

**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 | ABSENT |

The meeting commenced at 7:34 p.m. with roll call and salute to the flag. All Board members were present with the exception of Member Vislosky. Also present were Township Solicitor Michael Clarke, and Township Engineer James Sullivan. Chairman Harvie said that Manager Gray could not be at tonight's meeting due to a family matter he had to attend to.

**ITEM # 1 T-MOBILE NORTHEAST, LLC – CONDITIONAL USE HEARING –
8900 OLD ROUTE 13 – TPN 13-040-045-001**

Member Szupka moved to open the Conditional Use Hearing for T-Mobile Northeast, LLC; Member Snipes seconded the motion; all board members were in favor. (4-0) Mr. Clarke said this is a Conditional Use Hearing. The applicant is T-Mobile Northeast, LLC. This project is located at TPN 13-040-045-001, which is in the Township of Falls, Bucks County, PA. This is an application requesting Conditional Use to allow the co-location of antennas with related equipment on an existing monopole tower located at 8900 Old Route 13. The applicant is represented by Ms. Bernadette Hohenadel, Esq. Ms. Hohenadel presented information on this project. The following items were entered into the record: A1 - Zoning drawings; A2 - Impervious calculations; A3 - Structural analysis; A4 - Radio frequency drawings; A5 - Radio frequency interference report; A6 - Site lease; A7 - CV for Mr. Gilmore, who is their engineer; and A8 - Copy of the FCC license. The existing monopole is 148 feet tall. They propose to locate three sets of two antennas each at 105 feet, plus six cabinets mounted on two pads at the base of the tower as well as related cables and other equipment. Ms. Hohenadel introduced the witnesses. They were Mr. Bob Jackson - Site Acquisition Engineer, Mr. Bassem Iskander - RF Engineer, and Mr. Bill Gilmore - Professional Engineer. All three witnesses were sworn in and all agreed with Ms. Hohenadel's testimony. Member Szupka asked how many other companies have antennas mounted on the pole. Mr. Jackson said this will be the fourth carrier on the monopole. Member Snipes asked how they chose this location. Mr. Iskander said the tower will provide additional service for area residents as well as in-vehicle coverage in this area. Member Snipes asked if it is their intention to extend the service. Mr. Iskander said yes and that ultimately they have a couple more areas they are looking to fill in the township, not

just in this immediate area. Chairman Harvie referenced the Traffic Planning and Design letter which indicated the property had overgrown vegetation. Ms. Hohenadel said they agreed that they would make the alterations that are required in order to be compliant with the comments from Traffic Planning and Design. Mr. Clarke asked, in addition to agreeing with the condition in the October 8, 2010 letter from Traffic Planning & Design, if the applicant agrees with the conditions in the October 11, 2010 letter from T&M Associates? Ms. Hohenadel said yes. Member Dence moved to close the Conditional Use Hearing; Member Snipes seconded the motion; all board members were in favor. (4-0) Member Dence moved to open public comment; Member Szupka seconded the motion; all board members were in favor. (4-0) Mr. Andy Dell said it seems like the last person adding equipment to the tower gets stuck making improvements to the site. He believes the landlord should be held responsible to maintain vegetation on the site and that the township needs to stay on top of this. Member Snipes moved to close public comment; Member Dence seconded the motion; all board members were in favor. (4-0) Member Snipes moved to approve the Conditional Use for T-Mobile Northeast, LLC, for TPN 13-040-045-001; Member Dence seconded the motion; all board members were in favor. (4-0)

**ITEM # 2 CONSIDER PROPOSAL FROM IC&EE FOR ELECTRIC
GENERATION AND TRANSMISSION FOR THE TOWNSHIP**

Mr. Clarke said with the rate caps coming off at the end of this year and with PECO, our current energy supplier, no longer providing energy as of January 1, 2011, large users such as the township are looking to purchase electric for all of the township facilities. Manager Gray, in consultation with David Busch who is the Acting Executive Director of the Township of Falls Authority, was put in contact with (Instrumentation Control and Energy Engineering, LLC) IC&EE. IC&EE contacts various electric suppliers to obtain proposals. They submitted a proposal to the township to identify electric supplier proposals by December 9, 2010. Their proposed fee is \$4,000. Mr. Clarke said one of the things the Board needs to consider is because of the very short shelf life of these proposals, if the Board is inclined to approve this proposal this evening, he would also ask the board to grant Manager Gray permission to execute these agreements on December 9, 2010 when they come in. Normally when the proposals are received, they are only good for a 4-6 hour period of time. Chairman Harvie said this is a company that will go out and find energy from companies at the best possible rate for the township. Mr. Clarke said this is a flat fee contract. Member Szupka said it seems like we are spending \$4,000 for something that seems like we should be able to do. Mr. Clarke said a deal needs to be struck for all nineteen accounts that we have within the township. Mr. Clarke said from what he has seen from another municipality of a smaller size, the amount of the fee they paid will be made up within the first 6 weeks of the year with the amount of money that should be saved. Mr. Clarke said that may not occur here, but if IC&EE does their job correctly this money should be made up rather quickly. Member Szupka said he can understand having someone do this, but thinks \$4,000 is a large amount to spend. Member Snipes asked Mrs. Reukauf to comment on this. Ms. Reukauf said we have not used this kind of consultant in the past as we have always had PECO as the township's energy provider. It is just since the rate caps are coming off in January that we need to use this kind of service. While she

understands Member Szupka's point about the cost, this would be a lot of work for the township to look at all nineteen accounts and come up with the best provider for our needs. Member Snipes asked if each account would have their own provider. Ms. Reukauf said it will be one provider for all nineteen accounts. Member Dence said he thought \$4,000 was reasonable as this entails a great deal of work. Member Snipes asked what percentage of our electric bill this would amount to. Chairman Harvie said typically the electric bills for just the street lights are \$25,000 per month. Member Szupka said he feels better that this company is not a broker and they will not gain anything. Member Szupka moved to open public comment; Member Snipes seconded the motion; all board members were in favor. (4-0) Mr. Andy Dell asked how many electric providers there were. Mr. Clarke said PECO no longer produces energy; they have a separate company, Exelon, who produces it. Mr. Clarke said there are multiple suppliers who travel over the PECO lines. Mr. Dell said he thinks someone can take a day to analyze nineteen properties and call the top four or five providers and ask them what their rates are. Mr. Gallus Obert said if anyone reads the Bucks County Courier Times there was an article over the weekend of what can be saved in power. Mr. Galloway's office also has brochures that give you a website of various suppliers of power and a listing of what companies are available. There are 32 pages on the state website considering power and alternates. They can do it for industry, government, and individual homes. Member Szupka moved to close public comment; Member Dence seconded the motion; all board members were in favor. (4-0) Member Snipes asked if there was a date that PECO would have to say what their rate increases would be. Mr. Clarke said no. PECO will not be in the business of producing electric. They will simply be for transmission. Exelon will be producing the electric. The competition has helped keep all of those rates from sky-rocketing right now. There is no indication of how much the rates will go up. Chairman Harvie said one of the things to consider is that this is a lot of work. Also, if you call one company in the morning by the time you get back to them, their rate is likely to change. Member Szupka said this company will be able to do the work quickly. They probably have a program set up to analyze our usage. Member Szupka said this probably is the best decision to have them do it. Member Szupka moved to accept the proposal from IC&EE in an amount NTE \$4,000; Member Dence seconded the motion; all board members were in favor. (4-0) Member Snipes moved to authorize Manager Gray to accept and execute the best proposal on December 9, 2010; Member Dence seconded the motion; all board members were in favor. (4-0)

ITEM #3 CONSIDER APPOINTING AUDITOR FOR 2010 FINANCIAL AUDIT

Chairman Harvie introduced this item. He said typically you do not want to keep the same company for too many years. You want to have a fresh set of eyes come in to look at the books and give you a new perspective. Last year they went away from Major Mastro and used Mercadien. Major Mastro and Mercadien were the only two, out of the five they contacted, who submitted proposals. Mrs. Reukauf spoke about the appointment of an auditor for the 2010 financial audit. She said both firms who submitted proposals are very qualified professionals and they are satisfied with both firms. Member Szupka said if they go with the lower-priced firm and since we have had them in the past, maybe they could send different people so there is a different set of eyes to look at the books. Mrs. Reukauf

said the last two years they used Major Mastro they had the same principals (senior staff), but the less senior staff was usually someone new each time. They usually send three people and the third person is normally a different each time. Member Szupka moved to appoint Major Mastro for the 2010 audit in the amount NTE \$22,000; Member Snipes seconded the motion; all board members were in favor with the exception of Chairman Harvie who voted no. (3-1)

**ITEM # 4 CONSIDER AUTHORIZING ADVERTISEMENT ENACTING
CHAPTER 158 – NUISANCE SERVICE CALLS**

This is a proposed ordinance the solicitor has been working on with the police department. It would allow the police department to focus on nuisance properties that the police are always being called to. We received some information from the police department earlier today and they asked the board to table this issue for tonight. Member Snipes moved to table this authorization for advertisement; Member Szupka seconded the motion; all board members were in favor. (4-0)

**ITEM # 5 CONSIDER AUTHORIZING ADVERTISEMENT OF ORDINANCE
AMENDMENT TO CHAPTER 138 – HOUSING STANDARDS**

There are some properties in the township that have one or more cars that are parked on the property that do not ever go anywhere. Some are project cars and others just sit year after year. The township is responding to a lot of these public concerns. Mr. Tom Bennett said if you have an inoperable, unlicensed, unregistered vehicle it can be permitted to stay there for six months. Right now the code says the vehicles can stay there indefinitely. We currently have no way of making them move the vehicle. This effort is to try to clean up the township. This would apply to motor vehicles. Member Szupka said he can point out two boats that have been sitting in the same spot forever. We are stating motor vehicles, but he thinks they should take the word motor out of it. He said there shouldn't be an issue if someone has it inside a permanent structure such as a garage. Member Szupka said there are a lot of people who feel they have collector items. This could apply to a lot of things, even trailers. Mr. Clarke said this would not deal with cars that are parked inside a garage that they are working on for a significant period of time. They did have a discussion about cars, trucks, campers and they are all covered under vehicles. The registration aspect determines what vehicles Mr. Bennett is able to cite. This is meant for the project cars, those up on blocks, or unregistered, uninsured vehicles. This is not meant to prevent someone from having these cars on their driveways, but to make sure that if it sits there for six months and nothing is being done to it, they have the ability to do something about it. They can tell the owner that you have to move this or get it inspected and registered. Mr. Bennett said right now they don't have the power to do anything and these cars can sit there forever. Member Snipes asked how this compares with other townships. Mr. Bennett said most other townships are more stringent. Member Snipes said he would like people to come to the meeting or e-mail the township with their input. Member Dence moved to open public comment; Member Snipes seconded the motion; all board members were in favor. (4-0) Mr. Andy Dell asked about commercial properties. Mr. Clarke said it is in the portion

Board of Supervisors – December 7, 2010

of the code that deals with residential properties. Mr. Dell did not think you needed insurance to have registration on a trailer. Mr. Gallus Obert said it doesn't take much for the neighborhood to go to pot. Allowing things to sit just brings your neighborhood down. Mr. Obert said he is starting to see a lot of canvas garages. He would like to see them get rid of the boat trailers. He said maybe they should start an RV parking lot. Mr. Guido Mariani said the registration of a motor vehicle is not going to be a way out of it. If it needs to be registered, it also needs to be inspected. Member Dence moved to close public comment; Member Snipes seconded the motion; all board members were in favor. (4-0) Member Szupka moved to authorize advertisement of Ordinance amendment to Chapter 138 - Housing Standards; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 6 CONSIDER AUTHORIZING ADVERTISEMENT OF ORDINANCE AMENDMENT TO CHAPTER 209 (ZONING) ARTICLE VIII, SECTION 65 – NOTICE OF HEARING

Mr. Tom Bennett said at the present time when a residential zoning appeal comes before the Zoning Hearing Board, the owner of the property needed to notify any property that abuts their property at least five days prior to the hearing so they would have ample time to voice their opinion. There seemed to be a lot of problems because sometimes neighbors would not be notified and then the Zoning Hearing Board would need to table it so the other neighbors could be notified and then come back in thirty days to hear the project again. The township drafted a letter and will have the secretary send it out to all the adjoining property owners. Member Szupka asked if there will be anything specific in the letter about what will be done. Mr. Bennett said it will list the time and date of the hearing, the zoning section, and the reason for the variance. Member Snipes asked if the staff would be able to handle this. Mr. Bennett said there will not be much more additional work involved for the staff. Member Dence said this is easy enough for them to do. Member Snipes moved to authorize advertisement of Ordinance amendment to Chapter 209 (Zoning) Article VIII, Section 65 - Notice of Hearing; Member Szupka seconded the motion; all board members were in favor. (4-0)

ITEM # 7 PUBLIC COMMENT – FIVE MINUTE LIMIT PER PERSON FORTY-FIVE MINUTE MAXIMUM

Mr. Roland Kenney said many people do not know what today is. He said there are two dates that no one should forget. One is today, December 7th, Pearl Harbor Day, and the other is September 11th. These are two days when we were attacked. Mr. Kenney spoke about the condition of the foyer area. He said when he came in here recently, the secretary was putting down towels to catch the water leaks. He doesn't think money should be spent on the senior center when this building is in much greater need of repair. Mr. Kenney said this Thursday and Friday are Holly Nights at Pennsbury Manor. He hopes to see a lot of people attend. This Saturday at Three Arches is the tree-lighting ceremony. Member Dence said they did budget this year to do a study to look at renovations for the building. They can't do patches here and there; they need to look at the whole building.

Board of Supervisors – December 7, 2010

Mr. Guido Mariani said the senior center is going to cost \$1.2M. Ms. Hagan was at a recent meeting and referred to the Older American Act. This was passed as part of Lyndon Johnson's Great Society Program which is set to expire in 2011, but will probably be re-authorized. Mr. Mariani said what the act does is that it creates the National Aging Network which provides funding for various support programs, based upon an area's population. Mr. Mariani said that Ms. Hagan mentioned several programs in which the Falls Township Senior Center participates. The same services she is talking about are readily available from our churches and socially-conscious groups and other organizations. Mr. Mariani said less than 1% of all of our residents participate in this center's activities. He said in this economic climate we have now, this isn't the time to be spending a lot of money for a senior center expansion. They may find the center is more than adequate by better scheduling some of the activities they currently have. The township is under no obligation to fund and support that center. They are already receiving a Community Development Block Grant of \$385,000 on top of the \$1.2M for the project. Mr. Mariani said you will better service our community by selling the present site and building a community center in which the seniors can be a part of. A better use of this money is to put it into a money-producing fund and send dividend checks to our residents every single year. If we didn't spend the \$1.2M for the senior center and stopped production on the boat ramp we could probably have a tax-free year in 2011.

Mr. Gallus Obert said we have a budget of \$85,695,667. There are four proposals for sidewalks along New Falls Road. We had a Shovel-Ready project at the intersection of Tyburn Road and New Falls Road and he hasn't seen those lights worked on yet. We had a dispute with Tullytown and that cost us money. We spent a lot of money on the boat ramp. Mr. Obert said we have a lot of money going nowhere. He received a copy of the proposed budget and had a chance to go through a lot of the budget items. He hopes the board will start listening to the people. He wonders how much longer the income will last from the Waste Management fund. Mr. Obert spoke about the 2011 Road Program and the senior center. He said he would like to see more detail on the police purchases. Mr. Obert spoke about the community park improvements such as the 20 additional parking spaces next to the basketball court and 30 parking spaces for the skateboard park. He said Pennsbury had a school parking lot that they were going to re-pave. They spent \$47,000 to dig up the non-compactible dirt and bring in more than 200 loads of compactible dirt before they put down the blacktop. Mr. Obert spoke about the proposed fitness stations at the community park and handicapped-accessible play equipment. He thinks they are spending a lot of money they don't need to spend. Mr. Obert said he does not like the new LED lights the township is installing. Mr. Obert asked why they needed surveillance equipment at the park and the Mill Creek Road sports complex and asked who would watch the video 24/7. He thinks these projects are a waste of money. Mr. Obert said he looked at the proposed 2011 budget and said the Township of Falls Authority will support the general fund with \$5,300 as their annual interest payment. Mr. Obert asked when they would start paying back on the principal. Chairman Harvie said they will begin paying next year.

ITEM # 8 MINUTES – NOVEMBER 3, 2010 AND NOVEMBER 16, 2010

Member Snipes moved to approve the minutes from November 3, 2010; Member Dence seconded the motion; all board members were in favor with the exception of Member Szupka who voted no. (3-1) Member Dence moved to approve the minutes from November 16, 2010; Member Snipes seconded the motion; all board members were in favor with the exception of Member Szupka who voted no. (3-1)

ITEM # 9 EXECUTIVE SESSION – There was no Executive Session held.

ITEM # 10 MANAGER COMMENT

- 1.
2. Member Snipes moved to approve the time extension request for T-Mobile Northeast LLC for 1000 New Ford Mill Road to January 31, 2011; Member Dence seconded the motion; all board members were in favor. (3-0) (Member Szupka was not present for the vote.)
3. Member Dence moved to approve the time extension for The Learning Experience to March 31, 2011; Member Snipes seconded the motion; all board members were in favor. (4-0)
4. Member Dence moved to approve the time extension for Viking Associates to March 31, 2011; Member Snipes seconded the motion; all board members were in favor. (4-0)
5. The Annual Holiday Children's Party is scheduled for Saturday, December 11, 2010 from 4:30 - 6:30 p.m. at the Three Arches. This is a free event for children ages 12 and under. Immediately following the Annual Holiday Children's Party will be the tree lighting ceremony for the public to attend.
6. The Parks and Rec Department winter brochures will be available for the public immediately following the holiday on Tuesday, January 4th.
7. Programs begin the week of January 24th. For more information, please call the Parks and Rec Department at 215-949-9000, X220.

ITEM # 11 BOARD COMMENT

Member Dence said he received an e-mail from someone who knew of an acquaintance who fell over a trash can that was blocking the sidewalk. Member Dence said it is the homeowner's responsibility to keep their sidewalks clear. He often hears people complain about this as well as people who continue to walk in the street. Member Dence said about three weeks ago he was shocked when he opened his front door and saw a deer running down Independence Drive. He has seen deer crossing signs and reminds motorists to be cautious and aware of deer while driving.

Member Szupka said today is a day that will live in infamy. December 7th and September 11 are two days that changed a generation. Member Szupka said everyone seemed to lose their innocence at the attack on Pearl Harbor. On September 11th, another generation lost a great deal. Member Szupka heard the stories from his father and his uncle. His father carried a flag that he got at Pearl Harbor, all through the Pacific. He was buried with that

Board of Supervisors – December 7, 2010

flag. He thinks there are three Pearl Harbor veterans in this area. Member Szupka said on December 8, 1980, thirty years ago, is when John Lennon left the world. Member Szupka reminded everyone to remember our emergency personnel and the armed forces especially with the upcoming holidays. Remember them and brighten up their holidays. This is a good time of the year to be with family.

Member Snipes said he and his wife had the terrible experience of a house fire this past week. There was serious smoke damage throughout the house. Smoke damage is a complicated thing when it gets into woodwork, carpets, and clothing. Member Snipes said he is thankful it wasn't worse than it was, but they did lose a pet in the process. Member Snipes thanked the fire marshal and the firefighters who helped them out. During this time of the year people are plugging in a lot of extra lights and Member Snipes cautions everyone to be careful. If you are using candles, keep in mind that fire spreads very quickly. A lot of people have disconnected their smoke alarms or do not have them. Please check your smoke alarms and be sure they are in working condition.

Chairman Harvie said if anyone is in need of a smoke alarm to contact their fire company. If you are unable to get to a store or cannot install it yourself, contact the Fire Marshal's office and they will be happy to provide and install one for you at no cost. Chairman Harvie said trash cans and leaf bags are also blocking the corner ADA sidewalk ramps. It is your responsibility as a homeowner to keep all sidewalks clear. Chairman Harvie said the money budgeted for the senior center is \$1.2M. He said Mr. Mariani said the senior center gets money and that is true. A lot of the reimbursement the senior center gets from the state they get by providing documentation of how many people they serve. That documentation is needed in order to receive the money. Mr. Mariani reported the senior center is getting the Community Development Block Grant in addition to the \$1.2M. That is not true. The Community Development Block Grant lowers the overall cost of the proposed project by \$385,000. In terms of making this year tax free, they would need to do that for everyone, not just the residents. You would have to do that for businesses, industry, and every property, not just residential. Chairman Harvie said that Mr. Obert took quite a few shots at the community park. In terms of parking, there are two areas where they are looking to spend money for parking. These are heavily used areas. One is the basketball court. This parking area is heavily used by the people going to the dog park. The skateboard park is also packed on nice days. They actually have people parking on the grass because there are no spots left. Regarding exercise equipment, a lot of parks have these throughout their park. The park is used by a lot of people doing different activities. Mr. Obert asked who would be watching the taping system 24 hours a day. Chairman Harvie said every store you go into has a taping system. The idea behind the taping system is that you have added information to assist police if there is some type of investigation. This would help fight vandalism at the Mill Creek Sports Complex and in the community park. He thinks this is money well spent while still focusing on quality-of-life issues. Chairman Harvie said the Annual House Decorating Contest is underway. If you would like to nominate a house for this contest, please contact the township and submit the address. All of the houses nominated will be judged and they will pick five winners. Chairman Harvie said there are a few more nights of Hanukkah. He wishes the members of the community here who are Jewish, a Happy

Board of Supervisors – December 7, 2010

Hanukkah. Chairman Harvie thanked the staff for filling in for Manager Gray who could not be present at this evening's 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 9:40 p.m.

Jeffry Dence, Secretary