

**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	ABSENT
DOROTHY VISLOSKY, SUPERVISOR	PRESENT

The meeting commenced at 7:32 p.m. with roll call and salute to the flag. All Board members were present with the exception of Member Szupka who was absent. Also present were Township Manager Peter Gray, Township Solicitor Ed Rudolph, and Township Engineer James Sullivan.

The Board went into Executive Session at 7:33 p.m. to discuss agenda item #1. The meeting reconvened at 7:52 p.m. Mr. Rudolph stated that while in Executive Session, the Board discussed a lease and settlement agreement involving Falls Township and Oxford Crossing Associates, Inc.

**ITEM # 1 CONSIDER OXFORD CROSSING ASSOCIATES, INC.
 SETTLEMENT AGREEMENT**

Mr. Rudolph said this settlement has to do with the matter between Falls Township and Oxford Crossing Associates, Inc. The total amount due by the township to the property owner is \$1,757,000.69. This is set out in the release that has been negotiated by Mr. Rudolph's office and the attorney for Oxford Crossing Associates, Inc. This allows for future reimbursement compensation to the township. It will allow the road project to go forward in this particular area. Member Vislosky said she has seen three examples in Executive Session where our solicitor gave bad advice on different parcels. Member Vislosky spoke in support of Mr. Rudolph and stated that Mr. Clarke does not know the law as well as she does. Member Vislosky spoke about a former township manager and former solicitor from about ten years ago. Chairman Harvie said the Oxford Valley Road intersection is not a desirable intersection and for a long time it was held up by this lawsuit. PENNDOT is also negotiating with the owners of this property. Tonight's transaction had to happen in order for other things to occur. Member Vislosky said this is a classic example of trying to turn a negative into a positive. Member Snipes asked when the settlement would occur. Mr. Rudolph said it will take place upon their signing and the delivery of the payment check tomorrow. Mr. Rudolph said the township's approval represents final settlement. This will allow PENNDOT to complete its transaction and will allow them to move forward with the road project. Member Prokopiak asked how long this litigation has been going on. Mr. Rudolph said it was filed in 2001, caused by actions in 1996. Member Prokopiak said part of the reason the PENNDOT project has not moved forward is because

of this litigation. The township will be the owner of the two properties. Chairman Harvie said when PENNDOT does their renovation, they will have to take some of this property from the township. When they take that property from the township, they will compensate the township. They hope that whatever they get from PENNDOT offsets the money they are spending tonight. Member Prokopiak moved to open public comment; Member Snipes seconded the motion; all board members were in favor. (4-0) Mr. Andy Dell asked what was the second property the township would own. Mr. Prokopiak said it would be the Fuddrucker's property as well as the pad site next to the bank. Mr. Dell asked about the fees. Chairman Harvie said it would cover the property, legal fees, costs, meeting costs, and taxes that go back to 1996. Mr. Dell asked what went wrong in 1996. Mr. Rudolph said the court determined that the administration at that time purposefully withheld the issuance of a lawful building permit. In doing so, it amounted to taking the property rights from that property owner. Member Prokopiak moved to close public comment; Member Snipes seconded the motion; all board members were in favor. (4-0) Member Prokopiak moved to approve Resolution # 09-14 authorizing the general release and settlement agreement of the Oxford Crossing Associates, Inc.; Member Snipes seconded the motion; all board members were in favor. (4-0) Member Vislosky wished her statement to be added in the minutes. Member Vislosky said that Falls Township is between a rock and a hard place. Her vote is yes because it is the intelligent thing to do to correct the stupidity that took place ten years ago.

**ITEM # 2 CONSIDER AUTHORIZING NOTICE OF INTENT TO AWARD BID
FOR THE QUAKER PENN BOAT RAMP PROJECT**

Manager Gray said bids were submitted to Falls Township and opened publicly on May 13, 2009. The bids ranged from \$1.1M to \$2.1M. James R. Kenney Excavating and Paving Co. is the lowest responsible bidder in the amount of \$1,108,830. Mr. Sullivan asked Mr. Joe Jones from CMX to review the project since there were some changes from the last time this was presented. Mr. Jones spoke about the plan changes, as required by the Army Corps of Engineers, the Planning Commission, and the DEP. Mr. Jones said the Army Corps of Engineers said the permitting process would be easy and without many obstacles. Member Prokopiak asked Mr. Sullivan if he spoke with Mr. Kenney. Mr. Sullivan said he has spoken with Mr. Kenney and he has worked with him in other municipalities. Member Snipes asked about the difference in the low bidder and the high bidder. Mr. Sullivan said the high bidder bid about \$750K for the dredging where the actual price is somewhere between \$40K to \$50K. Member Prokopiak moved to open public comment; Member Snipes seconded the motion; all board members were in favor. (4-0) Mr. Guido Mariani said he does not think Falls Township needs a boat ramp and said it is an un-necessary expenditure. Mr. Mariani would like to know what the costs would be to maintain the boat ramp. Mr. Mariani said about 5.5% of the township's population are well below the poverty limit. He believes a better use of these funds would be to put them into an income-producing account and to have that account earn annual dividends that could be sent back to the residents. Mr. Andy Dell asked about the turning radius. Mr. Jones said they used a computer-model based on a full-size pick-up truck with a 25-foot boat. In terms of actual radius dimension, it is probably 30 feet. Mr. Dell asked if there would be any additional turf to maintain or will this project do away with some of the maintenance work. Mr. Sullivan

said there won't be any further turf because of this project. Chairman Harvie said there is one soccer field that will go away. Mr. Roland Kenney said this project is nice and asked if there was a way to wait until Biles Island became available. Mr. Kenney said he does not want to see people who are traveling to Pennsbury Manor get stuck behind a line of boat trailers on the roadway. Mr. Kenney said with New Jersey raising their fees, he believes there will be people from other areas using this facility. He thinks they should charge people who use the boat ramp and then utilize those funds to help with the maintenance costs. Member Prokopiak asked Mr. Sullivan about Biles Island. Mr. Sullivan spoke about Biles Island. He said it is surrounded by mud flats and other environmental concerns which could affect the permitting. Mr. Steve Raulfs – President, Delaware River Fisherman's Association Mr. Raulfs said this is a very nice plan and he thinks it will work very well. His organization has 160 members from all over the Delaware Valley. Mr. Raulfs said this would help the township with its recreational facilities and would enable people to go to the river. He thinks it will also attract people to Pennsbury Manor. Mr. Raulfs spoke about fees and park access at other locations. Mr. Raulfs said he would have no problem paying a \$20 fee per year or something similar. Member Prokopiak moved to close public comment; Member Snipes seconded the motion; all board members were in favor. (4-0) Member Snipes asked how many boats this facility could handle during heavy usage. Mr. Jones said there is trailer space for 43 rigs. From his experience, he said that is well beyond what would be expected. The loop alone is 600 feet. He believes it could accommodate 70 rigs. Member Snipes asked how long it would take to unload/reload boats. Mr. Jones said it typically takes about a total of 20 minutes each. Member Snipes asked about the dredging material. Mr. Jones said they tried to plan this project so the material will stay on site. If that is not feasible, it will have to be hauled to Waste Management. Member Prokopiak moved to issue a notice of intent to award the bid for the Quaker Penn Boat Ramp project to James R. Kenney Excavating and Paving Co. in the amount of \$1,108,830; Member Snipes seconded the motion; all board members were in favor with the exception of Member Vislosky who voted no. (3-1) Member Vislosky wished the following comment be included verbatim. "GM has just filed for bankruptcy; it is affecting the entire country. Falls has no responsibility to provide a boat ramp for the Delaware Valley. The three board members who are pushing this boat ramp are doing it without ever having brought one dime into this township. The \$400M that is coming in is a result of my direct involvement. I proved that in the Vislosky newsletter and Mr. Kenney, I think you owe me an apology. You have your proof. Also, we have a bad location. Ten years from now we will be back here correcting the mistake for having rushed into this. Falls Township can't afford this luxury and I agree there are not sufficient numbers of residents in this township who want their money spent on that luxury. And I want to point out also that the \$300K increase is from a pay-to-play engineering firm and we published their donations in the last newsletter. I am now telling the people why I intend to vote no and I want my reasons spread on the minutes. There is a great haste to spend our money on frivolous things because campaign promises were made. The people in this township have to spend their money frugally. They can't afford luxuries. I drive a 1990 van and I drive a year 2000 little Ford Focus that is what I can afford to do. And incidentally, Mr. Mariani, they were vandalized again. My vote is no."

Chairman Harvie said this project was brought up several years ago about building a marina and it was shot down because it was too grandiose at that time. This issue was raised about two years ago and CMX has been studying it ever since. Saying they are rushing the judgment is not exactly an appropriate characterization of the last two years of study. As Mr. Sullivan clearly stated, anyone who was paying attention would have understood that the increase of \$300K on this project was the result of the Army Corps of Engineers asking us to shift the area and also taking into account some of the good suggestions from the Planning Commission. Chairman Harvie said this is a correction to the inaccurate statements. Chairman Harvie thanked CMX and Mr. Jones for his time.

ITEM # 3 CONSIDER APPROVAL OF BUS SERVICES FOR 2009 SUMMER CAMP PROGRAM

Member Vislosky moved to approve Romano's Bus Service at a rate of \$80.85/hr.; Member Prokopiak seconded the motion; all board members were in favor. (4-0)

ITEM # 4 PUBLIC COMMENT – FIVE MINUTE LIMIT PER PERSON FORTY-FIVE MINUTE MAXIMUM

Mr. David Hoch asked about the proposed berm near the skate park. Chairman Harvie said they realized that simply planting trees would not reduce the sound. By planting the trees on top of a 5-ft. berm, it would help to redirect the sound. The proposed cost is about \$20K. Member Snipes moved to direct the township engineer to put together bid specs for a berm with plantings; Member Prokopiak seconded the motion; all board members were in favor. (4-0)

Mrs. Dorothy Vislosky asked Manager Gray to have the clock displayed at future meetings. Mrs. Vislosky said when she arrived tonight, there were flowers for her with a note saying please don't move to Florida. Mrs. Vislosky said she doesn't plan to move there permanently. She said she proved substantially that she was the only person who brought money into the township and said it angers her that she doesn't have any say in how it is spent. She said she has lost her sense of humor and her ability to smile in dealing with some of the things that occur at these meetings. Mrs. Vislosky said she lives by the West Point Code of Honor. She said the ones who didn't go out to vote have some soul searching to do because their money is being squandered. Mrs. Vislosky would like to invite friends of hers to come to a meeting at her home as she would talk about several things. They have to send her a note in writing to her home at 273 Yardley Avenue in Fallsington and she will make arrangements to accommodate everyone. One topic she will talk about is Operation Smile, an organization that helps children with cleft palates. Mrs. Vislosky said for \$240 she was able to save one child. Mrs. Vislosky said she would like to start a movement to help Operation Smile and would like to ask those individuals who aren't interested in politics to help with this movement. Mrs. Vislosky spoke of her grandson's medical history. Mrs. Vislosky said Comcast has advised her that her telephone number has been compromised and they asked her not to distribute the new number. Mrs. Vislosky said she is taking her computer and files to Florida and will be working on her book. Mrs. Vislosky thanked everyone for their support.

Member Vislosky left the meeting at 9:10 p.m.

Mr. Roland Kenney spoke as President of Avenrowe. He asked if there is any type of ordinance which would prohibit trucks from parking and running their vehicles overnight at the shopping center in back of their development. Chairman Harvie asked the solicitor to take a look at this.

ITEM # 5 MINUTES – MAY 20, 2009

Chairman Harvie asked for the wording in item #2 to be changed from the Shade Tree Commission to the Park and Rec Board. He also wanted it noted for Member Vislosky's abstentions on pages 2 and 5, that she did not provide a note to the secretary for these two abstentions. Member Prokopiak moved to approve the amended minutes; Member Snipes seconded the motion; all board members were in favor. (3-0)

ITEM # 6 EXECUTIVE SESSION

There was no Executive Session held at this time.

ITEM # 7 MANAGER COMMENT

1. Member Prokopiak moved to approve a 90-day time extension for 69th Street Properties for the Oxford Valley Shopping Center project per letter from Benner and Wild dated 6/1/09; Member Snipes seconded the motion; all board members were in favor. (3-0)

ITEM #8 BOARD COMMENT

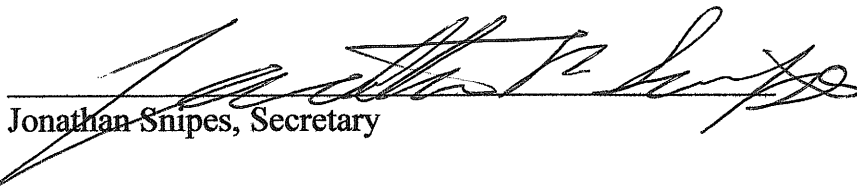
Member Snipes said they made a decision this evening to move forward on the boat ramp project. Although it is a big price tag, it is in the budget. Even with taking on some of our large projects, at the end of the year the township will still have more money in the bank than at the beginning of this year. These projects are the type of things that will improve the community. An example of this would be the \$6M to build the community park which is now considered a hub in our community. Member Snipes said they have been watching township money carefully and spending it on things that improve the quality of life.

Member Prokopiak said that several years ago, due to some nuisance problems, the Board of Supervisors sent the township solicitor to the Zoning Hearing Board regarding the Rocky's and Sportster's bars. When the new owners came in they had to go through zoning. As a result of the township and residents in that area, the Zoning Hearing Board saw fit to put in some restrictions on that property. The existing business that is there is a very good business and there aren't many complaints about what they are doing. At the next Zoning Hearing Board meeting they are looking to make changes to that decision. It opens up a situation where they may revisit some of the problems of the past. History has shown that the Zoning Hearing Board decision restrictions have worked and made that area a non-problem area. Member Prokopiak thinks our solicitor should go to the Zoning Hearing Board and fight any change to the present zoning of that site. Chairman Harvie directed the solicitor to be present at the Zoning Hearing Board and take the township's opposition to any change to that property. Member Prokopiak spoke about the Oxford Crossing

Associates transaction. He said tonight we are moving forward and that is a good thing. The residents will get a better intersection and since the township will own those two properties, they can sell them and re-coup some of the costs. Member Prokopiak said we have very little access to the river in Falls Township. He said they tried to take into account the concerns from Pennsbury Manor, the Army Corps of Engineers, the Planning Commission, and the residents. Member Prokopiak said the plan that has been approved tonight takes into account suggestions from all of those groups. This project will also bring life into this underutilized park. Member Prokopiak said as a result of the re-negotiation process with Waste Management, they will provide over \$300M in benefits to Falls Township over the next 20 years. This will allow us to finish the road program two years early which also allowed us to save \$2M on our road program this year. Member Prokopiak said they will continue to stockpile the money and provide projects that will benefit the residents of Falls Township and increase quality of life and property values. Member Prokopiak said they continue to invest the money and will continue to re-invest in our community.

Chairman Harvie said the boat ramp plan is the third plan for this project. It changed multiple times because they have listened to concerns of all involved parties and made the adjustments they felt were necessary. Chairman Harvie said he understands the concerns by some of the residents and concerns about the cost. He feels they need to provide services for the people of this township. With reference to Biles Island, they could wait four or five years and if they do that, they may find that they cannot get access in that area and the price tag will be higher than what it is now. Chairman Harvie said we have the longest riverfront in Bucks County and we don't have access to it. Chairman Harvie said a few meetings ago they heard from some engineering firms in regard to evaluating Biles Island. Chairman Harvie asked the board how they would like to move forward. After discussion, Chairman Harvie suggested having a little more discussion and thought on this and then decide what would be the appropriate step to take. Chairman Harvie said he sent a memo asking other board members about changing the date of the next meeting. He heard back from three board members that June 15, 2009 would be acceptable. The next meeting will be held on Monday, June 15, 2009. Chairman Harvie announced the DV3 Flag Memorial to be held from June 12-14 at the Falls Township Community Park.

Member Prokopiak moved to adjourn the meeting; Member Snipes seconded the motion; all Board members were in favor. (3-0) The meeting was adjourned at 9:39 p.m.


Jonathan Snipes, Secretary