

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

ROBERT HARVIE, JR., CHAIRMAN	PRESENT
JEFFRY DENCE, VICE-CHAIRMAN	PRESENT
JEFFREY ROCCO, SECRETARY	PRESENT
JONATHAN SNIPES, SUPERVISOR	PRESENT
BRIAN M. GALLOWAY, SUPERVISOR	PRESENT

The meeting commenced at 7:02 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, Township Solicitor Lauren Gallagher, and Township Engineer James Sullivan.

Mr. Clarke reported that at the end of the November 19, 2013 Board of Supervisors meeting, the board went into Executive Session and had a discussion on litigation and personnel.

**ITEM # 1 PUBLIC COMMENT – FIVE MINUTE LIMIT PER PERSON
FORTY-FIVE MINUTE MAXIMUM**

Chief William Wilcox thanked the Board of Supervisors for everything they have done for the Falls Township Police Department. He thanked Member Snipes personally for all of the things he has done over the years and said he has been a real asset to this township. Chief Wilcox said the last year from August, 2012 to this past August was a tumultuous time for him, due to his accident. Both he and his family thank the township for the support.

Mr. Roland Kenney said this Thursday and Friday night are Holly Nights at Pennsbury Manor. Everything is lit by candles and the scenery is breathtaking. In regard to the last meeting, if the board members want to say something, then they should say it, as we live in a free country. Mr. Kenney said he believes in the 2nd Amendment. If people want guns, they should be allowed to have them. Mr. Kenney said the gangsters don't care about the law and they will always keep their guns. Mr. Kenney wished everyone a nice night and hopes everyone had a nice Thanksgiving.

Mr. Guido Mariani said prior to adopting the 2014 Budget, he wants to offer the board some advice. He said host fees in this township have become a major source of funding in our budget. Normal operating expenses should be supported solely by taxes. For this budget, Mr. Mariani urges the board to please expand our tax base. This will have to be done in the future for when host fees cease. There are a variety of revenue sources. There are probably a lot of residents paying expanded taxes to other townships that should probably be collected here. All of the future Waste Management fees should be accumulated in a fund

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and that fund should be invested and secured into government securities. The fund would never become available for normal expenditures or to cover deficiencies. The purpose of the fund would be to provide perpetual income for all of the residents in Falls Township. He is not saying distribute the funds; he is just saying distribute the income that we get from the funds. He believes we are obligating this township to un-necessary projects that are beyond what the role of government should be doing. Every one of these projects becomes part of your present budget and then part of your future budget when you have to maintain them. One of the things he would like to see us do is to establish a version of the Federal Grace Commission that Ronald Reagan did in 1992. All of these commitments that we are making are being done when we are fortunate. At the rate that we are spending, please think about some of the things he said and try to apply them to this budget and future budgets.

Mr. Tim Pullen is a Boy Scout with Troop 53. He said in the beginning of November he completed his Eagle Scout project which was to install a flagpole and small garden at the Pinewood Pool. Mr. Pullen thanked the township for allowing him to do this project and the Public Works Department for all of their help and support with his project. Mr. Pullen presented a check to the Board to go toward the purchase of the flagpole. Chairman Harvie thanked Mr. Pullen for completing this project and asked Manager Gray to make sure he notifies Mr. Joe Arnao that Mr. Pullen was here also thanking the Public Works Department.

Ms. Toni Battiste wanted to comment on the proposed waiver of land development project at 390 Lincoln Highway. She said she is not sure if this area is zoned for a used car lot. If it is, she believes this will be a safety factor. She said cars drive too fast on that road, there is a curve, and people turn left across traffic in this area. It is really a bad spot for people to get in and out of and there are a lot of accidents at that intersection. In the past, previous people have used side streets as testing roads for the vehicles. Ms. Battiste said car dealers like to use loud speakers. The entrance in the back does come out onto Edgemont Road which is a high-traffic area for people going back and forth into the park. As far as the budget, Ms. Battiste said she would appreciate if the board would look at ways to reduce some of the expenditures. Please reconsider any major purchases and building plans. If you look at security in some of our parks, it is getting kind of high. At some point, Waste Management will no longer be funding us. There is only so much land down there. Ms. Battista asked about longevity salary. Chairman Harvie said that is a benefit to employees with certain intervals of service.

The board went into Executive Session at 7:18 p.m. and the meeting reconvened at 7:29 p.m. Mr. Clarke said the board discussed a matter of potential litigation.

ITEM # 2 FAULKNER – WAIVER OF LAND DEVELOPMENT 390 LINCOLN HIGHWAY – TMP # 13-008-051

Manager Gray said this is a waiver of land development for Faulkner, located at 390 Lincoln Highway, TMP # 13-008-051. The applicant, JJLH Associates Ltd., is the owner of the property, and is represented by Mr. Gavin Lavoski. Mr. Lavoski said this is a fully-

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developed site operated by Faulkner and has a collision center in the back of the property. The applicant is in the process of completing a condominium plan which would overlay on the property and create two units. As part of that process, they have been involved in land development. They request a waiver of that land development. That plan has been reviewed by the engineer as noted in the November 19, 2013 engineer's review. It was heard by the Planning Commission a week ago. He understands there was a recommendation of denial at that time. The applicant has agreed to the items listed in the resolution. They request a waiver for the requirement for street trees and the sidewalk requirement because the site is fully developed and those two conditions have been waived previously. It is routine not to have trees near a dealership. They propose to plant trees elsewhere or provide a donation in lieu of. The applicant is ready to prepare a record plan which is a modified series of things waived on the plan that you would normally see on a full-blown land development application and have that filed separate from the condominium plan. He thinks we can reach a resolution based on the engineer's letter and what the applicant has agreed to do. Member Snipes said he is comfortable with the waiver for street trees. Member Dence told Mr. Levoski that his partner was completely out of line with how he treated the board at the Planning Commission. Member Dence said he was disrespectful and obnoxious and that is something they don't take lightly. Member Dence said when Mr. Levoski came in tonight, they were prepared to deny the application, but they do understand the time constraints they are under. They spoke to Brian Binney and they are doing this with the Planning Commission's blessing. Mr. Levoski said he appreciates the board not taking his associate's actions out on the applicant. Member Rocco asked about the two different plans. Mr. Clarke said there is a land development plan which the clients will submit. It will be the record plan and will be recorded. There is a second plan that is the condominium plan which lays out the different forms of ownership of the condominium as the parcels are owned and Mr. Levoski is asking that all the usual things that you put on a normal plan not be put on a condominium plan. Mr. Clarke said they believe that is appropriate. Mr. Levoski explained how the condominium plan will identify each unit and with the extraneous information you would find on a land development plan, this is being done because it could run afoul and create title issues. It is much cleaner to keep the two separate. Mr. Clarke said as long as there is a note on each plan, any prospective buyer will know from reading it that there is another plan that they should take a look at. Member Rocco said he is fine with the suggestion of the street trees. He thinks sidewalks should be installed. The gas station on the corner has them, and the apartment complex has them as well. Chairman Harvie said Mr. Binney from the Planning Commission had some points he wanted to address. One of the issues was with the condominium plan that you will have two operations and two separate buildings and the concern is that it could be separated and the township would have no control over how they are being used. Mr. Clarke said the former ownership will be covered by the condominium documents which the township has little to say over what happens. The use of the property, whether a new use or dividing one of the properties; all of that would have to come back before one of the township boards. While Mr. Binney and the Planning Commission have expressed concern over that and it is a valid concern, we are protected in the event that if anything along those lines changes, we will be able to have some say in that regard. Chairman Harvie addressed Ms. Battiste's concerns over traffic on Lincoln Highway. Chairman Harvie said we have no control over the

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driveway, as it is a state highway. The use isn't really changing. In terms of generating more traffic than what was there previously, that will not be an issue. In terms of loud speakers, Mr. Lebovski said that Faulkner has made it a policy not to use loud speakers. If they transfer the property, they don't know what the new owners will do. Member Dence said they are not approving a car lot. Mr. Lebovski said it is Faulkner's preference to escrow the money for construction of sidewalks and build those going forward rather than building those before transferring the property. Board members were okay with this request. Mr. Clarke said the used car business will appear in front of the Zoning Hearing Board for exception next Thursday. The township engineer will do a calculation of how many trees would have had to have been planted and they will either do a fee in lieu of or plant the trees elsewhere in the township. Member Dence moved to approve Resolution # 13-36 for waiver of land development for JLLH Associates Ltd., 390 Lincoln Highway, TMP # 13-008-051; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 3 DISCUSSION ON THE PROPOSED 2014 BUDGET

Chairman Harvie introduced this item. Member Rocco moved to open public comment; Member Dence seconded the motion; all board members were in favor. (5-0) Mr. Guido Mariani said income from host community fees are estimated to be \$11M this year, all of which is going to go to support the general fund. Mr. Mariani highlighted some items in the proposed budget. He spoke about the average cost of healthcare and how that compared with what the township currently pays. Mr. Mariani said he points that out because the Affordable Care Act calls for an excise tax of 40% on individual plans over \$10,200 and family plans over \$27,500 and said that will be followed quickly by an 80% excise tax. Mr. Mariani asked about work on the road program and if it would continue into next year. Chairman Harvie said yes. The 2013 Road Program got started very late so it is continuing into next year. Mr. Mariani said the proposed New Falls Road sidewalks and the fishing pier are both un-necessary and should be removed. He also said the geese removal program should be discontinued. Mr. Mariani is in favor of the township expansion project, but said the projected cost of \$15M is beyond anything we need. In reviewing the plans that we discussed here, he thinks we can get what we need and a little more for \$9M, not \$15M. Mr. Mariani asked the board not to pursue Biles Island. He thinks this will eventually bankrupt this township. Mr. Mariani shared some statistics in regard to cost of living, median per capita income, and household income. Mr. Mariani said our budgets have to be predicated on the realistic future revenue that will come from these people. You have to do that without expecting host community fees and he doesn't think our budgets, as they are proposed, reflect that. Chairman Harvie said in terms of the income number per capita and median family income, he wonders if that has to do with an above average senior citizen population in Falls Township. That is one of his thoughts for it being lower. Mr. Roland Kenney said one of the board members has been here for twelve years and another has been here for ten years. He asked how much money we have put into the bank. Manager Gray said there is more than \$30M in our long-term restricted savings account. Member Snipes said he thinks when he joined the board the amount was \$12M or \$15M. Mr. Kenney asked if there were any way of using the island to put trash on it. Chairman Harvie said if there

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were a way to do it, Waste Management would have already figured it out. Member Dence moved to close public comment; Member Galloway seconded the motion; all board members were in favor. (5-0)

Member Rocco left the meeting at 7:55 p.m.

Chairman Harvie said one of the things they have been looking at is trying to find ways to generate revenue without impacting our residents. Mr. Clarke had been asked to look at whether or not we can charge a docking fee at the port. The state will not permit us to do that. Chairman Harvie said we have a number of hotels in the township. They asked if we can charge a hotel tax. That is also something the state will not allow us to do with us being a Second-Class Township. Generating revenue is something we are always looking at with trying to attract business to come in. All of that is a way to broaden our tax base. Chairman Harvie said Member Galloway sits on the Planning Commission and it is something they are always focused on. Chairman Harvie said that while people may not always agree, he appreciates the comments and input this evening. At the next meeting, they will look at approving the budget. Member Dence moved to close public comment; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 4 MINUTES – NOVEMBER 6, 2013

There was one change to the minutes. In Chairman Harvie's board comment, it read: Of that \$2,200, \$1,000 of that was donated by local businesses to help offset the cost. The correction reads as: Of that \$2,200, \$1,000 of that was donated by a local business to help offset the cost. Member Dence moved to approve the November 6, 2013 minutes, as amended; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 5 EXECUTIVE SESSION

Executive Session was held prior to agenda item #2. (The board went into Executive Session at 7:18 p.m. and the meeting reconvened at 7:29 p.m. Mr. Clarke said the board discussed a matter of potential litigation.)

ITEM # 6 MANAGER COMMENT

- A. Member Dence moved to approve the escrow release in the amount of \$5,400, for 965 Lincoln Highway as the project was canceled; Member Snipes seconded the motion; all board members were in favor. (4-0)
- B. Member Snipes moved to approve the escrow release in the amount of \$4,783.32 for 74 Jennifer Lane; Member Dence seconded the motion; all board members were in favor. (4-0)
- C. Manager Gray announced the Children's Holiday Christmas Party to be held on Saturday, December 14th at the Three Arches. This will be followed by the tree-lighting ceremony.
- D. The Annual Breakfast with Santa will be held on Saturday, December 21st at the Falls Township Senior Center.

ITEM # 7 BOARD COMMENT

Member Dence said there have been many comments made about the proposed township building. They had first looked at renovating this building, but it is more practical to construct a new building. They are at a point where they have a basic design. Right now, there is no price of \$15M that we are sitting at right now. We are still at the design stage and chipping away to see who needs what.

Member Galloway – no comment.

Member Snipes – no comment.

Chairman Harvie said this Saturday is the last leaf pick up day. The Annual Falls Township House Decorating Contest is underway. If you would like to nominate a house, please contact the township Parks and Rec Department and they will add it to the list. Chairman Harvie encourages everyone to use caution when stringing up lights and using extension cords. Don't overload outlets or cords or put them where doors will cross on them or they will be stepped on. Chairman Harvie wished everyone a great holiday season. He thanked board members, township staff, and professionals for a great meeting.

Member Dence moved to adjourn the meeting; Member Snipes seconded the motion; all board members were in favor. (4-0) The meeting was adjourned at 8:07 p.m.



Jeffrey Rocco, Secretary