

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

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

The meeting commenced at 7:11 p.m. with roll call and salute to the flag. All Board members were present. Also present were Township Manager Peter Gray, Police Chief William Wilcox, 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**

Ms. Madeleine Jones thanked everyone for attending tonight’s meeting. Ms. Jones asked about the status of Tyburn and New Falls Roads. She said it seems like the bumps are getting worse. Chairman Harvie said it is a PENNDOT road and there is concern over its condition. They can talk to PENNDOT to see if they have any plans for this intersection.

ITEM # 2 PRESENTATION FROM WASTE MANAGEMENT

Mr. Tom Jennings (Curtin & Heefner) and Ms. Tara Hemmer (Senior Executive for Waste Management and President of Waste Management Pennsylvania Facilities here in the township) are here to give an brief overview of the port facilities in Fairless and seek the board’s consideration of an amendment to one provision of the host agreement to bring it in line with development of those facilities. The port facilities in Fairless Hills were initially developed to accommodate the Fairless Works about 60 years ago. Today, it is the northernmost commercial port facility in the upper reach of the Delaware. Waste Management acquired the west side of the port facilities in 1988 and its primary use is for contractors to bring in building materials. The east side of the KIPC began to be developed commercially in 1995 by Novolog and now by Kinder Morgan. There was a need to construct a turning base in the channel and that was done in 2002. Mr. Jennings gave further information as well as information with regard to the dredging of the Delaware River. In the last couple of years, Waste Management has invested nearly \$7M for permanent improvements on their side of the dock. They would like to make those facilities available, from time to time, for the receipt of solid waste. The board had considered that and approved it due to emergency relief actions after super storm Sandy. More customers are inquiring about that capability as it is the more environmentally preferred way of bringing in material. The material would arrive in standard, sealed shipping containers. With the proposed amendment to the host agreement, it would simply restate that solid waste is allowed by permit to be accepted at the facilities and the same prohibitions relative to regulated materials would still apply. Ms. Hemmer said they made a significant

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investment in the port facility and they are looking forward to the growth of that facility, along with bringing on port contractors, to continue and grow different commodities in the port as well as opportunities that come up from time to time. Member Galloway asked if this is the 100th busiest port in the United States. Mr. Jennings said some years ago, this facility was deemed the 100th largest port in the United States. What that means is that Waste Management has handled 1M tons of cargo in the port. In the peak year, it might have been 7M tons of cargo. Member Boraski asked how many barges or ships would be coming in. Ms. Hemmer said they don't have any immediate plans to accept any material by barge, but they anticipate it could be one to two per day. Member Dence asked how the barges would come in. Ms. Hemmer said they will work very closely with the PA DEP and the U.S. Coast Guard to make sure that anything that is shipped to their port is shipped according to all regulations. If it is solid waste or municipal trash, it would have to be in containers. That is the only way they would accept it at this port. Member Rocco said it is good that it will be in shipping containers. Member Dence moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (5-0) Mr. Brian Binney asked if this modification would change the amount brought in on a daily basis. Mr. Jennings said it doesn't change anything; it is simply the means by which the material is received. Ms. Madeline Jones asked where these vessels would come from. Ms. Hemmer said they don't have any immediate plans, but it could be from anywhere in the eastern United States that is on water. It would be domestic municipal waste and/or solids. Member Galloway moved to close public comment; Member Rocco seconded the motion; all board members were in favor. (5-0) Member Dence moved to approve the second amendment to the December 20, 2005 Waste Management Agreement; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 3 EXTRA SPACE STORAGE – AMENDED FINAL LAND DEVELOPMENT – 915 OLD LINCOLN HIGHWAY – TMP # 13-028-022-004

Manager Gray said the applicant has prepared an amendment that will increase the proposed driveway servicing the Trucksmart lot from 24 feet wide to 35 feet wide and re-routing of a water service lateral servicing the Extra Space Storage proposed office building. Mr. Frank Dillon said this is an amendment to the final plan. There are two minor changes. One is to enlarge the driveway from 24 to 36 feet to allow trucks easier access to the property. They met with the Township of Falls Authority and they will require water connection. They need to have an easement across the property. Mr. Dillon referenced two review letters. For the T&M review letter, all technical issues have been resolved. For the Remington, Vernick review letter from Mr. Beach, they are satisfied with numbers 1-7 and number 8 is a will comply. Mr. Dillon reviewed the fire marshal review letter indicating that they will need separate fire and sprinkler systems. Mr. Dillon said they understand that and they will comply. Member Rocco moved to approve the amended final land development plan for Extra Space Storage located at 915 Old Lincoln Highway, TMP # 13-028-022-004; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 4 DISCUSS PROPOSAL FROM S&S WILDLIFE FOR GEESE MANAGEMENT AT FALLS TOWNSHIP COMMUNITY PARK

Mr. Rick Shadel, President of S&S Wildlife, said they have a proposal for a 10-month program from March through December which will incorporate a number of different methods and programs to drive geese from the site. Mr. Shadel and the board discussed in detail about the various methods to be used as well as long-term planning. Most of this is non-lethal activity. All of the methods have to be used together. Member Rocco asked what the likelihood is that this will work. Mr. Shadel said it will work, but there will still be geese that drop in. It is easier to manage the geese who call this home. The first thing Mr. Shadel will do is to get the round-up permit submitted. Member Dence moved to open public comment; Member Boraski seconded the motion; all board members were in favor. (5-0) Ms. Madeleine Jones thanked Mr. Shadel for the information. She understands this program may continue for many years. She asked if the township would have a warranty or get a refund if this does not work out. Ms. Jones also asked if this could be done if the park shut down for a couple of days. Mr. Shadel spoke about their work. The price could be the same for several years. For that money, you will see results. He can make a difference in this park. He is not opposed to the park shutting down for a few days, but what they do in March or April might not have any bearing on August or September. Mr. Guido Mariani said we all agree that the methods they have been doing are not decreasing the egg population. Mr. Mariani said he has consistently suggested that the most effective method is to treat the area with products that are unpalatable to geese. He believes those products are cost efficient. He would like the township to give one of those methods a try. If you could select a specific area, and properly apply these products, he thinks that area may become available for its intended use. Mr. Shadel said at \$185 a gallon, it is expensive and it gets mowed off after two mowings. He said geese will still stand on the treated grass. Unnamed speaker asked if it is possible to use balloons or an automated process such as a drone to help get rid of the geese. Mr. Shadel said balloons or other dirigibles are not effective on most birds; they are just another scarecrow type of thing. In terms of drones, he doesn't use them, but they might work out. Member Dence moved to close public comment; Member Boraski seconded the motion; all board members were in favor. (5-0) Member Boraski would like to use the chemicals in a specific area and see how it works out. Mr. Shadel said the chemicals are not included in the proposed price. Member Dence said this is a serious issue as the geese are destroying our park. Member Rocco moved to approve the S&S Wildlife proposal in the amount NTE \$27,400; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 5 CONSIDER PROPOSAL FROM REMINGTON, VERNICK & BEACH ENGINEERS FOR THE SOUTH OLDS BOULEVARD CROSSINGS

Chairman Harvie said these are the pedestrian crossings at the Oxford Valley Golf Course. There are two locations, one which is currently striped but faded, and one which would be a new crosswalk. Mr. Beach said the Traffic Advisory Committee asked him to take a look at these crosswalks. The first crosswalk needs re-painting. The second crosswalk has to adhere to PENNDOT publication # 46 and have a traffic study done. The study would look at existing roadway characteristics, peak hour of traffic counts, police and trash analysis,

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and future traffic volumes at that location. They are looking to improve signage in the area and will look at flashing warning signs. Right now, it presents a problem for visibility because only one crosswalk is striped. Any of the ramps that go from side to side will have to be adjusted so they are ADA compliant. The cost of the study is \$3,650. Member Dence said this is a hot spot as far as speeding goes. Member Dence moved to open public comment; Member Galloway seconded the motion; all board members were in favor. (5-0) Mr. Brian Binney said this is a county golf course. He asked if there is any way the county would pay for this. Chairman Harvie said it is a township road. It would take a while for them to think about paying for it. Member Dence moved to close public comment; Member Boraski seconded the motion; all board members were in favor. (5-0) Member Dence moved to approve the proposal from Remington, Vernick & Beach in the amount of \$3,650 and move forward with determination of the second crosswalk; Member Galloway seconded the motion; all board members were in favor. (5-0)

ITEM # 6 CONSIDER NEW FALLS ROAD SIDEWALK PROJECT

Chairman Harvie introduced this item. The township hired Remington, Vernick & Beach who put together an efficient way for pedestrians to travel on Penn Valley Road. Mr. Thomas Beach presented detailed information on the proposed plan and where the sidewalk would be located. Chairman Harvie said they could install signage on the Thornridge side, saying no pedestrian/bicycle traffic, in an effort to encourage people to cross over and walk on the Vermilion Hills side. Member Boraski asked if there would be some lighting along this sidewalk. There is one area that might be a little dark. Lighting is a concern. Member Boraski would like to see a crosswalk where one could walk up, hit a button, and cross over. Mr. Beach said they would need to get PENNDOT approval on that and possibly put that in as an alternate bid. Member Dence said the intent is to connect Thornridge to Vermilion Hills. This is a really good plan and will be much more cost-effective than the original plan. Member Rocco said he agrees with Member Boraski about the lighting. Mr. Beach said they have PENNDOT approval and need to get a soil erosion permit. If the township is okay with the plan, they can advertise for bids. Construction would take about two months. Member Dence moved to open public comment; Member Rocco seconded the motion; all board members were in favor. (5-0) Ms. Madeleine Jones asked if this is on the side of the ice cream and bowling alley. Chairman Harvie said yes. Ms. Jones said she wants pedestrians to be safe. She hopes that crossing over Tyburn Road from Fallsington toward New Falls Road will be addressed at some point. Member Dence said at our last meeting they saw a presentation from McGrath for the St. Joseph the Worker property. Hopefully, when that property gets developed, we get them to put in sidewalks and get things connected. Mr. Guido Mariani asked about the cost of this project. Mr. Beach said they estimate it would cost around \$200,000. Mr. Mariani said he has been opposed to this project. He doesn't consider this a safety issue. New Falls Road was constructed as a motorized road. Sidewalks should be built in areas where there is a need. Mr. Mariani said there is no pedestrian traffic in this area. Mr. Mariani reported on financial items relating to the township involving host community fees, the long-term savings, and construction of a \$17M complex. He doesn't believe there is a need to pursue this expenditure. Member Dence moved to close public; Member Boraski seconded the motion; all board members were in favor. (5-0) Member Dence said every time they have been out there, they see

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people walking or riding bikes. Chairman Harvie said they are trying to be conscious of money and the rights of property owners. This has been looked at for a long time. What they are trying to do is to make this area a safer place. Member Dence moved to direct the engineers to go out to bid on the New Falls Road sidewalk project; Member Rocco seconded the motion; all board members were in favor. (5-0)

ITEM # 7 CONSIDER PURCHASE OF F550 DUMP TRUCK WITH PLOW AND AN EXTENDED CAB PICKUP FOR THE PUBLIC WORKS DEPARTMENT

Mr. Joe Arnao presented information on the purchase of a 2015 F550 dump truck with plow and spreader and an extended cab 4WD Chevrolet pick-up truck. These are in the budget and will be purchased off of the Co-stars list. The price of all of these items is \$127,162.86. Member Dence moved to open public comment; Member Rocco seconded the motion; all board members were in favor. (5-0) Ms. Madeleine Jones asked if there were any vehicles being traded in or if they could be donated to the tech school. Mr. Arnao said no, there was nothing in good enough condition to trade in or donate. Mr. Roland Kenney suggested that the board approve this purchase. Member Dence moved to close public comment; Member Galloway seconded the motion; all board members were in favor. (5-0) Member Galloway moved to approve the purchase of the 2015 F550 with plow and spreader and the 4WD Chevrolet pick-up truck in the amount of \$127,162.86; Member Boraski seconded the motion; all board members were in favor. (5-0)

ITEM # 8 CONSIDER QUOTES FOR RIDES AND GAMES FOR THE FALLS TOWNSHIP FAMILY FESTIVAL/QUE FOR THE TROOPS EVENT

Manager Gray said the township has secured three quotes for rides and games for the Falls Township Family Festival/Que for the Troops. They quotes are: Rainbow Productions in the amount of \$11,865; J. Dawg's Amusements in the amount of \$11,044; and Perfect Party Rentals in the amount of \$8,186. This will be subject to securing an indemnity and proof of insurance. Member Boraski moved to authorize Mr. Andrews to contract with Perfect Party Rentals for a total of \$8,186; Member Galloway seconded the motion. Member Boraski amended his motion to include that this subject to securing an indemnity and proof of insurance; Member Galloway seconded the motion; all board members were in favor. (5-0)

Member Galloway left the meeting at 10:42 p.m.

ITEM # 9 CONSIDER AUTHORIZATION TO ADVERTISE FOR PORTABLE RESTROOM SERVICES FOR FALLS TOWNSHIP FACILITIES

Member Rocco moved to advertise for portable restroom services for Falls Township; Member Boraski seconded the motion; all board members were in favor with the exception of Member Galloway who was not available. (4-0)

ITEM # 10 CONSIDER ADOPTING ORDINANCE CHAPTER 209, ZONING, SECTION 50, SPECIAL EXCEPTIONS & CONDITIONAL USES, SUBSECTION F – ADDITIONAL STANDARDS, SUBSECTION 1 – AUTOMOBILE SERVICE STATIONS

Chairman Harvie introduced this item. He said the board is not approving a WAWA construction project this evening. The Zoning Hearing Board turned down the WAWA project and that plan is dead. The township has no plan in front of us regarding this WAWA. They may resubmit one, but we don't have one right now. During the process of review by the Zoning Hearing Board, and while the Zoning Officer and our engineer were looking over the plans, it came to their attention that there were some issues with our ordinance that relates to gas stations that were out of date or pre-empted by state law. Part of our ordinance was very old and part of our ordinance was illegal. They weren't going to change anything until after we knew what would happen with that project. Once that project was killed by the Zoning Hearing Board and after the appeal period had ended, the township said let's look at some of the changes that needed to be made. Some changes were very minor such as changing the name of gas station to fueling station. Some of the changes needed to be made because we haven't approved a new gas station in the township in 11 or 12 years, since the BJ's gas station. We haven't had a need to look at this part of the ordinance until this came up. In some cases, state law pre-empted our law. Had the township been challenged on those issues, we would have lost so it makes no sense for us to keep them. Some other changes involve setbacks in terms of distance of fuel tanks. Even in the old ordinance, that proposed development would have qualified without a variance. It has been spun that we are doing this so that the WAWA folks can come in and that is not true. The Zoning Hearing Board is an independent board. We let them make their decision and the Board of Supervisors did not appeal it. We looked at issues with our ordinance that needed to be changed. One issue we are changing is that the ordinance referred to different types of gas pumps. The ordinance read that for every self-service pump, you had to have one full-service pump. Pumps are not made that way anymore. Almost every pump made is both full and self-service at the same time with a push of a button. Mr. Clarke said the proposed ordinance change has four substantial changes. The minimum distance between service stations is being dropped from 1,500 feet to 500 feet and the station must be located within Falls Township. During the Zoning Hearing Board for the WAWA, we were made aware that the one station that was implicated was a station that was located in Morrisville. This is a protection that Morrisville doesn't give to its own businesses. This is the one that is bringing in light the Combustible and Flammable Liquids Act to reduce the distance to which a gas pump can be located from the property line. Our ordinance says 50 feet and the Combustible and Flammable Liquids Act says 10 feet from the property line and 5 feet from any buildings. The only gas station he has been involved with, in the township, is the BJ's and this issue was not involved at the time because their pumps are set back far enough from the property line. The third change is a clarification that the requirement for one full-service pump for each self-service pump can be satisfied if the pump is equipped with a mechanism that allows the driver to call or request assistance. This is industry standard and is consistent with the Americans with Disabilities Act. Finally, we are increasing the number of inoperable motor vehicles a service station can have on its property from three to six at any time and from six to eight for a period not to exceed two days, provided the vehicles are

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waiting for repairs. This has nothing to do with the proposed WAWA. This was made at the suggestion of the township Zoning Officer. The township is in the process of going through a comprehensive zoning review. Mr. Sullivan's office, the township administration, and the solicitor's office have been reviewing the zoning code for the last several months and this is an issue that was brought to our attention by the Zoning Hearing Officer. It was not involved in the WAWA in any way because they will not be servicing vehicles. Those are the four changes and those are the four issues. One other issue is the plan development, originally presented by the WAWA, will still need to go back to the Zoning Hearing Board. There are setbacks for the gasoline canopy which are not affected by the changes we are making this evening, setbacks for one of the buildings, which we are not changing this evening, accessory structures in the front yard setback, which we are not addressing this evening and most, if not all, of their signs will need variances. The plan, as presented by WAWA, will still need to go back to the Zoning Hearing Board. Member Galloway said he understands residents' concerns over the WAWA project, but as they set up the agenda for this evening, they had no idea the Bucks County Courier Times would print such an article and we would be mistaken in what we are trying to update tonight. Chairman Harvie said even if the proposal were submitted again, it would still have to go to zoning for quite a few variances. This is not the way it was portrayed. There is no plan before them. Depending on how it is presented, it would have to go to Zoning, but it will still have to go to the Planning Commission. It would have to come to the Board of Supervisors for preliminary development plan. It would have to go back to the Planning Commission, the EAC, and back to the Board of Supervisors for final land development plan. Even if something were submitted tomorrow, you are still talking months and months before anything could happen. A big concern that people have is that in the original proposal they were looking for access off of Rt. 13. That is nothing we have control over as this is a PENNDOT road. They would have to apply to PENNDOT. Chairman Harvie doesn't know if they applied for that yet or if they already got it. There are still issues of concern by board members and local first responders about the traffic and that intersection.

Mr. Joe Neyers spoke about traffic.

Mr. Anthony D'Amico (555 Stevens Road) heard what the board said about the proposed changes in the ordinance. He would like you to reflect on the Zoning Hearing Board's decision as to the reasons why they voted against the super WAWA at this location. He finds it disheartening that someone can change the variances in zoning to accommodate a super WAWA at this location. Mr. Clarke said we were aware of certain things in our ordinance regarding service stations; one that needed clarification and one that they considered an anomaly that they were providing protection to a business in Morrisville by the 1,500 feet. We also didn't think the 1,500 feet was enforceable. That is why we waited until the hearings were over before we changed it. Mr. D'Amico said his concern is not the fueling station; it is being a resident. Put yourself in his and his neighbors' position. He lives directly across the street. Up the street they are putting in more residential homes. The residents behind the WAWA cannot make a left-hand turn into their development. If this does not go in, it will not hurt the WAWA Corporation. If it does go in, it will cause a hardship to him and his neighbors. There will be 24-hour lighting, tractor trailer deliveries, noise, loud music, intercom systems, crime, and traffic noise, and traffic congestion. They

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are also concerned with trash collection and pedestrians safely crossing the street. If you go there between 4-6 p.m. or 7-9 a.m., he will assure you, it is gridlock. He deals with that every day and he cannot make a left-hand turn out of Stevens Road. If this happens, it will be more of a nightmare for residents. You need to evaluate and not allow this to be done. Your residents do not want you to jeopardize their quality of life.

Mr. Kevin Stilwell said he resides at 129 Makefield Road. He is one of the owners of the Plaza Shell gas station that everyone is talking about. They have been serving the community since 1962. They purchased the property in 2007. They employ eleven people consisting of three full-time and eight part-time employees. He has worked at the Shell station for 30 years and has been a Falls Township resident for 18 years. Mr. Stilwell said WAWA showed no legal hardship and he does not believe they did a traffic study. There was a request for eleven variances. They dropped five of their variances which were related to signs and lighting. They changed the trash location to take care of another request and your proposed amendment eliminated the need for trash enclosures completely. Mr. Clarke said it is covered in another section of our ordinance. Mr. Stilwell said that leaves five other requests. He thinks you are making a huge mistake to change the 1,500 to 500 feet because it opens the opportunity for gas stations on every corner of Falls Township. There should be no discrimination on what municipality they are in. We are all neighbors. The reason for the space ordinance, in his opinion, is to prevent the threat to public safety. With the sale of diesel fuel and 24-hour operation, will come increased truck traffic and noise along with other problems associated with truck traffic. Mr. Stilwell addressed item # 9, allowing every other gas station in Falls Township to go self-service as long as they have a call button on the pumps. The Plaza Shell, along with the two other service stations on West Trenton Avenue, are all full-service stations. He has to employ two gas attendants which puts him at a competitive disadvantage. Mr. Stilwell spoke of the businesses on West Trenton Avenue. He said the WAWA will have a huge impact on local economy and local businesses. Mr. Stilwell believes the two variances that are left (canopies and pumps) will be taken care of with the actions in the proposed amendment. Mr. Stilwell wants to know who will pay for the maintenance of the traffic lights that they are requesting to be installed and who will pay for the brake retarder signs, damages on West Trenton Avenue with the increased truck traffic, and the extra police that will be needed due to their 24-hour operation. Mr. Stilwell said he tried to get the plans for the proposed WAWA next to this township building, but was told those records were no longer available. Mr. Stilwell asked if there were so many issues with the current ordinance, why it wasn't changed until now. Chairman Harvie said this plan is dead. If they resubmit it again, they will still need variances. They have to abide by the zoning code. The traffic study is not part of the zoning process. We already have something in our zoning about dumpsters. The ordinance said something about dumpsters being maintained inside the building; which makes no sense at all – that is what they are getting rid of. Mr. Stilwell asked about the self-serve and if all the gas stations around him could go self-serve. Chairman Harvie said yes, if that is what they want to do; that is their option. Mr. Stilwell said there are about 40-50 school buses that travel through that intersection every day.

Ms. Mary Leszczuk (901 East Penn Valley Road) said she lives across the street from the WAWA on Bristol Pike and the business does not create much noise. She personally was hesitant when she first came into the neighborhood, but there is no loitering; the most you

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see anyone hanging around is when someone is on a smoke break. No one bothers her property if packages get delivered. Most people go in there and come out fairly quickly. It is not as bad as you think. It is about 200 feet from the front door of her house to the front door of the WAWA. She understands peoples' concerns and traffic concerns, but a lot of people travel through the area. If you support a local business, then you go to a local business. If you don't support a WAWA, then don't go to the WAWA.

Ms. Madeleine Jones is a 40-year+ resident of Pennwood Crossing. She said it hurts what she has gone through living across the street from the WAWA. WAWA expanded twice. The second time the noise was horrific. The refrigeration and air conditioning units from the trucks are very loud. She contacted the WAWA and asked if they were a truck stop. The police put up a sign saying no idling. At times, the lighting is a nuisance. A lot of her neighbors feel the same way. Ms. Jones said the WAWA is a sore spot. A round-the-clock gas station is not good for the heart and soul and quality of life.

Mrs. Shawn Stilwell thanked Ms. Jones and said she is a very heartfelt member of the township. Mrs. Stilwell said her husband already spoke tonight. He is the owner of Plaza Shell along with Glen. She said no matter what they say tonight, the township will do what they want to do. Mrs. Stilwell said she sat through all of the Zoning meetings. The WAWA rep, whose job is a real estate engineer, could not tell anyone how many people come into a WAWA on any given day. Another gentlemen, who is part of the LLC, couldn't tell anyone who the rest of the members of his own LLC were. Mrs. Stilwell said these people are not trustworthy and she knows they will re-apply. Mrs. Stilwell spoke about Mr. Rydel who lives next to a new WAWA in Cherry Hill, NJ. He was told there would be no truck traffic between 10 p.m. and 7 a.m. The residents had to go back to their township because WAWA was not complying with the conditions placed upon them. Mrs. Stilwell said she is asking you tonight to reject these amendments which she believes are being written for WAWA. Mrs. Sterling asked if WAWA has looked for any other sites in Falls Township. Chairman Harvie said it is not their business to know what other sites they have looked at.

Mr. Jeff Tarrity said he lives within 2 miles of the proposed WAWA. He would rather see people being employed versus having an abandoned building.

Mr. Joseph Hobbie thanked the township for cleaning the streets. He pays taxes here and raises his kids here. They are not against WAWA. They are against the traffic created by this business. They elect the board and put their trust in them. He has kids to raise and we have to lead them the right way. Mr. Hobbie said he thinks they should keep the 1,500 feet the way it is. He said the people put trust in the board and we have to lead the future generation the right way.

Mr. Robert Sherry said you introduced this item as WAWA. He can appreciate some of the changes and if that is what you were changing it wouldn't be an issue. Mr. Sherry said by making these changes, you are clearing the path for the WAWA. Chairman Harvie said we have to make the change because the state law supersedes ours. Mr. Clarke said our law is pre-empted by state law. If we get taken to court, then we have to pay attorney fees. Mr. Sherry said if it is pre-empted, then does it matter what it says. Mr. Sherry spoke about the health, welfare, and safety of Falls Township and asked how this project is improving our community.

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Mr. Darrell Zaslow (representing Village Mall, Inc., 833 West Trenton Avenue) said he went to several locations, including the law library, the Bucks County Planning Commission, and the Bucks County Courier Times and he could not find a copy of the ordinance. Mr. Zaslow does not believe the board has any capability to be voting on any ordinance unless you have it on record. Mr. Zaslow said if the Planning Commission did not draft that ordinance, then it must go to them first for them to review for 30 days and then come back to you. He does not think the township followed appropriate procedures from start to finish and the township is in violation of the Municipal Planning Code. Mr. Zaslow said you came out of Executive Session where you say you discussed personnel and litigation. That is not an appropriate statement to make. Mr. Zaslow said his client wants him to get copies of all e-mail exchanges between the township, the WAWA and their attorney, and the township solicitor and township attorney. Mr. Zaslow said you are not in any position this evening to take any action on this ordinance. Mr. Clarke said there has been no violation of the Sunshine Act. Mr. Zaslow is not entitled to communications between him and his clients and he should know that. Mr. Zaslow inferred to the public that he is entitled to things that Mr. Clarke discussed with his client and to get the public into a frenzy is wrong. There is no violation. If Mr. Clarke discussed potential changes with them two at a time, or one at a time, that is not a violation of the Sunshine Act and Mr. Zaslow should know that. Mr. Zaslow's five-minute limit was up. Chairman Harvie asked Mr. Zaslow to please take his seat.

Chairman Harvie asked Mr. Clarke how long he has done municipal law. Mr. Clarke stated 18 or 19 years. Chairman Harvie asked Mr. Clarke if they were in violation of the Municipal Planning Code. Mr. Clarke said no.

There was a break in the meeting at 8:41 p.m. and the meeting reconvened at 8:50 p.m. Chairman Harvie apologized for losing his temper earlier this evening. He said doesn't like being accused of being a criminal. Member Rocco said he is hearing the concerns regarding safety and would like to amend the ordinance back to 1,500 feet. This is within the township. Mr. Clarke said if you are going to amend the ordinance to be a minimum of 1,500 feet between service stations within the limits of Falls Township, then you should re-advertise the ordinance as presented so that anyone else who may have had an interest regarding that distance would have an opportunity to appear and be heard. Member Rocco moved to amend the ordinance to within 1,500 feet between service stations within Falls Township; Member Boraski seconded the motion; all board members were in favor. (5-0) Member Rocco moved to re-advertise the ordinance; Member Galloway seconded the motion; all board members were in favor. (5-0)

Mr. Rosenberg said the amendment that was just voted on is meaningless because the only gas station within 1,500 feet is the gas station that happens to be in the Borough of Morrisville. Member Galloway said he has heard many residents speak about not putting gas stations so close throughout the rest of the township and we are addressing their concerns. He said that doesn't change the ability to change the WAWA at that location. Mr. Rosenberg said you trashed the Bucks County Courier Times because of the article they printed. It is his understanding you refused to speak to the reporter and you referred her to the solicitor. Chairman Harvie said yes. The newspaper takes things out of context. Mr. Rosenberg asked if the 1,500 feet part of the code was illegal. He said he and his family are all from Falls Township. He grew up on Stevens Road, worked in this location, and drives

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on West Trenton Avenue every day. If this gas station goes into place, it will affect the health, safety, and welfare of the residents and will put three other gas stations out of business. If you are concerned about blight, you have to be concerned about the other businesses that have been there for a long time that will go out of business. Mr. Rosenberg said Mr. Berkeley drove up from Cherry Hill to tell you about what happened in his neighborhood after they built the WAWA. Mr. Rosenberg said he thinks there is political game playing going on in Falls Township. We trust you to do what is right. Mr. Rosenberg asked if it is a coincidence that the 1,500 feet requirement be changed. Think about the next generation of families living in our community. This amendment is short-sighted and to suggest that it has nothing to do with the WAWA, is disingenuous. Mr. Clarke said he is sure everyone heard earlier we were monitoring the WAWA hearings. The board had us go to several of the meetings. The issue of 1,500 feet was discussed at length during the WAWA hearings, and this is something we were aware of while the hearings were going on. It wasn't done in a back room or in violation of the Sunshine Act. It was done along with the comprehensive review of the code review that is going on now and if you don't believe we are doing that, we will be happy to show you the invoices that his office submitted last year and the invoices Mr. Sullivan's office submitted last year. We will be happy to give them copies of the memo from the board, his office, and the Zoning Hearing Officer. To suggest anything else is blatantly false. Chairman Harvie said our job is not to determine who is a good business owner or who is not. That is not our job. Our job is to look at the property rights of people that come in - the people that have come here to buy property like the developers are trying to do. They have rights and they have to meet our guidelines, codes, and zoning. If they grant them the variance, fine. If this board wanted to see this project go through, they had multiple opportunities to do that all throughout the fall. We could have passed the ordinance ahead of time. Just like the project, we didn't like all the variances. We had concerns about traffic and we still have concerns about traffic. The changes we are making are changes we have given a lot of thought about. The issue of 1,500 feet is simply to protect Falls Township property and business owners. We have no control over what happens in Morrisville or another municipality. That is the idea behind it. Mr. Berkeley (Cherry Hill) said when they built the WAWA behind his house, his property value decreased by \$30,000.

Chairman Harvie said all these arguments are good arguments to make when there is a plan in front of them. There is no plan. He has had no contact from anyone from WAWA. It never went past the first hurdle. We sent our solicitor to monitor and see what the situation is. We have to wait and see if they propose something. We can't pass judgment before we even see what they want. Member Rocco said we are re-advertising and will have the opportunity to hear from anyone else who wants to speak.

There was a break in the meeting at 9:07 p.m. and the meeting reconvened at 9:15 p.m.

ITEM # 11 CONSIDER ORDINANCE ADOPTING A CERTAIN INTERMUNICIPAL AGREEMENT REGARDING THE PURCHASE OF POOL CHEMICALS AND SUPPLIES AMONG NUMEROUS MUNICIPALITIES

Member Dence moved to adopt Ordinance # 15-2 to enter into the inter-municipal agreement between Hatfield Township and Falls Township; Member Boraski seconded the motion; all board members were in favor with the exception of Member Galloway who left the meeting early. (4-0) Member Dence moved to execute the agreement with Hatfield Township; Member Rocco seconded the motion; all board members were in favor with the exception of Member Galloway who left the meeting early. (4-0)

ITEM # 12 MINUTES – FEBRUARY 3, 2015

Member Dence moved to approve the February 3, 2015 minutes; Member Rocco seconded the motion; all board members were in favor with the exception of Member Galloway who left the meeting early. (4-0)

ITEM # 13 BILL LIST

Member Rocco moved to approve the February 17, 2015 bill list in the amount of \$1,851,928.61; Member Boraski seconded the motion; all board members were in favor with the exception of Member Galloway who left the meeting early. (4-0)

ITEM # 14 ENGINEERS REPORT

Member Rocco moved to approve the January Engineer's report dated February 13, 2015; Member Boraski seconded the motion; all board members were in favor with the exception of Member Galloway who left the meeting early. (4-0)

ITEM # 15 EXECUTIVE SESSION

An Executive Session was held prior to tonight's meeting to discuss matters of personnel and litigation.

ITEM # 16 MANAGER COMMENT

- A. Member Dence moved to approve the escrow release to the Faulkner organization in the amount of \$27,967.50; Member Rocco seconded the motion; all board members were in favor with the exception of Member Galloway who left the meeting early. (4-0)
- B. Member Rocco moved to approve the donation of \$6,000 to the St. Patrick's Day Parade Committee for the 27th Annual St. Patrick's Day Parade; Member Dence seconded the motion; all board members were in favor with the exception of Member Galloway who left the meeting early. (4-0)

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- C. Member Dence moved to approve the time extension for W. G. Lincoln Property, located at 640 Lincoln Highway, to May 21, 2015; Member Rocco seconded the motion; all board members were in favor with the exception of Member Galloway who left the meeting early. (4-0)
- D. Member Rocco moved to approve the time extension for Buckingham Retail (WAWA), located on West Trenton Avenue and Pine Grove Road, to May 21, 2015; Member Dence seconded the motion; all board members were in favor with the exception of Member Galloway who left the meeting early. (4-0)
- E. Member Dence moved to ratify the state of emergency for the snowstorm from Tuesday, February 17, 2015 at 6 a.m. through Wednesday, February 18, 2015 at 6 a.m.; Member Rocco seconded the motion; all board members were in favor with the exception of Member Galloway who left the meeting early. (4-0)

ITEM # 15 BOARD COMMENT

Member Rocco – no comment.

Member Dence – no comment.

Member Boraski – no comment.

Chairman Harvie said it is hard not to take some accusations personally and he apologizes for losing his temper earlier. He hopes people understand that it is tough, not taking personally, some of the things that people say. In regard to the WAWA project, if it does come back, the board has to judge it on its merits in terms of following the law. Chairman Harvie thanked everyone for their time this evening.

Member Rocco moved to adjourn the meeting; Member Dence seconded the motion; all board members were in favor with the exception of Member Galloway who left the meeting early. (4-0) The meeting was adjourned at 10:53 p.m.



Jeffrey Rocco, Secretary