

**TOWNSHIP OF FALLS
ORGANIZATION OF THE BOARD OF SUPERVISORS**

ROLL CALL:

ROBERT HARVIE, JR., CHAIRMAN	PRESENT
JONATHAN SNIPES, VICE-CHAIRMAN	PRESENT
JEFFRY DENCE, 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 Ed Rudolph, and Township Engineer James Sullivan.

Member Snipes moved to appoint Member Harvie as the Temporary Chairman; Member Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 1 CHAIRMAN APPOINTMENT

Member Snipes moved to appoint Member Harvie as the Chairman; Member Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 2 VICE-CHAIRMAN APPOINTMENT

Member Dence moved to appoint Member Snipes as the Vice Chairman; Chairman Harvie seconded the motion; all board members were in favor. (4-0)

ITEM # 3 SECRETARY/TREASURER APPOINTMENT

Member Snipes moved to appoint Member Dence as the Secretary/Treasurer; Chairman Harvie seconded the motion; all board members were in favor. (4-0)

ITEM # 4 ASSISTANT SECRETARY/TREASURER APPOINTMENT

Member Szupka moved to appoint Manager Gray as the Assistant Secretary/Treasurer; Member Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 5 ESTABLISH MEETING DATES AND TIME FOR REGULAR MEETINGS OF THE BOARD OF SUPERVISORS

Member Dence moved to establish the first and third Tuesday of the month for the regular meetings of the Board of Supervisors and set the time as 7 p.m.; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 6 APPOINTMENT OF TOWNSHIP SOLICITOR/SPECIAL COUNSEL – SET COMPENSATION FEES

Member Szupka said if we could be guaranteed that Mr. Rudolph would be our usual solicitor at the Board of Supervisor meetings, then he would support the appointment of Rudolph, Clarke, and Kirk. Chairman Harvie said that in addition to Mr. Clarke and Mr. Rudolph, Ms. Kirk and Ms. Mintz also attend these meetings. Member Dence moved to appoint the firm of Rudolph, Clarke, and Kirk at the rate of \$160/hr. for the Township and \$275/hr. for land development; Member Snipes seconded the motion; all board members were in favor with the exception of Member Szupka who voted no. (3-1) Member Dence moved to appoint Flager and Yockey for Land Development Solicitor at the rate of \$145 for the Township and \$315 for all matters relating to land development; Member Snipes seconded the motion; all board members were in favor. (4-0) Member Snipes moved to appoint Mr. Jordan Yeager as Labor Attorney at the rate of \$140 per hour for general labor and \$170/hr. for arbitration and litigation; Member Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 7 APPOINTMENT OF TOWNSHIP ENGINEER AND TRAFFIC ENGINEER – SET COMPENSATION FEES

Member Szupka moved to appoint Mr. James Sullivan from T&M Engineers as the Township Engineer at the rate stated in the proposed fee schedule; Member Dence seconded the motion; all board members were in favor. (4-0) Member Snipes moved to appoint Mr. Jerry Baker from Traffic Planning and Design as the Township Traffic Engineer at the rate stated in the proposed fee schedule; Member Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 8 APPOINTMENT OF VACANCY BOARD CHAIRMAN

Chairman Harvie explained the need for a Vacancy Board Chairman. Member Snipes re-appointed Mrs. Arlene Goulding as the Vacancy Board Chairman; Member Dence seconded the motion; all board members were in favor with the exception of Member Szupka who voted no. (3-1)

ITEM # 9 APPOINTMENTS TO VARIOUS BOARDS, COUNCILS, AND COMMISSIONS

Chairman Harvie moved to appoint Member Szupka to the Police Pension Committee; Member Snipes seconded the motion; all board members were in favor. (4-0) Member Szupka moved to appoint Thomas Roche to the Police Pension Committee; Member Dence seconded the motion; all board members were in favor. (4-0) Member Szupka moved to appoint Henry Conroy to the Police Pension Committee; Member Dence seconded the motion; all board members were in favor. (4-0) Member Snipes moved to appoint Richard Rittler to the Planning Commission; Member Szupka seconded the motion; all board members were in favor. (4-0) Member Dence moved to appoint Brian Binney to the Falls Township Board of Appeals; Member Szupka seconded the motion; all board members were

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in favor. (4-0) Member Szupka moved to appoint Jeffrey Boraski to the Planning Commission; Member Dence seconded the motion; all board members were in favor. (4-0) Member Snipes moved to appoint Joann Cosgrove to the Shade Tree Commission; Member Dence seconded the motion; all board members were in favor. (4-0) Member Szupka moved to appoint Mark Constable to the Falls Township Community and Economic Development Commission; Member Dence seconded the motion; all board members were in favor. (4-0) Member Snipes moved to appoint Philip McAloon to the Environmental Advisory Council; Member Dence seconded the motion; all board members were in favor. (4-0) Member Snipes moved to approve Resolution # 2011-1 to appoint Bill Kiernan to a full-term, 5-yr. position on the Zoning Hearing Board; Member Dence seconded the motion; all board members were in favor. (4-0) Member Dence moved to appoint Thomas Stafford to the Disabled Persons Advisory Board; Member Snipes seconded the motion; all board members were in favor. (4-0) Member Dence moved to appoint Deborah DeBlasio to the Township of Falls Water Authority; Member Snipes seconded the motion; all board members were in favor with the exception of Member Szupka who voted no. (3-1)

**ITEM # 10 PUBLIC COMMENT – FIVE MINUTE LIMIT PER PERSON
FORTY-FIVE MINUTE MAXIMUM**

Mr. Roland Kenney said the Secretary does a good job. He said he is glad Manager Gray is feeling better. Mr. Kenney said he is glad to see the Board go back to a 7 p.m. start time for these meetings. Mr. Kenney said he and others have wondered where Member Vislosky has been.

Ms. Robin Reside said she lives at 27 Village Lane. Ms. Reside spoke in reference to the water tower demolition and said she did not know about it until after the demolition began. She said she would assume that whoever is hired for this work would know what they are doing, be responsible, and take safety precautions for the surrounding area. Ms. Reside said sparks have been flying and the contractor had been hosing down the brush. She has also found paint chips. Ms. Reside said her son has asthma. Ms. Reside spoke to the project manager who assured her that work would not be done when the wind is in excess of 15 mph. Ms. Reside is very concerned over this work and would like the township to be more involved.

Mr. Jim Mayger passed out copies of documents to the Board. The documents showed pictures of damage to his property. Mr. Mayger showed some of the debris that he has collected from his yard. He said school children walk by this site. He is concerned with the safety and environmental aspects of this project. Mr. Mayger lives about 200-300 feet away from this work site and said hot ash has been flying onto his property. Mr. Mayger said the company who is doing this work does not care about the safety of the people in the surrounding neighborhoods. The company did bring in a larger crane to do the work. Mr. Mayger said he has been in contact with OSHA and the EPA. As far as environmental dust, Mr. Mayger said it could have been contained in canvas draping. Mr. Mayger said work has just restarted and the tower will be gone by the end of the week. Mr. Mayger spoke about the Code Enforcement Department and said that improper permits were issued. Mr. Mayger

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wanted copies of the contractor's Material Data Safety Sheet (MSDS). Mr. Mayger said there is no lead on the tower but wondered if the inside of the tower had been tested. Mr. Mayger is very concerned about the environmental hazard that is being created in this area. Member Szupka asked Mr. Mayger if he asked the demolition company for the hazard sheets and if they weren't able to produce them. Mr. Mayger said he asked for documentation and the contractor came back with lead removal documentation of when the lead levels were tested and the results were negative. Mr. Mayger said he is breathing in the fumes, his pool is destroyed, the roof of his motor home is damaged, he will probably need a new paint job on his automobile, the roof of his home is burned, and his dog has blisters in his mouth due to eating the ash.

Mr. Thomas Kenner, a Thornridge resident, said when this project started, he called the municipal authority and received no response. He went over to the project site and the foreman told him that the paint did not contain lead. Mr. Kenner said he told the foreman that he never received notice that this work was being done. The foreman said they only notified Vermillion Hills. Mr. Kenner said this morning there was a note on his door that they would be proceeding with the project. Mr. Kenner said there is odor from this work site. His car was all covered with the dust and there were paint chips on Thornridge Drive. Mr. Kenner said he spoke to the Environmental Agent who said it was not an environmental issue and Mr. Kenner should call the Lower Bucks County Joint Municipal Authority. Mr. Kenner said this job is about three quarters of the way finished. He does not know why this project was allowed to continue without it being draped.

Ms. Lorraine Statz said this is a major health and safety issue and is an accident waiting to happen and would like the Board to address this issue.

Chairman Harvie said this was not handled well. He has a great deal of respect for the people who work here in this building. Chairman Harvie apologized to the residents. Chairman Harvie asked if this project came before Mr. Sullivan. Mr. Sullivan said no. Chairman Harvie said he does not know what the township can do, but he assured the public that they will try to do what they can to make sure this project is being done safely.

Mr. Rudolph asked for Executive Session so the Board can discuss this matter. The Board went into Executive Session at 8:21 p.m. and the meeting reconvened at 8:38 p.m. Mr. Rudolph said that while in Executive Session, the Board reviewed the statements made tonight by the affected residents. The Board is concerned and they have a desire to create the appropriate remedies if such remedies are necessary. They will consider and take action as appropriate on two fronts. There was a demolition permit issued for this property for the demolition of this tower. The board can consider contacting and directing the Zoning Officer that if there is any violation in the permit that was issued, to immediately cause a cease and desist in the property. In Section 209-51, the Board of Supervisors are permitted to direct the appropriate officers of the township to institute appropriate action and if the actions that are occurring are considered unlawful, they would be able to apply to the Court of Common Pleas of Bucks County for a cease and desist order, a temporary order preventing any further action to be taken. They will look into actions or damages that have

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occurred to date which have caused injury to persons or property and other items that might have occurred that were injurious to the residents and also come up with a way to remediate those problems and make sure those problems do not arise. On one hand they would attempt to stop the demolition which was approved by permit, if the permit is being violated and second, if the actions are unlawful, to have the court take immediate action to prevent future unlawful actions and to create some sort of remedy for the damages that have occurred.

Chairman Harvie asked Mr. Mayger what time in the morning they begin work. Mr. Mayger responded from the audience that the contractor begins work at 7 a.m. and they are finished around 5 p.m. Manager Gray was directed to go out to the site with the Zoning Officer and have a Police Officer present, if necessary. Mr. Mayger said he filed a complaint with the township about how things were handled and he did file for all public records pertaining to this tower site. Mr. Mayger said he needs insurance information and other data.

ITEM # 11 CONSIDER TOWNSHIP MANAGER'S AGREEMENT

Chairman Harvie said they are looking to consider Manager Gray's agreement. This is unchanged from last year but does include a 4% salary increase. Member Szupka said his comments do not reflect on the Township Manager or his job performance, but said we are in a time where our economy is fragile and our unemployment is high and will go higher. He said the senior citizens have not received any increase. He feels we have to keep looking at how we are doing. Member Szupka said we are fortunate here in this township and we don't have to do what some neighboring communities have done with cutting back or looking to lay people off and we don't have to raise taxes. Member Szupka asked when this was discussed about what the Board would do with increases. Member Snipes said he will support the increase because by union contract and by tradition we have given increases, but these are economic questions that the Board has to seriously consider. Member Snipes said he would like to look at a long-term financial picture especially when Waste Management is gone. We need to start somewhere. Member Szupka said how he votes is not a reflection on Manager Gray. Member Dence moved to approve the employment agreement for Mr. Peter Gray, effective January 1, 2011 through December 31, 2011; Member Snipes seconded the motion; all board members were in favor with the exception of Member Szupka who voted no. (3-1)

ITEM # 12 APPOINTMENT OF DEPOSITORIES BY RESOLUTION

Member Snipes moved to approve Resolution # 2011-2 for the appointment of depositories; Member Szupka seconded the motion; all board members were in favor. (4-0)

ITEM # 13 RECOMMENDATION TO THE BOARD OF AUDITORS TO SET THE TREASURER'S BOND AT \$2,000,000.00

Member Szupka moved to set the Treasurer's bond at \$2,000,000; Member Snipes seconded the motion; all board members were in favor. (4-0)

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ITEM # 14 NOMINATE DELEGATE AND ALTERNATE TO THE STATE ASSOCIATION'S 89TH ANNUAL EDUCATIONAL CONFERENCE AND TRADE SHOW – APRIL 17-20, 2011

Member Szupka said he does not wish to be named, but would like to see Member Dence attend this conference. The Board will come back to this appointment at a later time.

ITEM # 15 MINUTES – DECEMBER 21, 2010

Member Dence moved to approve the minutes from December 21, 2010; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 16 EXECUTIVE SESSION

Executive Session was held earlier in the meeting.

ITEM # 17 MANAGER COMMENT

Member Szupka moved to approve the State of Emergency declared by the Township Manager on December 26, 2010; Member Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 18 BOARD COMMENT

Member Dence wished everyone a Happy New Year. He heard comments from the township residents that the Public Works Department did a good job with the recent snow removal.

Member Snipes said Mrs. Pullen did a good job on the minutes. Mr. Snipes said a sign of an elected official is not if they get re-elected, but whether or not they have accomplished anything and actually served the residents while in office. We have some elected officials in our area who were not re-elected in this past election; in particular Patrick Murphy who is no longer representing us in the House of Representatives. Member Snipes said Patrick Murphy supported the healthcare being extended to cover thirty million people in this country. With the discriminatory policy of "Don't Ask, Don't Tell," Patrick Murphy really championed that and needs to be congratulated. Member Snipes said Patrick Murphy had a good term in office. He welcomes Mike Fitzpatrick. As we look to this year Member Snipes wants to hear comments from the residents and looks forward to working on the Board.

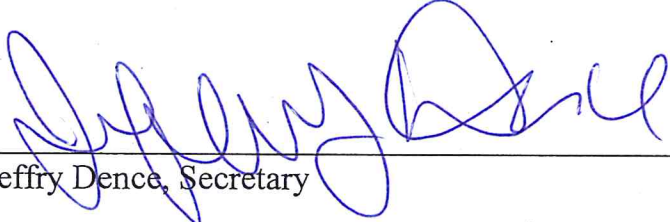
Member Szupka complemented the efforts of our Public Works Department on the recent snow removal. They start their work many hours before the snow actually starts and they work in shifts. They probably work too many hours. Member Szupka said he hears from residents in other municipalities who say how bad their streets are and how good the streets are in Falls Township. He wants to make sure all the employees have the tools they need to do the job they do. Member Szupka said this year he really wants to look more in depth

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about the costs of the projects. He wants to make sure they are doing the best they can for the residents. Member Szupka wished everyone a Happy New Year.

Chairman Harvie said he noted there were certain areas of the roadways that were clear and other areas of the roadways where there was snow. Those covered areas were right in line with driveways. Chairman Harvie said this Board passed a law that makes it illegal to put snow into the streets. It does not help our Public Works Department and whoever does it creates a safety hazard for people. It is not the fault of the township; it is the fault of the people who throw snow into the street. Chairman Harvie said two of our police officers, Bruce and Jeff Rhodunda, have lost their mother. They are very active in the community and our thoughts and prayers go out to them during this tough time. Chairman Harvie wished everyone a Happy New Year. He thanked the Board Members and the Administrative Staff.

Member Snipes moved to adjourn the meeting; Member Dence seconded the motion; all board members were in favor. (4-0) The meeting was adjourned at 9:06 p.m.



Jeffrey Dence, Secretary