the children but, on occasion, the best intentions of people can go astray a little bit. All the people know who they are and what they did. It was Steve DiSangro who brought this to the board in the summer of 2008. He hopes this field lasts many years and the kids get a lot of fun on it. Chairman Harvie said they had a presentation a couple of meetings ago from G.O.A.L. They go around and do clean-ups in various areas of Levittown. This past Sunday there was a clean up in North Park. Chairman Harvie went out there to see if he could lend a hand and unfortunately, no one from North Park showed up. The organizers were very disappointed that the notices they put up had been torn off the day after they were hung. Chairman Harvie said it is disappointing to see how much yard waste is deposited in those drainage ditches. One of the reasons why you get flooding is because it creates a dam and water gets backed up. Our Public Works crew will be going out there in a month or so and it takes a lot of time to clean up. Residential trash collection is free so there is no reason to dump trash in the drainage ditches. He asks people to think twice before dumping into these drainage ditches.

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Chairman Harvie said there was mention made of a commercial involving an employee who had worked at Jones New York and wondering about her job. He would assume that woman would know about what happened with her job and she contacted the Congressman's office about her job being lost. He thinks Jones New York has many facilities, not just one location. Since the first meeting in November falls on Election Day, the board agreed to change that meeting to Wednesday, November 3rd instead of November 2nd.

Member Dence moved to adjourn the meeting; Member Vislosky seconded the motion; all board members were in favor. (5-0) The meeting was adjourned at 9:59 p.m.



Jeffrey Dence, Secretary