

**TOWNSHIP OF FALLS  
BOARD OF SUPERVISORS MEETING**

**ROLL CALL:**

<b>ROBERT HARVIE, JR., CHAIRMAN</b>	<b>PRESENT</b>
<b>JEFFRY DENCE, VICE-CHAIRMAN</b>	<b>PRESENT</b>
<b>JEFFREY ROCCO, SECRETARY-TREASURER</b>	<b>ABSENT</b>
<b>BRIAN GALLOWAY, SUPERVISOR</b>	<b>PRESENT</b>
<b>JEFF BORASKI, SUPERVISOR</b>	<b>PRESENT</b>

The meeting commenced at 7:08 p.m. with roll call and pledge to the flag. All Board members were present with the exception of Member Rocco who was out of town on business. Also present were Township Manager Peter Gray, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher, and Township Engineer James Sullivan.

**ITEM # 1 PUBLIC COMMENT – FIVE MINUTE LIMIT PER PERSON  
FORTY-FIVE MINUTE MAXIMUM**

Chairman Harvie said we have had a lot of correspondence in the last couple of weeks about the proposed development of the old Acme site, potentially becoming a WAWA. That was supposed to be on this agenda, but the developer had a conflict and asked to be put on the April agenda instead of tonight.

Mr. Tom Smith spoke about flood plains and flood insurance. He sympathizes with residents and understands it can be a burden. He thinks that is something we can address, but in the case of Elcon, a toxic incinerator, we need to think about this issue a lot differently. Mr. Smith said he is opposed to the WAWA. There are a lot of trucks that come from a quarry near New Hope and there is a lot of traffic and waste that comes into our township. He has seen these trucks that drive down Main Street in Yardley, all the way down to Rt. 13, and into Falls Township, where there is an ordinance against trash trucks. If there are that many trucks for Waste Management, think about how many trucks may be going to Elcon, carrying toxic hazardous waste and possibly stopping at WAWA.

Mr. Martin McLoughlin is the owner of Extreme Fitness in Fallsington. Mr. McLoughlin said they are having a 1-Mile Fun Walk/5K Race fundraiser event on Sunday, April 23<sup>rd</sup> at 9 a.m. They will have the walk and race, then have activities back at Extreme Fitness. They have businesses sponsoring the event, a healthy food truck, and a DJ. Mr. McLoughlin said he has been working with Officer John Yeager and this fundraiser will raise money for the Youth Police Academy and helping to expand that program. It is a charity event for local kids. They have between \$150 to \$500 sponsorships if any businesses are interested. This event can be found on Facebook at the Fallsington 5K/1 Mile Fun Walk or at [www.fallsington5k.racewire.com](http://www.fallsington5k.racewire.com).

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Officer John Yeager gave an overview of the Youth Police Academy. This program is available to ages 14-19 in grades 9 through 12. They have guest speakers, drills, the youth get CPR certified, and they are challenged. Last year they had 62 graduate from the program and 52 graduate the prior year. This is the third year they are running this program. Officer Yeager said partnering with Mr. McLoughlin is a way for them to raise some funds for the candidate program. They hope a lot of people will come out to the walk/race and have a good time.

Mr. Guido Mariani asked what type of energy will be utilized in the new township complex. Chairman Harvie said geothermal will be a major part of it. They are trying to be as energy-efficient as they can. For lighting, they are using sun harvesting, which use sensors to monitor the sunlight coming into a building and dimming the interior lighting when it is not needed. Chairman Harvie said we are looking to have solar-panel parking lights as well. Mr. Mariani said although he supports solar technology, practical installation of solar is decades in the future. Chairman Harvie said several years ago, they did look at solar panels for this building and it was determined that it was not feasible.

Ms. Lisa Farrell said she is here to express her opposition to Elcon. Elcon's Phase II application has been submitted and is being reviewed by the DEP. Ms. Farrell opposes having Elcon located in Falls Township. It is not a good or responsible location to put a plant that will process many hazardous chemicals next to a waterway. She remembers about 35 years ago when the Delaware River was very dirty and it needed to be cleaned up. Laws and regulations came into effect that helped clean this water and there were people taking an interest and wanting to keep it clean. We are living in an area that doesn't meet the air quality standards we need. We are failing in air quality and we do not want it to get worse. In regard to the mosquito spraying, Ms. Farrell asked what kinds of chemicals are used. Chairman Harvie said we have been contracting with the same company for the past five years. The chemicals are approved by the DEP and the EPA.

Mr. Anthony D'Amico lives at 555 Stevens Road, across the street from the proposed WAWA. It appears that the WAWA is already fixed in place. Mr. D'Amico said in the very beginning, he spoke his piece and he was in a lawsuit. He doesn't want that party to think that they can intimidate him. After \$3,000, he got his name taken off of that. He does not get intimidated very easily. Mr. D'Amico said his son had an accident at the traffic light at the proposed WAWA location. The amount of traffic driven in that area will make matters worse. Any trucks going back to Rt. 1 need to go past his house. He has no problem with a regular WAWA, but he has a big problem with a super WAWA.

Ms. Lisa Tardo lives in Lower Makefield, two blocks from the proposed WAWA. She is opposed to this development due to environmental concerns. It was stated that there are 17,000 vehicles that go through a WAWA on a weekly basis. In the intersection of the proposed WAWA, there are three townships; Morrisville, Falls Township, and Lower Makefield. Seventy percent of the pollution in Bucks County comes from Falls Township. If we put in a super WAWA and you have 17,000 vehicles coming through on a weekly basis, that is bad and we will increase our air pollution. We already failed according to the

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American Lung Association report. If they want a WAWA, everyone seems okay with that, but she is not willing to trade her health for cheap gas. If you look at red or orange ozone days, we were third in the state, behind Philadelphia and Pittsburgh, in red ozone days. That is pretty bad. Ms. Tardo hopes the board will take this into consideration.

Ms. Lisa Baxter spoke about the mosquito spraying and asked if the contracting company had a non-toxic option available.

### **ITEM # 2 CERTIFICATE OF APPROPRIATENESS – 6 HILLSIDE LANE – TMP # 13-020-239-002 – ENLARGE FRONT PORCH ENTIRE LENGTH OF HOME**

Member Dence moved to approve the Certificate of Appropriateness for 6 Hillside Lane, TMP # 13-020-239-002, to enlarge the front porch for the entire length of the home; Member Galloway seconded the motion; all board members were in favor. (4-0)

### **ITEM # 3 CONSIDER ADOPTING AMENDMENT TO ORDINANCE CHAPTER 131 – FLOOD PLAIN ORDINANCE**

Ms. Gallagher said we are changing our flood plain ordinance to get in line with what FEMA requires us to have. About this time last year, the board passed a comprehensive amendment to the flood plain and at the request of FEMA. Since that time, there have been a couple of changes to the maps they have made as well as some of the language. Ms. Gallagher reviewed these changes. Member Boraski said there are two houses in Vermilion Hills that this is good for. They were put into the flood plain when they were not in it for many years. Mr. Tom Bennett said there are about 643 residences that have been taken out of the flood hazard area due to the flood map that took effect today. Mr. Bennett said the new flood maps are available at [floodsmart.gov](http://floodsmart.gov). The mortgage company determines whether you need flood insurance. Residents can contact Mr. Bennett's office at 215-949-9000 x251 or you can e-mail Mr. Bennett at [tbennett@fallstwp.org](mailto:tbennett@fallstwp.org). There are a couple of apartment buildings and about 35 homes that are still in the flood zone. Chairman Harvie said this process started about seven or eight years ago. Chairman Harvie thanked Mr. Bennett for his help as well as Mr. Jones. Member Galloway moved to adopt Ordinance # 17-1, amendment to Chapter 131 – Flood Plain Ordinance; Member Boraski seconded the motion; all board members were in favor. (4-0)

### **ITEM # 4 POLICE CHIEF'S REPORT**

Chief Wilcox provided the following information:

- They currently have three people out. Thanks to your prayers, good will, and a lot of good doctoring, Dave Ahrens will be back in April.
- Hiring – they are down to their last two candidates. They have both passed their physicals and additional tests are scheduled over the next two weeks.

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- We just finished our seminars on the Active shooting training which will take place on April 17th at 9 a.m. There will be an active shooting drill that will take place. A lot of good information will come out of this.
- We have just partnered again with the Pennsbury School District with a new program called Chief for the Day. There will be 15 representatives from the 5<sup>th</sup> grade. Principals and teachers will pick candidates who will be picked up at the school and be Chief for the day. They will have all kinds of things for them to do and they will be back at the school at 1:30 p.m. This is a first-time effort and he thinks it will go very well.
- Chief Wilcox thanked our officers, the Bristol Township Police Department, the honor guard, and the fire police who assisted us during the St. Patrick's Day parade. They all did a very good job. Member Galloway also expressed his thanks for everyone who helped with the St. Patrick's Day parade.
- There will be an evening Coffee with a Cop in April.
- The recent training held at St. Joseph The Worker went well, but there was a lack of communication between us and the training company in regard to the explosives that were set off. They were a little louder than expected. Any complaints that were received were answered back personally by Chief Wilcox.

### **ITEM # 5    CONSIDER ADOPTING ORDINANCE CHAPTER 137 – HOTEL REGISTRATION BOOK**

Chairman Harvie said this ordinance is designed to assist our police to give them a little more access to people who are staying in hotels in Falls Township. We are finding that a lot of the issues with heroin and other drugs are happening in and around hotels in the township. We are asking the operators to do what most hotels and motels do anyway, and that is to keep a list of names. It allows our police to go in and scan through the register to see if there is anyone with outstanding warrants or known drug affiliations. Member Galloway moved to approve Ordinance # 17-2, for Chapter 137 – Hotel Registration Book; Member Boraski seconded the motion; all board members were in favor. (4-0)

### **ITEM # 6    FAMILY DINING, INC. – AMENDED PRELIMINARY LAND DEVELOPMENT – 8575 NEW FALLS ROAD – TMP # 13-018-001-001**

Manager Gray said the applicant's proposed project consists of the demolition of the existing approximate 3,220 sq. ft. Burger King and the construction of a new 3,900 sq. Burger King and a 1,800 sq. ft. café. Representing the applicant is Mr. Matthew Chartrand from Bohler Engineering. Mr. Sullivan said this is the amended final plan, not preliminary. Mr. Chartrand said these plans are to renovate the Burger King and add a café with the occupant yet to be determined. Construction is planned to take about 100 days. Chairman Harvie asked if there will be a play area. The applicant said yes, it will be inside of the building. Member Dence moved to approve Resolution # 17-09, amended final land development, 8575 New Falls Road, TMP # 13-018-001-001; Member Galloway seconded the motion; all board members were in favor. (4-0) Member Dence moved to amend his motion to include that this approval is contingent upon the execution of an indemnity and

hold harmless agreement which was already discussed with the applicant regarding some paving on the property; Member Galloway seconded the motion; all board members were in favor. (4-0)

**ITEM # 7 DOLLAR GENERAL MORRISVILLE – PRELIMINARY AND FINAL LAND DEVELOPMENT – 1279 OLD BRISTOL PIKE – TMP # 13-047-042**

Manager Gray introduced this item. This is for construction of a 7,489 sq. ft. retail store, associated parking, utilities, and storm water management. The applicant is represented by Mr. Michael Young from the Larsen Design Group. Mr. Young provided information in regard to the proposed plan. He said they have increased and doubled the size of the storm water basins. The building will be serviced by an on-lot sanitary sewer system. The site will be utilizing public water. The entrance drive corresponds with the WAWA entrance drive across the street. They plan to have 33 parking spaces. They have submitted plans to all agencies, including PENNDOT. It is their understanding they have met their obligations for the site. They received 6 variances from the Zoning Hearing Board. They will comply with the fire marshal's letter. Mr. Sullivan said just today, Mr. Dipolito indicated everything was taken care of. In regard to suggestions by the Shade Tree Commission, Mr. Young has taken some of that into account, but suggests an alternate idea of planting evergreens. Chairman Harvie asked about the Disabled Person's Advisory Board's verification that there is a raised depression isle between the two handicapped-accessible parking spaces. Mr. Young said yes, Dollar General does raised mounds up to the curb over those parking spaces, including an area for the pedestrians to walk up to the front door. Mr. Young reviewed the waiver requests as follows: Section 191-36(D), Section 191-37(B), Section 191-39(G), Section 191-61(A) and Section 191-62(B). Mr. Sullivan said the township has the right to require sidewalks to be installed, but that particular zoning district doesn't require sidewalks. Mr. Young said it would be unsafe because people would want to walk to their store. He thinks it would create an unsafe condition. Member Boraski said we have been putting sidewalks everywhere and this may look like sidewalks to nowhere. This is new to that area to have a business other than WAWA. If we put sidewalks in, eventually it will all connect; that was always their theory. Member Dence said it is an odd location for this business, but he doesn't see the mobile home community putting in sidewalks so he is okay with this waiver. Chairman Harvie would like to see sidewalks especially since it is in such close proximity to homes. He feels there will be walk-up traffic to this store and it is in the interest of safety to get pedestrians off of the road, even if it is for a short distance. Member Dence moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (4-0) Mr. Hugh Fagilali (lives in Pennwood Crossing, D Section) said there is a sidewalk coming from D-section, but across the street and down Bristol Pike there is nothing. There will be pedestrian traffic so anything to help with safety will be appreciated. Mr. John Straw (Pinewood) said he has property on Old 13. Where this is proposed, there are no sidewalks. The more you encourage people to walk, the more it becomes a danger. Mr. Straw said where he lives, he cannot walk on the sidewalks because people park across them. Member Dence moved to close public comment; Member Galloway seconded the motion; all board members were in

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favor. (4-0) Member Boraski said it is not the sidewalks that are drawing people in. It is the business itself, not the sidewalks. Chairman Harvie said he hears Mr. Straw's point, but there will be people walking to get to this store. That, to him, is enough of a reason to put in sidewalks, even if it is for a short distance. Member Galloway moved to approve Resolution # 17-10 for the Dollar General, preliminary and final land development, 1279 Old Bristol Pike, TMP # 13-047-042 with waivers 191-36(D), 191-37(B), and 191-62(B) and denying the other two waivers; Member Boraski seconded the motion; all board members were in favor. (4-0) Member Galloway moved to deny the waivers of 191-39(G) and 191-61(A); Member Boraski seconded the motion; all board members were in favor. (4-0)

**ITEM # 8      CONSIDER INDEMNITY AGREEMENT BETWEEN FALLS TOWNSHIP AND MIDDLETOWN TOWNSHIP FOR USE OF THE FALLS TOWNSHIP SKATE PARK**

Manager Gray said Middletown Township has requested the date of April 1, 2017 to utilize the skatepark for the purpose of holding a fundraiser. They will provide proper insurance. Mr. Brian Andrews said they plan to have contests, raffles, a DJ, and they will bring in local skateshops. It is a 4-hour event. Chairman Harvie asked about waiving the fees. Mr. Andrews is okay with that; we are being a friendly neighbor. Member Dence moved to adopt the indemnity agreement between Falls Township and Middletown Township for use of the Falls Township skate park; Member Galloway seconded the motion; all board members were in favor. (4-0)

**ITEM # 9      CONSIDER RESOLUTION FOR FALLS TOWNSHIP TO USE PENNDOT'S DOTGRANTS ONLINE REPORTING SYSTEM TO FILE ANNUAL REPORTS AND DESIGNATING INDIVIDUALS TO EXECUTE AND PROVIDE ALL INFORMATION NECESSARY FOR THE COMPLETION OF SAID APPLICATION AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECT SUCH AN AGREEMENT**

Manager Gray said each year the township staff prepares the annual liquid fuels report which is submitted to PENNDOT. In turn, the township receives funding which is to be used for the highway aid fund throughout the year. The report has four original documents prepared and each document requires four board signatures. PENNDOT has now asked us to submit these forms online. Member Dence moved to approve Resolution # 17-11 for Falls Township to use the PENNDOT DOTGRANTS online reporting system to file annual reports and designating individuals to execute and provide all information necessary for the completion of said application and to execute all documents necessary to effect such an agreement; Member Boraski seconded the motion; all board members were in favor. (4-0)

**ITEM # 10 CONSIDER QUOTES FOR THE 2017 MOSQUITO SEASON**

Manager Gray said the township has secured a quote in the amount of \$11,610 for the upcoming 2017 mosquito season. Two other companies declined. They were Cooper Pest Solutions and The Final Bite. Falls Township has contracted with Clarke Mosquito for the past five years. The chemical used in the field is called Duet. This is the same chemical used by the county and they do need to obtain an NPDES permit for all the chemicals they use. Member Dence moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (4-0) Mr. Tom Smith asked if the spray gets introduced into the air. Chairman Harvie said yes. The four big problem areas are Alden Avenue, North Park, Martha Drive, and Chatham Road. The first thing they will do is to take water samples for testing. If the counts go above a certain amount, they will start treating the area. The county follows the same path. They use a variety of methods to treat the area and it is a step-by-step process. It is a truck that goes around the area. Member Dence said they will also treat the basins. Chairman Harvie said they use Larval control with VectoLex, VectoBac, Abate, Natular, and/or Altosid pesticides. Chairman Harvie asked Manager Gray to please keep this information available in case anyone wants to see it. Member Dence moved to close public comment; Member Galloway seconded the motion; all board members were in favor. (4-0) Member Galloway moved to approve the quote from Clarke Mosquito in the amount of \$11,610 for the 2017 Mosquito season; Member Dence seconded the motion; all board members were in favor. (4-0)

**ITEM # 11 CONSIDER ADOPTING ORDINANCE CHAPTER 191 –  
SUBDIVISION AND LAND DEVELOPMENT - SECTION 8 –  
PROCEDURAL STAGES**

Ms. Gallagher said at almost every meeting, the board is asked to grant continuation requests for various land development applications. What this ordinance will do is to allow the applicant to sign a waiver of timeline of the Municipal Planning Code, at the time they submit their application. Member Galloway said this is a welcome change that will save time and money. Member Galloway moved to approve Ordinance # 17-3, adopting Chapter 191 – Subdivision and Land Development – Section 8 – Procedural Stages; Member Boraski seconded the motion; all board members were in favor. (4-0)

**ITEM # 12 MINUTES – FEBRUARY 21, 2017**

At the top of page 3, it lists that Bucks County is responsible for almost 70% of the air pollution sources in Bucks County. This should read as: Falls Township is responsible for almost 70% of the air pollution sources in Bucks County. Member Dence moved to approve the amended minutes for February 21, 2017; Member Galloway seconded the motion; all board members were in favor. (4-0)

**ITEM # 13 ENGINEERS REPORT**

The 2016 Road Program is starting back up. For the 2017 Road Program, there is a pre-bid

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meeting tomorrow and there is a bid opening on March 29<sup>th</sup>. For the road program, there will be two bids; one for the roadwork and one for the landscaping. We are going out to bid this week for the fishing pier, the pedestrian foot bridge in Vermilion Hills, and drainage at Vermilion Hills as well. Dredging at the Quaker Penn boat ramp has been postponed until sometime in June. We are looking to do the dredging in the water instead of from the land. The docks will be installed as the weather permits. Member Galloway moved to approve the February Engineers Report dated March 16, 2017; Member Boraski seconded the motion; all board members were in favor. (4-0)

### **ITEM # 14 BILL LIST**

Member Galloway moved to approve the February 21, 2017 bill list in the amount of \$1,710,287.64; Member Boraski seconded the motion; all board members were in favor. (4-0)

### **ITEM # 15 EXECUTIVE SESSION**

Prior to the meeting, Ms. Gallagher said the board met to discuss several personnel matters and a matter of potential litigation.

### **ITEM # 16 MANAGER COMMENT**

- A. Member Galloway moved to approve escrow release # 5, in the amount of \$31,194.45, to Morrisville Commons; Member Boraski seconded the motion; all board members were in favor. (4-0)
- B. Member Galloway moved to approve the \$6,000 donation to Historic Fallsington Day (October 14, 2017); Member Dence seconded the motion; all board members were in favor. (4-0)
- C. Member Dence moved to approve the operations and maintenance agreements with Kalimar Premium Lifts for lots 1 and 3 (Tax Map Parcel #'s 13-040-045-001 and 13-040-045-003); Member Boraski seconded the motion; all board members were in favor. (4-0)
- D. Manager Gray announced new township businesses. They are: Galaxy Limo, DeLorenzo's The Burg, West Trenton Day Spa, St. Josephs Court Information Center, and Mattress Firm.
- E. There are mylars ready for signature for Peruzzi and Burger King.
- F. Member Dence moved to ratify the State of Emergency from 8 p.m., Monday, March 13, 2017 to 6 a.m., Wednesday, March 15, 2017; Member Boraski seconded the motion; all board members were in favor. (4-0)

### **ITEM # 17 BOARD COMMENT**

Member Dence – no comment.

Member Boraski – no comment.



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Member Galloway said this year's St. Patrick's Day Parade went very well. Member Galloway thanked the police, the honor guard, and the fire police who all did a wonderful job. It was brisk weather for the parade, but Member Galloway thanks all who were in the parade and those who came out to watch the parade. They look forward to warmer weather next year.

Chairman Harvie thanked Member Galloway and everyone who put their effort into the parade. It was a great success. Chairman Harvie announced a fundraiser for Levittown Fire Co. No. 1. They will have a Designer Purse Bingo on Saturday, April 8<sup>th</sup>. For more information, please call either 215-791-1309 or 215-945-4231. Chairman Harvie spoke about the problem we are having with heroin. There will be a Town Hall meeting this Friday, March 24<sup>th</sup> from 7-9 p.m., here in the township building. There will be guest speakers from the county, law enforcement, and various health agencies. If you have prescription medicines you no longer need, you can bring it to drop off. Anyone who is interested, please come out this Friday night. Chairman Harvie thanked the staff, fellow board members, and professionals for all of the work they have done and to the public who came out this evening.

Member Dence moved to adjourn the meeting; Member Galloway seconded the motion all board members were in favor. (4-0) The meeting was adjourned at 8:50 p.m.



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Jeffrey Rocco, Secretary