

**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	PRESENT

The meeting commenced at 7:46 p.m. with roll call and salute to the flag. All Board members were present. Also present were Township Manager Peter Gray, Township Finance Director Betsy Reukauf, Township Solicitor Michael Clarke, and Township Engineer James Sullivan. An Executive Session was held before the start of this meeting. Mr. Clarke said the board discussed a personnel matter involving a Collective Bargaining Agreement.

**ITEM # 1 CONSIDER AUTHORIZING APPEAL OF ZONING HEARING
BOARD DECISION – VIKING PROPERTY**

Chairman Harvie introduced this item. He said last week, the Zoning Hearing Board voted to approve certain waivers for the proposed Viking property in order to move ahead in the process. Chairman Harvie explained the steps a developer would follow when proceeding through the waiver of land development process. Chairman Harvie said the Zoning Hearing Board is an independent board and the Board of Supervisors has the opportunity to appeal any decisions made by the Zoning Hearing Board. Chairman Harvie said a representative from the township solicitor's office attended last week's Zoning Hearing Board meeting to let the Zoning Hearing Board know that the Board of Supervisors felt that the applicant did not meet the requirements for the zoning waivers. Mr. Tom Bennett, Zoning Officer was present to answer questions. Member Szupka asked if the proposed storm water management encroached on the buffer areas. Mr. Bennett said the storm water basins are in the buffer area. Mr. Bennett said the problem with the basins is that they are man-made structures. Code number 209-38.1, on buffers, states that no structures can be permitted in the buffer area. Mr. Bennett said this is a man-made structure. If it were a natural pond, it would not be a man-made structure. Mr. Bennett said this is black and white and although he sometimes does not agree with things, they are in there for a reason. Member Szupka understood Mr. Bennett to believe that this is a deterrent and it is illegal. Member Vislosky said she supports Mr. Bennett, but it is her opinion that members of the Zoning Hearing Board are not chosen for their ability to do the job. Member Snipes asked Mr. Bennett to talk about buffer zones. Mr. Bennett said buffer zones are meant to screen a use from another use or from a roadway to block visual sighting. It could be for many reasons, but most of the time it is for a visual reason. Member Snipes asked how many feet are required for this buffer. Mr. Bennett said the required buffer is 40 ft. The distance from the building

Board of Supervisors – December 15, 2009

to the property line of the residences is 88-1/2 ft. The parking area would not be a buffer. Member Snipes asked Mr. Bennett if he felt there was a problem with the parking. Mr. Bennett said not according to zoning. Member Vislosky asked if Mr. Bennett made any attempt to speak to Viking to see if there was any way to settle this to meet Mr. Bennett's requirements without litigation. Mr. Bennett said he met with the attorney and their representative months ago and they were pretty adamant about this plan and how they want it to go. Mr. Bennett doesn't really see any room on the lot to make the necessary changes. Member Prokopiak thanked Mr. Bennett for his information. Member Prokopiak said these issues were all previously discussed with them before they went to the Zoning Hearing Board. Member Vislosky said if there is no harm by delaying this until January, when the new board member would take office, that is what she favors doing. Member Prokopiak said he disagrees with delaying this decision. He said they sent a solicitor to go the meeting to advocate that they don't like certain things about this plan. He believes they should make a decision to appeal this tonight and get this moving. Chairman Harvie said when someone comes in for a zoning variance, it has to be for something they did not create themselves. Mr. Bennett said it cannot be due to a self-created position; it has to be a feature out of your control. Member Prokopiak moved to open public comment; Member Snipes seconded the motion; all board members were in favor. (5-0) Ms. Catherine Ross (407 Centennial Drive, Penns Grant). Ms. Ross said she appeared along with 35 of her neighbors at the Zoning Hearing Board meeting. They oppose the development and they are here tonight to support the appeal of the Zoning Hearing Board's decision. She said it is imperative that the township make the decision to appeal tonight. She does not want to see this project approved because someone was not ready. Member Vislosky said she and Mr. Healy are friends and if she votes on this she will support Mr. Bennett, the Zoning Officer. Member Vislosky said she does not think it is appropriate to bind an incoming board member for six years on any action they take tonight. Ms. Ross said she believes that variances are required for parking, adequate buffers, water retention basins, and proper location of those basins to protect the residents. Ms. Ross said there are not many trees or shrubs that are supposed to buffer. Ms. Ross said they are counting on the Board of Supervisors, the officials, the township, and the boards to authorize this appeal. Mr. Brian Binney said he felt the Zoning Hearing Board incorrectly interpreted the ordinance. Mr. Binney also believes they did not justify the parking calculations and said they did not allow anyone to comment on the parking calculations. He thinks those two points would support the Board of Supervisor's appeal. Mr. Clarke explained the process if the Board of Supervisors vote to appeal the Zoning Hearing Board decision. In light of the parking calculations and other things, they will likely ask the judge to take the additional evidence into account. He said they are probably looking at sometime in the middle to latter part of the summer of 2010 before they will have a decision on this. Member Vislosky asked about the residents' notification about this. Ms. Ross said her understanding is that the applicant appearing before the Zoning Hearing Board had the obligation to provide notice under the rules. Her understanding is that the developer gave that notice in writing. She understands that a sketch plan doesn't really give the residents the right to anything. She doesn't know how the people are supposed to know about these things until they get their 10-day notice. Member Prokopiak moved to close public comment; Member Snipes seconded the motion; all board members were in favor. (5-0) Member Prokopiak moved to appeal the Zoning Hearing Board

Board of Supervisors – December 15, 2009

decision for the Viking property; Member Vislosky seconded the motion. Member Prokopiak asked Member Vislosky about abstaining in the past on actions with the law firm dealing with Viking. He does not want this board's action called into question because she may have done something that is improper. He said she has abstained on matters in the past dealing with this solicitor. Member Vislosky withdrew her second to the motion. Member Snipes seconded Member Prokopiak's motion; all board members were in favor with the exception of Member Vislosky who abstained from the vote. (4-0-1)

ITEM # 2 PERUZZI NISSAN – WAIVER FROM LAND DEVELOPMENT – 165 LINCOLN HIGHWAY – TPN 13-3-23-2

Mr. Ed Murphy represents the applicant. Mr. Murphy gave information on the proposed waiver from land development. Mr. Fred Peruzzi said that Nissan wants all of their dealerships to look the same. Mr. Peruzzi said this project is not changing the footprint of the building. Member Szupka thanked Mr. Peruzzi for being a good public person in Falls Township. Member Snipes asked about the building façade. Mr. Murphy said it is a new face. Member Prokopiak asked Mr. Sullivan if this had any impact on storm water management. Mr. Sullivan said no. Mr. Sullivan said they are waiving plan preparation requirements because this is a very simple plan. Member Vislosky moved to approve Resolution # 09-23 for Peruzzi Nissan, TPN 13-3-32-2; Member Prokopiak seconded the motion; all board members were in favor. (5-0)

ITEM # 3 CONSIDER ADOPTING 2010 BUDGET AND RESOLUTION ESTABLISHING MILLAGE RATE FOR YEAR 2010

Manager Gray spoke about the proposed 2010 budget. Member Prokopiak moved to open public comment; Member Snipes seconded the motion; all board members were in favor. (5-0) Mr. Gallus Obert said there was no meeting on December 1st. Mr. Obert asked a number of questions in regard to the budget. Mr. Obert said he would make an appointment with Manager Gray to have his remaining questions answered. Mr. Obert stated he does not agree with the township policy of charging township residents \$.25 cents a copy. Mr. Obert suggested installing solar panels at Biles Island to help save on electricity costs for the residents. Member Prokopiak moved to close public comment; Member Snipes seconded the motion; all board members were in favor. (5-0) Member Prokopiak moved to approve Resolution # 09-24 setting the millage rate for fiscal year 2010; Member Snipes seconded the motion; all board members were in favor with the exception of Member Szupka and Member Vislosky who both voted no. (3-2) Member Vislosky spoke about the three Waste Management agreements and said she brought them with her tonight. She said that a public citizen is not able to sign official documents. Member Vislosky said she has no say in how this money is spent and that a \$100 tax rebate is nothing. Member Prokopiak moved to approve the 2010 Budget; Member Snipes seconded the motion; all board members were in favor with the exception of Member Szupka and Member Vislosky who both voted no. (3-2) Member Vislosky wanted it stated in the minutes that her comments for the previous motion apply to this motion as well.

Board of Supervisors – December 15, 2009

ITEM # 4 CONSIDER PURCHASE OF POLICE VEHICLES

Corporal Mark Bertone explained the type of vehicle the police department intends to purchase. Member Szupka moved to approve the purchase of the four police vehicles in the amount of \$123,292.56; Member Vislosky seconded the motion; all board members were in favor. (5-0)

ITEM # 5 CONSIDER AWARDING WORKERS COMPENSATION CONTRACTS

Manager Gray introduced this item. Member Prokopiak moved to award the workers compensation contract to the Delaware Valley Workers Compensation Trust in the amount of \$351,262; Member Snipes seconded the motion; all board members were in favor. (5-0)

ITEM # 6 CONSIDER RESOLUTION TO SEND POLICE OFFICER TO POLICE ACADEMY – ANDREW STEGENA

Member Prokopiak moved to approve Resolution # 09-25 to send Andrew Stegena to the police academy; Member Snipes seconded the motion; all board members were in favor. (5-0)

ITEM # 7 CONSIDER APPROVAL OF TOWNSHIP'S TENANT LEASES – INTERACTIVITY

Member Prokopiak moved to approve the township's lease with Interactivity as specified in the December 11, 2009 memorandum; Member Snipes seconded the motion; all board members were in favor. (5-0)

There was a break in the meeting at 9:36 p.m. and the meeting reconvened at 9:46 p.m.

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

Chairman Harvie said public comment is a time to bring forth issues. When people start going back and forth in non-township business, it never ends. He said viewers' minds are probably already made up without having to keep hearing these back and forth communications.

Mr. Guido Mariani thanked the board for recognizing Veteran's Day. Mr. Mariani spoke of Member Vislosky's comments at the last meeting and said that it was bad conduct since he was not here to defend himself. He thinks this deserves a response. Mr. Mariani said he will not permit anyone to use him to disrupt the township meetings. He asked the Chairman to review paragraph 2, sub-paragraph D and paragraph 7 of the township's policy on public comment. Mr. Mariani told Member Vislosky that he and Mr. Kenney are very good friends. Mr. Mariani said he has never asked for Member Vislosky's endorsement in 2007 or 2009. Mr. Mariani spoke of his drive to Doylestown to register to run for supervisor. Mr. Mariani said he filed the day before the deadline. He thinks his candidacy deprived Member Vislosky of her taking control of the board. Mr. Mariani said Member Vislosky is

Board of Supervisors – December 15, 2009

deliberately harming good people. Member Vislosky responded to Mr. Mariani's comments. She said that Dick Trimble was going to brand Mr. Mariani for what he was. Member Vislosky said Mr. Mariani has an ego that won't stop.

There was a break in the meeting at 9:54 p.m. and the meeting reconvened at 9:57 p.m.

Mr. Ed Mathias (Levittown Continental Little League) said he received the \$9,900 check from the township toward the Challenger field improvements. Mr. Mathias spoke of the proposed development of the Challenger field. He said they are considering a structure where the children would not be limited to just playing baseball, but would also be able to play soccer and other sports. Mr. Mathias thought this option might be cheaper than the Challenger field. Mr. Sullivan said they submitted a plan with three different surfaces. His recommendation is the middle option which will cost about \$280,000. Chairman Harvie said he has been discussing this with Mr. DiSangro for quite some time now and will also reach out again to Senator McIlhinney and Representative Galloway. Member Vislosky said Senator McIlhinney promised \$40,000 and she will also reach out to him to see when the money will be available.

David (Levittown Continental Little League) said his son looks forward to playing on the Challenger field and it brings great joy to his son and his son's friends. David said he has also mentioned this project to Representative Galloway. He cannot say enough about how much the kids enjoy playing in the Challenger division.

Mr. Roland Kenney wished everyone a Merry Christmas and a Happy New Year. Mr. Kenney said he was criticized at the last meeting and did not have a chance to respond. Mr. Kenney said all Member Vislosky knows how to do is to destroy people and she cannot destroy him and Guido Mariani because they are good friends. Mr. Kenney spoke of past events involving the election.

Mr. Gallus Obert asked about the proposed sidewalk/path along New Falls Road. Chairman Harvie said they are still in the planning process. Mr. Obert asked about the boat ramp. Mr. Sullivan said they have a new regulator on the project. It looks favorable they will be getting a permit early next year. The cost is \$1,200,000. Mr. Obert said at the last meeting he asked if the township would consider offering the Pennsbury School District use of this township facility so they can record the meetings and then play them back on their school site. Chairman Harvie said he had discussions with a couple of board members who said that was something they were not interested in pursuing. Mr. Obert suggested lowering the cost of copies from \$.25 cents to \$.10 cents a copy. Mr. Obert asked about the Bristol-Oxford Valley Engineering in the budget. Member Prokopiak said that is the project in which the cost is split between Falls Township and Middletown Township. Mr. Obert asked about the smooth operator expenses. Manager Gray said that is a speeding enforcement program the township police department performs through the state and the township does get reimbursed under that program. Mr. Obert wished happy holidays to everyone.

Member Vislosky said this business tonight came right after Mr. Mariani asked you to make sure there weren't any personal attacks. Then, based on the fact he wasn't here to defend himself, he began to attack her with untruths. If she answers him we will have a repeat of that. Member Vislosky said she will have Mr. Trimble tell the truth about that Doylestown filing to run for supervisor and she will stay out of it. Member Vislosky said she did not

Board of Supervisors – December 15, 2009

intend to support Mr. Mariani. The 9/11 event at her home was a 9/11 memorial. Member Vislosky said her son was a Green Beret Captain and West Point graduate. Member Vislosky read an e-mail that came to her son's family in regard to homeland security. Member Vislosky said the meeting at her home on 9/11/08 is because she and her family are patriots.

ITEM # 9 MINUTES – NOVEMBER 17, 2009

Member Prokopiak moved to approve the minutes dated November 17, 2009; Member Snipes seconded the motion; all board members were in favor with the exception of Member Vislosky who voted no. (4-1)

ITEM # 10 ENGINEER'S REPORT

Mr. Sullivan said the 2009 Road Program is 100% complete. The Eupron solar panel project is complete. The skate park birm is completed and the evergreens will be planted this week. Member Prokopiak moved to accept the November, 2009 engineer's report; Member Snipes seconded the motion; all board members were in favor. (4-0) (Member Vislosky was not present for the vote.)

ITEM # 11 BILL LIST – DECEMBER 15, 2009

Member Prokopiak moved to approve the November 17, 2009 bill list in the amount of \$1,503,799.92; Member Snipes seconded the motion; all board members were in favor with the exception of Member Szupka who voted no. (3-1) (Member Vislosky was not present for the vote.)

ITEM # 12 EXECUTIVE SESSION – There was no Executive Session held.

ITEM # 13 MANAGER COMMENT

1. Member Prokopiak moved to accept the letter of extension for 8029 New Falls Road for The Learning Experience; Member Snipes seconded the motion; all board members were in favor. (5-0)
2. Member Prokopiak moved to approve the letter of time extension from Mr. Patel for 957 Lincoln Highway until the last day of February, 2010; Member Snipes seconded the motion; all board members were in favor. (5-0) Member Prokopiak recommended that Mr. Clarke talk with the applicant to tell him what he needs to do.
3. Member Prokopiak moved to accept the letter of time extension for the Viking property project until March 21, 2010; 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)
4. Member Prokopiak moved to approve the Eupron solar array project reduction in letter of credit from \$140,903.73 leaving a balance of \$15,655.97 for the maintenance bond period of 18 months; Member Snipes seconded the motion; all board members were in favor with the exception of Member Vislosky who voted no. (4-1)

Board of Supervisors – December 15, 2009

5. Member Prokopiak moved to approve the purchase of a Daren the Lion mascot costume for the D.A.R.E. program in the amount of \$3,730; Member Snipes seconded the motion; all board members were in favor. (5-0) Member Vislosky apologized to the schools for not being able to attend the D.A.R.E. graduations.
6. There will be a Teen Activity Night at Bounce U. on Friday, December 18th from 8-10 p.m. The cost is \$10 per person. The registration deadline is December 17th.
7. There will be a Teen Activity Festival of the Bands on Saturday, January 9th at the Falls Township Senior Center from 4-11 p.m. Admission is \$3 per teen.
8. The Annual Falls Township Holiday Spirit House Decorating Contest is underway. Homes should be nominated by December 18, 2009 to the Parks and Rec Department.

ITEM # 14 BOARD COMMENT

Member Snipes said in regard to the budget, he raised the issue of encouraging the township to do some long-term financial planning. Member Snipes would like to keep the door open to the idea of putting some of the township money into open space and said he believes the preservation of open space is a great investment. Member Snipes wishes the very best to Ron MacPherson for his appointment as Police Chief in Upper Southampton and thanked him for his 26 years of service in Falls Township. Member Snipes said this is the last meeting where Member Prokopiak will be present. He appreciates all of the work Member Prokopiak has done and touched base on some of Member Prokopiak's accomplishments. Member Snipes said he hopes that Member Prokopiak will continue to serve the township on a commission or on a board.

Member Szupka mentioned the Holiday Spirit House Decorating Contest. Member Szupka said some of the decorations have a nice effect on the house even when the lights are not on. Member Szupka said that Dennis Ostowicz will air his polka show on WBCB on Christmas Day from 9 a.m. – 12 noon. Member Szupka would like to remind people to remember their heritage and be with their family. Member Szupka wished everyone a Happy Hanukkah and a Merry Christmas.

Member Vislosky said she will not answer anything that was said here tonight. Member Vislosky said she received a letter from Colleen McKinnen from 105 Vermilion Drive. Ms. McKinnen said she believes there should be an additional traffic light along New Falls Road. Member Vislosky said she would contact Senator McIlhinney tomorrow morning about the Challenger field at the Levittown Continental Little League. Member Vislosky spoke about Mr. Mathias who is having an issue with his sidewalk and some other matters. Mr. Mathias spoke about his sidewalk and some patch work on Peartree Lane. He said he did not have an issue before the sidewalks were replaced. Mr. Sullivan said the pictures he has are from August. Mr. Sullivan said the sidewalks are paved in such a fashion that they are not pitched directly towards the apron. The sidewalks are pitched from the sidewalk to the curb with positive draining to the street. Mr. Sullivan said they would look into this and see what is going on. Mr. Sullivan said they would take care of the patchwork but it will be sometime late next year. Mr. Sullivan said he was not aware of the fact that Mr. Mathias' neighbors were complaining. Member Vislosky apologized to the elementary schools for

Board of Supervisors – December 15, 2009

not being able to attend their D.A.R.E. graduations. Member Vislosky said she brought the three Waste Management agreements with her this evening. Member Vislosky said she gets all kinds of letters and one of them was a complaint about the tax collector's hours.

Member Vislosky said she walked out of Executive Session because she believes that a board member of this board didn't have the right to bind the new board member. Member Vislosky said she donates \$240 every month to Operation Smile. Member Vislosky spoke about Mr. Mariani and Mr. Kenney and the comments they made during tonight's meeting. Member Vislosky wished everyone a most blessed, holy, and happy holiday.

Chairman Harvie thanked the members of the Shade Tree Commission. He would also like to thank the members of the Three Arches, the Park and Rec Department, the Public Works Department, and especially John Gillis for the Three Arches Tree Lighting Ceremony. Chairman Harvie wished the township residents a Merry Christmas and a Happy New Year. Chairman Harvie said there is a box in the township office for the Toys for Tots program. Chairman Harvie said a scheduled payment of the Water and Sewer Authority bonds has taken place and Falls Township is officially debt-free. Chairman Harvie said the past six years serving with Member Prokopiak has been enjoyable. He has given them professional guidance and has taken the lead on a number of issues. Chairman Harvie said Member Prokopiak has worked hard for this township. Chairman Harvie read a certificate of appreciation to Member Prokopiak for all of his support to the township.

Member Prokopiak said it has been an interesting eight years. He thanked his family for their support, the professionals he has worked with, and the township residents for their support. He said they can all agree that Falls Township is a better place than where they were eight years ago. Member Prokopiak spoke about all of the roads that have been reconstructed. He spoke about the development at USX. He said they have more recreational programs than they had eight years ago. Member Prokopiak said they have not had any significant pay out on lawsuits or troubles within the police department. Member Prokopiak said they reduced the base salary of the supervisors by 15% and eliminated health insurance for future board members. Member Prokopiak said they have reduced taxes. Member Prokopiak also spoke about traffic calming. Member Prokopiak said over the past six years they brought a lot of honesty and integrity to this board. Member Prokopiak said they have done a lot of good things. Member Prokopiak said he is proud to be living here in Falls Township and is happy to be raising his children here.

Member Prokopiak moved to adjourn the meeting; Member Snipes seconded the motion; all Board members were in favor. (5-0) The meeting was adjourned at 11:51 p.m.


Jonathan Snipes, Secretary