

**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	ABSENT
DOROTHY VISLOSKY, SUPERVISOR	ABSENT

The meeting commenced at 7:05 p.m. with roll call and salute to the flag. All Board members were present with the exception of Member Szupka and Member Vislosky. Also present were Township Manager Peter Gray, Township Solicitor Michael Clarke, and Township Engineer James Sullivan.

**ITEM # 1 ELEANOR ROOSEVELT ELEMENTARY SCHOOL ADDITION AND
RENOVATIONS – PRELIMINARY LAND DEVELOPMENT – 185
WALTON DRIVE – TPN 13-054-004**

Manager Gray introduced this item. Mr. Tom Gillette, Director Physical Plant and Facilities – Pennsbury School District and Mr. Dan Jalboot, Daley and Jalboot Architects, represent the applicant. Mr. Jalboot said they appeared before the Planning Commission on February 17th. At that point they received both preliminary and final approval. There were two outstanding items. One was the sign, which does comply with the ordinance. The second issue was in regard to trees on the edge of the property. The civil and township engineers met and figured out the number of trees which should be planted and the applicant will comply. These two items have been resolved. Mr. Jalboot gave an overview of the proposed plans for the school. Member Snipes asked about the energy efficiency of this building. Mr. Jalboot said they are obtaining LEED certification. They are re-roofing the school, all the windows in the entire school are being replaced, and the addition is very well insulated. They are changing out the mechanical systems, installing new electrical systems, and they are sprinkling the entire building. They are providing storm water management to handle the impervious surface and current issues with water runoff. The entire roof of the new addition has photovoltaics to create electricity. Member Dence said he knows there was a lot of concern by the residents on Woolston Drive in regard to the traffic loop. He thinks this will be an improvement. He has studied these plans and has also spoken with the school principal. Chairman Harvie said one of the issues he heard was the drainage issue on Bernard Drive and he is glad that has been taken care of. Mr. Jalboot said they were granted three waivers two of which they did not need and one was an extra cut on Walton Drive. Mr. Jalboot said they have addressed the Fire Marshal's concern over a paved, grass lane and have located a fire hydrant close to the building. Member Dence said this was designed so that everyone enters from the front of the school. He feels it makes a much safer

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approach as they have to go into the office to get into the building. Chairman Harvie asked about the issue of the parking lot off to the right and making sure the staff knows they are supposed to park at that location. Mr. Sullivan asked if they were in receipt of the Fire Marshal's letter dated February 16, 2011, the Traffic Planning and Design letter dated January 31, 2011, and the T&M Associates letter dated February 8, 2011. Mr. Jalboot said yes and they will comply with all of those letters. Member Snipes moved to open public comment; Member Dence seconded the motion; all board members were in favor. (3-0) Mr. Guido Mariani commented on the solar panels for the building. He said if they get into any other renovatons they should consider geo-thermal technology. Member Snipes moved to close public comment; Member Dence seconded the motion; all board members were in favor. (3-0) Member Snipes spoke about the paved play area and asked if some of the existing parking lot would be going away. Mr. Jalboot explained what they were doing with these areas. They have about an acre of impervious surface added. They are trying to salvage a lot of the existing paving and they are not changing the grade. The applicant has one waiver request for both preliminary and final approval. Mr. Clarke said he believes there are no substantial changes to be made to the plans; just some minor changes. Preliminary and final is appropriate in this instance. Mr. Sullivan agreed. Member Dence moved to approve Resolution # 2011-08 for preliminary and final land development to Pennsbury School District for the Eleanor Roosevelt Elementary School addition and renovations, TPN 13-054-004; Member Snipes seconded the motion; all board members were in favor. (3-0)

ITEM # 2 CONSIDER AWARDDING BID FOR CHLORINE AND MURIATIC ACID FOR THE 2011 PINWOOD POOL SEASON

Manager Gray said sealed bids were recently opened for chlorine and muriatic acid for the Pinewood Pool for the 2011 season. Only one bid was received. Berardelli Pool Service submitted a bid for \$2.45 per gallon for chlorine plus a \$2 compliance charge per delivery and \$29.99 per gallon for muriatic acid plus a \$2 compliance charge per delivery. The per gallon price of the chlorine was the same as the prior year and the per gallon price of the muriatic acid was \$1.46 less than the prior year. Member Dence moved to award the bid for chlorine for \$2.45 per gallon plus a \$2 compliance charge per delivery and muriatic acid for \$29.99 per gallon plus a \$2 compliance charge per delivery; Member Snipes seconded the motion; all board members were in favor. (3-0)

ITEM # 3 CONSIDER APPROVAL OF 2011 GOOSE MANAGEMENT AGREEMENT FOR THE FALLS TOWNSHIP COMMUNITY PARK

Manager Gray said a proposal with S&S Professional Wildlife Control Services for Canada Goose management at the Falls Township Community Park has been secured. This also includes permits with the U.S. Fish and Wildlife Service and egg addling. The total cost of the egg addling and the permits is \$5,225 which is the same price as last year. Mr. Rick Shadel, President of S&S Professional Wildlife Control Services presented information on their goose management program. Mr. Bill Reese said overall this has definitely been a help

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ITEM # 6 CONSIDER HIRING OF NEW POLICE OFFICER – JAMES MCCAFFREY

Manager Gray said the police department would like to fill a vacant police officer position with candidate James McCaffrey. He is a former police officer with our township. A Resolution has been prepared for consideration by the board for the hiring of James McCaffrey. Member Snipes moved to open public comment; Member Dence seconded the motion; all board members were in favor. (3-0) Mr. Chuck Rothen said he is against the hiring of Mr. McCaffrey because he left the township on his own accord. He thinks we should get someone new and younger. Member Dence moved to close public comment; Member Snipes seconded the motion; all board members were in favor. (3-0) Chairman Harvie said the reason Mr. McCaffrey previously left had nothing to do with Falls Township. He is well-experienced as an officer and has a good reputation. The recommendations they follow is from the Police Chief as well as the committee of police officers who look at hiring. Member Dence moved to adopt Resolution # 2011-09 to hire new police officer James McCaffrey; Member Snipes seconded the motion; all board members were in favor. (3-0)

ITEM # 7 CONSIDER APPROVAL OF TOWNSHIP'S TENANT LEASE (DYNAMATRIX)

Member Snipes moved to approve the township's tenant lease agreement with Dynamatrix at the rate of \$15.71 per sq. ft. for the period of January 1, 2011 through December 31, 2011; Member Dence seconded the motion; all board members were in favor. (3-0)

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

Mr. Roland Kenney thanked everyone who signed the petitions for Jan Vislosky to get her on the ballots. He said she also thanks everyone. Mr. Kenney said Charter Day at Pennsbury Manor will be held on March 13th. It is a free day for the public to visit Pennsbury Manor. Mr. Kenney said there is a young lady on Pennsylvania Avenue whose husband came up to him the day he started taking down the trees and called Mr. Kenney a liar, a sneak, and said he runs Falls Township. Mr. Kenney said if he were a sneak, he would have just taken down the trees on the weekend. Mr. Kenney said he had asked Manager Gray about getting a street sweeper in his development to clean the streets once a year and said Manager Gray's answer was no. Mr. Kenney said he asked Chairman Harvie about replacing trees and said Chairman Harvie's answer was no. Mr. Kenney gave the board some pictures of a tree limb that came down. He is concerned that if these tree limbs fall down when people are walking, someone could get hurt.

Mr. Tom Kenner said he has metal debris from the water tower on his property and wants to know how safe his property is. He said it will be getting nice outside and wants to know if his grandchildren can safely play on his property. He asked when it will be cleaned up and wants to know when the tower will be taken down. Chairman Harvie said the township has

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been waiting for the Lower Bucks County Joint Municipal Authority to give them some answers. Mr. Clarke said they are waiting for Lower Bucks County Joint Municipal Authority to provide the township with certain information. They are waiting for them to provide a plan for dismantling of the rest of the tank and for them to provide a plan for cleanup of the surrounding properties. To date they have received certain documents from Lower Bucks County Joint Municipal Authority but not sufficient to the satisfaction of our engineer and not a plan for dismantling of the tank or a plan for remediation of the surrounding properties. With respect to debris and with respect to whether or not it is safe, our indications from the preliminary information is that nothing on the tank is toxic and nothing on the tank is a health concern or nothing that would constitute a health hazard. Mr. Sullivan said what Mr. Clarke said is correct. Chairman Harvie said he had some discussions with board members from the Lower Bucks County Joint Municipal Authority who were under the belief that their attorney had sent the information to Falls Township. The material has not yet been sent and as of 5 p.m. today, Mr. Clarke said his office has not yet received the information which was due to them this past Friday and then promised to have it there by Monday morning. Chairman Harvie said the tower belongs to the Lower Bucks County Joint Municipal Authority and Falls Township does not have the authority to take it down. Mr. Sullivan said there is no danger over the tank falling. Mr. Kenner wants to know if it will be covered when taken down. Chairman Harvie said they are going to try to make them make it as safe as possible for when it is taken down. Mr. Kenner said he wants a guarantee that the value of his property will not go down and he wants to make sure his grandchildren won't get sick if they are playing outside. Chairman Harvie asked about legal steps they could take. Mr. Clarke said they have an open court case in Doylestown with the Bucks County Court of Common Pleas. After an initial hearing and follow up conference, the matter was stayed. There have been promises that the Lower Bucks County Joint Municipal Authority will forward the needed information to the township in the very near future. If we do not get what we need from the Lower Bucks County Joint Municipal Authority, then we can go back to the Court of Common Pleas. They can move to try to get Lower Bucks County Joint Municipal Authority to turn over the documents. If they don't come up with a plan for taking down the rest of the tower or remediating the site, we may ask the court to do it. We may have to come up with our own plan and that would fall on Mr. Sullivan. With respect to the issue of whether or not it is going to be covered, all indications indicate the tank will not necessarily be completely covered when they continue to take it down, but there is a need for tarps and other steps to contain any of the debris or dust. Mr. Clarke said if Mr. Kenner believes that his property has been devalued in any way or if there is any danger to his property or if he or any family members have suffered any physical effects because of this, then they need to pursue that with Lower Bucks County Joint Municipal Authority or possibly make a claim with the Lower Bucks County Joint Municipal Authority. Any claim for damages will be handled by the Lower Bucks County Joint Municipal Authority's insurance company. Chairman Harvie said our powers are limited as to what we can go after them for. Mr. Clarke said they had hoped that the Lower Bucks County Joint Municipal Authority would have cleaned up the affected properties.

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When we began this process we were under the impression that Lower Bucks County Joint Municipal Authority would be moving a lot more quickly than they have been moving. Mr. Clarke said the information that was said to be sent to his office weeks ago they did not receive. Mr. Kenner said his main concerns are about health and value of his property. Mr. Clarke said he understands what Mr. Kenner is saying about people pointing fingers and while there may be some culpable parties here, the township is not culpable. The fact is that the contractor is taking down this tank in a way that is outside the way these things are normally done; in a way that was a little bit shocking to Mr. Sullivan and others. The fact is that this contractor is pointing fingers at the township for the slip shod way they are doing work is somewhat comical. If the contractor proceeded in a professional manner, we wouldn't be having this problem right now.

Mr. Jim Mayger distributed some material to the board. He said the first page was something he received from OSHA. He said they are the only agency that did the right job. They viewed the action that was going on, fined the company, and stopped them at certain times. They did an analysis of the piece of the tower and he is still waiting for the report. He thinks what the township is being told by the Lower Bucks County Joint Municipal Authority about no toxic material is a lie. Mr. Mayger said cadmium is toxic. Mr. Mayger said he saw a toxicologist on Thursday at the recommendation of his gastro-intestinal doctor because of the pain he was in. The toxicologist is a specialist in occupational emergency medicine. She told him that it appears he was exposed to some sort of hazardous material but could not say if it was toxic or not. Mr. Mayger said he is being tested for cadmium, zinc, and lead. The blood work he was having done is not the correct way to do it. He just had blood work done yesterday and that will be sent to a special lab. Mr. Mayger said the metal dust is everywhere. He took a magnet and rolled it across certain areas. Mr. Mayger said the DEP was at his house yesterday, but they don't want to admit to anything. He said Senator McIlhinney's office is also concerned about this project. Mr. Mayger said he was told by the Lower Bucks County Joint Municipal Authority that his shed is on a water easement. He said the DEP was notified on December 7th that they were not in compliance. Mr. Mayger said the demolition company was doing work against regulations. Mr. Mayger said his voice is now raspy. He said this is hazardous but he does not know if it is toxic. His insurance company is refusing to do anything. He had a public adjuster out to his property today. Mr. Mayger said the metal is all over Thornridge Drive. Mr. Mayger said the toxicologist told him do not allow your kids to play in the backyard. He said he has acid reflux and the dust aggravated his acid reflux so much that it got into his kidney area. Mr. Mayger said to rope off the area and just take the tower down. Chairman Harvie said our authority to do anything is extremely limited. We don't have the ability to take down the tower ourselves. Anything that will make our case look stronger will certainly help. Mr. Clarke asked Mr. Mayger for the name and contact information of his toxicologist so he can contact them and get a report or affidavit to take before the judge saying not to allow your children to play in the back yard. Mr. Mayger said he has the doctor's name with him. Mr. Clarke asked for copies of anything Mr. Mayger received from the DEP.

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Mr. Phil McAloon spoke as part of the Environmental Advisory Council. He said he is here to ask if they can get a fence for the community garden that they are planning to build in the community park. They plan to have forty 10 x 20 ft. plots. Mr. McAloon distributed plans to the board. They plan to charge a \$25 refundable deposit. The deposit will be refunded after the garden plot is cleaned up at the end of the season. This garden will be located in phase 1 past the soccer fields. Mr. McAloon said they feel it is necessary to have at least a 6-ft. fence surrounding the garden. Member Snipes said there is also a type of netting that may help with deer. Chairman Harvie asked Manager Gray to check with Lt. Ward and Mr. Arnao to get more details on the fencing. The estimated cost is \$4,500.

Mr. Chuck Rothen said he lives very close to the water tower. He wondered why this was allowed to be started without having the proper controls in place. He said they did stop work during high winds so no one would get hurt, but then the work stopped completely. Mr. Rothen said another two days of work and the tower would have been completely down. Chairman Harvie said there were concerns from residents. Mr. Rothen said he thinks it is in the best interest of everyone to continue taking it down.

Mr. Bob Alexis asked why they can't adopt an ordinance, like Bensalem, about banning the use of cell phones, laptop computers, and those types of things while driving. Chairman Harvie said the state is talking about passing this ruling. Mr. Alexis said his daughter got hit by a car and the guy who hit her was talking on a cell phone. Mr. Alexis asked what happened with the excess dirt from the Challenger Field project. Mr. Sullivan said the Public Works Department may have used it. Although there wasn't much, the excess dirt was removed from the site. Mr. Alexis said he feels no one takes care of the park. He said they need a chain at the park at Wheatsheaf Road and Penn Valley Road. Mr. Alexis spoke about a security person at the park who drives on the blacktop over near the skate park. Mr. Alexis spoke about plowing the snow at the park. Chairman Harvie said if there is a lot of snow the park is the last priority. Mr. Alexis said this past snowstorm Vermilion Hills was a mess. He complained about the snow being piled on the handicap walkway. Mr. Alexis spoke about people ice fishing at the park and said he did not see any security guard. Manager Gray said the security guards are at the park all the time. They are at the park and our Public Works Department does their best job to get the roads cleared in a timely manner. Mr. Alexis spoke about the Public Works Department vehicle being at 7-11. Chairman Harvie said the Public Works Department is allowed to take meal breaks. Chairman Harvie said he speaks with people who drive through our township, but live in other townships and they say they would love to live here. Manager Gray said Mr. Gillis, who works at the park, does a great job.

ITEM # 9 MINUTES – FEBRUARY 15, 2011

Member Dence moved to approve the minutes from February 15, 2011; Member Snipes seconded the motion; all board members were in favor. (3-0)

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

ITEM # 11 MANAGER COMMENT

1. Member Snipes moved to approve a \$6,000 donation to the Delaware Valley Vietnam Veterans for their annual flag memorial; Member Dence seconded the motion; all board members were in favor. (3-0)
2. Member Snipes moved to approve a \$6,000 donation to Historic Fallsington for Historic Fallsington Day on October 8, 2011; Member Dence seconded the motion; all board members were in favor. (3-0)

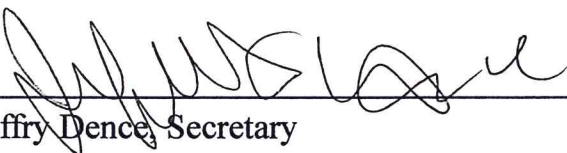
ITEM # 12 BOARD COMMENT

Member Dence – no comment.

Member Snipes said they had an excellent meeting. He was glad to see the Eleanor Roosevelt School renovations move forward. He hopes they can follow up with the issue of the water tower very soon.

Chairman Harvie said they are looking for a timeline to give to the Lower Bucks County Joint Municipal Authority. Mr. Clarke said they want to be able to confirm what is on the tank. We need a plan to take it down and a plan for cleaning up. With Mr. Mayger having seen a physician who is an expert in this field and who said this is hazardous, that is information that the township needs. Mr. Clarke said he is looking to receive that information from Mr. Mayger in the next day or so. Member Dence thinks they should give the Lower Bucks County Joint Municipal Authority 24 hours to get the township the information. Member Snipes and Chairman Harvie both agreed. Chairman Harvie said if Mr. Clarke does not receive anything from the solicitor for the Lower Bucks County Joint Municipal Authority on Thursday, he is given authority by the Board of Supervisors to take the next step with the Bucks County Court of Common Pleas. Chairman Harvie spoke about the Fallsington Library. Mr. Sullivan said everything on that project is complete and they are in the maintenance period. Chairman Harvie said this library is connected to the Bucks County Library system. If someone needs a book that the Fallsington Library does not have, the library can order it from another library for you. Chairman Harvie said the St. Patrick's Day Parade will be held on Saturday, March 12th at 10:30 a.m. starting at St. Joseph The Worker Church and ending at Wistar Road. He encourages everyone to come out to see the parade. Chairman Harvie thanked the professionals for their work tonight as well as the efforts of his fellow board members.

Member Dence moved to adjourn the meeting; Member Snipes seconded the motion; all board members were in favor. (3-0) The meeting was adjourned at 8:45 p.m.



Jeffrey Dence, Secretary