

Board of Supervisors – August 26, 2024

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

JEFFRY E. DENCE, CHAIRMAN	PRESENT
ERIN M. MULLEN, VICE-CHAIRMAN	PRESENT
BRIAN M. GALLOWAY, SECRETARY	PRESENT
JEFFREY M. BORASKI, SUPERVISOR	ABSENT
JOHN W. PALMER, SUPERVISOR	PRESENT

The meeting commenced at 7:02 p.m. with roll call and pledge to the flag. All Board members were present with the exception of Member Boraski. Also present were Township Manager/Chief Code Enforcement Officer & Zoning Officer Matthew Takita, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher and Township Engineer Joe Jones.

ITEM # 1 EXECUTIVE SESSION

Mr. Clarke said the Board held an Executive Session prior to tonight's meeting to discuss various personnel matters, a matter of potential litigation, and to receive information from the Manager regarding a project at the Yatsko Field Clubhouse. No deliberations occurred and no votes were taken on that matter.

**ITEM # 2 PUBLIC COMMENT – FIVE MINUTE LIMIT PER PERSON
FORTY-FIVE MINUTE MAXIMUM**

Ms. Toni Battiste said she understands a data center will be going in at the old Steel Mill. She is concerned because data centers tend to use enormous amounts of power and water. Where will they get the power from? Will they be burning fossil fuels? Are they going to be using so much power that it will cause blackouts or brownouts to residential areas? Will the water be filtered after they use it? In regard to change orders, would it be possible when having a change order to know what they are for? Ms. Battiste wants to know why they are for such large amounts of money. Ms. Battiste asked if the bills can be put somewhere on the website so people who are interested will know what the money is being spent on.

Mr. Garney Morris said he was here to attend a Middletown Township meeting but had the wrong meeting. He told everyone hello.

Mr. Todd Vreeland (Deputy Chief, Levittown-Fairless Hills Rescue Squad) said he is here to answer any questions from the Board.

ITEM # 3 MY LANE, LLC – PRELIMINARY AND FINAL LAND DEVELOPMENT M-Y LANE – TMP # 13-028-075-003

Member Galloway moved to table agenda item #3 for MY Lane; Member Mullen seconded the motion; all board members were in favor. (4-0) Mr. Clarke said Attorney Michael Meginniss was here earlier this evening and when he found out that the Board was considering tabling this matter, he indicated to Manager Takita and Mr. Clarke that they would waive all applicable time limits under the Municipalities Planning Code so we will have additional time to hear this.

ITEM # 4 CONSIDERATION OF CHANGE ORDER FOR RYCON CONSTRUCTION, INC.

Manager Takita said the Board is being asked to consider a \$500K contingency for Rycon Construction. This is for work being done on the new building due to some unforeseen circumstances. Ms. Battiste asked what the unforeseen circumstances are in relation to. Chairman Dence said there are numerous items on the list. Ms. Battiste asked if the change orders are going to fix the problem. Chairman Dence said yes. Member Mullen thinks Ms. Battiste's point is a good one. We had a lengthy presentation on the issues going on with the building. With the Manager's approval, she would like to invite Grace Construction to a future meeting to present information to the public so they know what is going on with the building. Member Galloway moved to approve the change order for Rycon Construction; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 5 CONSIDERATION OFFER TO PURCHASE AND JUST COMPENSATION FROM PENNDOT TO ACQUIRE A PORTION OF THE EASTERLY SIDE OF BRISTOL-OXFORD VALLEY ROAD

Ms. Gallagher said this is an offer to purchase and just compensation from PennDOT to the Township. This relates to the ongoing road improvements that will be happening at the intersection near the WAWA. The amount being offered in just compensation is the total of \$71,000, which encompasses a sidewalk easement of 2,292 sq. ft. and a temporary construction easement of 20,767 sq. ft. This would allow PennDOT to continue with the project. They will be installing sidewalks and doing right-of-way improvements. Member Galloway moved to approve the offer in the amount of \$71,000 to purchase and just compensation from PennDOT to acquire a portion of the easterly side of Bristol-Oxford Valley Road; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 6 CONSIDERATION OF APPROVAL OF INDEMNIFICATION AND HOLD HARMLESS AGREEMENT BETWEEN FALLS TOWNSHIP AND SUNBELT FOREST PRODUCTS

Ms. Gallagher said this is a project the Board had approved several months ago. In the meantime, part of the project improvements is installation of a shed. The installation of the

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shed and some sitework is a critical path for Sunbelt Forest Products so they have asked to proceed with that small piece of the project while the developer's agreements are being finalized and recorded. Staff is comfortable with them proceeding while those developer's agreements are being finalized. Member Galloway moved to approve the indemnification and hold harmless agreement between Falls Township and Sunbelt Forest Products subject to final approval of the language by the Solicitor's office; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 7 CONSIDERATION OF APPROVAL FOR AUTHORIZATION TO ENTER FROM PENNDOT FOR LEVITTOWN PARKWAY & SEXTON AND SPUR LANE

Ms. Gallagher said this is a temporary authorization to enter so there is no just compensation associated with this. The encroachment will be minor. The Board is being asked to authorize the Manager to execute this authorization on behalf of the Township. Member Galloway moved to approve authorization to enter from PennDOT for Levittown Parkway and Sexton and Spur Lane; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 8 CONSIDERATION APPROVAL FOR RESOLUTION FOR THE SEWAGE FACILITIES PLANNING MODULE FOR AIR LIQUIDE ELECTRONICS U.S., LP

Member Galloway moved to approve Resolution # 2024-26 for the Sewage Facilities Planning Module for Air Liquide Electronics U.S., LP; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 9 CONSIDERATION OF PROPOSAL FROM RESTORATION & CLEANING SERVICES, LLC

Mr. Clarke said we are under a court order to clean up a property in the Township. The inside of the property is in deplorable condition so we need to retain this company to clean the inside of the property. Once done and it is billed to us, we will lien the property so we can recover the money when it is sold. Member Galloway moved to approve the proposal from Restoration & Cleaning Services, LLC; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 10 CONSIDERATION OF AUTHORIZATION FOR ADVERTISEMENT FOR BIDS FOR THE SOUTH OLDS BOULEVARD CULVERT REPLACEMENT PROJECT

Mr. Jones said we were seeking a grant to try to offset some of the costs for this project. The amount that we show in our request, \$650,000, is what we estimated based on a similar project. Mr. Jones does not feel the bridge is in imminent failure mode which is why they have been monitoring it while pursuing the grant opportunity. It is time to go out to bid.

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Mr. Jones believes construction will most likely not occur until next March. Member Mullen moved to authorize advertisement for bids for the South Olds Boulevard Culvert Replacement Project; Member Galloway seconded the motion; all board members were in favor. (4-0)

ITEM # 11 CONSIDERATION OF PROPOSALS FROM THE BUCKS COUNTY CONSORTIUM FOR THE PURCHASE OF ROCK SALT FOR 2024-2025

Member Galloway moved to approve the Bucks County Consortium proposal for the purchase of rock salt for 2024-2024; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 12 CONSIDERATION OF UPDATING POLICE POLICIES – POLICY # 420

Member Galloway moved to table agenda item # 12, Consideration of Updating Police Policies – Policy # 420; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 13 CONSIDERATION OF ESCROW RELEASES

Member Galloway moved to approve escrow releases to TrenchTech, Inc. in the amount of \$14,080.50; NP Falls Township Industrial, LLC Phase 1 Building 3 in the amount of \$13,424,796.06 and NP Falls Township Industrial, LLC Phase 2 Buildings 4, 5 and 6 in the amount of \$26,664,132.83; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 14 CONSIDERATION OF APPOINTMENT TO THE CABLE ADVISORY BOARD

There was no action on this agenda item.

ITEM # 15 CONSIDERATION OF APPOINTMENT TO THE DISABLED PERSONS BOARD

There was no action on this agenda item.

ITEM # 16 CONSIDERATION OF APPOINTMENT TO THE ENVIRONMENTAL ADVISORY BOARD

There was no action on this agenda item.

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ITEM # 17 CONSIDERATION OF APPOINTMENT TO THE HISTORICAL ARCHITECTURE REVIEW BOARD

There was no action on this agenda item.

ITEM # 18 CONSIDERATION OF APPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION

There was no action on this agenda item.

ITEM # 19 CONSIDERATION OF APPOINTMENT TO THE NEIGHBORHOOD TRAFFIC ADVISORY COMMITTEE

There was no action on this agenda item.

ITEM # 20 CONSIDERATION OF APPOINTMENT TO THE POLICE PENSION COMMITTEE

There was no action on this agenda item.

ITEM # 21 CONSIDERATION OF APPOINTMENT BY RESOLUTION TO THE ZONING HEARING BOARD

There was no action on this agenda item.

ITEM # 22 MINUTES – JULY 22, 2024

Member Galloway moved to approve the minutes from July 22, 2024; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 23 ENGINEERS REPORT

Mr. Jones said there was one new land development application and one new earth disturbance application. The McGill Composting project is substantially complete and under a TCO. Britton Industries, MY Lane had a dispute over wetlands and will be on the Planning Commission tomorrow. Lincoln Storage is also under a TCO and we are addressing some landscaping remnants. NorthPoint Phase 1 Building 3 is substantially complete. NorthPoint Phase 2 Buildings 5 and 6 are substantially complete. LPC Morrisville is the warehouse on River Road is under building construction and site infrastructure. The Pennsbury School District recently began construction on the concession stand and hopes to be open for the football season. NorthPoint Area 3 Buildings 7, 8 and 9 Phase 3 is still under fill, demo and clearing. The Gelest project continues construction with various improvements. TrenchTech is substantially complete. NorthPoint Area 3 Building 20 is progressing with storm infrastructure and drainage. Sunbelt Products has been approved. The Dinardo project was tabled. Agile Cold Storage is a cold storage facility

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proposed on Cabot Boulevard. They have to appear before the Zoning Hearing Board for dimensional variances and then will be before the Planning Commission to describe their project. The 1 Newbold Road is the Waste Gas Fabricating parking lot adjustments. We think that may be transferred over to an earth disturbance submission. For earth disturbances, the Tyburn Road project is a fill project. The Grand Party Affairs project operates under a TCO. The Bristol Partners earth disturbance was recently approved. CAM Real Estate has just started construction. Jonathan Way LLC has a TCO and is substantially complete. There is continuing construction on the Pennwood Crossing sanitary force main along 13. The Hunter residence has been started and the Howell residence has been completed. For Township projects, the Township building renovations, it is mostly drainage for the site work and building improvements. We spoke about the South Olds Boulevard culvert. For the Vermillion Hills footbridge, we received authorization to finalize the award at the last meeting. There was a delay with the responsible contractor documents but they came into his office today. If all goes well, we should start the project in a week. For Lake Caroline, they are supposed to submit to FEMA for a letter of map revision because they are operating in a channel of a studied stream. If you want to alter the stream, you have to get approval from FEMA. It is a long process but that is what you have to do. Ms. Toni Battiste has a request to have the Engineer's report posted online. Mr. Clarke said some of the information may need to be redacted depending on what Mr. Jones has included but there is no prohibition in putting the majority of the report online if you wanted to.

ITEM # 24 BILL LIST

Manager Galloway moved to approve the bill list in the amount of \$3,122,736.40; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 25 OBERMAYER REBMANN MAXWELL & HIPPEL, LLP BILL LIST

Member Galloway moved to approve the Obermayer Rebmann Maxwell & Hippel, LLP bill list in the amount of \$1,647; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 26 CAMPBELL DURRANT, P.C. BILL LIST

Member Galloway moved to approve the Campbell Durrant, P.C. bill list in the amount of \$21,567.53; Member Mullen seconded the motion; all board members were in favor. (4-0)

ITEM # 27 JONES ENGINEERING ASSOCIATES BILL LIST

Member Galloway moved to approve the Jones Engineering Associates bill list in the amount of \$196,477.75; Member Mullen seconded the motion; all board members were in favor with the exception of Chairman Dence who abstained from the vote. (3-0-1)

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ITEM # 28 MANAGER COMMENT

There was no action on this agenda item.

ITEM # 29 BOARD COMMENT

Member Galloway – no comment.

Member Mullen – no comment.

Member Palmer – no comment.

Chairman Dence – no comment.

Member Galloway moved to adjourn the meeting; Member Mullen seconded the motion.
(4-0) The meeting was adjourned at 7:35 p.m.



Brian Galloway, Secretary