

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

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 7:00 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 Michael Clarke, and Township Engineer James Sullivan.

PRESENTATION OF CHECK TO LIBERTY USO

Chairman Harvie said this agenda item will take place next month.

Chairman Harvie said recently the township suffered a valuable loss. Dante was the only police dog for quite some time. He was a very accomplished member of the police department and Lt. Ward was his handler. Chairman Harvie expressed sympathy to Lt. Ward and his family. A moment of silence was observed in memory of Dante. There will be a memorial service next month.

Chairman Harvie said there will be some re-arranging of the agenda.

ITEM # 1 CONSIDER BONEFISH GRILL, LLC APPLICATION FOR INTER-MUNICIPAL TRANSFER OF LIQUOR LICENSE

Member Szupka moved to open the hearing for Bonefish Grill, LLC for the inter-municipal transfer of a liquor license; Member Snipes seconded the motion; all board members were in favor. (4-0) Mr. Clarke said this is a public hearing for a liquor license application. The applicant is Bonefish Grill, LLC. The property, which is the subject of this hearing, is for the application of an inter-municipal transfer of a liquor license to the applicant's business at 500 Oxford Valley Road in Falls Township with the postal address of Langhorne, PA. The hearing is being held for the purpose of receiving comments and recommendations from interested individuals, residing within the municipality, concerning the applicant's intent to transfer a liquor license into the municipality of Falls Township. The application has been reviewed and appears to be complete. Mr. Mark Kozar, Esq. from Flaherty & O'Hara was present for the applicant. Also present was Mr. Evan Snyderman, Joint Venture Partner with Bonefish Grill. Mr. Clarke gave further information regarding this hearing. Mr. Clarke asked if the applicant has provided certification that all properties within a quarter of a mile have been notified of their plans. Mr. Kozar said he can make the certification that they personally researched and sent out letters to the surrounding property owners. Mr.

Kozar said that OSI Restaurant Partners, LLC owns and operates Outback Steakhouse, Carraba's Italian Grill, Fleming's Prime Steakhouse, and the Bonefish Grill restaurants. Bonefish Grill will only be open for dinner. They can accommodate 234 people, including a private dining room to seat 25-30 patrons. The area of the restaurant is 6,118 sq. ft. All servers will undergo alcohol training. Member Szupka asked about the location. Mr. Kozar said this will go in the shopping plaza where Galaxy Golf is located. Member Szupka said the Buffalo Wild Wings is located very close to the proposed restaurant and it was not listed on the documentation. Mr. Kozar said he was not aware that restaurant was there since it just opened. Member Szupka said he has been to a couple of Bonefish Grill restaurants. The quality is good, but the drinks aren't just to enhance. He thinks it is a good establishment. Mr. Kozar said the sales of food are 75% of the total sales. Member Snipes asked if there would be pool tables. Mr. Kozar said no. Ms. Toni Battiste asked if this restaurant is in Falls Township or Langhorne. Chairman Harvie said it is in Falls Township. Member Szupka moved to close the hearing for Bonefish Grill, LLC; Member Dence seconded the motion; all board members were in favor. (4-0) Member Dence moved to approve Resolution # 2011-13 for the Bonefish Grill, LLC application for the inter-municipal transfer of liquor license; Member Snipes seconded the motion; all board members were in favor. (4-0)

ITEM # 2 CONSIDER ADOPTING ORDINANCE OF A LEASE RENTAL DEBT FOR TOWNSHIP'S GUARANTY OF TOFA BOND ISSUE

Mr. Clarke said the Township of Falls Authority (TOFA) is obligated to repay the loan and repay for the transfer of the assets to the township. TOFA is going into the market to borrow money and they are going to be issuing bonds in order to pay the township back. Because of the authority's scarce borrowing history, it is necessary for the township to guarantee this loan. Present this evening are the Authority Bond Counsel, the Authority Underwriter, and the Authority Executive Director. Mr. Clarke said if the authority is unable to meet its obligations pursuant to the borrowing, then it would be our responsibility to meet those obligations. This is bordering on a formality because the authority has a limited borrowing history and they have only been in business for about five years. Since they are incorporated and chartered by the township, it would fall on our responsibility. Chairman Harvie asked about infrastructure improvements. Mr. David Busch said a couple of years ago they did borrow money from the First National Bank of Newtown and they replaced all of the water meters in the system. They are in the process of repaying that loan. They are looking to do some capital projects, and a sewer expansion to add customers in an area of the township that is not presently sewered. It is anticipated they will have capital projects and they are borrowing for that purpose as well as paying back what they owe to the township. Member Snipes said it is his understanding that aside from what TOFA is borrowing, if they ran into trouble, the township would be responsible for that anyway. Mr. Clarke said in essence that is true. There is no reason at all to believe that would happen because the authority is operating well and they are profitable. Member Snipes asked how many times they have raised the rates. Mr. Busch said they have raised sewer rates basically in response to two increases from Bucks County Water and Sewer. Member Snipes moved to adopt Ordinance # 2011-5 for a lease rental debt for the township's guaranty of TOFA bond issue; Member Dence seconded the motion; all board members were in favor. (4-0)

**ITEM # 3 CONSIDER RESOLUTION AUTHORIZING AMENDMENT TO
TOFA’S ARTICLES OF INCORPORATION EXTENDING ITS TERM
OF EXISTENCE**

Chairman Harvie said they are extending the life of TOFA for a term of 50 years from now. Member Snipes moved to approve Resolution # 2011-12 for TOFA’S articles of incorporation extending its term of existence for 50 years; Member Dence seconded the motion; all board members were in favor. (4-0) Mr. Mike Wolf, Underwriter for the bonds from Boenning and Scattergood, thanked the township. He said they appreciate all of the assistance they received from the township staff and the authority.

**ITEM # 4 CONSIDER AUTHORIZING NOTICE OF INTENT TO AWARD BID
FOR 2011 STREET LIGHTING WORK AT THE VILLAGE OF
NOTTINGHAM**

Member Dence left the meeting at 7:28 p.m.

Manager Gray introduced this item. They received quotes as follows: Miller Brothers in the amount of \$82,034.76; Armour and Sons Electric in the amount of \$92,500; Carr & Duff in the amount of \$103,050; and MJF Electrical Contracting in the amount of \$155,699.05. The bid from Miller Brothers is considered non-responsive. Manager Gray requests for the board to consider approving a notice of intent to award the bid for the 2011 Street Lighting work at the Village of Nottingham to Armour & Sons Electric in the amount of \$92,500. Mr. Dan Altman from Traffic Planning and Design spoke about the proposed work. The work will involve replacing older street lighting with LED lights, as well as replacing a few poles, wiring, and junction boxes on a number of streets in the Village of Nottingham. Member Szupka asked about the mistake made by Miller Brothers. Chairman Harvie said a bid bond in the amount of 10% was provided by Miller Brothers when it should have been 20% for a bid bond or 10% for a check. Chairman Harvie said Miller Brothers was confused on their bid. Mr. Clarke said the bid requirement stated it had to be for 10% of the bid or a bid bond in the amount of 20%. These requirements are non-waivable and failure to comply with these requirements, are considered a fatal defect. This is a decision that was made by the PA Supreme Court. In public bidding and posting of the bid bond, failure to provide the proper amount is not just a technical issue, but a significant issue and failure to comply 100% is considered a fatal defect. Member Szupka asked if the bid bond is to be paid in the form of a check or is it a bond paid by a financial institution. Mr. Clarke said it is a bond paid by a financial institution. This is a non-waivable defect. Member Snipes moved to approve the notice of intent to award the bid for the 2011 street lighting work at the Village of Nottingham to Armour & Sons Electric in the amount of \$92,500; Member Szupka seconded the motion; all board members were in favor. (3-0) (Member Dence was ill and left the meeting early.)

ITEM # 5 CONSIDER AUTHORIZING NOTICE OF INTENT TO AWARD BID FOR NEW FALLS ROAD/SOUTH MAIN STREET & TYBURN ROAD TRAFFIC SIGNAL IMPROVEMENT PROJECT

Manager Gray said the township received bids for this project from Armour & Sons Electric in the amount of \$76,683; Charles A. Higgins & Sons in the amount of \$97,980; and Miller Brothers in the amount of \$109,054.47. The board is asked to consider issuing a notice of intent to award the bid for the New Falls Road/South Main Street & Tyburn Road Traffic Signal Improvement Project to Armour & Sons Electric in the amount of \$76,683.

Chairman Harvie asked Mr. Dan Altman from Traffic Planning and Design to explain what it means to be PENNDOT pre-qualified. Mr. Altman provided some information regarding this certification. He said contractors have to go through a lengthy process in order to be qualified to work on any state project. Member Snipes asked why there might be such a large difference in dollar amounts. Mr. Altman said he cannot say for sure about the price difference, but it may have something to do with the fact that Armour & Sons Electric is already in the area and they are already doing this type of work. Member Snipes moved to approve the notice of intent to award the bid for the New Falls Road/South Main Street & Tyburn Road Traffic Signal Improvement Project to Armour & Sons Electric in the amount of \$76,683; Member Szupka seconded the motion; all board members were in favor. (Member Dence was ill and left the meeting early.)

ITEM # 6 CONSIDER RESOLUTION FOR PENNSYLVANIA COMMUNITY TRANSPORTATION INITIATIVE GRANT REIMBURSEMENT AGREEMENT (PCTI) FOR WEST TRENTON AVENUE TRANSPORTATION STUDY

Manager Gray introduced this item. There are often times when traffic is slow on West Trenton Avenue and the signals don't seem to be coordinated very well. Chairman Harvie said about a year ago we started working with Morrisville Borough and Lower Makefield to see if they can get the three municipalities to have an engineer take a look at the traffic signalization to see if there was a way to make the road function better. Manager Gray said the study will include review of existing transportation system needs including access management, signal upgrades and coordination, modernization, transit stop locations, pedestrian/bicycle facility review, and safety and crash review. Mr. Sullivan will prepare the scope and process of selecting three consultants to be considered by the board. The price for this will be about \$100,000, most of which will be reimbursed to the township. Member Szupka asked if Morrisville would be applying for any type of grant. Chairman Harvie said no; we are the leading agency. Member Snipes moved to approve Resolution # 2011-14 for the Pennsylvania Community Transportation Initiative Grant Reimbursement Agreement (PCTI) for the West Trenton Avenue Transportation Study; Member Szupka seconded the motion; all board members were in favor. (3-0) (Member Dence was ill and left the meeting early.)

ITEM # 7 CONSIDER MEMORANDUM OF UNDERSTANDING BY AND BETWEEN FALLS TOWNSHIP (POLICE DEPARTMENT) AND BUCKS COUNTY MONTESSORI CHARTER SCHOOL

Mr. Clarke said there is a requirement under the PA Public School Code called the School Reporting Act 109 which requires that all school districts and the police department have a Memorandum of Understanding so that the proper reporting can take place with the PA Department of Education and the local police department. Chief Wilcox and Lt. Airey have reviewed the Memo of Understanding and have executed the agreement as it is written under state law. Chairman Harvie said there were issues with schools not reporting when violence or crimes were happening in schools. Chairman Harvie said this law requires these acts to be reported to the police. Member Snipes moved to adopt the Memorandum of Understanding by and between Falls Township (Police Department) and the Bucks County Montessori Charter School; Member Szupka seconded the motion; all board members were in favor. (3-0) (Member Dence was ill and left the meeting early.)

ITEM # 8 CONSIDER ADOPTING ORDINANCE AMENDMENT TO CHAPTER 203 (VEHICLES AND TRAFFIC), SECTION 24 (SPECIAL PURPOSE PARKING ZONES) – QUAKER PENN PARK BOAT RAMP PARKING LOT

Manager Gray gave an explanation of this ordinance which includes information about parking, fees, and placement of passes and/or receipts. The price for seasonal passes for next year is \$75 for Falls Township residents and \$150 for non-residents. The price for 2011 seasonal passes for this year is \$50 for Falls Township residents and \$100 for non-residents. Daily parking passes can be purchased at the kiosk for a fee of \$20. Member Snipes moved to adopt Ordinance # 2011-6, amendment to Chapter 203 (Vehicles and Traffic), Section 24 (Special Purpose Parking Zones) – Quaker Penn Park Boat Ramp Parking Lot; Member Szupka seconded the motion; all board members were in favor. (3-0) (Member Dence was ill and left the meeting early.)

ITEM # 9 CONSIDER AUTHORIZING ADVERTISEMENT FOR PURCHASE OF POLICE VEHICLES

Member Snipes moved to authorize advertisement for purchase of police vehicles; Member Szupka seconded the motion; all board members were in favor. (3-0) (Member Dence was ill and left the meeting early.)

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

Ms. Toni Battiste asked why they skipped agenda items 2 and 3. Chairman Harvie said they had to re-arrange the agenda items and those two items were taken care of earlier in the meeting. Ms. Battiste said it was her understanding that the township split or sold off the water authority to begin with. Chairman Harvie said TOFA was created in the 1950's. The Board of Supervisors names the TOFA board members and those board members have a certain period of time to serve. In the 1990's the township took back TOFA and made it

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part of Falls Township. The township split it off in 2005. The reason for doing that is due to the system that worked at that time and the fact that we were losing money because of the restrictions on us that we could not raise the rates when they needed to. By making them independent again, they are now able to raise rates if they need to. TOFA needed to have some money to start out with so the township loaned them \$16M and now the loan is due to be paid back. Ms. Battiste asked if TOFA is paying it back. Chairman Harvie said they are going out for a loan to pay us back the money and we are essentially guaranteeing the loan. Mr. Clarke said it is only in the event of a default or if they are unable to pay on their borrowing. Ms. Battiste asked if this is a liability to the township. Mr. Clarke said it is a liability anyway, but the likelihood of them defaulting is extremely small because they are profitable with their financial situation right now. If they are unable to make the payments on the bonds or pay the money back, then it is the township's responsibility. Ms. Battiste asked how that would affect the township's credit rating. Mr. Clarke said there is no impact on the township's credit rating. Since we charter and incorporate them, any of their indebtedness is still counted with the township. The township has not borrowed money since 1992. Chairman Harvie said they are chartered by us. We name their board members. They are on their own and the township does not have any control over that. They hire their own staff. They have their own engineer and they are independent in that sense. Since we were the ones who created them to begin with, if they default or close, we would have to take it back on. The amount they are borrowing is equal to their assets. Ms. Battiste asked what is happening with the old Pathmark building. Chairman Harvie said there was a company that was going to go in there and then that company opened across the street. It is a private owner who owns the building. Mr. Clarke said when TOFA was reconstituted in 2006, the township did not give them \$16M. The township transferred all of the assets which included all of the equipment, the pipes in the ground, and the customers. That was valued at \$13.5M. Then there was an additional \$2.5M for operating costs, totaling the \$16M. We did not give them \$16M. We sold the assets to the authority on credit so they could pay us back which they are doing now.

ITEM # 11 MINUTES – JULY 19, 2011

Member Szupka said Member Vislosky's typed comments were included with the minutes from July 19, 2011. Chairman Harvie had an addition to page 2 to include the words, "Senior Center." The line will now read, "Chairman Harvie thanked Mr. Petras, the Senior Center Board, and Mr. Sullivan." Member Snipes moved to approve the amended minutes from July 19, 2011; Member Szupka seconded the motion; all board members were in favor. (3-0) (Member Dence was ill and left the meeting early.)

ITEM # 12 ENGINEERS REPORT

Mr. Sullivan said the 2010 Road Program is essentially complete. A punch list was sent to the contractor. These items will be taken care of after Labor Day. The 2011 Road Program will start within a week or so. The senior center project is out to bid right now. Bids will be opened on Monday, August 22nd. The Babe Ruth Baseball Field and the Falls Township Community Park parking expansion will go out to bid toward the end of this month. Member Snipes asked about the Waste Management Wetlands Mitigation Plan. Mr.

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Sullivan said that because of some things they did with the Turkey Hill expansion and some other items, they are actually creating another wetlands area. Member Snipes said that Gamesa and A.E. Polysilicon are doing some expansion projects. Mr. Sullivan said that A.E. Polysilicon is talking about initiating phase 2. Gamesa is expanding for its lay down area. Member Snipes said he has heard that the backlog at Gamesa will be going on for a number of years. Member Szupka moved to approve the July Engineer's Report dated August 12, 2011; Member Snipes seconded the motion; all board members were in favor. (3-0) (Member Dence was ill and left the meeting early.)

ITEM # 13 BILL LIST – AUGUST 16, 2011

Member Snipes moved to approve the bill list dated August 16, 2011 in the amount of \$2,187,452.68; Member Dence seconded the motion; all board members were in favor with the exception of Member Szupka who voted no. (3-1)

ITEM # 14 EXECUTIVE SESSION – There was no Executive Session held.

ITEM # 15 MANAGER COMMENT

1. Member Szupka moved to provide written notice to U.S. Steel so the township can exercise the second option of the lease for the firing range; Member Snipes seconded the motion; all board members were in favor. (3-0) (Member Dence was ill and left the meeting early). This will extend the lease until February 28, 2017.
2. Member Szupka moved to waive the permit fees for a roof repair at the Falls Township Senior Center on Trenton Road; Member Snipes seconded the motion; all board members were in favor. (3-0) (Member Dence was ill and left the meeting early.)
3. Member Snipes moved to approve the purchase of 40 bare-root trees at \$50 each for a total of \$2,000; Member Szupka seconded the motion; all board members were in favor. (3-0) (Member Dence was ill and left the meeting early.) These trees will be available in early November.
4. Member Snipes moved to approve the donation of \$5,000 to the Towns Against Graffiti (T.A.G.) program; Member Szupka seconded the motion; all board members were in favor. (3-0) (Member Dence was ill and left the meeting early.)
5. Member Szupka moved to approve the escrow release of \$1,661.39 to Nova Tube and Steel; Member Snipes seconded the motion; all board members were in favor. (3-0) (Member Dence was ill and left the meeting early.)
6. Manager Gray said OKNA Windows Warehouse has decided not to proceed with their development. Member Szupka moved to reimburse to OKNA Windows Warehouse the escrow amount of \$733; Member Snipes seconded the motion; all board members were in favor. (3-0) (Member Dence was ill and left the meeting early.)
7. Member Snipes moved to approve the consulting agreement with Remington, Vernick & Beach for the building inspection, official services, and LEED consulting services; Member Szupka seconded the motion; all board members were in favor. (3-0) (Member Dence was ill and left the meeting early.)
8. Manager Gray said he has mylars for signature for Trench Tech.

ITEM # 16 BOARD COMMENT

Member Snipes said we have received some proposals for looking at the re-design of this building. Member Snipes said he looks forward to addressing this at a future meeting.

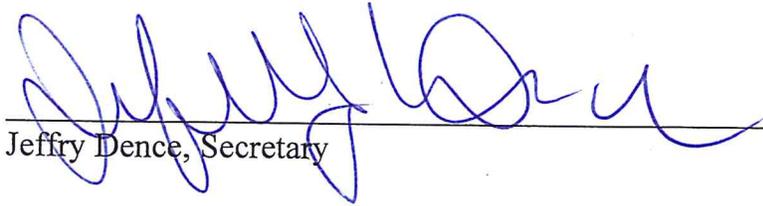
Member Szupka said the only criticism he has with the proposals for the building work is that he would have liked to have seen more of a green initiative proposed as they remodel the building. He would like to see solar panels on the roof or look into geo-thermal technology for heating. He thinks this would be a great location for solar panels. He saw parts that spoke of things like that but it did not go too far in depth. Member Szupka said there have been a lot of 90 degree plus days and we have also had some rainy days. He doesn't know how many homes in Falls Township were damaged by the rain, but he knows the golf course was under water. He listened to a couple of reports and they were talking about the 100-year storm. These things are happening too often. There is nothing we can do about Mother Nature but we have to be aware of what could happen. Member Szupka said he knows some people are unable to get flood insurance because their house is not considered to be in a flood plain. Member Szupka said he is saddened by the loss of our military members. Member Szupka encourages everyone to enjoy the last days of the season and to keep your thoughts and prayers with those folks who are going through some hard times.

Chairman Harvie said there is a piece of property along Walton Drive, near a drainage area. It went up for sale on E-bay and it was sold. The new owner has not paid any of the taxes. The township has been maintaining this property. It is going up for Sheriff's sale. It is not very big. It is a triangular area behind the houses that are already there. The township has liened the property for unpaid taxes and the fees for our Public Works Department to go out there to maintain it. We have to get an appraisal of it and then decide whether or not to authorize Manager Gray to pursue the Sheriff's sale. Member Szupka moved to direct the township manager to get an appraisal for the property at Woolston Drive; Member Snipes seconded the motion; all board members were in favor. (3-0) (Member Dence was ill and left the meeting early.) There were a few engineers who took a look at this building. Some of the comments were a little vague, but in the next month or so, Chairman Harvie would like to address it and approve for one of those companies to do the work for us. Chairman Harvie spoke about Police Dog Dante. Chairman Harvie said Dante was purchased by the township in September of 2002. He lived with his handler, Lt. Ward. Both Dante and Lt. Ward were trained together. Dante did patrol work, tracking, searching buildings, protecting his handler, and ground patrol. Dante was also a narcotics dog. He was tactically trained and capable of working with the Bucks County S.W.A.T. Team. During his career, Dante successfully apprehended over 85 individuals and completed dozens of human tracks. He participated in over 45 S.W.A.T. missions in his time. Dante was awarded three citations. He was responsible for the seizure of over \$400,000 worth of narcotics and over \$750,000 worth of property and currency. Dante and his handler performed many K-9 demonstrations in front of thousands of people and performed twice at the Wells Fargo Center. He was the first police dog that Falls Township had. Falls Township currently has three other dogs, Jessie (Dante's sister), Tag, and Thor. Dante was a tremendous asset to the

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police department and the community. Our thoughts and prayers go out to the police department and to Lt. Ward and his family. There will be a memorial service on September 20, 2011, the date of the second Falls Township Supervisor Meeting. The time of the service is 6 p.m. Chairman Harvie asked the board members to consider naming the dog park at the Falls Township Community Park after Dante. Member Szupka and Member Snipes agreed that it would be appropriate to name the dog park after Dante.

Member Snipes moved to adjourn the meeting; Member Szupka seconded the motion; all board members were in favor. (3-0) (Member Dence was ill and left the meeting early.) The meeting was adjourned at 8:36 p.m.



Jeffrey Dence, Secretary