

**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 7:08 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.

**ITEM # 1 SORRELLS, S.E. – MINOR SUBDIVISION – SORRELLS
 BOULEVARD AND SINTER ROAD – TPN 13-51-1 (EXP. 12/16)**

Mr. John Van Luvanee represents the applicant. Mr. Van Luvanee said this is a continuation from the November 10, 2008 meeting. He said U.S. Steel has delivered the component parts of the master plan consisting of the drawings and pictures. It also contains an update of the revised storm water report which they hope addressed the concerns of the township. Mr. Van Luvanee said he met with U.S. Steel representatives and they plan to move forward with the Sinter Road re-alignment and reconstruction. They are now out to bid with the survey work that is needed for the re-design of the road. Mr. Sullivan said he is in the process of reviewing the storm water portion of the master plan and believes the traffic information will be reviewed by the township's traffic consultant. If they could get the storm water master plan approved, then the land development that is proposed for this property would probably go a little bit smoother than in the past. Member Snipes moved to approve Resolution # 08-37 for the Sorrells, S.E. minor subdivision with the waivers as mentioned by the Chairman, TPN 13-51-1; Member Prokopiak seconded the motion; all board members were in favor. (4-0)

**ITEM # 2 MCDONALDS – FINAL LAND DEVELOPMENT – 321 WEST
 TRENTON AVENUE – TPN 13-35-72 (EXP. 2/20/09)**

Mr. Karl Weiner and Mr. Michael Jeitner represent the applicant. Mr. Weiner said they found all of the items in the November 12, 2008 CMX letter acceptable. Mr. Weiner and Mr. Jeitner spoke about the width of the driveways. They received a zoning variance for the driveway widths but the Board of Supervisors would need to take action for driveways in excess of 30 ft. Mr. Jeitner spoke about the sidewalk extension along the entire frontage of the parcel. He said McDonald's is willing to perfect the walkway and repair the asphalt sidewalk in that area. Member Szupka said some of the sidewalk is macadam. He cannot

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see ripping it up because they don't know what will happen with the service station. He is okay with it as long as it is in a safe manner. Member Snipes agreed with Member Szupka. Member Snipes asked about the lot size. Mr. Jeitner said it is 5.2 acres. Mr. Sullivan said the driveway, as shown, would be adequate. The ordinance requires a 6" sidewalk where it crosses the driveway. Member Prokopiak asked if the gas station was the same parcel as McDonald's. Mr. Sullivan said yes. Member Prokopiak said the gas station portion of this parcel is in poor condition. Member Prokopiak moved to open public comment; Member Szupka seconded the motion; all board members were in favor. (4-0) Mr. Brian Binney agreed that the gas station is in poor condition. When he is in this area, he sees many people walking. He is not opposed to a portion of the sidewalk being blacktop. Mr. Binney spoke of how some of this area floods after it rains and asked if this issue has been taken care of. Mr. Jeitner said they do plan to fix this problem and this would be part of the final PENNDOT approval. Mr. Roland Kenney spoke in favor of the work of Mr. Jeitner. Member Prokopiak moved to close public comment; Member Snipes seconded the motion; all board members were in favor. (4-0) Mr. Clarke read the proposed changes to the resolution. Mr. Weiner said the changes were acceptable. Member Prokopiak moved to approve Resolution # 08-38 for the final land development for McDonald's, TPN 13-35-72; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 3 CONSIDER AWARDING WORKERS COMPENSATION CONTRACTS

Manager Gray said our current carrier, Delaware Valley Workers' Compensation Trust, provided a quote in the amount of \$318,007. This is a reduction of just under \$16K from the prior year. There were proposals from two other carriers, but their rates were significantly higher. In 2008 the township received from the trust, a dividend in the amount of \$12K, and a safety grant for the purchase of equipment, supplies and clothing. The trust also provides safety seminars for the employees. Member Prokopiak moved to award the worker's compensation contracts to Delaware Valley Workers' Compensation Trust for the 2009 year in the amount of \$318,007; Member Szupka seconded the motion; all board members were in favor. (4-0)

ITEM # 4 CONSIDER ADOPTION OF ORDINANCE AMENDMENT TO CHAPTER 209 – UPDATE OF ZONING CODE AND MAP

Mr. Tom Bennett spoke about the new zoning book. He said it aligns the uses of the properties and buildings the way they should be. It addresses some of the issues and makes thing a lot better. Member Szupka referenced a letter from the Flynn Company. Mr. Sullivan said he spoke with Mr. Flynn and gave an explanation of this issue. Member Harvie moved to open public comment; Member Snipes seconded the motion; all board members were in favor. (4-0) Mr. Roland Kenney asked about the Age Qualified (AQ) zoning at Avenrowe. Chairman Harvie said making Avenrowe AQ restricts that area so that in the future it doesn't turn into something that they don't want it to turn into. Mr. Dick Trimble said he has seen very little in the way of his suggestions being incorporated into the book. He urged the board not to approve this at tonight's meeting. Mr. Clarke said most of the definitions Mr. Trimble referenced are defined by the state. Very often, in an ordinance

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like this, you put in a basic description of what you are talking about and then you have to rely upon the state. Mr. Clarke gave an example of condominium which is regulated by the Uniform Condominium Act. He said it is a form of ownership; not a type of building. Mr. Sullivan said this code creates new zoning districts that were never there before such as the open space preservation and institution district. All of the comments received from Mr. Trimble and Mr. Obert, if applicable, were incorporated into this document two years ago. All of the zoning information came out of the comprehensive plan and was done by E. Van Reiker. This document has not changed in two years other than a few minor changes when Mr. Bennett reviewed this about 6 months ago. Mr. Sullivan said there were a couple of zoning changes they did not agree with. Chairman Harvie said this document is a living document and as things change they do have the ability to change the document. Chairman Harvie said he appreciates the work Mr. Trimble and Mr. Obert have done on this. Mr. Brian Binney said he served on the Comprehensive Plan Committee. Part of what they did recommend was to incorporate the open space and the institutional districts. Mr. Binney asked about the change in the Low Density Residential (LDR) district from 29K sq. ft. to a 15K sq. ft. He thought this would allow more homes to be built and would defeat the purpose of the LDR district. Mr. Sullivan said there are still setbacks that would be required so it would still be a little difficult to put homes in these areas. Member Harvie moved to close public comment; Member Snipes seconded the motion; all board members were in favor. (4-0) Member Szupka said maybe they can at least get a Table of Contents and find out why there was a decrease in the number for the LDR district. He doesn't want this number change to become a hardship on anyone. Member Szupka said a lot of time and work has been put into this, but if they wait and look at these two items, then maybe it can be approved in another few weeks. Member Snipes asked about changing the LDR back to 29K sq. ft. Mr. Clarke said that type of change would require re-advertising. It is possible to approve this tonight and then go back and make amendments to individual sections. With regard to the table of contents, Mr. Sullivan said the zoning ordinance books he deals with do not have page numbers and there may be a codifying issue with that. Mr. Bennett said there are section numbers on the pages. Member Prokopiak said if you put page numbers in the book and table of contents, then make changes, those changes may affect the page numbers in the table of contents. Chairman Harvie said he agrees with trying to make this more readable for people, while still meeting certain requirements. There aren't a lot of changes being made that would affect the average homeowner. This book has been in the works since 2006 and is a work in progress. It is over 295 pages. Member Prokopiak asked Mr. Bennett if he has reviewed this and is satisfied with the document as a whole. Mr. Bennett said it is going in the right direction. Mr. Sullivan agreed. Member Prokopiak moved to approve Ordinance # 08-10 for the Ordinance amendment to Chapter 209 – Update of Zoning Code and Map; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 5 CONSIDER PUBLIC WORKS CONTRACT – JANUARY 1, 2008 TO DECEMBER 31, 2010

Manager Gray said this is a 3-year contract for the Public Works Department. Member Prokopiak asked for the board to go into Executive Session. The board went into Executive Session at 8:40 p.m. and the meeting reconvened at 9:19 p.m. Mr. Clarke said that while in

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Executive Session, the board discussed a personnel matter. Member Prokopiak moved to table the Public Works contract; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 6 CONSIDER FINALIZING BID AWARD FOR THREE ARCHES RENOVATIONS

Member Prokopiak moved to award the bids for the Three Arches renovations to R. C. Legnini Co. in the amount of \$47,028; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 7 CONSIDER APPROVAL FOR CONSTRUCTION ADMINISTRATION SERVICES FOR THREE ARCHES

Member Prokopiak moved to approve construction administration services for Three Arches to Stark and Associates in an amount NTE \$5,000; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 8 CONSIDER APPROVAL OF TWO YEAR MAINTENANCE AGREEMENT FOR DYNAMATRIX

Manager Gray gave information on the two-year maintenance agreement for the township computer services. He said Dynamatrix would assist with all of the computer-related services in the township. They fix any situations, make recommendations for future software and they help the police with various police matters. Chairman Snipes asked about the back-up disaster recovery schedule as mentioned in the proposal. Mr. John Strazzeri from Dynamatrix was present. Mr. Strazzeri said the disaster recovery plan is a series of steps to make sure they have enough redundancy to cover different types of crashes. It is not one individual step, but a series of different levels of redundancy to recover everything from minor loss of data to a major loss of data. Member Prokopiak asked about any township video equipment. Mr. Strazzeri said due to the nature of the request they have asked the township to deal directly with a company who handles that type of equipment. They are not insured to deal with security equipment. Member Harvie moved to open public comment; Member Szupka seconded the motion; all board members were in favor. (4-0) Mr. Andy Dell asked if the township had off-site storage for our electronic data. Manager Gray said the finance department and the police department take their software off-site. Mr. Strazzeri handles the code back ups and they are taken off site. Member Harvie moved to close public comment; Member Snipes seconded the motion; all board members were in favor. (4-0) Member Prokopiak moved to approve the two-year maintenance agreement for the Falls Township computers to Dynamatrix in the amount of \$88,897.56; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 9 CONSIDER APPROVAL OF TOWNSHIP'S TENANT LEASES (DYNAMATRIX AND VAUGHAN INSURANCE MANAGERS)

Member Prokopiak moved to enter into a lease agreement for two years with Vaughan Insurance Managers at a rate of \$15.71 per sq. ft. from January 1, 2009 to December 31,

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2010, as specified in the lease; Member Szupka seconded the motion; all board members were in favor. (4-0) Member Prokopiak moved to enter into a lease agreement for two years with Dynamatrix at a rate of \$15.71 per sq. ft. from January 1, 2009 to December 31, 2010, as specified in the lease; Member Szupka seconded the motion; all board members were in favor. (4-0)

ITEM # 10 CONSIDER RESOLUTION FOR SALE OR DISPOSAL OF PERSONAL PROPERTY – TWO FIRE VEHICLES

Member Prokopiak moved to approve Resolution # 08-39 for the sale of surplus vehicles for \$1,100 each to the Pennsbury School District; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 11 CONSIDER APPROVAL FOR ADVERTISING BID FOR DATA 911 MONITORS

Member Szupka moved to authorize advertisement of bids for Data 911 monitors; Member Prokopiak seconded the motion; all board members were in favor. (4-0)

ITEM # 12 PUBLIC COMMENT – FIVE MINUTES PER PERSON – FORTY FIVE MINUTE MAXIMUM

Ms. Samantha Kiernan said that during the October 21st meeting at 10:16 p.m. Congressman Murphy was publicly attacked by a board member. Ms. Kiernan said this was wrong. Ms. Kiernan said a board member questioned what Congressman Murphy did while at West Point. Ms. Kiernan said that Congressman Murphy was an Assistant Professor for constitutional law. Ms. Kiernan said if the board member wanted to know the real Congressman Murphy, she should stop by his office or read his book.

Mr. Roland Kenney wished everyone happy holidays and a Happy New Year. Mr. Kenney spoke about Holly Nights which were held on December 11th and 12th at Pennsbury Manor. Mr. Kenney agreed with Ms. Kiernan and said that Congressman Murphy is a good man.

ITEM # 13 MINUTES – DECEMBER 2, 2008

Member Prokopiak moved to approve the minutes from December 2, 2008; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 14 ENGINEER'S REPORT

Mr. Sullivan said that Butterfly Lane and Pleasant Lane have the binder completed, but not the wearing course. They would need two days of pretty good weather and the asphalt plant to be open in order to complete the work. Chairman Harvie asked for help in making sure there is not a lot of loose gravel on these roads. Member Snipes asked about the Euron project. Mr. Sullivan said the panels are now operational. Member Prokopiak moved to approve the November Engineer's report dated December 10, 2008; Member Snipes seconded the motion; all board members were in favor. (4-0)

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ITEM # 15 BILL LIST – DECEMBER 16, 2008

Member Snipes moved to approve the December 16, 2008 bill list in the amount of \$2,669,140.29; Member Prokopiak seconded the motion; all board members were in favor with the exception of Member Szupka who voted no. (3-1)

ITEM # 16 EXECUTIVE SESSION – There was no Executive Session held at this time.

ITEM # 17 MANAGER COMMENT

1. Member Prokopiak moved to approve the 90-day extension for 69th Street Properties at the Oxford Valley Shopping Center; Member Snipes seconded the motion; all board members were in favor. (4-0)
2. The Falls Township cable channel 22 will be offline starting December 22, 2008 until January 2, 2009. During this time the system will be upgraded.
3. The Parks & Rec Department thanked the volunteers who participated in the Annual Children's Holiday Party, the tree-lighting ceremony, and the gift shop.
4. Manager Gray has mylars ready for the board to sign (Nova Tube & Steel and Abington Reldan). Chairman Harvie moved to approve the re-dating of the Abington Reldan mylars to December 16, 2008; Member Prokopiak seconded the motion; all board members were in favor. (4-0)

ITEM # 18 BOARD COMMENT

Member Prokopiak said he was glad to see Bucks County Community College offer free classes to those workers who lost their jobs. Member Prokopiak said tonight they passed the code update. He thanked all those who were involved in this lengthy process. They will continue to make changes as they see fit. Member Prokopiak asked residents to please be patient as they complete the 2008 Road Program. Member Prokopiak reminded everyone that the township is collecting canned goods for the food drive. He wished everyone a happy holiday season.

Member Szupka wishes everyone a Merry Christmas and a Happy New Year. Member Szupka said at this time of year, people should not be focusing on monetary or material things. It is a time for being with family. Member Szupka said he remembers his grandfather making items for him by hand. Member Szupka said the house-decorating contest is ongoing and there are a lot of nicely decorated houses out there. Member Szupka said from him and his wife, happy holidays to all.


Member Snipes pointed out the celebrations at the Three Arches tree lighting, the Pennsbury Manor Holly Nights, and the Historic Fallsington tree lighting. He said these are always good events to attend and good events to volunteer your time. Member Snipes reminds everyone to please be careful when driving. He urges people to slow down, keep an eye on other drivers, and also those who walk along the roadways. Member Snipes said Member Vislosky made comments at the last meeting in regard to the township finances. Member Snipes said by any analysis, our finances are in excellent shape. When they approved the budget, they approved the road program with 22 roads, funds to improve the senior center,

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funds to increase recreational access to the river and funds to improve other services. They have also approved a rebate program. All of this is proposed without increasing taxes. To say that they are not responsible with the finances is a shame. At the end of next year we will have more money than we had in the beginning of the year. This is money that should be spent on the needs of our residents. If you put all the money together that we have in our accounts, we have almost \$50M. As best as we can determine, Falls Township may be one of the top three wealthiest townships in the state. We need to be responsible with our funds, but we need to spend some of them as well. Member Snipes said the budget that they passed is a very responsible budget and it is not about hoarding up but about spending the money in the way that benefits the township. Member Snipes wishes everyone happy holidays.

Chairman Harvie said one of the issues they discussed involved a contract regarding healthcare. The AFSCME contract, which represents about 15 employees, is the only contract in the township which requires them to begin to pay for their health insurance beginning on January 1, 2009. The amount they would have paid is about \$5K total for the year. They have asked that the obligation be waived. Chairman Harvie read a memorandum of understanding put together by the township manager and the labor attorney. Member Prokopiak moved to approve the memorandum of understanding between AFSCME and Falls Township; Member Snipes seconded the motion; all board members were in favor. (4-0) Chairman Harvie said his personal feeling is that there is an obligation for the employees to contribute something so that taxpayers are not footing the entire bill for the employees. Chairman Harvie said a few weeks ago, he distributed a packet of information to board members which dealt with preventative care. Chairman Harvie said he cannot attend the January 20, 2009 meeting and asked board members to be in contact with the manager to look at an alternate date for that meeting. Chairman Harvie said this is the last week to nominate houses for the holiday decorating contest. The winners will be announced in January. Chairman Harvie said he appreciates the opportunity to be chairman this past year. He hopes that he has done a good job trying to keep everyone satisfied and trying to keep things moving along doing township business. Chairman Harvie thanked the employees, the staff and professionals who worked very hard this year. He wishes everyone a Merry Christmas, a Happy New Year, and a Happy Hanukkah.

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 10:24 p.m.


Jonathan Snipes, Secretary