

Board of Supervisors – August 24, 2026

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

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

The meeting was called to order at 6:00 p.m. with roll call and pledge to the flag. All Board members were present with the exception of Member Galloway. Also present were Township Manager John Shepherd, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher and Township Engineer Joe Jones.

ITEM # 1 EXECUTIVE SESSION

Mr. Clarke said prior to this meeting, the board held an Executive Session to discuss a matter of litigation, discuss a vacant property in the township, and to consult with the township's engineer. This was for informational purposes only. No deliberations occurred and no votes were taken. The board discussed a fee reduction request. This was for informational purposes only. No votes were taken and no deliberations occurred. The board also discussed a potential grant opportunity. This was for informational purposes only. No votes were taken and no deliberations occurred. Chairman Dence said if anyone is here for item 6, the E bike ordinance, that agenda item is going to be tabled.

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

Ms. Catherine Ireland said she does not have to state her address then said she is from Bordentown, NJ. She is speaking for the residents and demands to be heard. Chairman Dence said there are not that many names on the list so Ms. Ireland can speak during the non-resident time.

Ms. Kelly Kirkpatrick (Falls Township) said it is crazy everything that has happened in the past two weeks since our last meeting. DEP ended the public comment opposing the 280 generator expansion and they received over 1,200 emails in opposition. The Governor has ended the fast track and put additional strict regulations on any data centers that have proposals for Pennsylvania. At the last meeting there was a comment made from Member Mullen about the NDA wasn't for that long, we had a chance to stop it when it was voted on last year, and that we only care about it because it is national news. Here is the problem when you tell us to trust you. You told us this was a warehouse bringing jobs while simultaneously keeping the negotiations, projections, and supporting information behind NDAs and confidential walls. You are not asking us for trust; you are demanding it from us. You, as our elected officials, do not get to demand blind trust from the people. You

serve the people from Falls Township, not the shareholders in Amazon. They do not have a seat up there with you. They should not get confidential briefings, NDAs, negotiations, or deals with the bills because those are what we are going to end up paying for. You were to protect the people of Falls and not Amazon who want millions of dollars in public benefit while putting a strain on the infrastructure of the residents. Economic development is not a blank check. A job is not a bribe for silence. An investment is not a substitute for accountability. If you are saying the data center is going to be good for Falls Township, then show us and guarantee it. Protect the people who are paying the price if something goes wrong. You are supposed to be the firewall between corporate power and the people, not the bridge between them.

Ms. Debbie Diaz (Falls Township) said she is here to speak directly to the core issue. Lower Bucks County is full. We have carried the heavy industrial burden of this region for 70 years and we are drawing the line right here tonight. Amazon has state officials calling this data center a clean tech investment. That is corporate marketing. The truth is that this project introduces a massive industrial strain to an area that is already legally and physically overloaded. Look at the facts. According to the EPA, Bucks County is an official non-attainment for ground zero ozone. I am living proof. Emissions from the Fairless Energy Plant landfills, heavy industry and thousands of diesel trucks already exceed federal safety standards. Our air is failing. When the EPA reviews Amazon's application, they look at it in isolation because Amazon promises to keep individual emissions under 25 tons per year. It is classified as a synthetic minor source, but our lungs do not breathe paperwork, we breathe the cumulative total of everything dumped into our air. Adding 280 natural gas generators, and massive diesel backup engines to a failing air base is a direct threat to public health. It is a loophole and an environmental injustice. This is also an economic and community threat. We invest our life savings in our homes. Turning this into a massive tech industrial center damages our real estate values and lowers the desirability of our neighborhood. Nobody moves their family to a town branded as an active industrial zone. Worse, this infrastructure sits right besides our local schools. We are currently spending millions of tax dollars to build our schools infrastructure, yet we are allowing 280 lbs of polluted smokestacks to spew within breathing distance of our children. Now look at our water. Amazon plans to reuse the legacy open loop system built by U.S. Steel. That system destroyed America's shad migration and wiped out the bald eagles along our riverbanks. It took 30 years of grueling work to bring the Delaware River back to life. We now see bald eagles in our area. Amazon claims they will only draw a peak 4.4M gallons of river water a day, labeling it as non-contact cooling water. Heat is a physical pollution and pumping super-heated water back into our river lowers oxygen levels and threatens the aquatic life we just restored. Furthermore, corporate track records prove we cannot take Amazon on their word. Just this year, Amazon settled a \$20M lawsuit in Oregon over groundwater pollution caused by its data center. Corporate promises disappear the moment a permit is signed and before the ink is even dry. A history of industrial exploitation is a reason to heal our environment, not a legal justification to continue it further. We must address the false choice we are being given. If the DPA denies the permit, this 250-acre parcel was already approved for traditional logical warehouses with jobs. Reverting to the original plan eliminates the threat of 200 emission-producing smokestacks and protects our

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neighborhoods from this heavy utility footprint. Governor Shapiro's recent decision to pull the project from the state's fast-track permit process proves that our projections are grounded and undeniable facts. The state is listening because the data is on our side. Tonight, we demand that DEP investigate the total combined health and financial burden on our families. We demand a comprehensive independent cumulative environmental impact study. Force the development to go back to the warehouse as they originally planned and bring jobs to Falls Township. The data center does not give us jobs.

Ms. Seema Kazmi (Falls Township) said there was a recent fire in a Falls Township home on Amesbury Road where eight area fire companies responded. The fire companies were Falls Township, Fairless Hills, Levittown Fire Co. No. 1, Levittown Fire Co. No. 2, Morrisville, Tullytown, William Penn and Yardley Makefield. Levittown-Fairless Hills Rescue Squad also responded. The roof of this house collapsed while trying to contain the fire and luckily there were no deaths. With the planned project of possibly 11 Amazon buildings for the data center at the Keystone site, were you aware that for only two Amazon data centers in Jerome Township, OH over 84 calls were made for fire emergencies over a four-year period? In April 2025, a 30-hour fire at an Amazon server building resulted in \$50M worth of damage and two worker deaths were reported. When responding to fire calls at the Amazon data centers, it was reported that fire personnel sometimes have to wait for access for up to an hour by security due to the sensitive nature of the data being stored. This results in emergency personnel being tied up and makes it difficult if they are needed to respond to another local fire or emergency. The tax abatements given to the owners of the data center do not provide for the increased costs for handling fire emergencies. It should be noted that recently, Bristol Township Supervisors voted to close the Newportville Fire Company after 99 years of service. What are your plans for handling a fire emergency at the data centers on the Keystone site? Was this matter discussed with the Bucks County Planning Commission? They look at fire safety in the county. Ms. Kazmi wanted to make an ask of the Township Supervisors that since much more information has been shared about the potential environmental and quality of life impacts of data centers, if the prior approval can be stayed or paused until more environmentally friendly measures are implemented or proposed to operate the data center. For example, the Seattle City Council in the State of Washington implemented a one-year emergency moratorium on large data centers, to study impact on the grid, water use, land, jobs, and public health. As Ms. Diaz previously cited, and Ms. Kazmi is going to cite again, in March, 2026, Amazon paid a \$20.5M settlement in Morrow County, OR over allegations that its data centers contribute to nitrates in the water supply, link to increased cancer, and miscarriages in residents. Ms. Kazmi hopes that the Falls Township Supervisors will consider these matters and support an emergency moratorium on building the hyperscale data center and consider the environmental and community impact, especially on our emergency services.

Mr. John Tadlock (Falls Township) said that he is no fan of the data centers but is more concerned with how they came to be here, the procedures, and things you did. On July 21st, a man named Kevin Jarvis posted on social media the results from his Right-To-Know (RTK) request to the Township. Mr. Tadlock said it created many questions as answers. Regarding the NDA, has the board ever granted an NDA with any other private company other than Amazon? If so, who? If not, why now? On August 13, 2024, the Zoning Board

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granted North Point a variance of the noise Ordinance listed as performance standards, Section 209.43 and in it, they list different frequencies and the maximum amount of decibels. This was an exemption and does not increase the amount of decibel limits by 20 or 50 percent. Rather, let's let North Point ignore them altogether. Has the board ever granted a complete exemption to any other business like this or any other ordinance? If I need an exemption too; is it going to be easy for me to get one? There is a Memorandum Of Understanding (MOU) relating to electrical permitting fees. To be fair, the signature line for the Township is left unsigned, but Amazon data services signed. Mr. Shaw signed it and, in this MOU, it says, whereas the developer submitted to the Township plans for the construction and development of subject property, the electrical project construction costs which is approximately \$19M and whereas based upon the plans submitted, the Township has calculated the electrical permit fees for the construction and development of subject property are estimated to be approximately \$14M. Skipping down because of time, the parties agree that due to the extraordinary, estimated amount of electrical permit fees, the developer will instead pay 1% of the estimated electrical project cost, which is \$190,000 versus \$14M. Is this MOU in effect? Did the Township waive nearly \$14M in permit fees to Amazon? Did we collect \$14M in fees? There is another project on the horizon, and it seems we are repeating this pattern of capitulating to the developers. Number 7 on the agenda is written in vague language. It is in fact a 1,000,000 square foot warehouse on Penn Valley Road. You were planning to change zoning tonight to facilitate the project. It hasn't even been formally proposed by the company called Nuuly. It goes before the Planning Commission tomorrow. Who is motivating you to put this item on the agenda to put out for bids? It is going to be interesting to see how submissive the Planning, Zoning and Board of Supervisors will be towards Nuuly going forward. Is it any wonder there is so much anger, distrust, and skepticism? This board must stop favoring developers over the residents of Falls Township.

Ms. Toni Battiste (Falls Township) said thank you for the new clock. She noticed there is no mention of the zoning redo for the data center in the agenda and knows it has only been a month, but it would be nice to have updates on what's going on with the changes so that by the third month we should have a rough draft that we can all look at. This should be provided to citizens, so we have two months to debate and give opinions and maybe even have a separate lawyer review and finalize it so that at the end of six months, it is presented for a vote. Ms. Battiste requests that North Point, Amazon, Governor Shapiro, Senator Santarsiero and anybody directly related to the Amazon data center not be a part of formulating these zoning changes. Ms. Battiste would like to request a list of all parties that are actually going to participate in formulating the zoning changes. Ms. Battiste said she reserves the right to put in public opinion on item 7. For the additional 9 to 13 buildings for the Amazon campus, one was approved and it was originally a warehouse. They finagled it into a data center and now it's a data campus. Ms. Battiste went to their presentation, and they had a chart that had 14 buildings on it. When did we get all these extra buildings? Did they all go through separate application processes with separate zoning and planning processes? Where are they all coming from? Ms. Battiste said thank you for the big print on the agenda. It is very helpful. Ms. Battiste also believes you have increased the volume for the speakers. It is easier to hear from the back.

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Ms. Michelle Erhard (Falls Township) said she is here tonight to support all these people and all of the issues they have previously mentioned. She is learning about this process, and it is becoming more and more of a concern to her. It seems that when she looks at other projects of Amazon building AI data centers, there are tremendous issues out there about water, electricity, environmental issues, and noise levels. Ms. Erhard drove by a big warehouse that she believes is the warehouse that is Amazon and it is right smack in the middle of a little neighborhood with businesses and houses. This does not seem right to her that it can just pop up like that. At the very least, Ms. Erhard feels like you people who negotiated this deal did not look at it very closely or closely enough. We live in a Township where the steel mill industry racked our environment and now, we are up against another major environmental assault. In this recent month, she has been reading a lot about the global water crisis in the United States and Arizona where they're building tons of AI data centers. The cost of all this concerns her and how it's going to affect her pocketbook with water and electricity. AI data centers are not a necessity for life. Water is a necessity for life. Ms. Erhard is concerned about her family and children living in this area and how this will impact our area. She strongly believes there should be a greater moratorium on it. She read about the Governor's actions this week and from what she understands, it's not going to do much for our project here in Falls Township in terms of slowing or stopping it. Ms. Erhard asked how the Governor's moratorium is going to affect this project that has already been started. She does not believe in these data centers, how quickly they're coming about, and the impact they are having on our environment, our expenses and everything else.

Mr Wayne Bell (Falls Township) said his main focus is Nuuly. Nuuly is a death trap. It's going to kill all the little children through endocrine disrupting chemicals. If you've ever heard of pregnancy chemicals, this is one of them. Nuuly is a dry-cleaning facility for used clothing covering all 50 states. They are going to have a plume of chemicals nearby the schools in the neighborhoods and it's going to kill off or cause diseases for the new school that's going to be built for the little kids. Nuuly is going to be operating 24/7, 365. This must be a sweetheart deal for someone to have a fast-track program for this chemical company in the middle of the neighborhood, upstream from Martins Creek. We have already heard everybody talk about the data center. You all now have a responsibility to gain the trust and tell Nuuly to go to the area where the data center is being built. There is no reason to have a million square foot facility of dry-cleaning chemicals that's going to be discharging chemicals out to Martin's Creek. If you think about Nuuly, think about car washes. They are going to be using brighteners, detergents and enzymes along with high-pressure washing machines. It is going to be spewing out into the environment 24/7. Is Levittown a cancer cluster? Mr. Bell read information from Mark McDermott. The Lower Bucks County area was once fields. Back in the 50's, you could find asparagus in the fields. They talk about the fields and how they were irrigated. A lot of people who did not work at the steel mill or Rohm Haas would be shocked at the particles, chemicals and oils that were brought home embedded in our bodies. The list is endless and that doesn't even cover the construction materials used in buildings and homes, nor the thousands of other businesses and industries that affect us. Unfortunately, as part of progress, we need the tax revenue. As time goes on, we learn to manage the best way we can and then we have processed food and the like. Mr. Bell read about Beverly Maher who grew up on Flower Lane and who, in

direct proximity surrounding her home, had seven people with cancer in five homes. Later her mother moved to Greenway Circle in Wisterwood in Fairless Hills. It was a small street and there were so many people that passed away from cancer, and they were mostly in their 40's and 50's. All of you up there have a responsibility at this point to tell Nuuly where to go and that's down where the data center is located. If they can't do that, go by where St. Michael's is. There is a nice piece of little flat land there at St. Michael's. Everyone is questioning where the money went for that cleanup site. Mr. Bell mentioned Mary Lou Buck who did home care for Lower Bucks Hospital for about 10 years. She saw a strong correlation between certain sections and various forms of cancer. Most of her patients in Kenwood had cancer. She said if she went back to school for more advanced degrees studying Levittown, cancer incidences were going to be her project. Mr. Bell mentioned all the areas that endocrine disruptor chemicals can affect. Children will not develop the way they need to if you allow Nuuly to come into the neighborhood and spew these chemicals right down the street, Penn Valley where Oxford Valley Road and Hood Boulevard meet. They should not be there. This is a high-density area, and Jones Engineering should know that and tell them to get lost.

Ms. Jennifer Metzger (Falls Township) said everyone covered a lot of stuff. We are mad about the data center. It is done and she is glad a bunch of contractors got jobs. We needed that, but the problem is they are not the long-term jobs that we were promised. We gave them a bunch of tax abatements and now we're up the creek. Nuuly is supposed to go at Route 13 and Martin's Creek essentially runs right under there and Penn Valley Road. She missed this on the agenda tonight because she was watching it for tomorrow. She has been talking with the lawyers directly, so she doesn't know how it is that we're going to put something in for zoning and advertise it now when it hasn't even gone to the Zoning Hearing Board or Planning Commission to be dealt with. Ms. Metzger understands that it is on a fast-track program, but this is beyond rushed. You need to understand how serious this is and we're not talking about politics or the guy who owns it. We're not talking about all the horrible lawsuits, but we are talking about the fact that this is exactly what happened with the data center. These big buildings and big projects come in they get fast tracked at higher levels, everything gets pushed down, Falls Township is the place to be because we've been industrial before and all that's great. But this is literally on Penn Valley Road right after the Route 13 entrance and exits and then before the trailer parks. If this goes in, there is one entrance in and one exit out where KPK is and it's going to be literally for this business of people who are renting clothes, all 50 states, the clothes are going to come in and they have to get quarantined because you have bio contaminants that you're introducing from all 50 states into our area. After quarantine they're going to go through their dry-cleaning process. There are two processes consisting of 70% wash and 30% dry cleaning, depending on what it is. Outerwear is kind of like sleeping bag material, coats and that type of stuff. All those things have plasticizers and all of the chemicals required to wash them are going to contaminate. There are supposed to be still residue tanks, and we still haven't seen any of that in any of these plans. They're not talking about how often it's going to be emptied and where it's going to be cleaned from. They are talking about cutting half of the 100-foot waiver. Typically, there is a 100-foot set back against any of the boundaries. When you're doing a million square foot warehouse, that is the size of 5-1/2 Walmart Super

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Centers. They are asking to take the 100-foot set back from the creek down to 50 feet and to put in concrete basins because somehow, they think man-made basins are better for the environment than a normal riparian buffer. Riparian is trees and grass and all of our natural things that slow us down. Ms. Metzger said she is dealing with the lawyers directly and asking questions to the buyers directly. That call is tomorrow at 10 a.m. She asked why she is doing this. Why isn't anyone else interested when she is asking people on the subcommittees. As normal residents, you are volunteering for the EAC, you are interested in the trees. Have these calls and let's find out. That is why we are here. She is not here to talk at everybody, and she is not here to talk at you. She is here to make changes. Now we've gotten them to agree to native trees. What does that even mean? We've gotten them to add more landscaping. What does that even mean? Do you know and do you care? Why don't you join us in the calls? Why don't you join us at the Planning Commission meeting tomorrow night? How about we do the Zoning meeting first before you start doing the advertising? What is going to happen is that you do the advertising now, 30 days we will have the Zoning meetings and the Planning Commission, then we'll come and see you within 3 or 4 days and because you've already posted the advertising, you're just going to pass it. You can't. This is so dangerous. It's right in the middle of the neighborhood. It's going to cut off the elementary school from the mobile homes they live in and the people in the mobile homes with disabilities or problems will be cut off from the hospitals and from the emergency personnel that we need them to be held to access. Please look at this closer.

Ms. Catherine Ireland (Bordentown, NJ) said she is from Bordentown, New Jersey where residents live within 2 miles of the data center campus and we are right over the water next to all these big industrial projects you are letting go up. Is there an impact study for any residents across the Delaware River for this eleven data center campus? To her knowledge there is not. According to the United States Constitution, public law, and your own Pennsylvania Constitution, your approval of this project and apparently these new projects that are going up right next to schools is illegal. You are committing a breach of peace by basic definition. You are endangering the public's health and safety for your own profit. This includes child welfare endangerment because again it's right next to a school. You are guilty of treason because the Amazon warehouse data center campus could not deny the fact that they are guilty of committing crimes against humanity or they're going to be processing data for organizations that are committing crimes against humanity. Ms. Ireland is happy to provide you more information. She has already sent it over to you and the DEP. You are creating a public nuisance with all these different businesses, and you are abusing your power. Public officials are not exempt from breaking the law or the constitution including for the creation of industrial zone projects. They are still to bear the consequences of directly harming their citizens and neighboring communities. These hyperscale data centers have been factually proven to you multiple times and by multiple unbiased sources, to be an extreme health and safety hazard for your citizens, all of PA and New Jersey, and everybody else that is facing the global climate crisis right now. Especially because we've never been in a climate crisis before so you must act differently. You cannot just continue to industrialize as if it does not have an effect and an impact on the global climate crisis. It is terrifying information and it's very stressful that we have to be here like this. To compare this site to a steel mill as you have done when Amazon could not again deny that they would

not be processing data for crimes against humanity is negligent to the highest degree. Therefore, in accordance with this law as I am witnessing these actions of intent and conspiracy with my own eyes with several witnesses as you have undoubtedly poisoned your entire community to no end and you have the intent to continue to do so as we have heard from your constituents here, myself and several other brave Americans will be calling for the arrest of these local officials for this public endangerment for breaking these laws and for breaking our Constitution and your Pennsylvania Constitution. We're going to be coming to get you with a group of citizens. If the police do try to help you and we do finally come for you instead of the people for any reason as you know there is a lot of corruption here apparently, then I will call for the citizens arrest because again we have the conspiracy, we have the intent, we're witnessing you commit these harassment crimes and I cannot wait to see you behind bars on the grounds again of public endangerment and your abuse of power. You do not get a pass because you're on a Board of Supervisors and you poison communities. I have absolutely no problem going to the Pennsylvania State and suing them as well for allowing such negligence to happen and breaking the Constitution again. We all have the right to clean air and clean water. We can't let forever chemicals go on forever and ever right next to schools. You are not allowed to just do these things without expecting legal repercussion. You could table these things immediately. You still have the power to end these projects. You still have the power to say no. To say that you don't, in my opinion, for that part at least is negligent. Again, this is not going to be up to me to decide. We have a lot of viable evidence against you and it is going to be up to a judge to decide. I cannot wait for that day. Genuinely, I cannot wait. We are coming for you as a group of citizens here. Again, you can choose now. You can choose to table all these things. We have substantial evidence. We demand you use your position of power to do your job and to protect the citizens. That is what you were appointed to do, not to hurt people and not to poison children. I shouldn't have to come up here and ask you not to poison children further than you already have. It is disgusting. We are in a climate crisis. None of you are aware. I cannot wait to have you arrested.

There was a break in the meeting at 7:03 p.m. and the meeting reconvened at 7:09 p.m.

Ms. Kristan Marte (Mayor of Florence Township, NJ) said she attended the July 14th PA DEP public meeting regarding the Amazon data center project. At that meeting she raised concern that remains unresolved. Florence Township and the neighboring New Jersey communities were not meaningfully included in the information sharing process as this enormous project evolved. Since then, she has been trying to determine how our municipalities are supposed to receive information and more importantly what happens when their residents experience impacts from a project located in Pennsylvania over which they have no land use jurisdiction. She is asking for Falls Township to establish a direct government to government communication process with Florence Township, Bordentown City and Fieldsboro regarding significant future actions, changes, approvals, and operational issues involving this campus. Tonight, she wants to address noise. At the July 14th meeting when she asked what recourse New Jersey residents would have regarding sound from this project, she was told directly that PA DEP does not regulate noise and that noise

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issues are the responsibility of Falls Township. Amazon representatives also discussed acoustic modeling and stated that negative sound impacts were not anticipated and referenced the nearest resident as being more than 5,000 feet away. Since that meeting, she has reviewed Falls Township's Zoning Hearing Board records and what she found raises several important questions. On August 13, 2024, North Point appeared before the Zoning Hearing Board seeking a variance from the Township's Section 209-43.F Noise and Decibel Restrictions for portions of the Keystone Trade Center. The public agenda identified North Point, the parcels, and the request for relief from the noise restrictions. It did not identify the proposed use as a data center or identify the prospective tenant. During the hearing, North Point disclosed that it was bringing in a prospective tenant that intended to operate a data center. The discussion acknowledged that data centers can produce continually low noise. Most importantly, a member of the public specifically raised concerns at the hearing about the humming and worrying associated with data centers and submitted written research concerning those noise impacts. The board discussed noise levels, decibels, and mitigation then granted the variance from Section 208-43.F. That leads to what she believes is the most important question tonight? What enforceable noise standards actually govern this data center campus? If the specific property line decibel limits contained in Section 200-43.F do not apply because of that variance, what objective standards will Falls Township use when a resident makes a noise complaint? She is also requesting clarification regarding the scope of that variance including exactly what parcels the data center covers and whether any condition or alternate noise standards were imposed when it was granted. She would also like Falls Township to provide any baseline sound study, acoustic noise impact analysis, or predictive acoustic model submitted for this project. Specifically, she would like to know where the sound receptors used in those studies were located and whether Florence Township, Bordentown City, Fieldsboro or any other New Jersey locations across the Delaware River were included. She would like to understand the basis for Amazon's reference to the nearest resident being more than 5,000 feet away and whether Falls Township independently reviewed or verified that assumption. Our residents need a clear complaint and enforcement process before this facility becomes fully operational. Who does a Florence Township resident call if they experience a persistent low frequency hum, high-pitch fan noises, or other disruptive sound? Who investigates the complaint, who takes the sound measurements, and what happens if the problem occurs at 2:00 a.m. in the morning? Who is ultimately responsible for correcting it - North Point, the property owner, Amazon Data Center Services, the facility operator or some combination of these parties? She is asking Falls Township to provide Florence Township, Bordentown City, and Fieldsboro with a written noise complaint and enforcement procedure, a direct telephone number, and e-mail address identification of the enforceable noise standards that apply to this property and identification of the party responsible for correcting the violations. She has submitted these questions to the Township Manager in writing as well as the code official. If the board does not respond to questions during public comment which she understands you don't, she respectfully requests a written response. She is not here to interfere with Falls Township's authority. Florence Township is asking for something very basic - a clear process for protecting residents on both sides of the Delaware River from impacts of this project and a direct line of communication between our municipalities.

**ITEM # 3 CONSIDERATION OF APPROVAL OF CERTIFICATE OF
APPROPRIATENESS – 16 MAIN STREET, FALLSINGTON, TMP #
13-020-287 – REPLACE ROOF, ADD A DORMER TO EACH SIDE OF
THE HOUSE AND REPLACE WINDOWS**

Member Mullen moved to approve the Certificate of Appropriateness for 16 Main Street, Fallsington, TMP # 13-020-287 to replace roof, add a dormer to each side of the house and replace windows; Member Loteckie seconded the motion; all board members were in favor. (4-0)

**ITEM # 4 CONSIDERATION OF APPROVAL OF CERTIFICATE OF
APPROPRIATENESS – 59 OLD LOCUST AVENUE, FALLSINGTON,
TMP # 13-032-043 – REMOVE EXISTING SOLID RAIL AND
REPLACE WITH MAHOGANY TOP RAIL, BOTTOM RAIL AND
BALUSTERS, PAINT THE HOUSE**

Member Mullen said she appreciates the residents of Fallsington who go through this process every time they want to make a renovation. Member Loteckie moved to approve the Certificate of Appropriateness for 59 Old Locust Avenue, Fallsington, TMP # 13-032-043 to remove existing solid rail and replace with mahogany top rail, bottom rail and balusters, and to paint the house; Member Palmer seconded the motion; all board members were in favor. (4-0)

**ITEM # 5 CONSIDERATION TO RELEASE THE QPI PERFORMANE BOND,
NUMBER S038947 IN THE AMOUNT OF \$4,499,000.00 WHICH WAS
POSTED FOR THE FALLS TOWNSHIP MUNICIPAL BUILDING
RENOVATION PROJECT EFFECTIVE AS OF JULY 27, 2023. IN
CONJUNCTION WITH THAT RELEASE, CONSIDERATION TO
ACCEPT THE QPI MAINTENANCE BOND, NUMBER S060707 IN
THE AMOUNT OF \$490,763.20 WHICH WAS POSTED FOR THE
FALLS TOWNSHIP MUNICIPAL BUILDING RENOVATION
PROJECT BEGINNING ON FEBRUARY 4, 2026**

Mr. Clarke said this is standard in a construction project like this. The Engineer and the Contract Manager have declared this portion of their work substantially complete. Once the project is declared substantially complete, we are to release the performance bond and we move into the maintenance period. Since the Engineer and the Construction Manager determined it was in February, 2026 that is when the maintenance period should run from. We are still holding approximately half a million dollars as part of the maintenance bond. Ms. Toni Battiste asked if this has anything to do with the electric within the building and the flickering lights. Chairman Dence said they came and replaced the lights upstairs. It will be covered under maintenance. The maintenance bond runs for two years. Member Mullen moved to release the QPI performance bond, Number S038947 in the amount of \$4,499,000.00 which was posted for the Falls Township Municipal Building Renovation Project effective as of July 27, 2023. In conjunction with that release, consideration to accept the QPI Maintenance Bond, Number S060707 in the amount of \$490,763.20 which

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was posted for the Falls Township Municipal Building Renovation Project beginning on February 4, 2026; Member Loteckie seconded the motion; all board members were in favor. (4-0)

ITEM # 6 CONSIDERATION OF APPROVAL OF ADOPTING ORDINANCE AMENDING CHAPTER 168-PARKS, SECTION 2-DEFINITION AND SECTION 14-MOTOR VEHICLES

Member Mullen moved to table the agenda item to adopt ordinance amending Chapter 168-Parks, Section 2-Definitions and Section 14-Motor Vehicles; Member Loteckie seconded the motion; all board members were in favor. (4-0)

ITEM # 7 AUTHORIZATION TO ADVERTISE AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP BEFORE REZONING TAX PARCEL NOS. 13-013-010 AND 13-013-011, FROM FM. FARMING/HI-A HEAVY INDUSTRIAL-A/TO MPM-MATERIALS PROCESSING AND MANUFACTURING DISTRICT

Mr. Clarke said this is the request for zoning change for the property that is listed in the Ordinance for Tax Parcel Numbers 13-013-010 and 13-013-011. This is a necessary step in the process to begin to be able to send this to the Bucks County Planning Commission and the Falls Township Planning Commission. This is a request for a zoning change. You have to authorize advertisement. It goes to the Planning Commission and when we get the Planning Commission's recommendations back, then it will be advertised for a future meeting.

Ms. Jennifer Metzger said the problem she has is that Falls Township consistently puts everything on their agendas as preliminary and final land development at the same time. Tomorrow night's Planning Commission meeting is written the same way. If you're going to post the zoning change for advertising, they are going to preliminary and final. The Planning Commission's agenda was just posted today so this is the first time anyone has seen it. If somebody watches your videos back on a Thursday, Friday or Saturday night, they are not going to see this in time for them to even come to tomorrow's meeting. You have already posted it which means we're already going into the advertising period based on the Planning Commission giving you a letter to recommend first and final land development to allow for the change. This is beyond rushed. We are talking about less than 36 hours. This is the same thing that happened with the EAC and the Shade Tree Commission being combined. It was mentioned for 10 seconds at an April meeting and she missed it. It was passed in May. Chairman Dence said they advertised it. Ms. Metzger said she had mentioned it every month. Then you told us you were going to send the solicitor to the EAC and Shade Tree Commission meeting last time and she's going to be there to explain all of the rules and regulations. Nothing was explained. They missed a bunch of motions during that meeting. That is what she is concerned about with this. We are going to go tomorrow, but people don't do the research about Nuuly before the Planning Commission. That is what happened at the EAC and Planning Commission. Chairman Dence said their job is not to decide whether it is an appropriate use. Their job is to look at the project to make sure it fits and works where it is located. They cannot say they don't like Urban

Outfitters and decide not to pass it for that reason. Mr. Clark said their job is to look at the proposed plans and see how it conforms to the Zoning Ordinance and the SALDO as it relates to the zoning change. They will review the potential zoning change, see if it is consistent with the Comprehensive Plan, see if it is consistent with the SALDO, see if it is consistent with the zoning ordinance. Ms. Metzger said it is not and that is why they are asking for this change. There are a lot of rules that she understands you have to follow but this is actually a zoning change. This is not something that falls under those rules that says we're required to follow what the current zoning is and we can't change it. We are literally having a buyer and an owner look at it and say we want to change it because we want to bring this new business in. That is great but bring the business down into the brownfield. Take it where you already have the water, the contaminants, and everything already set up. Don't put it where you are going to choke off the rest of the community. We have two schools within a mile. There is one way in and one way out for that location. There will be 1,500 parking spaces, which is short by 500, and you are talking about having a 24/7 facility big rigs coming in and out from all over the country. How are they bringing everything in? Chairman Dence said with Sprinter vans and trucks like that. They only saw a sketch plan, but when they came to us with their sketch plan, we didn't see the final drawings. They have not submitted them yet. There are no tractor trailers going in and out. There are hardly any loading docks. Usually, a 1,000,000 square foot building has loading docks up and down the sides. Mr. Jones said there are some in the rear of the building and they would know more after tomorrow. Ms. Metzger said you are jamming it into a very small location with a very small turn in. Chairman Dence said they haven't even submitted a plan yet. Ms. Metzger asked how it is first and final tomorrow? Mr. Clarke said they are asking for preliminary and final, so they don't have to come back to the Planning Commission again. If you get preliminary approval and there are not substantive significant changes, you are normally entitled to preliminary and final at that point in time. If there are significant changes to the Ordinance, then the Planning Commission can require them to come back for final. One of the important things about this project is that this zoning change does not change the use. They are permitted for the particular use to put it right there. What they are looking for in the zoning change and why they have requested it, is because of dimensional issues, not environmental issues. They still have to go through all the things they need to go through. They still have to get all their sewer certifications from the sewer authority who has jurisdiction. They are already permitted to put this use there. It is dimensional regarding impervious surface, setbacks and things along those lines. That is the only change. Ms. Metzger thought there was a use change because it's not for industrial and it's not for those chemicals. Mr. Clarke said no, they can put that use right there now. Ms. Metzger said you are saying they already have the industrial use that they require. Mr. Clarke said it is heavy industrial. Mr. Jones said the zoning map shows that there are two tax parcels. The portion that he's using to reclaim the mine, the quarry lake, is zoned FM. The other portion is zoned Heavy Industrial A. They want to do a consolidation. Ms. Metzger said they want to combine the two parcels, so they are able to use the partial use from the one to cover the entire. It's changing the use to put it into a dangerous area. Ms. Metzger said she understands what you're saying. It is changing the use and putting it in a dangerous area. It is jammed up against North Park, all our man-made lakes, and it does

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separate the mobile home park from the elementary school that the kids are going to. It really is a very tight road for you to turn around and now you have all this traffic. You've already spent millions there one exit down at Martin's Creek at Mill Creek. Mr. Jones said the project will need PennDOT permits and the PennDOT requirements are probably going to include widening so it's not going to be the Penn Valley Road that you're used to. It will be an improved Penn Valley Road. Chairman Dence said they are approving this zoning advertisement so that they can move forward with planning.

Ms. Toni Battiste said she is having a hard time understanding what Mr. Clarke said as far as needing to do the advertising before the Planning Commission. The Planning Commission is already set for tomorrow night. If you advertise, it's not going to be in tomorrow's paper. It may be online but it's not going to be in the paper, so it won't count. Mr. Clarke said it will count because we're not talking about advertising for the Planning Commission. We are talking about advertising for an Ordinance adoption at a future Board of Supervisors meeting. Ms. Battiste said it sounds like you're jumping the gun and that there has been pre discussion on all this which is a violation of the Sunshine Act because it hasn't been in any of the Board of Supervisor minutes. Mr. Clarke asked how that would be a violation of the Sunshine Act? They sent in an application which was reviewed by Mr. Jones. They sent in a request for an authorization to advertise. The agenda was set to advertise this so this project could begin the review process. The board is going to vote tonight whether or not to advertise it. Ms. Battiste said it is advertising for something that hasn't even been presented to the Planning Commission yet. Mr. Clarke said it is not advertising for the Planning Commission. It's advertising for an Ordinance adoption at a future Board of Supervisors meeting. Ms. Battiste asked why you would do it. Mr. Clarke said this starts the process to allow the application and the land development application to go to the Bucks County Planning Commission and the Falls Township Planning Commission. It is going to the Falls Township Planning Commission tomorrow night and then it will be transmitted to the Bucks County Planning Commission within days. Ms. Battiste said this is something that must be done before you can rezone something. Mr. Clarke said correct. Rezoning needs to be reviewed by the Bucks County Planning Commission and the Falls Township Planning Commission.

Ms. Sarah Kirk (Falls Township resident) has a general understanding of how municipalities work and a lot of what you're explaining right now doesn't make sense to us or the general public. What is this parcel of land currently zoned as? Chairman Dence said part of it is farming and mining where they have been dumping stuff in the hole in the ground and the other part is zoned heavy industrial. Ms. Kirk asked what do the residents of the Township get from this? It looks like we're adding more heavy industrial to our already heavy industrial area. We've already come up here talking about air quality and water issues. It is zoned for heavy industrial. Chairman Dence said this isn't necessarily a heavy industrial project. Ms. Kirk said you have 15 bays for trucks to unload things and then with all the machines inside, she feels like it's pretty close to heavy industrial. Chairman Dence said they are cleaning and repairing clothes. Ms. Kirk said with all these Sprinter vans and trucks, this is more pollution to the area, and she doesn't see what our benefit is from it. Chairman Dence said tax revenue and jobs. Ms. Kirk asked if we could have put something else there. Chairman Dence said we do not decide what to put there. Ms. Kirk said she does

not understand how municipalities around here are able to say no and you guys are acting like your hands were tied with the data center and your hands were tied with this. Chairman Dence said we cannot deny it. He does not think it's a bad project. Ms. Kirk said that is your opinion. Chairman Dence said there are five of us here for that reason and the public will have their comment as well. Mr. Clarke recommends allowing the speakers to make their public comment without comments. Ms. Kirk asked why they don't take more time to look at this to see if it is actually a beneficial thing for the people here. Chairman Dence said this is how the process works. Mr. Clarke would recommend you allow the speakers to make their comment. Ms. Kirk said she is asking the questions. Mr. Clarke said it's been answered multiple times. They can build this now. They can go forward with this plan because of the way it's currently zoned. The request to rezone the property has to do with dimensional issues not with use issues. Ms. Kirk said she lives Falls Township and has her residential area so she can now build into her neighbor's plot because she can just do that if she wants to? Then you guys can come talk about it up here and you can advertise. My children live here. You have destroyed this area by putting profit over people.

Mr. John Tadlock said it makes no difference whether it's farm and mining or MPM which is what you want to change it to - Material Processing and Manufacturing, then why advertise? If you can do it now without it, why do it at all? It is for dimensional things, in other words, you want to reduce the setbacks. They want to change the setbacks. They want to change impervious surface. They want to make it better and easier for them to go in there. As you can see, there are a lot of people who don't want it in there. Someone asked you to advertise this Ordinance change. He assumes it was Nuuly. It didn't drop out of the sky. They are doing it for their advantage. We don't have to do something for somebody's advantage just because they asked us. There are several industrial parks in Falls Township - Cabot Boulevard, New Bold Road and of course North Point. They would be a more suitable location than right next to environmentally sensitive Martins Creek and a little two-lane road. The road may get widened but it will get widened about 10 feet beyond where the entrance is going to be and then it's going to narrow down again and it's going to cause a squeeze point and traffic problems. There is no harm in tabling agenda item number 7 tonight and think about it a little bit more about what you might want to do and what the citizens and the residents of Falls Township want you to do. He is asking that you table this for tonight. Don't let this become another data center. Chairman Dence said we are only advertising. We are not approving anything tonight. Mr. Clarke suggested letting the speaker make his comment. Mr. Tadlock said this is how the data center fell apart with the lack of communication, the lack of transparency, and this is what is happening again.

Mr. Ben Reily (Bristol Township) said you have seen him speak before. He is very concerned about this data center project and what we see going on here seems to be very similar. He would like to make it known that the Upper Merian data center in neighboring Montgomery County just got rejected by its own Board of Supervisors. Their land application was completely rejected on August 10th or 14th. He wonders why that didn't happen. We are a lot later into this process than they are and we are up in the air. Chairman Dence asked if he is talking about the data center or item 7? Mr. Reily said he is talking about the data center. Chairman Dence said we are not here to talk about the data center.

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This is item 7 on the agenda. Mr. Reily said he understands that but needs to know whether you really are excited about this whole process because he is very concerned about this. You have the power to do something about this. He saw the Board of Supervisors over there do something to outright reject the data center and the business using their own shady business practices. If you don't think Amazon does not have shady business practices, that's crazy.

Member Mullen moved to authorize advertisement of ordinance amending the Official Zoning Map before rezoning Tax Parcel Nos. 13-013-010 and 13-013-011, from FM, Farming/HI-A Heavy Industrial-A to MPM-Materials Processing and Manufacturing District; Chairman Dence seconded the motion; all board members were in favor. (4-0)

ITEM # 8 CONSIDERATION TO APPROVE THE SETTLEMENT OF PENNSBURY SCHOOL DISTRICT V. BUCKS COUNTY BOARD OF ASSESSMENT APPEALS AND DROBNER, SHERWIN, TR (NOS. 2020-06785/2020-06784), ASPEN FALLS APARTMENTS IN ACCORDANCE WITH THE RECOMMENDATIONS OF AUGUST 3, 2026, FROM CLIFFORD BIDLINGMAIER, III

Mr. Clarke said this is a proposed tax appeal settlement that is being recommended by the Pennsbury School District regarding a property that is located at 135 Trenton Road. This is a settlement that will result in additional taxes being paid to the Township, the school district, and the County. The additional taxes for the Township will be for tax years 2021 through 2026 and will result in additional taxes of \$3,368.37. This is being recommended by the school district and as the board is aware we almost always follow the school district's lead in these instances because they get the greatest share of each tax dollar about \$0.86. If the school district is in favor of it, we normally agree with them and we and Cliff Bidlingmaier, who is your tax assessment appeal attorney, are recommending approval. Ms. Kate Gaffney (Mercer County, NJ) came up and commented on why you are fine with poisoning children. Member Loteckie moved to approve the settlement of Pennsbury School District V. Bucks County Board of Assessment Appeals and Drobner, Sherwin, TR (Nos. 2020-06785/2020-06784), Aspen Falls Apartments in accordance with the recommendations of August 3, 2026, from Clifford Bidlingmaier, III; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 9 CONSIDERATION TO APPROVE CHANGE ORDER #1 – SOUTH OLDS BOULEVARD CULVERT REPLACEMENT, OF THE 2026 ROAD IMPROVEMENT PROGRAM AS PER THE AUGUST 19, 2026, MEMO OF JOSEPH G. JONES, PE, CFM, TOWNSHIP ENGINEER

Mr. Jones said we propose a change order to the 2026 Road Program improvement contract to include costs associated with reconstructing the South Olds Boulevard culvert. PennDOT did an independent inspection and asked us to put a weight limitation on the bridge and then subsequently asked us to shut the road down in that portion due to their concern about the condition of the culvert. We had the road program contractor who is already working in that area give us a cost. The change order amount is \$1,160,092.35. Chairman Dence asked if

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we budgeted for this. Mr. Jones said we budgeted a large portion of that about five years ago and it was \$750,000. We are confident that entire amount won't be used because there's going to be some things in the price that we're going to be able to reduce through the design process. Chairman Dence said this is something that we have no choice but to do. Mr. Jones said it is a time sensitive issue. We don't want the road shut down for seven months going through the bid process. Member Loteckie moved to approve change order #1 for the South Olds Boulevard Culbert Replacement, of the 2026 Road Improvement Program as per the August 19, 2026, memo of Joseph G. Jones, PE, CFM, Township Engineer; Member Palmer seconded the motion; all board members were in favor. (4-0)

ITEM # 10 CONSIDERATION OF APPROVAL OF APPOINTMENT TO THE BOARD OF APPEALS, CABLE ADVISORY BOARD, DISABLED PERSONS ADVISORY BOARD, HISTORICAL ARCHITECTURAL REVIEW BOARD, HISTORIC PRESERVATION COMMISSION, POLICE PENSION COMMITTEE, TOWNSHIP OF FALLS WATER & SEWER AUTHORITY BOARD AND ZONING HEARING BOARD

Chairman Dence moved to appoint David Rubino to the TOFA board for the unexpired term of Jim Goodwin; Member Loteckie seconded the motion; all board members were in favor. (4-0)

ITEM # 11 MINUTES – JULY 27, 2026

Member Mullen moved to approve the minutes for July 27, 2026; Member Loteckie seconded the motion; all board members were in favor. (4-0) Mr. Shepherd said there was a misprint on the agenda, and the minutes are from July 27, 2026.

ITEM # 12 ENGINEERS REPORT

Mr. Jones said last month we had one new residential earth disturbance project submitted. For Township projects, they discussed the South Olds Boulevard culvert. On the road program, the contractor has installed 90% of the drainage improvements and they are now working on curbs and driveway aprons. On the Township building renovation project, we have one punch list item remaining for the contractor and that is paving to rear of the building by the Public Works garage.

Ms. Toni Battiste said the public doesn't get a copy of what you get for the Engineers report. Is there a place on our website that we can go to look at it? Chairman Dence said no because the majority of it is residential and has people's personal information. Mr. Jones talks about the Township projects and if anything is new or has been updated. Ms. Battiste said there are there are older business projects that have been voted on and accepted and we never know the outcome. Mr. Jones said the updates that he puts in the Engineers report are innocuous. It just describes the current work that's going on. For example, at Safe Store, they are working on interior building improvements and drainage. Ms. Battiste asked about the ambulance place and said it was still sitting in limbo. She also questioned Lincoln Highway where someone is building that two-story apartment place. Mr. Jones said for 654

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Lincoln Highway there is no update to that. Ms. Battiste wanted to know if there is a place on the website where she could see this information.

ITEM # 13 BILL LIST

Ms. Debbie Diaz (Falls Township) said tonight she demanded that the DEP look at the total combined health and financial. Chairman Dence said we are talking about the bill list. Ms. Diaz said she understands that but has a question. When will we know about DEP looking into the whole thing about these generators that are proposed? Chairman Dence said DEP will let us know. Ms. Diaz asked how she can find out about that. Chairman Dence said he is sure it will be all over the news, but Ms. Diaz can go to the DEP website. Member Mullen moved to approve the bill list in the amount of \$2,173,117.75; Member Loteckie seconded the motion; all board members were in favor. (4-0)

ITEM # 14 JONES ENGINEERING ASSOCIATES BILL LIST

Member Mullen moved to approve the Jones Engineering bill list in the amount of \$342,723.25; Member Loteckie seconded the motion; all board members were in favor with the exception of Chairman Dence who abstained. (3-0-1)

ITEM # 15 MANAGER COMMENT

There was no Manager Comment this evening.

ITEM # 16 BOARD COMMENT

Member Loteckie – no comment.

Member Mullen spoke about Starr Tours. When the owners came here, they said they wanted to be excellent neighbors and show off the community. Member Mullen thanked them and complimented them. They really hit it out of the park and made their property look very nice. She is proud of them in the Township.

Member Palmer – no comment.

Chairman Dence – no comment.

Member Loteckie moved to adjourn the meeting; Member Mullen seconded the motion; all board members were in favor. (4-0) The meeting was adjourned at 7:36 p.m.

Brian M. Galloway
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Brian Galloway, Secretary