

**UPPER SOUTHAMPTON TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
JANUARY 15, 2008**

A regular meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, January 15, 2008, at 7:30 PM in the first floor meeting room at the Township building, 939 Street Road Southampton, Pa.18966.

MEMBERS PRESENT: Keith E. Froggatt, Sr. Chairman
Marguerite Genesio, Vice Chairman
Stephen Ullrich, Secretary/Treasurer
Lola Biuckians, Asst. Secretary/Treasurer
Walter C. Stevens, Member

ALSO PRESENT: Joseph W. Golden, Township Manager
Ann Alker, Asst. Township Manager/Finance Director
Donald Williams, Township Solicitor

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS, AND REPORTS:

There were no announcements

COMMUNITY CONCERNS:

There were no community concerns.

APPROVAL OF WORKSHOP MEETING MINUTES OF DECEMBER 18, 2007:

A MOTION WAS MADE BY MS. GENESIO TO APPROVE THE WORKSHOP MEETING MINUTES OF DECEMBER 18, 2007; SECONDED BY MR. STEVENS, CARRIED WITH A VOTE OF 5-0-0.

APPROVAL OF REGULAR MEETING MINUTES OF DECEMBER 18, 2007:

A MOTION WAS MADE BY MS. BIUCKIANS TO APPROVE THE REGULAR MEETING MINUTES OF DECEMBER 18, 2007; SECONDED BY MR. ULLRICH; CARRIED WITH A VOTE OF 5-0-0

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APPROVAL FOR PAYMENT OF THE DECEMBER 31, 2007 INVOICES:

Mr. Golden presented the Accounts Payable for December 31, 2007.

General Fund	\$ 119,832.92
Street Lighting Fund	12,428.44
Park and Recreation Fund	10,225.71
Garbage & Refuse Fund	41,816.94
Capital Projects Fund	21,545.45
Stormwater Capital Reserve	2,153.50
Payroll Clearing Fund	9,439.37

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE FOR PAYMENT THE JANUARY 15, 2008 INVOICES IN THE AMOUNT OF \$218,442.33; SECONDED BY MS. GENESIO; CARRIED WITH A VOTE OF 5-0-0.

APPROVAL FOR PAYMENT OF THE JANUARY 15, 2008 INVOICES:

Mr. Golden presented the Accounts Payable for January 15, 2008.

General Fund	\$ 53,194.41
Street Lighting Fund	4,375.60
Fire Protection Fund	61,687.50
Park and Recreation Fund	5,405.19
Library Tax Fund	91,750.00
Garbage & Refuse Fund	112,862.26
General Sinking Fund	1,061.00
Highway Aid Fund	11,066.55

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE FOR PAYMENT THE DECEMBER 31, 2007 INVOICES IN THE AMOUNT OF \$341,402.51; SECONDED BY MR. STEVENS; CARRIED WITH A VOTE OF 5-0-0.

DISCUSSION OF ZONING HEARING BOARD APPLICATION:

CASE #07-28, VARIANCE REQUEST BY ACTS RETIREMENT LIFE COMMUNITIES FOR THE PROPERTY LOCATED AT 238 STREET ROAD, TMP #48-006-009:

ACTS Retirement Life Communities intends to construct a 738 square foot accessory structure (gazebo) at the property located at 238 Street Road. The applicant requested a variance, seeking

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relief from Section 185-39(B) of the zoning ordinance to exceed the 500 square foot maximum size of an accessory structure in an R2 zoning district.

The Zoning Hearing Board has scheduled this hearing for January 9, 2008.

**PUBLIC HEARING AND CONSIDERATION OF ADOPTING ORDINANCE #390
AMENDING CHAPTER 1, PART 5 OF THE CODE OF THE TOWNSHIP OF UPPER
SOUTHAMPTON KNOWN AS THE "MUNICIPAL PENSION FUND" BY AMENDING
THE DEFINITION OF "MONTHLY BENEFIT COMPENSATION" WITH SAID
AMENDMENT BEING EFFECTIVE JANUARY 1, 2008:**

Mr. Golden explained that the amendment was recommended by the Upper Southampton Township Municipal Pension Fund Committee. Monthly benefit compensation is currently calculated using the best 36 months of the last 60 months of monthly compensation. Under the proposed Ordinance, the monthly benefit compensation will be calculated by averaging the last 36 months of monthly compensation.

Mr. Williams explained the procedures for adopting an ordinance as specified by Township code. There were (3) exhibits marked; BOS1 – Proposed Ordinance #390, BOS2– The Public Notice advertised December 24, 2007 in the Bucks County Courier Times, and BOS3 – an Affidavit dated December 27, 2007 regarding the advertisement from the Bucks County Courier Times, Inc., as required by law.

There was no public comment

A MOTION WAS MADE BY MS. BIUCKIANS TO ADOPT ORDINANCE #390 AMENDING CHAPTER 1, PART 5 OF THE CODE OF THE TOWNSHIP OF UPPER SOUTHAMPTON KNOWN AS THE "MUNICIPAL PENSION FUND" BY AMENDING THE DEFINITION OF "MONTHLY BENEFIT COMPENSATION" WITH SAID AMENDMENT BEING EFFECTIVE JANUARY 1, 2008; SECONDED BY MS. GENESIO; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

**CONSIDERATION OF ADOPTING A RESOLUTION , REQUIRING ALL MEMBERS
OF ALL ORGANIZATIONS WHO REGULARLY HAVE CONTACT WITH
CHILDREN AND USE TOWNSHIP FACILITIES TO OBTAIN BACKGROUND
INVESTIGATIONS FOR MEMBERS WHO HAVE REGULAR CONTACT WITH
CHILDREN:**

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A MOTION WAS MADE BY MR. STEVENS TO TABLE CONSIDERATION OF ADOPTING RESOLUTION #2008-3, REQUIRING ALL MEMBERS OF ALL ORGANIZATIONS WHO REGULARLY HAVE CONTACT WITH CHILDREN AND USE TOWNSHIP FACILITIES TO OBTAIN BACKGROUND INVESTIGATIONS FOR MEMBERS WHO HAVE REGULAR CONTACT WITH CHILDREN; SECONDED BY MS. GENESIO; MOTION FAILED WITH A VOTE OF 2-3-0; MR. ULLRICH, MS. GENESIO AND MS. BIUCKIANS OPPOSED.

Vicky Frances, 132 Hilltop Road voiced her concern with having nothing accomplished to date after two years of discussion. Ms. Frances encouraged that the Board to take action.

Matt Cryer, 826 Grove Avenue, Vice President of the Southampton Knights Football Association agreed with Ms. Frances and stated that something must be put into place immediately to protect the children. He stated that his organization does Pennsylvania Criminal Background Checks and a Pennsylvania Child Abuse Clearance.

Kathy Mendla, 975 Woodland Drive mentioned that each organization concerned should be doing background checks whether a resolution is passed at this time or not.

Bill Clark, 957 Woodbourne Drive mentioned that no one is against a resolution that protects children. Mr. Clark is President of Southampton Soccer and stated that their organization already does background checks. He supports a resolution that requires every organization to do background checks, but one that is workable for every organization.

Jim Frances, 132 Hilltop Road stated that the Boy Scouts of America, as big as they are, and the Little League do background checks. If they can do it, Southampton youth organizations should be able to as well.

Ms. Genesio asked the Solicitor what legal issues are there in the Resolution as written. Mr. Williams explained that the Resolution was forwarded to the Township's insurance carrier for assessment, but no response has been received to date. He mentioned that certain organizations have attempted to comply with the resolution and were unable to comply with it as written, which would mean that they would be suspended from using the fields. He presented an alternate Resolution which the Board reviewed. This resolution still requires all organizations to conduct criminal background checks, but gives each organization the freedom to determine the background check appropriate for their organization.

Mr. Froggatt stated the one problem he has with the original Resolution is that it only applies to Pennsylvania and not all 50 states. He mentioned that the alternate Resolution is a good starting point, and it should be monitored and evaluated on a periodic basis, and amended if necessary.

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A MOTION WAS MADE BY MR. ULLRICH TO ADOPT RESOLUTION #2008-3, AS AMENDED, REQUIRING ALL MEMBERS OF ALL ORGANIZATIONS WHO REGULARLY HAVE CONTACT WITH CHILDREN AND USE TOWNSHIP FACILITIES TO OBTAIN BACKGROUND INVESTIGATIONS FOR MEMBERS WHO HAVE REGULAR CONTACT WITH CHILDREN; SECONDED BY MS. BIUCKIANS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

DISCUSSION OF CREATING A COMMITTEE TO MONITOR AND EVALUATE CHILD ABUSE BACKGROUND CHECKS:

A MOTION WAS MADE BY MR. STEVENS TO APPOINT MR. WILLIAMS, MR. GOLDEN AND MR. RADZEVICH TO A COMMITTEE TO MONITOR AND EVALUATE CHILD ABUSE BACKGROUND CHECKS CONDUCTED OF THE VARIOUS ORGANIZATIONS; SECONDED BY MS. BIUCKIANS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF APPROVING CONSTRUCTION ESCROW RELEASE #3 IN THE AMOUNT OF \$102,742.36 FOR LEVITT OFFICE BUILDING, PROJECT #US 48-224:

A MOTION WAS MADE BY MR. STEVENS TO APPROVE CONSTRUCTION ESCROW RELEASE #3 IN THE AMOUNT OF \$102,742.36 FOR LEVITT OFFICE BUILDING, PROJECT #US 48-224; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

SOLICITOR'S REPORT:

Mr. Williams' report was submitted previously.

OTHER BUSINESS:

There was no other business.

ADJOURNMENT:

Being no further business to come before the Board, A MOTION WAS MADE BY MR. ULLRICH TO ADJOURN AT 9:26 PM; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Respectfully submitted,

Stephen W. Ullrich, Secretary/Treasurer