

**TOWNSHIP OF FALLS  
BOARD OF SUPERVISORS MEETING**

**ROLL CALL:**

<b>ROBERT HARVIE, JR., CHAIRMAN</b>	<b>PRESENT</b>
<b>JONATHAN SNIPES, VICE-CHAIRMAN</b>	<b>ABSENT</b>
<b>JEFFRY DENCE, SECRETARY-TREASURER</b>	<b>PRESENT</b>
<b>JEFFREY ROCCO, SUPERVISOR</b>	<b>PRESENT</b>
<b>BRIAN GALLOWAY, SUPERVISOR</b>	<b>PRESENT</b>

The meeting commenced at 6:30 p.m. with roll call and salute to the flag. All Board members were present with the exception of Member Snipes. Also present were Township Manager Peter Gray, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher, and Township Engineer James Sullivan. Chairman Harvie said Member Snipes was unable to make tonight's meeting and Member Rocco will need to leave early due to a family engagement.

**ITEM # 1 2013 BUDGET PRESENTATION AND AUTHORIZATION TO  
ADVERTISE**

Mrs. Betsy Reukauf presented the proposed 2013 budget. The proposed tax is 7.22 mils. There is no proposed tax increase for next year. Seven tax rates make up the proposed budget. They are: General Fund – 2.63, Street Lighting – 1.20, Fire Protection – 1.25, Fire Hydrant – 0.24, Parks and Recreation – 1.26, Fallsington Library – 0.14, Rescue Squad – 0.50. Mrs. Reukauf reviewed the budget and tax comparisons, the departmental budget, and the 2013 Capital Projects. The total 2013 budget totals over \$91M. Based on the proposed budget, a total of \$37,834,724 is projected to be spent in the year 2013. Member Galloway said he looks forward to the public comment for the budget. Member Dence thanked Mrs. Reukauf for the work on the budget. Chairman Harvie thanked Mrs. Reukauf, Manager Gray, department heads, and board members for their efforts in compiling the budget. He knows a lot of work went into this. Member Dence moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (4-0) Mr. Roland Kenney said Mrs. Reukauf did a nice job on the budget. Mr. Guido Mariani said he gave Manager Gray information on how he managed the budget where he previously worked. They would to remove all things from the budget and you only allow those things that you cannot live without to return to the budget. Mr. Mariani said there was no provision in the proposed budget to expand our tax base and he thinks we need to move forward with that. Mr. Mariani asked if the host community fees are going to be \$10,200,000. Mrs. Reukauf said the host fees from Waste Management are projected at \$13,500,000. Mr. Mariani asked if we anticipate using the entire amount in the budget. Mrs. Reukauf said we will be using \$10,200,000 to support operating costs in the general fund along with other projects, and the balance of that money toward the road program. Mr. Mariani said it is a difficult thing to expand our tax base, but he feels it needs to be done as we need the income. Member Dence moved to close public comment; Member Galloway



seconded the motion; all board members were in favor. (4-0) Chairman Harvie said they have been keeping taxes as low as they can while working on improvements to the road program, supporting our top-notch police force and the Public Works Department, improving the infra-structure of Lincoln Highway in order to attract new businesses to the township, and renovating this building. He said things we are working on don't necessarily show up on the slides, but he appreciates the comments. Member Galloway moved to approve authorization to advertise the 2013 Budget as presented; Member Dence seconded the motion; all board members were in favor. (4-0) Manager Gray said the budget can be viewed at the Fallsington Library, on-line, and at the township building.

**ITEM # 2    CONSIDER TEMPORARY WAIVER OF SECTION IV.C  
AMENDMENT AND RESTATED SOLID WASTE MANAGEMENT  
AGREEMENT, DATED SEPTEMBER 20, 2005, TO PERMIT WASTE  
MANAGEMENT TO ACCEPT SOLID WASTE FROM HURRICANE  
SANDY FOR DISPOSAL AT THE DISPOSAL FACILITIES VIA  
WATERWAY FOR A PERIOD OF 180 DAYS**

Chairman Harvie introduced this item. The hurricane has generated a tremendous amount of debris and that waste, which is piling up, needs to go somewhere. Mr. Clarke said late last week he met with Waste Management's attorney, Mr. Thomas Jennings, regarding contact they have had with New York and New Jersey in regard to taking some of the debris from Hurricane Sandy and depositing it into Falls Township. One of the issues is that the trash would be coming into the township via the Delaware River by the port. The solid waste host agreement contains a prohibition in Section 4C that does not permit transportation or disposal of trash to the landfill by waterways and the Delaware River. The most recent agreement was entered into in September of 2005 and that prohibition seems to be a remnant from one of the earlier agreements that seemed to continue. They don't know why it was originally put in there. Mr. Jennings has had a long history with these agreements. In order for this to happen, we need to amend the host agreement and we have drawn up a first amendment to the solid waste agreement which would allow for the temporary disposal of solid waste at the disposal facility, via waterway, from today's date for a period not to exceed 180 days. Ms. Tara Hemmer, Vice President for Waste Management of the Greater Mid-Atlantic Area, spoke briefly about everything that is going on with bringing in this trash, how long it will last, and how much debris to expect to come into the landfill over the next 180 days. Ms. Hemmer said Waste Management was contacted by FEMA. There is a huge amount of storm debris which requires cleaning up, and those cleanup operations have taxed the trucking network. Given New York and New Jersey's proximity to the waterways, FEMA is looking to have the debris sent to the landfill by barge. Barging is the quickest way to remove material from these impacted areas. They have had some communications on how to barge material by the waterways. They would be seeking a temporary authorization to proceed with this plan. The barges would be completely covered and they would be working with the PA DEP on the approval to bring that material in. The waste coming in would be disposed at their landfill as it is normally disposed of. They expect one barge per day which would hold anywhere from two to five thousand tons of material. Member Galloway feels it is important to do our part to help with the situation in New York and New Jersey. He hopes you have success in helping with the



clean up. Member Dence said he sat in on a meeting last week which assured them that every precaution would be taken in regard to bringing in this material and protecting the river. Member Dence said the amount of debris is incredible. It only makes sense to use the barges. He thinks this is a good temporary thing to do. Member Rocco asked if there were any estimate of the total debris. Ms. Hemmer said the barges could be six to ten thousand cubic yards which would be anywhere from two to five thousand tons. At the peak, they would take in about one barge each day, six days a week. They would need to work with a FEMA contractor to get a better understanding of the total amount. Member Rocco asked when the barges would start. Ms. Hemmer said she believes it could start sometime in December. Member Rocco asked if Waste Management has experience with barging debris. Ms. Hemmer said yes they do. They run several operations in the West Coast. They have experts in removing waste by different modes of operation. Chairman Harvie said these barges are roughly the size of a football field. Ms. Hemmer said they are one hundred feet wide by three or four hundred feet long. Member Dence moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (4-0) Mr. Guido Mariani said during this past storm Thornridge took a hard hit and the primary damage and the allergies were due to fallen trees. Thornridge has an abundance of pin oaks. They have a life span of about 70-80 years. A lot of these trees are well into the process of dying. Mr. Mariani said the high economic cost of what these trees have cost our township and residents is reason enough for this township to invoke some safety measures. He thinks these trees should be treated as any other hazard and subject to inspection by township authority in order to determine what their condition is. Mr. Mariani said some of these trees are way past their normal life cycle. Where necessary, they should be cut down. Member Dence moved to close public comment; Member Galloway seconded the motion; all board members were in favor. (4-0) Mr. Clarke said he knows the issue hasn't been raised this evening but under the agreement, we receive payment from Waste Management for each ton that is deposited in the landfill. The question may be raised if we are getting more money per ton at the present time because Waste Management is getting more under the circumstances. Mr. Clarke said Waste Management will be receiving their normal fees; they are not getting any premium for taking this debris from New York or New Jersey. Since they are getting their normal fee, we will be getting our normal fee as well. Member Galloway moved to approve the temporary waiver of Section IV.C to the Solid Waste Management Agreement to accept solid waste from Hurricane Sandy for disposal facilities via waterway for a period of 180 days; Member Rocco seconded the motion; all board members were in favor. (4-0)

**ITEM # 3 PUBLIC COMMENT – FIVE MINUTE LIMIT PER PERSON  
FORTY-FIVE MINUTE MAXIMUM**

Mr. Roland Kenney said the Public Works Department, the fire departments, and the police department need to be commended for their work during the storm. Mr. Kenney said he thinks there will be some repairs needed along Pennsylvania Avenue due to the trees that are in that area. Mr. Kenney congratulated Representative Galloway and Congressman Fitzpatrick on their win in the election.



Mr. Guido Mariani continued speaking about the pin oaks in Thornridge. He thinks the township should exercise the authority in checking and inspecting the condition of these trees. A lot of them are blighted and a lot of them are hollow. Mr. Mariani said they need to be removed by the homeowners or by the township. Mr. Mariani wonders about the township's position on this issue. Chairman Harvie said we have a Shade Tree Commission. He is not sure if this is something they can ask them to look into. Aside from that, we may need to hire someone from the outside to check these conditions. His personal feeling, is that the primary responsibility rests on the homeowner. The responsibility of a homeowner is that if you own a property, you have the responsibility for it, whether it is shoveling snow or cleaning up leaves and debris. There is a limit as to the township powers because the property belongs to the homeowner. Our staff cannot cut down trees, especially trees of that size. Mr. Mariani said he thinks the township has the authority to do something, especially when it is a public hazard. Chairman Harvie said they have contacted people in the past because it was obvious that a tree was in the position of falling down. Member Dence said he thinks contacting the Shade Tree Commission is a good start. Member Galloway said this was a one-time storm. Member Rocco said he lived in Thornridge and it is very expensive to take down those trees. Mr. Clarke said there is a difference between a tree that is on a property line and a tree that is on someone's property. You are free to do with your property as you want, as long as you are not endangering codes or endangering other people. Mr. Clarke said what Mr. Mariani is proposing is very expensive and we are beyond the policing powers that we have to protect the health, safety, and welfare of the residents of the township. A lot of the trees that came down in this storm were healthy trees that were blown over by incredible and consistent winds. Chairman Harvie would like to contact the Shade Tree Commission and get their thoughts on this situation.

Member Rocco left the meeting at 7:15 p.m.

**ITEM # 4    CONSIDER WAIVER OF LAND DEVELOPMENT – JB HUNT, 95 E. CABOT BOULEVARD, TMP # 13-3-9-007**

Manager Gray said the applicant is planning to remove an existing modular building and replace it with a new 1,680 square-foot modular office building. The applicant is located in the light industrial district. There are currently five employees at this site. They have added an ADA-compliant parking space and ramp and some green space to mitigate the expansion of the impervious surface coverage from the building. They have met the recommendations of the township and request approval of their plan. Mr. Sullivan said there were three waiver requests and he is okay with them. Member Dence moved to approve Resolution # 12-25, waiver of land development for J. B. Hunt, 95 E. Cabot Boulevard, TMP # 13-3-9-007; Member Galloway seconded the motion; all board members were in favor. (3-0)

**ITEM # 5    CONSIDER AUTHORIZING ADVERTISEMENT TO THE WRECKERS ORDINANCE REVISING CHAPTER 206, SUBSECTION 7 – PROHIBITED ACTS**

Ms. Gallagher said last year they significantly amended the wrecker's ordinance. In the ordinance, it is implied that the wreckers are not allowed to subcontract out their work. This



amendment will clarify that area so that any subcontractor caught calling in an unlicensed tower to report to the job is not permitted under the ordinance. If they are found doing that, they are subject to violations and/or penalties. Chairman Harvie said the township has a tower's list and we have very high standards of who can be on the list. We have to make sure anyone who is working under our authority is meeting the requirements of the township. Applications for the 2013 calendar year are due at the end of November. Ms. Gallagher said this amendment should be in place by January 1, 2013. They will make sure the applicants and licensed companies who get on the tower's list are made aware of this change when it is passed. Member Galloway moved to authorize advertisement to the Wrecker's Ordinance revising Chapter 206, Subsection 7 – Prohibited Acts; Member Dence seconded the motion; all board members were in favor. (3-0)

**ITEM # 6    CONSIDER AUTHORIZING NOTICE OF INTENT TO AWARD BID  
FOR THE SOUTH OLDS BOULEVARD CULVERT REPLACEMENT**

Manager Gray said the township has reviewed the bids, submitted to the township and publicly opened on November 14, 2012, for the South Olds Boulevard culvert replacement. The bidders are: Brightline Construction, Inc. in the amount of \$336,173 for the base bid and \$0 for the alternate for the total amount of \$336,173; Bux-Mont Excavating, Inc. in the amount of \$437,790 for the base bid and \$7,000 for the alternate for the total amount of \$444,790; and Landmark Construction Services, Inc. in the amount of \$442,765 for the base bid amount and \$58,090 for the alternate for the total amount of \$500,855. It is recommended that the Board of Supervisors issue a notice of intent to award the South Olds Boulevard culvert replacement bid to Brightline Construction, Inc. in the amount of \$336,173 for the alternate plus base bid in the amount of \$0, for the total amount of \$336,173. Mr. Sullivan explained why they split this project into two parts – purchase of the culvert and installation of the culvert. The base bid was for the installation of the culvert itself. The alternate was for the installing contractor to provide footings for the culvert. The culvert installation should only take a couple of days. They will need to coordinate with PECO and they are looking to start toward the end of January or in February. The road should only be closed for a short period of time, possibly a week. Member Dence moved to issue the notice of intent to award the bid for the South Olds Boulevard culvert replacement project to Brightline Construction, Inc. in the amount NTE \$336,173; Member Galloway seconded the motion; all board members were in favor. (3-0)

**ITEM # 7    ENGINEER'S REPORT**

Mr. Sullivan said the soccer field project is nearing completion. The schedule is that both fields will be completely done and sodded by the end of November. Regarding the senior center, the detention basin and storm sewer site work is about 90% complete and this morning they started digging footings for the actual addition. Demolition of the tennis court project is completed. They cannot do the color coat until next spring. If weather permits, they will install the fence this year. The 2012 Road Program is underway. The stone sub-base and pavement base coarse was installed and that is all they can do at this time of the year. Weather permitting, they will keep installing storm sewers and the gas main as long as they can. Member Galloway asked where the boat docks are stored. Mr. Sullivan said they



are stored at the park and chained to the trees. Member Dence said he saw the contractor pouring the footers at the senior center. He asked Mr. Sullivan to look into the storage trailers containing graffiti which are located at the Eleanor Roosevelt School. He asked how much longer these storage trailers will be at the school. Member Galloway moved to approve the October, 2012 Engineer's Report, dated November 16, 2012; Member Dence seconded the motion; all board members were in favor. (3-0)

**ITEM # 8 BILL LIST**

Member Dence moved to approve the November 20, 2012 bill list in the amount of \$2,198,183.40; Member Galloway seconded the motion; all board members were in favor. (3-0)

**ITEM # 9 EXECUTIVE SESSION – None.**

**ITEM # 10 MANAGER COMMENT – Nothing to report.**

**ITEM # 11 BOARD COMMENT**

Member Dence wished everyone a Happy Thanksgiving. He said we have a lot to be thankful for, especially in Falls Township, that no one was injured in the storm.

Member Galloway echoed Member Dence's comments. He also wished everyone a Happy Thanksgiving.

Chairman Harvie wished everyone a Happy Thanksgiving. Chairman Harvie said he feels Thanksgiving is a time for family, not the start of the holiday shopping season. When folks do start their holiday shopping, Chairman Harvie encourages people to support local businesses. Holly Night at Pennsbury Manor will be held on December 5<sup>th</sup> and 6<sup>th</sup>. The Annual Holiday House Decorating Contest is coming up. There are also some activities scheduled for Three Arches. The Park and Rec events can be followed on Facebook. Chairman Harvie thanked everyone for their time and for their work in making this meeting a success.

Member Galloway moved to adjourn the meeting; Member Dence seconded the motion; all board members were in favor. (3-0) The meeting was adjourned at 7:40 p.m.

  
\_\_\_\_\_  
Jeffrey Dence, Secretary