

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

ROBERT HARVIE, JR., CHAIRMAN	PRESENT
JAMES PROKOPIAK, VICE-CHAIRMAN	PRESENT
JONATHAN SNIPES, SECRETARY-TREASURER	PRESENT
PHILIP SZUPKA, SUPERVISOR	PRESENT
DOROTHY VISLOSKY, SUPERVISOR	ABSENT

The meeting commenced at 7:00 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 Manager Peter Gray, Township Solicitor Michael Clarke and Township Engineer James Sullivan. Member Szupka said Member Vislosky was called away unexpectedly as there was a death in the family. Chairman Harvie sent condolences to Member Vislosky and her family.

PRESENTATION BY RICHARD DIPPOLITO, FIRE MARSHAL, ON FIRE SAFETY

Mr. Dippolito said this week is Fire Prevention week. “Prevent Home Fires” is this year’s theme. Mr. Dippolito gave some statistics on fires. He stressed the importance of having smoke detectors and changing the batteries in them twice a year when you change the time on your clocks. Mr. Dippolito said if anyone is in need of a smoke detector or cannot change their batteries, they can contact the Fire Marshal’s office at 215-949-9000, x256 and someone will assist them. Mr. Dippolito said they are currently in the process of updating the website and will post some contact and safety information. Mr. Dippolito spoke about the September 12th fire at the Fairway Plaza Shopping Center. He said most of these businesses have been in Fairless Hills for a very long time. He gave contact information on some of the businesses. The Fire Prevention Open House events for the local fire companies are as follows: Thursday, October 9th from 6:30 – 9 p.m. at the Fairless Hills Fire Company; Saturday, October 11th from 10 a.m. until 2 p.m. at the Falls Fire Company; and Sunday, October 12th from 12 – 3 p.m. at the Levittown Fire Co. No. 1. Member Snipes said he heard of a program in Philadelphia where every family should practice an emergency plan for exiting their home. Mr. Dippolito said they try to reinforce this issue with children and the importance of having a meeting place once they are outside of the home. This information needs to get to the parents and people should practice this.

**ITEM # 1 BASIC CHEMICAL SOLUTIONS, LLC – MINOR SUBDIVISION –
KEYSTONE INDUSTRIAL PORT COMPLEX – TPN 13-47-146 (EXP.
12/17)**

Representing the applicant, U.S.S. Realty Corporation, is Mr. John Van Luvanee. Mr. Phil Kashner was also present. Member Prokopiak moved to approve Resolution # 08-30 for

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minor subdivision for Basic Chemical Solutions, LLC, TPN 13-47-146; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 2 PRESENTATION BY MATTHEW MARKEY ON CONVERTING TO DIGITAL CABLE TRANSMISSION IN FEBRUARY 2009

Mr. Markey said on February 17, 2009 at midnight the switch will take place to go from analog to digital. If you are currently paying Verizon, Comcast or a dish network for your service, those providers will take care of the switch. If you use an antenna or rabbit ears and do not pay for service, then you have to purchase a converter box for the digital signal. A portion of the analog channels will go to police and fire and a portion will be sold off to various companies to use for new wireless technologies. Mr. Markey said the government has a program for purchase of a box using a \$40 coupon. You can apply for up to 2 converter coupons for \$40 each. The coupon is only available for the pre-approved list of boxes. Every television would need a box; you cannot use splitters. The digital boxes cost between \$50 and \$60 and can be purchased from Wal-Mart, Best Buy, Circuit City, or online. Once you apply for your coupon and you receive it, you have 90 days to purchase the box and you cannot re-apply. This information will be posted on the township website. Member Szupka moved to open public comment; Member Snipes seconded the motion; all board members were in favor. (4-0) Mr. Andy Dell said he just got FIOS and asked when the township channel would be available. Mr. Markey said Verizon indicated they would have the township channel available in mid-2009. Member Prokopiak moved to close public comment; Member Szupka seconded the motion; all board members were in favor. (4-0) Member Prokopiak asked Mr. Markey to stress to Verizon, that residents do not want to wait 8 months to get the township cable service. Mr. Markey said if anyone needs more information, please call 1-888-dtv-2009 or go to www.dtv2009.gov.

ITEM # 3 CONSIDER RESOLUTION AUTHORIZING APPLICATION FOR 2009 COMMUNITY DEVELOPMENT BLOCK GRANT

Manager Gray said each year the township has the opportunity to submit to Bucks County a request for a Community Development Block Grant. They submitted an application for \$101,505 for work at the Fallsington Library. The grant money will be used toward a new roof, windows, front porch doors, foundation wall repair, interior paint and shelving. This application has been advertised, a public hearing was held and they submitted the application. Member Snipes mentioned the recent death of Marjorie Waggener, and said she would have loved seeing the library receive this grant. He said Mrs. Waggener was a long-time volunteer and a chair of the library board and this is a great thing to do in honor of her many years of hard work. Member Prokopiak moved to approve Resolution 08-31 authorizing the application for the 2009 Bucks County Community Development Block Grant; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 4 CONSIDER AUTHORIZING ADVERTISEMENT OF BID FOR ELEVATOR RESTORATION AT TOWNSHIP BUILDING

Manager Gray said recently the township hired Van Deusen & Associates to perform an evaluation of the passenger elevator in the township building. The elevator is 33 yrs. old

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and there are a number of maintenance issues. It could cost up to \$150,000 for a new elevator, but they will not know until the bids come back. Member Prokopiak moved to authorize advertising of bids for the elevator restoration at the township building; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 5 PUBLIC COMMENT – FIVE MINUTE LIMIT PER PERSON – FORTY-FIVE MINUTE MAXIMUM

Mr. Roland Kenney reminded everyone about the October 17, 2008 bus trip to KOIZ. This trip is free. U.S. Steel covers the cost for everything. Mr. Kenney asked for everyone to keep our police department in their prayers.

ITEM # 6 MINUTES – SEPTEMBER 16, 2008

Member Prokopiak moved to approve the minutes from September 16, 2008; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 7 EXECUTIVE SESSION – There was no Executive Session held.

ITEM # 8 MANAGER COMMENT

1. Member Prokopiak moved to award the repair and replacement of emergency and exit light work to Langhorne Electric in the amount of \$3,390.04; Member Snipes seconded the motion; all board members were in favor. (4-0)
2. Bulk Disposal Day will be held on Saturday, October 18th from 7 a.m. until 1 p.m. at G.R.O.W.S. Landfill, behind Waste Management's Turkey Hill office at 1000 New Ford Mill Road.
3. There will be a Youth Activity Night on Friday, October 17th at the Village Park Elementary School from 6:30 – 9 p.m. for children in grades 4-7. The price is \$3 per person. The 1st Annual Children's Halloween Party will be held at the Three Arches on Saturday, October 25th from 11 a.m. to 2 p.m. This is open to children ages 2-10. There will be children's games, carnival rides, refreshments, a DJ, face painting, craft table, a demo by Mad Science, costume judging and much more.
4. Manager Gray has mylars for the board to sign for A.E. Polysilicon, Hiossen, and Fallsington Elementary School.

Mr. Clarke spoke about a lawsuit that the township has involving the engineering firm of Pickering, Corts & Summerson. This lawsuit was filed in 2003. Mr. Clarke said it became clear that any claim of negligence or breach of contract regarding Pickering, Corts & Summerson was going to be extremely difficult to prove and for that reason the lawsuit lost steam. As stated in Mr. Clarke's e-mail to the township, the lawsuit began to languish. The other side is represented by an insurance firm in Philadelphia and over the last several months they tried to get this moving in an attempt to get a resolution. The law firm defending Pickering, Corts & Summerson wants information. Mr. Clarke said this would be an extremely difficult case to prove against Pickering, Corts & Summerson and he does not believe it is advisable to move forward with this matter. Mr. Clarke said he is looking for authorization to withdraw this lawsuit. He said the defendants have agreed not to seek any reimbursement of any fees from the township in defense of this lawsuit. Member Snipes

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believes this lawsuit has more to do with old politics than construction of the park and thinks it is time to move on. Member Prokopiak asked how much money this lawsuit could cost. Mr. Clarke said what they are asking for now to do in legal time would probably not be much time; part of the problem is that the documentation does not exist. It would be timely and cost consuming looking for the documentation in old Unitech, Eustace Engineering, or Durkin files and there is no guarantee they would find anything in there which would lead them to be able to prosecute this case. Eustace was brought in to help to do some of the remediation and they would have to be used as the expert. It could be tens of thousands of dollars or in excess of \$10K-\$15K with a very limited chance of success. While the negligence claim is covered by insurance carrier the breach of contract claim is not. Member Szupka said this is a case where no one is being held responsible and people drag things out for a very long time. Even if they were responsible the paperwork would take time to compile. Member Szupka said nobody takes responsibility for their actions. Mr. Clarke said the reason they are recommending ending it now is because it has been going on for a very long time and the defendants are pushing it. Mr. Clarke said we were looking to see if Pickering, Corts & Summerson was responsible for some of the problems that had gone on and we were not able to prove that. One area was a place where they had trouble getting grass to grow. We were unable to determine whether this was a mistake on Durkin's part or a mistake on Pickering, Corts & Summerson's part. It became difficult for us to prove which one of two or three parties was responsible for the grass not growing. Member Prokopiak moved to authorize the solicitor to take all steps necessary to resolve the matter of Falls Township vs. Pickering, Corts & Summerson relating to the Falls Township Community Park, with the understanding that Falls Township will not be responsible for any liability or fees incurred by the other party; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 9 BOARD COMMENT

Member Snipes spoke about a bulletin they received from the PA Association of Township Supervisors which contained information regarding the \$650M Alternative Energy Investment fund. Member Snipes wanted to make sure the township was signed up to receive e-mail updates. Member Snipes said as part of this funding, residents can apply for funds or rebates for energy efficiency in their homes. The guidelines for this program should be available in February.

Member Szupka said he has read a couple of articles regarding the usage of oil and gasoline and how the price has been decreasing and the usage has dropped off in the past 11 months. Member Szupka believes it is because people are changing their habits and trying to conserve. Even though the price of gas is dropping he is not satisfied but he is thankful for every little bit it does come down. Member Szupka said he read an article about the unique ways people are conserving fuel. Member Szupka said there are a few companies that are building electric cars. One company is Tesla. The cars are very expensive, but they proved that they can use this technology. GM and Ford also have cars in the works. Member Szupka said we have to keep looking at the alternatives. Member Szupka said he believes our society has made a lot of changes in their driving habits. We can't just take it for granted that since the price has come down it is going to stay there. We have to keep

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working for green energy and do things to keep on track. Hopefully it will work and we will come up with some more green technology in these vehicles.


Member Prokopiak thanked the Police Department for their increased enforcement in traffic and moving violations and said this helps to keep our community safe. Member Prokopiak said as we get closer to the budget season, he would like to look into funding and engineering for a pedestrian walkway on New Falls Road. Member Prokopiak said every day you see people walking along that road and there is not a lot of room to walk. Member Prokopiak said that since Wachovia and some other banks have been bought out they may want to take Wachovia off of the township's depository list and keep an eye on our current list. Member Prokopiak said they have been talking about gas prices and energy and in the past he has spoken about electric as electric is a huge cost to the township. Member Prokopiak said we have the LED street light program and that has the potential of reducing energy. In two years the rate caps will come off. There has been talk about extending the rate caps or phasing in the rate increases, but those are short-term solutions to a long-term program. A 25% increase in energy costs will probably mean over \$100K of energy costs for Falls Township. That doesn't include the hundreds of dollars each residential homeowner and business owner would have to pay in addition to what they pay now. It is a huge problem not just for Falls Township, but for the entire state. Member Prokopiak spoke about re-regulation. He said re-regulation should be on the table because we cannot afford the extra cost for the electric. We need to continue to look at conserving electricity through the LED program, making sure the building is as energy efficient as possible and continuing the street light program. Electric affects the health, safety and welfare of the community and keeping the costs as low as possible is an important thing for all of the taxpayers. Member Prokopiak suggested drafting a letter from the Board of Supervisors to our local and state officials and letting them know that this is a problem that will affect the taxpayers of Falls Township as well as the government of Falls Township and that we believe re-regulation should be on the table not just short term fixes. Member Prokopiak said he can draft a letter to bring it to the next meeting. Member Prokopiak asked how much money or how many trees were allocated in the township tree bank. Manager Gray said he has had discussions with CMX and they are scouting locations to plant about 25 trees. They are looking at getting specs for a bidder to plant the trees. Member Prokopiak said Fallsington Day is this Saturday, October 11th. Fallsington Fire Company will also have their fire prevention open house during that time.

Chairman Harvie said they received a notice from Bucks County that on Saturday, October 18th from 10 a.m. until 2 p.m. free flu shots will be given. The closest location is the William Penn Middle School on Derbyshire Road. Anyone 9 years of age and older can receive a flu shot. For more information, contact the website at www.buckscounty.org. Chairman Harvie repeated the number to call for the Fire Marshal's office for anyone needing help with installing smoke detectors or changing batteries in smoke detectors. The number is 215-949-9000, x256. Chairman Harvie commended the Police Department for their work with the traffic situation. He also congratulated the police officers and the department as a whole, for their work involving a major drug bust which netted 5,000 bags of heroin as well as weapons. The board discussed possible dates for the first meeting in

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November. It was agreed that in place of the Election Day meeting (November 4th) the board would meet on Monday, November 10th.

Member Prokopiak moved to adjourn the meeting; Member Snipes seconded the motion; all Board members were in favor. (4-0) The meeting was adjourned at 8:20 p.m.



Jonathan Snipes, Secretary