

**TOWNSHIP OF FALLS  
BOARD OF SUPERVISORS MEETING**

**ROLL CALL:**

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

The meeting commenced at 7:35 p.m. with roll call and salute to the flag. All Board members were present. Also present were Township Manager Peter Gray, Township Solicitor Michael Clarke, and Township Engineer James Sullivan.

A moment of silence was observed in memory of Middletown Township Police Officer Christopher Jones. Manager Gray distributed prizes to the winners of the Holiday House Decorating Contest. Member Vislosky moved to hold public comment as number one on the agenda due to weather conditions; Member Szupka seconded the motion. Member Prokopiak said that if they move public agenda to right now, people who come in later might not be able to speak. A poll was taken. Member Szupka and Member Vislosky voted yes; Member Prokopiak, Member Snipes, and Chairman Harvie voted no. (2-3) Chairman Harvie said the developers are also taxpayers and any delay in the meeting would delay them as well. Public comment will take place as number four on the agenda after the township business is complete.

**ITEM # 1 MCDONALD'S RESTAURANT – AMENDED FINAL PLAN – 321  
WEST TRENTON AVENUE – TPN 13-35-72**

Mr. Michael Jeitner from Bohler Engineering represents the applicant. Mr. Jeitner explained the reconfiguration of the storm water management system. Member Prokopiak asked if there was a review by the Bucks County Conservation District. Mr. Jeitner said they did the review with the Bucks County Conservation District and McDonald's is in a position to submit a final plan. Mr. Sullivan said he is satisfied with the plan. Member Vislosky moved to approve Resolution # 09-05 for the amended final plan for McDonald's on West Trenton Avenue; Member Szupka seconded the motion; all board members were in favor. (5-0)

**ITEM # 2 GAMESA WIND PA, LLC – PRELIMINARY PLAN OF LAND  
DEVELOPMENT – 400 GAMESA DRIVE – TPN 13-51-1-23**

Mr. Tom Hecker represents the applicant. Mr. Hecker said the applicant proposes the addition of a 1,440 sq. ft. pad to the existing facility. The purpose of that pad is to construct a regenerative thermal oxidizer which is a piece of equipment that oxidizes the emissions

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that occur during processing at Gamesa. They will also relocate seven parking spaces. Member Vislosky asked how many employees are at this facility. Mr. Darius Rogers, Head of the Environmental Department of Gamesa, did not know the exact number of employees. Member Vislosky asked if Gamesa was moving the manufacturing work to Cambria County. Mr. Hecker said the need for the shorter blades no longer exists and they now have to be longer. Their current facility is not equipped to do this so they are consolidating the blade production with another facility. Mr. Rogers gave an explanation of how the thermal oxidizer is intended to work. Member Szupka expressed concerns over the air pollution and asked why this was being installed now and not in the beginning. He was also concerned about the employees following the regulations in regard to pollution. Mr. Rogers said this oxidizer is the result of a settlement negotiated between the EPA and Gamesa. Member Szupka asked why they do not have any specs on this. Mr. Sullivan said this is more of a code enforcement issue than a site civil issue. He said it is part of the code department to get a list of equipment and to make sure it is done in accordance with applicable codes. Member Prokopiak asked about the cost of the equipment. Mr. Rogers said it is between \$500K and \$1M. Member Prokopiak said that even though the blade production business is moving, Gamesa is using that space to continue their current operations. Mr. Rogers said that is correct. Mr. Sullivan said once a consent order has been issued, it is the responsibility of the EPA and DEP to control these types of things. Mr. Sullivan said the parking issue has been handled satisfactorily. Member Vislosky said the politicians permitted Gamesa to come here. She said even if they spend \$10B, it would not amount to one dime in taxes for the people of this community. Member Vislosky said Gamesa got caught polluting and now they have to remediate these things. Mr. Hecker reviewed the resolution. There are waiver requests for B-2 (no less than 15 ft. of open space between the curb line and any uncovered parking area) and B-4 (curbed raised planting beds). Member Szupka asked about the Bucks County Conservation District letter dated January 20, 2009. Mr. Hecker said he did not have a copy of it, but they will comply with the Bucks County Conservation District and will provide a letter of adequacy to the township. Mr. Sullivan said they would not allow recording of the plans until they have that letter. Member Szupka said the plans are dated December 23, 2008 and asked if there would be another set of plans. Mr. Sullivan said they will review another set of revised final plans. Member Vislosky believes they should wait until they get the revised plans because she wants to see everything in black and white. Member Prokopiak moved to open public comment; Member Snipes seconded the motion; all board members were in favor. (5-0) Mr. Andy Dell asked a question about permitting fees. Mr. Sullivan said they haven't applied for a permit yet but the permit fee will be based on the cost of construction not necessarily the cost of the equipment. Mr. Dell said over the last two years Gamesa has paid at least \$800K in permitting fees and the entire KOIZ has paid over \$1.4M in permitting fees. Mr. Dell questions how much money the township would have if that building were vacant. Mr. Dell said these jobs may be in another county, but they still exist. Mr. Dell wants to make sure people know not to believe everything you hear up here. Mr. Dell said Pennsbury was given \$9M due to KOIZ. 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 # 09-04 for Gamesa Wind, waiver of land development with waivers B-2 and B-4, as specified in the resolution; Member Snipes seconded the motion; all board

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members were in favor with the exception of Member Szupka who voted no and Member Vislosky who abstained. (3-1-1)

**ITEM # 3 CERTIFICATE OF APPROPRIATENESS – 33 LOWER MORRISVILLE ROAD**

Member Vislosky moved to approve the Certificate of Appropriateness for new roofing at 33 Lower Morrisville Road; Member Prokopiak seconded the motion; all board members were in favor. (5-0)

(The board moved to public comment at this time.)

**ITEM # 4 CONSIDER APPROVAL OF NEW SOFTWARE FOR FIRE AND CODE DEPARTMENTS**

Mr. Tom Bennett gave some information about the purchase of new software for the Fire and Code Departments. Member Prokopiak moved to award the BS&A software as presented for the Fire and Code Departments in the amount of \$7,195; Member Szupka seconded the motion. This motion and second was withdrawn. Member Prokopiak moved to approve the purchase of new software and services for the Fire and Code Departments from BS&A Software as specified in their bid as presented in the amount of \$7,195; Member Snipes seconded the motion; all board members were in favor with the exception of Member Szupka and Member Vislosky who voted no. (3-2)

(Member Vislosky left the meeting at 10:00 p.m.)

**ITEM # 5 CONSIDER APPROVAL OF TOWNSHIP'S TENANT LEASES – INTERACTIVITY AND RAVEN HILL**

Member Prokopiak moved to approve the lease agreement with Interactivity Creative Services at the base rate of \$15.71 per sq. ft. as specified in the lease agreement; Member Snipes seconded the motion; all board members were in favor. (4-0) Member Prokopiak moved to approve the lease agreement with Raven Hill at the base rate of \$15.71 per sq. ft. as specified in the lease agreement; Member Snipes seconded the motion; all board members were in favor. (4-0)

**ITEM # 6 CONSIDER APPROVING PROPOSAL FOR PLANS & SPECIFICATIONS OF ELEVATOR DESIGN UPGRADES**

Mr. Bill Whelan from CMX presented information on the proposed elevator upgrade. Member Prokopiak moved to award the elevator consulting services for the Falls Township elevator modernization program to CMX along with Vertical Transportation Excellence in an amount NTE \$28K; Member Snipes seconded the motion; all board members were in favor. (4-0)

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**ITEM # 7 CONSIDER APPROVING ADVERTISEMENT OF BIDS FOR 2009 ROAD PROGRAM**

Member Prokopiak moved to authorize advertisement of bids for the 2009 Road Program; Member Snipes seconded the motion; all board members were in favor. (4-0)

There was a break in the meeting at 10:20 p.m. and the meeting reconvened at 10:32 p.m.

**ITEM # 8 CONSIDER PUBLIC WORKS CONTRACT – JANUARY 1, 2008 – DECEMBER 31, 2010**

Member Prokopiak moved to approve the Public Works contract with the SEIU for a period of January 1, 2008 to December 31, 2010 as specified in the agreement; Member Szupka seconded the motion; all board members were in favor. (4-0)

**ITEM # 9 CONSIDER RESOLUTION FOR TAX COLLECTOR RATES**

Member Prokopiak moved to approve Resolution # 09-06 setting the compensation of the Falls Township Tax Collector, commencing in 2009 at \$1.25 per tax parcel until otherwise changed by the township. Member Snipes seconded the motion; all board members were in favor. (4-0)

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

Mr. Randy Mazzocchi gave information on a lot line change process which he started in November 2007. He said he has spent about \$22K and this project is still not completed. Mr. Sullivan said the project is still active. Chairman Harvie and Mr. Sullivan advised Mr. Mazzocchi as to what steps he needed to follow in order to proceed with the project.

Ms. Cindy Marlow presented a U.S. flag to the township, compliments of State Representative John Galloway's office.

Mr. Roland Kenney said he believes the boat ramp project and the senior center project should be placed on the ballot in May. He said unless voters push the 'no' button, it will be recorded as a 'yes' vote. Mr. Kenney said Mr. Petras from the senior center wants to bring in members from outside of the township, but it is Falls Township who is paying for the facility. Mr. Kenney asked about the tax base when GM came into the township. Member Vislosky said under the LERTA program, GM paid 20% in taxes for the first year, 40% in taxes for the second year, 60% in taxes for the third year, 80% in taxes for the fourth year, and 100% in taxes thereafter.

Mrs. Lucy Sanderson said the summer camp program has served the community well. She has heard from other people and has two suggestions. One suggestion is to have extended hours and the other is to move the location due to traffic conditions. Mrs. Sanderson suggested Manor Elementary as a possible location since it has a large parking lot and there would be no street parking. If the location cannot be moved, Mrs. Sanderson suggested having someone direct traffic during the peak drop-off/pick-up hours. Chairman Harvie

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said they are currently looking at extending the hours and Manager Gray will follow up with Mr. Reese.

Mr. Andy Dell asked if the police department used pre-emption devices in their vehicles. Chairman Harvie said it was the decision of the police department not to use these devices. Mr. Dell spoke about the structure of the permitting fees and suggested that it be changed.

Mr. Guido Mariani spoke about the senior center and said it seems like this building is being marketed as a community center. Mr. Mariani spoke about forecasting the maintenance costs for future upkeep of the building, after the renovations are completed. He suggested putting the senior center project and the boat ramp project aside and sending the budgeted amounts back to the township residents who could really use it.

Mr. Dick Trimble asked about the rules in regard to abstaining from a vote. Mr. Trimble feels the board majority ignores the board minority. Mr. Trimble explained his opinion of how KOIZ will not work and believes the businesses will not stay. Mr. Trimble said some of the rules and ordinances are not necessary.

Ms. Trish Newdell spoke about the proposed closing of West Ferry Road and how it would have a negative impact on the surrounding neighborhood. Chairman Harvie said he is aware of the situation and has already had a conversation with Mr. Maloney. He knows that Manager Gray and the two police chiefs met today to discuss this issue as well. Ms. Newdell suggests that Lower Makefield Township keep the residents of Falls Township informed. Member Vislosky said she will attend the Lower Makefield Township meeting tomorrow night to voice her comments. Member Prokopiak suggested that it might be helpful to write a letter or pass a resolution with the thought of Falls Township.

Mr. David Sayers also expressed concern about the Lower Makefield Township traffic.

Member Vislosky nominated Robert Leary to serve on the Disabled Person's Advisory Board for the longer term of the open positions; Chairman Harvie seconded the motion; all board members were in favor. (5-0) Member Vislosky said the \$18K that was spent on the energy study could have been completed by Baker Sheet Metal. Member Vislosky said as far as the heating and air conditioning, Baker Sheet Metal is able to monitor what goes on in this building. Member Vislosky said she pointed out to Mr. Bennett something that is happening on Woolston Drive. Member Vislosky spoke about the \$100 rebate to taxpayers. Member Vislosky said there is favoritism being shown to developers coming to the township. Member Vislosky sent a letter to the son of Michielle Deis, but needs a better address as the letter was returned.

(The board moved to agenda item #4 at this time.)

## **ITEM # 11 MINUTES – JANUARY 5, 2009**

Member Prokopiak moved to approve the minutes from January 5, 2009; Member Snipes seconded the motion; all board members were in favor with the exception of Member Szupka who abstained. (3-0-1)

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**ITEM # 12 BILL LIST – FEBRUARY 3, 2009**

Member Prokopiak moved to approve the bill list for February 3, 2009 in the amount of \$1,934,466.40; Member Snipes seconded the motion; all board members were in favor with the exception of Member Szupka who voted no. (3-1)

**ITEM # 13 EXECUTIVE SESSION – There was no Executive Session held.**

**ITEM # 14 MANAGER COMMENT**

1. Member Prokopiak moved to approve the Memo of Understanding between the Township of Falls and PAFT in regard to the D.R.O.P. program; Member Szupka seconded the motion; all board members were in favor. (4-0)
2. Member Snipes moved to approve funds of \$6K for this year's Ladies Tea to be held on Saturday, May 9<sup>th</sup>; Member Prokopiak seconded the motion; all board members were in favor. (4-0)
3. Member Prokopiak moved to award the police pension consulting services to Anderson Associates in the amount of \$4,500; Member Snipes seconded the motion; all board members were in favor. (4-0)
4. Member Prokopiak moved to approve escrow release #2 to A. E. Polysilicon in the amount of \$686,455.20; Member Snipes seconded the motion; all board members were in favor. (4-0)
5. Member Prokopiak moved to grant the letter of extension request for Mariano at 1501 S. Pennsylvania Avenue to April 17, 2009; Member Szupka seconded the motion; all board members were in favor. (4-0)
6. Manager Gray has Mylars for Sorrels Boulevard for the board to sign.

**ITEM # 15 BOARD COMMENT**

Chairman Harvie nominated Mr. Tom McCormick to the Environmental Advisory Council for a term to expire at the end of 2010; Member Prokopiak seconded the motion; all board members were in favor. (4-0) Chairman Harvie nominated Mr. William Crawford to a 5-yr. term on the Historic Review Board; Member Prokopiak seconded the motion; all board members were in favor. (4-0) Chairman Harvie nominated Ms. Lois Glasscock to a full term on the Shade Tree Commission; Member Prokopiak seconded the motion; all board members were in favor. (4-0) Chairman Harvie nominated Ms. Lynn Arnoldy to a term on the Parks and Rec Board, set to expire at the end of December, 2011; Member Prokopiak seconded the motion; all board members were in favor. (4-0)

Chairman Harvie spoke of a situation where an aggressive dog attacked another dog and there was very little that could be done about this situation. He said that State Representative John Galloway has written a law in regard to aggressive dogs and is looking for support. This would allow Falls Township to endorse a law that would be stronger than state law. The board is in favor of drafting a letter in support of this. Chairman Harvie moved to approve Resolution # 09-07 in regard to the Lower Makefield road closures and modifications; Member Prokopiak seconded the motion; all board members were in favor.

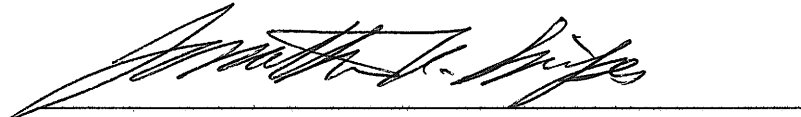
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(4-0) Member Snipes asked about a letter to be sent to engineering firms in regard to Biles Island. Chairman Harvie said a draft of the letter should be in the board members' packets this week.

Member Szupka said Member Vislosky left early this evening because she is taking a senior citizen to the hospital early tomorrow a.m. Member Szupka spoke in regard to a new type of bail-out plan.

Chairman Harvie said the issue raised earlier regarding Baker Sheet metal is incorrect. Baker Sheet Metal can monitor the heating and air conditioning and thermostats of the building. The study the township paid for is to isolate areas of this building such as windows, doors, and insulation where energy is being lost. Chairman Harvie spoke about the tragedy in Middletown and death of Officer Christopher Jones. He said there was a chain of events that happened and it all began with someone who was speeding. It is something to consider that the actions you take will have an impact on someone or something else. Chairman Harvie said Falls Township and the Falls Township Police Department have been thanked for all the work that is being done in light of this tragedy. Chairman Harvie said he was notified that the Falls Township officers that have been working overtime hours have asked not to be paid for that overtime, but instead to donate that money to a fund in memory of Officer Jones. Chairman Harvie thanked all the board members, the staff, the administration, and the professionals for their work.

Member Prokopiak moved to adjourn the meeting; Member Szupka seconded the motion; all Board members were in favor. (4-0) The meeting was adjourned at 11:28 p.m.



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Jonathan Snipes, Secretary