

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

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| 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 7:04 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 TO WINNERS OF THE 2010 HOUSE DECORATING CONTEST

Mr. Bill Reese presented certificates and awards to the winners of the 2010 Holiday House Decorating Contest. The winning houses were: 27 Lower Morrisville Road, 429 Austin Circle, 5 Evergreen Lane, 206 Devon Road, and 257 Elderberry Drive. Mr. Reese thanked the homeowners.

ITEM # 1 CERTIFICATE OF APPROPRIATENESS – 93 MAIN STREET ROOF REPLACEMENT – TPN 13-200-237

Member Szupka moved to approve the Certificate of Appropriateness for a roof replacement at 93 Main Street in Fallsington; Member Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 2 T-MOBILE NORTHEAST, LLC – CONDITIONAL USE HEARING – 1000 NEW FORD MILL ROAD – TPN 13-50-2

Member Snipes moved to open the Conditional Use Hearing for T-Mobile Northeast, LLC; Member Szupka seconded the motion; all board members were in favor. (4-0) Mr. Clarke said this is a Conditional Use Hearing. The applicant is T-Mobile Northeast, LLC and the correct TPN # is 13-47-128, located in the Township of Falls, Bucks County, PA. The applicant is requesting Conditional Use to allow the co-location of a wireless telecommunications facility on an existing tower within the existing compound located at 1000 New Ford Mill Road. The applicant is represented by Mr. Nicholas Cuce. Mr. Cuce said this project site consists of a 150-ft. monopole. There is currently one carrier on the monopole. T-Mobile plans to install nine panel-style antennas and 3 perceptor at the height of 140 ft. They are proposing three equipment cabinets within the finished compound on a new 10 x 20 ft. pad. Mr. Cuce said they had submitted revised plans dated December 7, 2010 and they received a revised letter from the township engineer. All of the issues in the

letter are will complies. They received approval from the Planning Commission last week. The Zoning Hearing Board had granted a variance on December 13, 2005 for the tower to be 150 ft. in height. Mr. Cuce introduced the exhibits to be entered into the record. The three witnesses were introduced and sworn in. They are Mr. Michael Fahey, Site Acquisition Consultant, Mr. Bassem Iskander, RF Engineer, and Mr. Mario Calabretta, Project Engineer. The witnesses all agreed with testimony given by Mr. Cuce. Member Szupka asked if this was for co-habitation on an existing antenna. Mr. Cuce said yes. Member Snipes asked Mr. Cuce to describe the relationship between the involved entities. Mr. Fahey said the owner of the ground is Waste Management. TowerCo leases the ground compound from Waste Management. TowerCo owns the tower. T-Mobile is contracting with TowerCo. Member Snipes said he hears concern from residents about the number of towers and asked if this is needed due to proximity or due to topography. Mr. Iskander said in this case it is proximity to the tower. There is simply no tower close by. The closest tower is over 2 miles away. Member Dence asked if six cabinets could fit at the base of the compound. Mr. Calabretta said yes and that the compound is very large at 100 x 100 ft. T-Mobile will use an area of 10 x 20 ft. and that still leaves room for other carriers. Some sites can run on one cabinet and others go up to six cabinets. It is an issue of how many calls this site needs to handle. T-Mobile looks for an area where they can put six cabinets if they need to expand their services. Chairman Harvie said in the Traffic Planning and Design letter there was an issue that was raised regarding the site distance coming out of the driveway and the vegetation obscuring it. Chairman Harvie said Manager Gray has relayed this to the Code Enforcement Office for them to look into. Mr. Clarke asked Mr. Cuce if they will comply with the T&M Engineer review letter dated January 11, 2011. Mr. Cuce said yes. Mr. Clarke asked Mr. Cuce if they will comply with the Traffic Planning and Design review letter dated December 23, 2010. Mr. Cuce said yes. Member Snipes moved to close the Conditional Use Hearing for T-Mobile Northeast, LLC; Member Szupka seconded the motion; all board members were in favor. (4-0) Member Snipes moved to approve the Conditional Use Hearing for T-Mobile Northeast, LLC at 1000 New Ford Mill Road, TPN 13-47-128; Member Dence seconded the motion; all board members were in favor. (4-0)

**ITEM # 3 CVA – FINAL LAND DEVELOPMENT – 110 CENTRAL AVENUE
TPN 13-5-202, 13-5-207 AND 13-5-208**

Manager Gray said the applicant is proposing a 3,800 sq. ft. warehouse building. The applicant is represented by Ms. Carolyn Edwards. Ms. Edwards said she represents Mr. and Mrs. Campellone. Ms. Edwards said this property location is 110 Central Avenue. The total site is made up of three tax parcels totaling just under 14,000 sq. ft. The zoning is Highway Commercial (HC). The property is currently not being used. The property went through Zoning Hearing Board hearings because of variances that were required. There was a stipulation entered into between the Campellone's and the Zoning Hearing Board. The property is proposed to be used as warehouse. Ms. Edwards said she is in receipt of a letter dated January 11, 2011 from T&M Engineers, a letter dated January 14, 2011 from Traffic Planning and Design, and the Fire Marshal letter dated October 18, 2010. Ms. Edwards reviewed the list of waivers which include: Section 191-34D1 – site triangle for the

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driveway; Section 191-36D and 191-62B – curbing along the driveway and the frontage of the property; Section 191-36D – request for a 25-ft. radius for the driveway; Section 191-37B – requirement for 15 ft. of open space between the building and the parking area and 12 ft. of open space between the parking area and the property line; Section 191-37G1 – curbed, planted islands at the end of the parking row; Section 191-39G – requirements for sidewalks along the frontage; Section 191-52.1B4 – disturbance of woodlands; Section 191-72C2 – requirement that the plan shows details of owners and improvements within 200 ft. of the property (they are requesting to show 100 ft.); slope of storm pipe (Ordinance is .5% and they propose .15%); and coverage of the storm pipe requires 18” of coverage and they are proposing 6” of coverage (in return they will provide a pipe that is much stronger).

Member Dence asked Mr. Sullivan if he had any issues with the storm water pipe. Mr. Sullivan said it will work. Chairman Harvie asked Mr. Sullivan if he had any issues with the radius of the driveway. Mr. Sullivan said he does not have any issue with this.

Chairman Harvie said the purpose of the building is a warehouse for a construction company. Chairman Harvie said this is a small area and there are small-diameter trees that are on the site. Chairman Harvie asked what stipulations they could put on this project in terms of having the Fire Marshal take a look at it. Mr. Clarke said the Fire Marshal was involved in the discussions in 2008. Many of the concerns the township had regarding this design were raised by the Fire Marshal back in 2003. He believes the plan that has been submitted and the plan reviewed by Mr. Sullivan is consistent with what is in the stipulation. If there is something new this evening and the Fire Marshal is comfortable with the change and it can be done, he thinks the applicant is willing to do it. Member Szupka said there could be an issue with water drainage since the drain that is there is probably not working at all. They are taking away growth that might help slow and absorb water. He is not sure that is the best idea. Member Szupka also has concern with the turning radius. Even with the new radius he is still concerned about this. He thinks it would be hard to control. Member Szupka is concerned with the number of waivers and said this might not be the right spot for this project. Chairman Harvie asked Mr. Clarke to explain a stipulated agreement. Mr. Clarke said the Campellone’s originally submitted an application to the Zoning Hearing Board in May of 2003. It went to the Zoning Hearing Board at the end of 2003 and it was denied by the Zoning Hearing Board. The Campellone’s filed an appeal and the township joined that appeal. Sometime in the early part of 2005 the Court of Common Pleas sent it back to the Zoning Hearing Board essentially telling them to take further testimony on certain issues. Testimony was taken before the Zoning Hearing Board in 2005 and 2006. During this time Ms. Edwards, Mr. Clarke, and Mr. Toadvine began to enter into discussions about potentially trying to resolve this matter without the need to take further hearings in front of the Zoning Hearing Board and without having to go back before the Court of Common Pleas. One of the reasons they did this was because they felt that some of the decisions that were made gave the township concern that if it did go to a decision before the Court of Common Pleas that they may not be able to get some of the things they wanted. From the middle of 2006 until the beginning of 2008, Ms. Edwards, the Campellone’s Engineer, Mr. Clarke, and Mr. Sullivan came up with a stipulation which the revised plan would have to comply with in order to be approved by the township. That stipulation was approved by the township in March of 2008. It was approved by the Zoning Hearing Board in April 2008 and Ms. Edwards signed off on the plan. They are entitled to what they

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negotiated back in 2008. They are entitled to get the benefit of that bargain. It was a stipulated settlement and they have submitted a plan which complies with that stipulated agreement. Member Dence moved to approve Resolution # 2011-03 for final land development for CVA for their project at 110 Central Avenue; Member Snipes seconded the motion; all board members were in favor with the exception of Member Szupka who voted no. (3-1)

**ITEM # 4 SUNSHINE VALLEY, LLC – INTER-MUNICIPAL TRANSFER
LIQUOR LICENSE APPLICATION – 160 BRISTOL-OXFORD
VALLEY ROAD – TPN 13-004-002**

Member Szupka moved to open the Conditional Use Hearing for Sunshine Valley, LLC; Member Dence 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 Sunshine Valley, LLC. The subject hearing is the application for an inter-municipal transfer of a liquor license for the applicant's business located at 160 Bristol-Oxford Valley Road. 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, PA. This application was submitted on December 8, 2010. The Pennsylvania Liquor Code requires that the township render a decision within 45 days of the submission of a complete application. The applicant plans to operate the business of Philly Steaks and Beer. Mr. Clarke provided additional information from the Pennsylvania Liquor Control Board regarding the liquor license transfer. This application has been properly advertised on Tuesday, January 4, 2011 and Tuesday, January 11, 2011 in the Bucks County Courier Times. The applicant is represented by Mr. Max A. Rutkowski, Esq. Mr. Rutkowski presented the board with exhibit A-1 which is notice they provided to property owners within one quarter of a mile of the subject premises. Mr. Rutkowski said his client plans to operate a take-out food and beverage business, but will also have a small seating area. He wants to be able to sell beer at his establishment. The owner of the business is Mr. Harish Patel. Mr. Patel used to own a beer distributor and he said he has a clean record. Member Snipes asked Mr. Clarke if he could tell them about the requirements for the inter-municipal transfer of a liquor license. Mr. Clarke said the Liquor Control Board has recognized that with the buying and transferring of liquor licenses, some municipalities were getting too many liquor licenses. This process is involved when you are attempting to bring in a liquor license from one municipality into another municipality. Chairman Harvie asked Mr. Patel if he had any experience in the restaurant business. Mr. Patel said no. Member Snipes moved to open public comment; Member Szupka seconded the motion; all board members were in favor. (4-0) Ms. Marie Krotz said she owns an establishment with a liquor license within one quarter of a mile of the proposed business. She does not feel there is any need for this new business and is opposed to it. Member Snipes moved to close public comment; Member Szupka seconded the motion; all board members were in favor. (4-0) Mr. Clarke said the Board can now consider the record in front of them this evening. If this is approved tonight, it still needs to be approved by the Pennsylvania Liquor Control Board.

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The Board went into Executive Session at 8:18 p.m. and the meeting reconvened at 8:32 p.m. Mr. Clarke said that while in Executive Session, the Board discussed a matter of potential litigation and to confer with him on matters related to this application.

There are two Resolutions before the Board this evening. One Resolution is to approve the transfer of the liquor license and the second Resolution is to deny the transfer. Member Snipes moved to approve Resolution # 2011-04 to approve the application for inter-municipal transfer of a liquor license for 160 Bristol-Oxford Valley Road; Member Dence seconded the motion; all board members were in favor with the exception of Member Szupka who voted no. (3-1) Member Snipes moved to close the Conditional Use Hearing for Sunshine Valley, LLC; Member Szupka seconded the motion; all board members were in favor. (4-0)

ITEM # 5 CONSIDER PURCHASE OF MOBILE LAPTOP COMPUTER FOR POLICE DEPARTMENT

Sergeant Harvey Taylor presented information regarding the purchase of six mobile laptop computers for the Police Department. The purchase has been included in the budget. The laptops would be purchased from Hub-Data911 in the amount of \$18,698.52 and is on the COSTARS list. Member Szupka moved to approve the purchase of six mobile laptop computers from Hub-Data911 in the amount of \$18,698.52; Member Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 6 CONSIDER AUTHORIZING ADVERTISEMENT OF BID FOR BUS SERVICE FOR 2011 SUMMER CAMP PROGRAM

Member Snipes moved to authorize advertisement of bids for bus service for the 2011 Summer Camp Program; Member Szupka seconded the motion; all board members were in favor. (4-0) This year's summer camp will run from June 27, 2011 through August 5, 2011.

ITEM # 7 CONSIDER AUTHORIZING ADVERTISEMENT OF BID FOR CHLORINE AND MURIATIC ACID FOR THE 2011 POOL SEASON

Member Snipes moved to authorize advertisement of bids for chlorine and muriatic acid for the 2011 pool season; Member Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 8 PUBLIC COMMENT – FIVE MINUTE LIMIT PER PERSON FORTY-FIVE MINUTE MAXIMUM

Mr. Roland Kenney said two weeks ago, before they touched any trees at Avenrowe, he asked for permission from the board to do so. They are looking to take down what is in between their homes facing Pennsylvania Avenue and replace them with other trees. He is tired fighting over these things and said the trees are destroying their properties.

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Mr. Guido Mariani said there seems to be some confusion about these trees at Avenrowe and a barrier along Pennsylvania Avenue. He is in favor of trees along Pennsylvania Avenue but there were sixty six huge trees that were in a confined area. They had all kinds of problems because of those trees. As a result, they removed twenty six of the trees while he was on the Avenrowe board. Prior to doing that they sent a letter and received a letter from Walter Almond stating the trees were not on township property. At that time he went to the Board of Assessment, had a deed search, and the only requirement he could find was for a split-rail fence which was in place and is still in place. They sent a letter to all the residents on Pennsylvania Avenue informing them that they are going to cut down the trees. They said if anyone had any complaints to get in touch with them and let them know what their objection is. That was followed by another similar letter. Prior to commencing that action, a letter was sent to Mr. Bergman to be sure they were in compliance with all township codes and regulations. Mr. Mariani said they met with Mr. Kerr and there was no objection. A letter also went to Neil Harkins who was interim Township Manager and they sent letters to the Board of Supervisors. He believes when Mr. Kenney started, he was under the same intention to replace those trees. Mr. Mariani said he always hears about a required barrier and if it exists, would like to read it. He would also like to see something in writing about the right of way requirements. Mr. Mariani said our statute is conditioned on the required buffer. Mr. Mariani asked if the township has a tree preservation order and wants to know if a right of way has to have trees. He said there was a letter sent to Mr. Kenny stating that for every tree you take down you have to replace it with three evergreens. Mr. Mariani said they want to be good neighbors to everyone. Chairman Harvie asked Manager Gray if he would be scheduling a meeting. Manager Gray said there is a meeting scheduled for next week with the residents of Pennsylvania Avenue to discuss the trees.

Mr. Jim Mayger wanted to provide an update on the water tower project. Mr. Mayger spoke about the Freedom of Information Act. He does not feel it has been justified for information he has been requesting from the township and the Lower Bucks Joint Municipal Authority. Mr. Mayger said one of the board members and the township manager went out to the site and had an injunction done. Mr. Mayger would like to be included in future meetings because of the hazardous materials that were dumped on properties. Regarding metals and paint on the tower, there were two layers. Mr. Mayger said his main concern was the plating. To this date he is having health problems from breathing in the toxins that came from the tower. Mr. Mayger said he had a lab out to his property but the lab did not properly test his property. He doesn't know if the township is willing to pay for the testing of the toxins. Mr. Mayger questioned the future approval of permits for such projects and/or changes in the permits. He requested the business license of the demolition company. He was told by OSHA this project was shut down. He requested documentation of how many times the township was out to the site. He was told there was no Material Safety Data Sheet. Chairman Harvie said he appreciates Mr. Mayger bringing this to their attention, but if the township does not have what Mr. Mayger is requesting, they cannot give it to him. With respect to a lot of the other issues of where they stand, he will ask the solicitor for an update. Mr. Clarke said after this was brought to the board's attention his office filed an injunction against Lower Bucks Joint Municipal Authority and against the contractor. The injunction has not been granted because Lower Bucks Joint Municipal Authority agreed and the contractor has agreed not to do any further work until three areas are addressed to the

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township's satisfaction. First, they would like information regarding any material that is on the tower and any testing that was done. They would need anything that they have with regard to regulatory testing from DEP, OSHA or EPA. To date they have not yet received it. Second, they have to have a plan for taking down the remainder of the tank in a manner which will not cause the problems that existed before and that plan must be submitted and approved by Mr. Sullivan. Third, they have asked for Lower Bucks Joint Municipal Authority to submit a plan for the remediation of the neighboring properties, cleaning up the debris or anything that has blown onto the neighboring properties. While Lower Bucks Joint Municipal Authority is willing to do that, the one thing they are not willing to do at this point in time is to say that all things regarding any damage will fall on them and some things may need to be submitted on insurance claims. Mr. Clarke said the township would not be involved in any damage claims. Mr. Clarke said late last week they received a letter from the attorney for Lower Bucks Joint Municipal Authority indicating that they are still gathering information and they will not do anything further with the tank until everything is agreed upon. Chairman Harvie thanked Mr. Clarke for the update and told Mr. Mayger that he thinks they are addressing a lot of the concerns he has. When they have additional information, it will go to the Township Engineer and he will determine if it is satisfactory.

Mr. Gallus Obert said he listened to some of the problems brought up tonight. He said the first thing that happens when new people move in, is to cut down trees. He doesn't know how this problem will be resolved, but he is sure it will be worked out. Regarding the removal of the tank, Mr. Obert can't believe that the Lower Bucks Joint Municipal Authority let this go. Mr. Obert spoke about dredging of the Delaware River or the Delaware River basin. The Redevelopment Authority said they needed \$395K to dredge this basin at the old USX plant. He said Bucks County committed to \$75K as well as Falls Township. Mr. Obert asked when Falls Township committed to that amount of money and asked where the missing funds will come from. Mr. Obert asked who would pay for the 40-ft. depth around the dock where these ships come in and how many freighters come in each month that need the 40-ft. depth. He would like to know how many companies will benefit from the dredging. He said this project will begin in August and wanted to know the completion date. Mr. Obert said the Delaware River channel is 111 miles long. He wants to know how many years will it take to dredge to a depth of 40 feet for 111 miles in length. Mr. Obert said he is fortunate to have a campsite at Money Island. He was there for dredging of the river in 1946, 1947, and 1948 for the Steel Mill. Boats come in; make a left-hand turn, pull in, and are then nudged back in and then out again. Chairman Harvie said all of this was raised when they addressed this issue. The bulk of the money will come from Kinder Morgan and U.S. Steel; almost all of the \$245K. He said it is the dredging of the lower Delaware which has caused a lot of concern and that is unrelated to this. This dredging is only the turning basin and it is a one-time dredge to bring it down to 40 feet for the turning of the ships. There are already ships being turned away and then having to unload in Philadelphia because they cannot come here. It is a facility that brings in about three billion dollars into the Lower Bucks economy. Companies that benefit from this would be Kinder Morgan, Waste Management, U.S. Steel, International Salt, and a fertilizer company. This is an operation that is focused on improving that port. It will benefit anyone who wants to have any kind of business down there. The project is being studied by the Army Corps of Engineers. When they give the go ahead then, at that point, the money will

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have to come from the different entities. The actual dredging will begin in August and will take just a few months. The review process is about three times longer than construction.

ITEM # 9 MINUTES – JANUARY 3, 2011

Member Snipes moved to approve the minutes from January 3, 2011; Member Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 10 ENGINEER'S REPORT

Mr. Sullivan said the road program is ongoing and the PECO contractor is finished with their work. The boat ramp will have all the docks installed by the end of April. Member Dence moved to approve the December Engineer's Report dated January 14, 2011; Member Szupka seconded the motion; all board members were in favor. (4-0)

ITEM # 11 BILL LIST – JANUARY 18, 2011

Member Snipes moved to approve the bill list dated January 18, 2011 in the amount of \$1,557,332.52; Member Dence seconded the motion; all board members were in favor with the exception of Member Szupka who voted no. (3-1)

ITEM # 12 EXECUTIVE SESSION – Executive Session was held during agenda item #4.

ITEM # 13 MANAGER COMMENT

1. Member Szupka moved to approve the appointment of Thomas J. Anderson and Associates, the police pension consultant, in the amount of \$4,500; Member Dence seconded the motion; all board members were in favor. (4-0)
2. Member Szupka moved to ratify the state of emergency for Tuesday, January 11, 2011 starting at 10 p.m. into Wednesday, January 12, 2011 at midnight; Member Dence seconded the motion; all board members were in favor. (4-0)
3. There will be a special meeting for the Annual Pasta Dinner fundraiser by the Teen Advisory Board. The meeting will be held on Monday, January 31st at the township building starting at 6:30 p.m. Anyone interested in volunteering their time can attend this meeting. The date of the event is Sunday, March 27, 2011. For more information please call 215-949-9000, x220, x221, or x222.

ITEM # 14 BOARD COMMENT

Member Snipes – no comment.

Member Dence - Member Dence moved to approve Resolution # 2011-05 to appoint Thomas Miles to an alternate position to the Zoning Hearing Board for a 3-yr. term to expire December 31, 2013; Member Szupka seconded the motion; all board members were in favor with the exception of Chairman Harvie who abstained. (3-0-1) Chairman Harvie said he abstained because Mr. Miles is part of his family. Member Dence said he will be available to attend the PSATS Convention. Member Szupka moved to appoint Member Dence as a

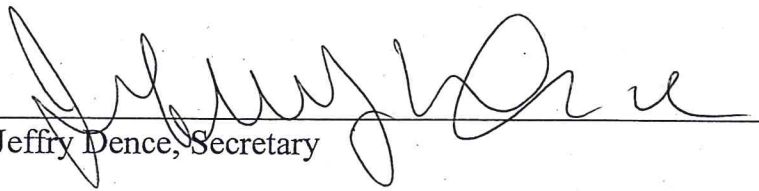
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voting delegate to the PSATS Convention; Member Snipes seconded the motion; all board members were in favor. (4-0)

Member Szupka said we have been getting hit with some storms. Our Public Works Department has been doing a great job. The residents have been asked to move their vehicles from the streets. It really does make it a lot easier for the Public Works crew to do their job and keep the streets clean. Member Szupka said he appreciates the efforts the public is making with shoveling out the fire hydrants and also the crosswalks. It is hard to believe there is global warming especially with the month we have had and the two storms that are approaching.

Chairman Harvie moved to appoint Ms. Lindsey Kelly to the Parks and Rec Board; Member Szupka seconded the motion; all board members were in favor. (4-0) Chairman Harvie said Michelle Sheider has announced that when her term on the Parks and Rec Board expires, she does not wish to be re-appointed. Chairman Harvie said she has been on that board for ten years and is really the driving force behind the skateboard park. Chairman Harvie thanked her for the time she has served and wishes her the best for the future. Chairman Harvie asked board members to consider the Open Space Plan. The township has in excess of \$900K to spend on open space in the township. He would like board members to take a look at that list.

Member Dence moved to adjourn the meeting; Member Snipes seconded the motion; all board members were in favor. (4-0) The meeting was adjourned at 9:30 p.m.



Jeffrey Dence, Secretary