

**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 7:32 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.

Manager Gray presented the winners of the 2009 Holiday House Decorating Contest with certificates. He thanked everyone for participating in this program. The winning houses were: 438 Lakeside Drive, 9 Franklin Street, 35 Yardley Avenue, 213 Austin Drive, and 210 Austin Drive.

ITEM # 1 CONSIDER APPROVAL OF AMERICAN POOL MANAGEMENT AGREEMENT FOR THE PINEWOOD POOL FOR 2010

Mr. Bill Reese spoke about the Pinewood Pool. Member Snipes moved to award the 2010 season for the Pinewood Pool to American Pool Management in the amount of \$97,000; Member Szupka seconded the motion; all board members were in favor. (5-0)

ITEM # 2 CONSIDER PURCHASE OF NEW DUMP TRUCK FOR THE PUBLIC WORKS DEPARTMENT

Mr. Joe Arnao gave information in regard to purchase of a dump truck for the Public Works Department. Member Szupka said he was glad they were able to find the chassis at the lower price and with the pre-2010 emissions, it will save us about \$9,000. Member Szupka moved to purchase the chassis from Five Star International in the amount of \$76,967; Member Dence seconded the motion; all board members were in favor. (5-0) Member Snipes moved to purchase the body, plow, and spreader from U.S. Municipal Supply in the amount of \$69,004; Member Szupka seconded the motion; all board members were in favor. (5-0)

ITEM # 3 CONSIDER PURCHASE OF NEW COPIERS FOR ADMINISTRATIVE OFFICES

Mr. Matt Markey presented information in regard to leasing two new copiers. This will be a 3-yr. lease for a total of \$8,136 for both units per year for 3 years. Member Snipes moved to open public comment; Member Dence seconded the motion; all board members were in favor. (5-0) Mr. Ray Erickson asked if these copiers would be able to scan. He also asked about archiving documents. Mr. Markey said they do have a scanning feature and they hope

Board of Supervisors – January 19, 2010

to go to a more paperless office in the future. Member Snipes moved to close public comment; Member Dence seconded the motion; all board members were in favor. (5-0) Member Vislosky moved to approve the first year of the 3-yr. lease for two copiers in the amount of \$8,136; Member Snipes seconded the motion; all board members were in favor. (5-0)

ITEM # 4 CONSIDER APPROVAL OF TOWNSHIP TENANT LEASE - RAVENHILL

Member Snipes moved to approve the tenant lease agreement for Ravenhill for January 1, 2010 through February 28, 2010 based on the rate of \$16.18 per sq. ft.; Member Dence seconded the motion; all board members were in favor. (5-0)

ITEM # 5 CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS

Member Snipes moved to appoint Ms. Jennifer Boccardo to a 5-yr. term on the Shade Tree Commission; Member Dence seconded the motion; all board members were in favor. (5-0) Member Snipes moved to appoint Mr. Thomas Roche to a 1-yr. term on the Police Pension Committee; Member Szupka seconded the motion; all board members were in favor. (5-0) Chairman Harvie moved to appoint Mr. Wesley Plaisted to a 3-yr. term on the Environmental Advisory Council; Member Snipes seconded the motion; all board members were in favor. (5-0) Chairman Harvie moved to re-appoint Ms. Carol Regan to a 5-yr. term on the Historic Preservation Commission; Member Vislosky seconded the motion; all board members were in favor. (5-0) Member Vislosky spoke about the last meeting when Mr. Kiernan was appointed as an alternate to the Zoning Hearing Board. Member Vislosky said she challenges that appointment and stated the reasons why she does not believe Mr. Kiernan is a valid alternate for the Zoning Hearing Board. Member Szupka said he did research from the Library of Congress and Robert Rules of Order. Member Szupka said with resolutions, the chairman needs to ask if there is any debate from the board and the public, and then the vote is cast. Member Szupka believes this motion should be re-voted so as not to cause possible distention in the future. Member Dence asked Member Vislosky about when she talks about the Zoning Hearing Board if she is talking about the current board. Member Dence said he served on that board and the other four board members do an excellent job. To clarify, Chairman Harvie said his feeling is that when appointing people to boards and commissions, allowing public comment is a way to get into some ugly things and allowing people to say they don't like a person, because the only thing they can comment on is the person's character. Chairman Harvie asked Mr. Clarke about his opinion of the vote not being proper. Mr. Clarke said he believes part of the issue being discussed is whether or not board members had the opportunity to make comment and then also if there was public comment. Comments should be allowed on any matters of official business coming before the board. A lack of public comment does not necessarily invalidate the action that was taken by the board. Mr. Clarke said that if a hand had gone up, he is sure Chairman Harvie would have acknowledged them. Mr. Clarke does not believe the appointment of Mr. Kiernan is invalid. Mr. Clarke said he doesn't believe he can find anywhere in the township where they have adopted Robert's Rules of Order as a rule for conducting meetings. If they officially adopted Robert's Rules of Order, there would be a great deal more formality with these meetings. Member Vislosky responded to Mr. Clarke's

Board of Supervisors – January 19, 2010

comments. Member Vislosky said she constantly says that the minutes are inaccurate. Mr. Clarke said when you look at our minutes they are much beyond what is required by law. Our minutes comply with the Sunshine Act with the items that shall be included in the minutes. Mr. Clarke explained that Chairman Harvie does poll the board when they are spending money. Chairman Harvie said the reason why he cut off Member Vislosky at the last meeting is because she was accusing Mr. Kiernan of a crime. If she accuses someone of stealing checks and if you have evidence of that, you should report it. Chairman Harvie said Member Vislosky has no evidence to bring Mr. Kiernan up on charges. Chairman Harvie said he thinks the minutes are excellent. Mr. Clarke said in the Commonwealth of Pennsylvania and under the Sunshine Act, the written minutes are the only official record of these meetings. Videotapes and audiotapes are not an official record of these meetings.

ITEM # 6 PUBLIC COMMENT – FIVE MINUTE LIMIT PER PERSON – FORTY-FIVE MINUTE MAXIMUM

Mr. Gallus Obert said he is interested in finding out the cost of the survey for the New Falls Road Pedestrian Trail. Mr. Obert asked about the boundary dispute between Tullytown and Falls Township. Chairman Harvie said the property is 51% Falls Township and 49% Tullytown. Tullytown said that was incorrect. Our engineers went out and they did their own survey and found the Tullytown engineer's claim is incorrect. They believe the claim of 51%/49% is accurate. Tullytown has a new solicitor and engineer and the ball is back in their court. Falls Township continues to receive revenue in the amount of 51%. Mr. Obert spoke about the economy. He said we have stimulus money and we are putting in push buttons at intersections. He asks why they are changing something that is already there. Mr. Obert said we borrow money from China at 2% and people spend money on items made in China. All we have is a big debt. Mr. Obert said he went to a local hardware store to buy a toolbox. The toolbox was \$3 and is made in China. Mr. Obert said we can't manufacture a toolbox for \$3 in the U.S. because of high wages and other costs. Mr. Obert gave Chairman Harvie a handout in regard to students using walkways. Mr. Obert said people are concerned about losing their homes and paying taxes. Mr. Obert said in 1999, the school budget was \$112,914,887 and for 2008/2009 it was \$174,000,000, a difference of \$61 million dollars. Mr. Obert said the money per pupil expenditure in 1999 was \$8,116 and now it is \$12,010. Mr. Obert said on Thursday night there is a school board meeting in which they will vote on raising taxes 2.9%. Mr. Obert said if people don't want to get involved, then they should not complain about the taxes they have to pay.

Mr. Ray Erickson said he received a letter from Mrs. Rooth saying his term on the Cable Advisory Board ended on December 31, 2009. Mr. Erickson said he submitted a letter of interest to be re-appointed to this board and was told he could continue serving in the meantime. Mr. Clarke said the authority is the only board you can continue to serve until replaced. For the other boards if your term expires on December 31, 2009, then it is not permissible to continue to serve. Member Szupka moved to re-appoint Mr. Erickson to the Cable Advisory Board; Member Snipes seconded the motion. Member Szupka voted yes. Member Vislosky abstained. Chairman Harvie voted no. Member Dence moved to table this item. Mr. Clarke said they are in the middle of the vote. Member Dence rescinded his motion and voted no. Member Snipes voted yes. (2-2-1) The vote did not pass. Chairman Harvie said an abstention needs to be accompanied by a letter stating the reason for

Board of Supervisors – January 19, 2010

abstention. Chairman Harvie asked Mr. Clarke to take a look at this and contact the proper authorities asking for an advisory opinion regarding rules for an abstention.

Mr. Steve DiSangro (Levittown Continental Little League) – Mr. DiSangro has been talking to Mr. Sullivan. They are not looking for a building for the Challenger team. They are looking to put a surface on the field and install fencing. The wheelchairs and walkers cannot be pushed through mud and dirt. Mr. DiSangro said the work is estimated at \$206,000. They have been trying to get this done for a couple of years and they hope to get this project moving along. Chairman Harvie stated that CMX has donated all of the engineering for this project at no cost. Mr. DiSangro thanked Mr. Sullivan and Mr. DeFelice. Member Vislosky moved to authorize advertisement of the bid specs that they arrived at with Mr. Sullivan, for the Challenger Field; Member Szupka seconded the motion. The township has a grant from Representative John Galloway in the amount of \$25,000 and a letter of support from Senator McIlhinney. Senator McIlhinney cannot commit to an exact amount, but will continue to work to seek funds for this project. Member Snipes said that while he appreciates Senator McIlhinney's offer of support, he doesn't know if Senator McIlhinney will actually be able to get the funds. Member Dence asked if the entire field were made of the material Mr. DiSangro showed the board. Mr. DiSangro said yes. Member Vislosky said she spoke with Senator McIlhinney on Saturday night and he committed the \$40K that he promised. Member Snipes moved to open public comment; Member Szupka seconded the motion; all board members were in favor. (5-0) Mr. Roland Kenney said we should take money out of the host community fees and get the little league and the kids their Challenger Field. Member Snipes moved to close public comment; Member Szupka seconded the motion; all board members were in favor. (5-0) A vote was taken on Member Vislosky's motion; all board members were in favor. (5-0) Member Vislosky moved to have Falls Township supplement every cent that is not given to the Levittown Continental Little League Challenger Field by other sources and we pick up the remainder of the bill; Chairman Harvie seconded the motion. Member Snipes said they would usually not approve expenditure of funds without knowing what it will cost, but he does approve this project. Chairman Harvie said they will need to come back to approve this again once they know the cost. Member Szupka said this is more important than some of the other projects they have done for the residents and will give children the opportunity to do something they might not usually be able to do, while getting a great deal of enjoyment out of it. He would like to see it done this year. A vote was taken on Member Vislosky's motion; all board members were in favor. (5-0)

Mr. Dan McMullen inquired about any open vacancies within the township. He would like to be of service to the community. Chairman Harvie gave Mr. McMullen a list of open vacancies and suggested he submit a letter of interest.

Mr. Roland Kenney expressed condolences to a veteran and member of the Avenrowe community.

Mrs. Dorothy Vislosky announced that her e-mail is dorothy.vislosky@comcast.net. Mrs. Vislosky thanked the person who cleared her driveway during a snowstorm. She would also like the woman who was upset about what they are doing on New Falls Road to contact her. Mrs. Vislosky thanked Dennis Ostopowicz for mentioning her birthday on his program and having people call in to the radio station. Mrs. Vislosky asks for Ms. Betty Park to contact

Board of Supervisors – January 19, 2010

her. Mrs. Vislosky said she needs volunteers to listen to township tapes. Mrs. Vislosky said she is updating her software and her website will be changed.

ITEM # 7 MINUTES – JANUARY 4, 2010

Member Szupka spoke about item #9 from the January 4, 2010 minutes. He said the vote on the appointment of Bill Kiernan should have been 3-1-0 because Member Vislosky did not vote on that item. Member Vislosky said there was no valid vote taken after the board member comment. Mr. Clarke said the habit Chairman Harvie has had with voice votes is that Chairman Harvie asks, "All those in favor; all opposed." Mr. Clarke said it is the responsibility of the board member to either vote in favor or vote opposed. Member Dence moved to approve the amended minutes from January 4, 2010; Member Snipes seconded the motion; all board members were in favor with the exception of Member Vislosky who voted no. (4-1)

ITEM # 8 ENGINEER'S REPORT

Mr. Sullivan gave highlights from a meeting with the Army Corps of Engineers and the DEP in regard to the Quaker Penn Park Boat Ramp project. Member Snipes moved to approve the December, 2009 Engineer's Report dated January 14, 2010; Member Szupka seconded the motion; all board members were in favor with the exception of Member Vislosky who voted no. (4-1)

ITEM # 9 BILL LIST – JANUARY 19, 2010

Member Snipes moved to approve the bill list dated January 19, 2010 in the amount of \$2,092,207.49; Member Dence seconded the motion. Member Dence, Member Snipes, and Chairman Harvie voted yes. Member Szupka voted no. Member Vislosky told the secretary her vote would be no before Member Vislosky left the meeting room. Mr. Clarke said since Member Vislosky did not verbally state her vote, her vote should not be included. (3-1-0) (Member Vislosky not present.)

ITEM # 10 EXECUTIVE SESSION

Chairman Harvie asked Member Vislosky if she wished to have Executive Session. Member Vislosky said she already covered the material she wished to present other than what she had wanted to show Member Dence. Member Vislosky said other than that she does not have a reason for Executive Session. There was no Executive Session held.

ITEM # 11 MANAGER COMMENT

1. Member Snipes moved to approve change order #1 to CMX for the 2009 Road Program in the amount of \$20,000; Member Dence seconded the motion; all board members were in favor with the exception of Member Vislosky who voted no. (4-1)
2. Member Szupka moved to approve the police pension plan consulting services for Anderson and Associates in the amount of \$4,500 for the year 2010; Member Snipes seconded the motion; all board members were in favor. (5-0)
3. Manager Gray said the township would like to purchase 40 bare-root trees for \$35 each. The trees will be available in March or April for planting shortly thereafter.

Board of Supervisors – January 19, 2010

Member Szupka asked if there were any funds left in the program where developers donate money towards trees for the township. Manager Gray will check to see what is left in that account. He said the Shade Tree Commission will make recommendations as to where they think the trees should be planted. Member Snipes asked Manager Gray to give the Shade Tree Commission information on the TreeVitalize program. Member Snipes asked about a program where they can determine how much tree cover is within Falls Township. Member Snipes moved to purchase 40 bare-root trees at \$35 each for a total of \$1,400; Member Dence seconded the motion; all board members were in favor. (5-0)

4. Member Snipes moved to approve a \$6,000 donation toward the St. Patrick's Day Parade; Member Dence seconded the motion; all board members were in favor. (5-0)
5. Member Dence moved to approve 60-day extensions for Clearwire U.S. LLC until March 31, 2010, for projects located at 207 Austin Drive, 65 M-Y Lane, 701 Fallsington-Tullytown Road, Tyburn Road and New Bold Road in Fairless Hills, Stoney Hill Road in Morrisville, and 275 Lincoln Highway; Member Snipes seconded the motion; all board members were in favor. (5-0)
6. Member Dence moved to approve the Mill Creek Inn extension until February 28, 2010 for their land development project; Member Snipes seconded the motion; all board members were in favor with the exception of Member Vislosky who abstained from the vote. (4-0-1)
7. Manager Gray said mylars are ready for signature for the Oxford Valley Shopping Center.

ITEM # 12 BOARD COMMENT

Member Snipes asked what their plans are for implementing some of the recommendations from the energy audit. Manager Gray said they have been periodically going through the building and installing more efficient light ballasts and this work is still ongoing. There are also some areas that include motion lights. Member Snipes would like to know how much money is left in the tree fund from what developers have paid into that fund.

Member Vislosky – No comment.

Member Dence said while campaigning, a lot of people brought up the issue of speeding in the township. Member Dence would like to look into this issue with the police department and see what works and what doesn't work. He would like to see what they are doing in other townships. Member Dence would like to address this with Traffic Planning and Design to see what their options would be. Member Dence said no one seems to be driving the speed limit anymore. Member Dence said at the last meeting he tabled appointing the solicitor for the township. Since then, he has spoken with at least two other firms. Member Dence believes there is nothing the township would gain by changing solicitors. He thinks Rudolph, Pizzo, and Clarke do a good job and no one has told him that they have any professional issues with them. Member Dence moved to appoint Rudolph, Pizzo, and Clarke as general counsel for the township at the rate of \$160/hr. and \$275 for land development; Member Snipes seconded the motion. Member Vislosky said she has not been able to talk with Member Dence about this firm and she believes this appointment is premature. Member Vislosky said she believes it would have been better for the taxpayers

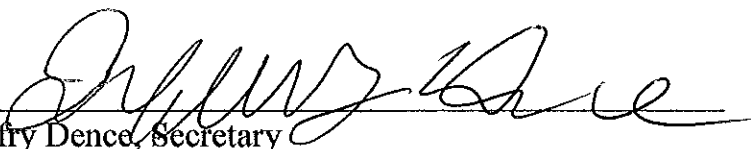
Board of Supervisors – January 19, 2010

of this township for the solicitor appointment to continue to be tabled. Member Dence said Member Vislosky had the opportunity to have Executive Session tonight. He does not see any reason why they should hold this firm in limbo. Member Snipes said the solicitor's has given them excellent advice and he supports them continuing with the township. Chairman Harvie echoed Member Snipes' comments. Chairman Harvie said he has found the solicitor firm to be exceptional and he feels they are one of the reasons why we have not had multi-million dollar lawsuits. Chairman Harvie said the legal fees are half of what they were years ago. A vote was taken on Member Dence's motion. All board members were in favor with the exception of Member Szupka and Member Vislosky who both voted no. (3-2)

Member Szupka said he believes when they put an alternate member on the Zoning Hearing Board, it was not done properly. He said if something happened and the alternate voted on an item, he feels it could be challenged by a developer if the vote did not go in the developer's favor. Member Szupka said they should re-vote this appointment. Member Szupka moved to re-vote the alternate position for the Zoning Hearing Board. Member Vislosky said she will not second this motion because she does not believe that our posture is as good legally as it would be to leave as status quo. This motion failed due to lack of a second. Member Szupka said they are all aware of what happened in Haiti over the past week. So many countries have pulled together to help aid that country. Member Szupka believes everybody should try to make some type of donation, but you have to be careful of who you donate to. Member Szupka said he is happy to see so many celebrities helping out. He hopes people will really try to do whatever is possible and to keep Haiti in your prayers.

Chairman Harvie echoed Member Szupka's comments about Haiti. He said an easy way to donate \$10 to the Red Cross is to text the word 'Haiti' to 90999. There is a telethon this coming Friday to help in the aid effort. Chairman Harvie said regarding the PSATS Convention, the township will send a delegate in April and Member Dence has expressed interest in attending. Chairman Harvie moved to approve sending Member Dence, as representative of Falls Township, to the PSATS Convention being held April 18-21, 2010; Member Snipes seconded the motion; all board members were in favor. (4-0) (Member Vislosky not present for vote.) Member Vislosky said she believes that the delegate who is selected has the responsibility of giving a report on what they have learned. Chairman Harvie would like to look at the Biles Island Study at the first meeting in February. Chairman Harvie spoke about this year's Girl Scout Cookie Sale. He spoke about Operation Cookies from Home where people can purchase Girl Scout cookies and the cookies will be sent to the troops. This information will be posted on the website and on the township cable channel. Member Snipes moved to donate 10 cases of Girl Scout cookies to be sent overseas to members of the armed forces; Member Dence seconded the motion; all board members were in favor (5-0)

Member Snipes moved to adjourn the meeting; Member Dence seconded the motion; all Board members were in favor. (5-0) The meeting was adjourned at 10:03 p.m.


Jeffrey Dence, Secretary