

**TOWNSHIP OF FALLS
BOARD OF SUPERVISORS MEETING**

ROLL CALL:

JEFFRY E. DENCE, CHAIRMAN	ABSENT
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 7:05 p.m. with roll call and pledge to the flag. All Board members were present with the exception of Chairman Dence and 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 a matter of personnel and to receive information from one of its consultants regarding the building renovation. No deliberations occurred and no votes took place. Also discussed were three Collective Bargaining Agreements, one with our Police union, one with our AFSCME union, and one with our Public Works union. The Board received information from the Township's financial advisor regarding a proposed Comprehensive Study. No deliberations took place and no votes were taken. Any action on that item would occur at a future meeting.

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

Mr. Dawood wants to speak about Pennsbury High School, located across from his home. He is a research scientist working for pharmaceutical companies. He drove around to a lot of the schools that KCBA has built or is building. The buildings remind him of a jail cell or correctional facility. They did a cookie cutter approach like Lower Moreland Township, Grove High School and Altoona High School. If you look at all of those schools they have large fields around them. The school they are proposing in Fairless Hills will have 50-foot walls that look like a jail cell. Mr. Dawood said this is going to cause him trauma. He does not know the architect but you had no consideration of the people in the neighborhood. Mr. Dawood believes the proposed location will cause flooding in the area. Mr. Dawood wants to know if anyone looked at environmental issues, land use, zoning, public policy, visual, resources, air quality, noise, geology, water resources, natural resources, cultural resources, social and economic resources, environmental justice, health and safety, and transportation which will change and remap that whole area. We won't know the damage that will be done until after it is built. You should take a look at other buildings outside the United States and

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see what they have done. Look at some pharmaceutical companies to see how they constructed their buildings. Instead of knocking down the current buildings for a couple of million dollars, Mr. Dawood thinks it would be better if you re-use the current buildings. Mr. Dawood believes KCBA renovated other buildings. He knows the building is for children, but with all of the security problems going on around the world, you want to bring in Morrisville students because this school will be built for 3,500 students. The tax burden will be 5%, probably forever. The tax increase will be equivalent to probably a billion dollars not \$250M.

Ms. Jennifer Metzger is also concerned about Pennsbury High School. They thought this was going to be on last week's Planning Commission Meeting and then again tonight. Do you know if it was moved off of the agendas for a specific reason? Have you received the permits or documents that they told us during the public comments and meetings? Mr. Clarke said nothing has been submitted. Ms. Metzger said they are being told during community meetings they have been discussing this for over a year and half. Their concern is they already have design plans they have put together. Pennsbury High School is one high school but it is in two pieces. Those two buildings take up about 60 acres of the 100 acres. The stadium has been an abusive and obnoxious process. There is a water tabling issue on the pavement connecting the two schools as well as the field. We are happy with it being a field. Ms. Metzger said she bought a house across from the field, expecting it to stay like that, not having a 50-ft. building within 200 ft. of her house. Ms. Metzger is concerned about wildlife and termites and said she has had to take care of her property. The school district is showing photos and saying none of the maintenance has been done. This school will now be 50-feet high with parking lots, kitchens, another greenhouse, multiple gyms, multiple cafeterias, multiple courtyards using latex grass. Sixty percent of the population are allergic to latex. Ms. Metzger does not agree with of the things that are involved with building this additional building on wetlands when you have two perfectly fine buildings that can be fixed up. In 2006, Pennsbury West was already updated for \$46M and they have not even paid \$1 towards it. Now they are talking about paying millions of dollars to rip it down.

Ms. Toni Battiste asked if the Board could please give us the reason for all of the change orders along with the cost? If possible, please give the details of the grievance settlements (minus names) and please share the cost of the settlement and legal fees. Please share details (minus names) for the termination and legal fees. Please provide details of the police policies that are under consideration for updating. Why don't we have a police report anymore? The public should have information on the crime rates and details on the types of crimes being committed in the township. Referencing the article in the Bucks County Courier Times about an off-duty police officer, who she believes has been terminated and had a DUI while off duty, is the Township going to pursue this and at what cost for the legal fees? Member Mullen said some of these items will be reported on later in this meeting as the agenda item comes up. If they don't, then you have the option to comment further during public comment for those agenda items.

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Mr. Todd Vreeland (Deputy Chief, Levittown-Fairless Hills Rescue Squad) provided a monthly update. Last month, there were 696 calls with 295 of those located in Falls Township. We responded to 92% of the 295 calls. The top four reasons were BLS transport, BLS falls, ALS chest pain and BLS patient assist. Mr. Vreeland is happy to answer any questions from the Board.

Mr. Tim Daly, Lower Makefield Township resident, said he is going to use this time to invoke an objection and to take him off the clock because he has the right to invoke an objection under the PA Sunshine Law. He would like to lodge a formal objection under Section 710.1C under the PA Sunshine Law that a violation has occurred. Earlier today an email was sent to Mr. Clarke as well as the District Attorney's Office regarding an update that was made to this evening's agenda. Under Act 65 of 2021, agencies are not allowed to update agendas within 24 hours of a meeting unless certain exemptions are met. In reviewing those exemptions and speaking with his legal Counsel, you didn't meet any of the exemptions. Mr. Daly said Mr. Clarke is going to make a weak legal stance that changes were made in a de minimis nature. What is concerning is when you switch the names of the Falls Township police officers and replace them with employee id's, you are hiding something and the community has the right to know what happened. You don't make settlements unless you did something wrong. The Township has not provided any details regarding the settlements. Falls Township has decided that we have no right to see the misconduct that lead to the settlements prior to the vote and the Township's actions are aimed to inhibit public participation. Mr. Daly is asking the Board to allow the public to review the documents that Ms. Battiste asked for earlier this evening. Mr. Daly said this proves what he is saying is pertinent. Mr. Daly is asking the Board to move the four police agenda items to the end of the agenda tonight and allow time for people to review them. He also asks that you allow at least 30 minutes of public comment on those four agenda items combined so that people can actively participate and engage. He thinks everyone would be happy that this would be an appropriate cure.

Mr. Robert Abrams, Lower Makefield Township resident, said he is going to piggyback on Mr. Daly's comments. On October 22nd, there was a Planning Commission meeting and we were told by the school district the sketch would be up for discussion. When he looked at the agenda, the school district was not on the agenda. He called and was told they were not going to put it on the agenda for the 22nd but it could possibly be on the agenda in November. There is the option that the Township Engineer could review it and just pass it off to the Board for a vote. That would dis-enfranchise the public from being able to speak about it. Mr. Abrams asked if the Pennsbury High School project was in the Engineers report. Mr. Jones said he has not yet seen the plan nor has one been submitted. Mr. Clarke suggested that Mr. Abrams tell them who he is getting his information from so they can track down the misinformation. Mr. Abrams said he will email Mr. Clarke. Ms. Metzger mentioned that her view will change from looking at fields to looking at a loading dock and trash compactor or open containers. Mr. Abrams said he sold, installed and serviced those containers and they breed animals, vermin, rats and mice. They were told by the architect,

KCBA, that the setback from the curb is only 100 feet. These are people who have to live here. The design is horrible. It is grossly understated as far as cost. They are knocking down a perfectly good building. Pennsbury West was re-habilitated 18 years ago at the cost of \$42M and those bonds are not yet paid for. It is a disgrace that Falls Township would allow it to happen. If Pennsbury East has to be knocked down, that is fine. In 2021, KCBA put together a plan for knocking down Pennsbury East and extending Pennsbury West at one-third or less the cost of the new high school. Mr. Clarke said nothing has been submitted. No formal application has been submitted to the township by the Pennsbury School District. There was one brief meeting as often occurs prior to a submission. Plans have not been submitted for review. No application has been made. If they need zoning relief, there will be a notice requirement that will go out to everyone near the property. If they only need land development, then it will go on our agenda. It will go on our Planning Commission agenda and the Engineer will review it. Interested individuals will have advance notice. Member Mullen said we do not have any of the information now.

Ms. Jennifer Metzger said this is a big deal. She and her neighbors do not have any of the information. They are trying to list this as a tiny project when they know that this project is going to be close to \$5M. Mr. Clarke said we don't have anything to do with that. All we do is review the plans. Pennsbury meets the third Thursday of every month. You should go to their meetings and tell them you are opposed to the building. Member Mullen said we cannot confirm or deny anything you are saying.

**ITEM # 3 CONSIDERATION OF APPOINTMENT BY RESOLUTION TO
APPOINT AUDITOR FOR THE 2024 FINANCIAL AUDIT**

Mrs. Reukauf said earlier this month she sent out RFPs requesting proposals from five area accounting firms for the audit of our 2024 financial statements. We received one bid from Zelenkofski Axelrod. They are our current auditor and have audited our financials for the past three years. Based on our overall satisfaction with the firm's performance, it is recommended to appoint Zelenkofski Axelrod LLC for the 2024 audit, approve by Resolution, and include the option to appoint them for the audit of the 2025 and 2026 fiscal years. Member Palmer asked about the price increases for the additional years and if it was for additional work. For 2024, the price is \$33,000 with an increase of \$1,700 for the second year and an increase of \$3,400 for year 3. Mrs. Reukauf said she can contact them but there are upcoming GASB pronouncements that will affect the amount of reporting that is required and changes will require extra work. Each of those pronouncements will become effective in subsequent years. She believes it is in anticipation of the dispatch of the pronouncements that are coming up but she can confirm that with them. Member Galloway moved to approve Resolution # 2024-30 to appoint Zelenkofski Axelrod for the 2024 Financial Audit; Member Mullen seconded the motion. Member Galloway and Member Mullen were in favor; Member Palmer opposed the motion. (2-1) The motion did not pass.

ITEM # 4 CONSIDERATION OF APPROVAL FOR CHANGE ORDER FOR RYCON CONSTRUCTION GENERAL CONDITIONS EXTENSION

Manager Takita said we have Mr. Jim Gates (Construction Manager with Grace Construction) here to answer any questions. The total amount of the change order is an increase of \$305,000. Mr. Gates said this is for some unforeseen circumstances that came up during construction early on and throughout the project. The major items that have caused delays relate to the exterior of the building walls which had to be completely rebuilt. They also found soil contamination and they had to involve the PA DEP and an Environmental Engineer. It involved a lot of testing, removal of the contamination, re-testing and source of the contaminant. Member Galloway said in the ground was a lot of trash as well. Mr. Gates said the roads were built on top of clay, debris and trash. A gentleman spoke (no name given) who said he had 45 years of experience in the field. He said the way it works with contaminated soil is that you dig it up, send it to the lab for testing. If it comes back and it is still contaminated, you keep going through the process until the soil tests clean. Member Galloway moved to approve the change order for Rycon Construction General Conditions Extension in the amount of \$305,000; Member Palmer seconded the motion; all board members were in favor. (3-0)

ITEM # 5 CONSIDERATION OF APPROVAL FOR CHANGE ORDERS #8 & #9 FOR RYCON CONSTRUCTION

Manager Takita said the Board is being asked to approve two change orders for Rycon Construction as follows: change order #8 is in the amount of \$230,246.10 and change order #9 is in the amount of \$284,784.53 for a total of \$515,030.63. This is towards unforeseen circumstances in the construction building. Ms. Toni Battiste asked if this is also for the soil or something different. Mr. Gates (Grace Construction) said it doesn't appear there is any soil contamination for these change orders but change order #9 is for the reconstruction of the south wing, and east and west walls including new finishes which were originally supposed to remain. Member Galloway moved to approve change orders #8 and #9 for Rycon Construction for the total amount of \$515,030.63; Member Palmer seconded the motion; all board members were in favor. (3-0)

ITEM # 6 CONSIDERATION OF RESOLUTION FOR THE STATEWIDE LOCAL SHARE ASSESSMENT GRANT

Manager Takita said the Board is asked to approve a Resolution for the Statewide Local Share Assessment Grant in the amount of \$931,000. This is from the Commonwealth Financing Authority and is to be used to acquire fire apparatus. This will allow the Township Manager and Fire Marshal to act as officials to execute all documents and agreements between the Township of Falls and Commonwealth Financing Authority. Member Palmer asked if we are awarded the grant, who owns the fire truck and who would man the fire truck? Manager Takita said it would be the township's fire truck and personnel from the Fire Marshal's office would man the fire truck. Member Palmer asked if we have a place to store the firetruck. Manager Takita said it would be stored within the confines of

the site. Member Palmer asked if this grant would pay for all of the equipment. Mr. Dippolito said this wasn't put into the capital budget because he did not know if this would be an approved request for a grant. He did not know this was going to be on the agenda and that is why it wasn't put into the budget. Manager Takita said there is no match requirement for this grant. Member Palmer said we do not yet have a plan or program in place so he cannot support this right now. Member Palmer moved to table this agenda item; Member Mullen seconded the motion; all board members were in favor. (3-0)

ITEM # 7 CONSIDERATION OF APPROVAL FOR CATAPULT WEB PROPOSAL

Manager Takita said Catapult is the current provider of our website. They provide training, website hosting and routine services. This is in the amount of \$3,600 for next year. This is an increase from last year when we paid \$2,400. Member Galloway moved to approve the Catapult Web proposal in the amount of \$3,600; Member Palmer seconded the motion; all board members were in favor. (3-0)

ITEM # 8 CONSIDERATION OF APPROVAL FOR THE GRIEVANCE SETTLEMENT AGREEMENT FOR EMPLOYEE # 10152001-5704

Mr. Clarke said these are four grievance settlements that were negotiated by labor counsel. They began under our prior labor counsel Obermeyer and were completed by Campbell Durant over the last several weeks. It was originally listed with employee names, which is not our usual practice. We usually list these agenda items with an employee number. When it was discovered someone had inadvertently put the names instead of the employee numbers, we changed it to the employee numbers. Ms. Toni Battiste asked if we are allowed to know what the settlements are and how much it will cost. Mr. Clarke said it is not a public document until the Board approves it. Once it is approved, you will be able to file a Right To Know request for the documents. Mr. Tim Daly said your lawyer just gave bad legal advice. It is not the truth. His lawyer is Chadwick Schnee and he is the expert in the State of Pennsylvania with open meetings and Right to Know requests. You have the requirement to produce what the settlement is. If you go to Pennsbury's website, they have these same sorts of things, and they post the separation or the grievance before it is voted on. Under the PA Sunshine Law, we have the right to participate. What are the foundations and what are the dollar amounts? Ms. Jennifer Metzger said she doesn't agree that you would pay to just make the decision for putting our money toward this. She feels like this opens up the prior discussion on training and maybe we need more training. Ms. Toni Battiste said since it seems to be some question as to whether this is legal, perhaps it should be tabled and consulted with the lawyers who handled the settlements. Mr. Clarke said the amounts are \$238, \$5,241, \$1,042 and there is one that is known as Kelly time credit. Member Galloway moved to approve agenda items #8, #9, #10 and #11; Member Palmer seconded the motion; all board members were in favor. (3-0)

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ITEM # 9 CONSIDERATION OF APPROVAL FOR THE GRIEVANCE SETTLEMENT AGREEMENT FOR 01032007-2925

See agenda item # 8.

ITEM # 10 CONSIDERATION OF APPROVAL FOR THE GRIEVANCE SETTLEMENT AGREEMENT FOR 02182020-9203

See agenda item # 8.

ITEM # 11 CONSIDERATION OF APPROVAL FOR THE GRIEVANCE SETTLEMENT AGREEMENT FOR 02042008-8321

See agenda item # 8.

ITEM # 12 CONSIDERATION OF TERMINATION FOR EMPLOYEE # 020816-2109

Mr. Clarke said this is for termination of an employee. As has been our practice and is consistent with the law, we do not post the employee's name. This item has been fully reviewed. Member Galloway moved to approve termination of employee # 020816-2109; Member Palmer seconded the motion; all board members were in favor. (3-0)

ITEM # 13 CONSIDERATION OF UPDATING POLICE POLICIES – POLICY # 307 & 420

Member Mullen said this is for police updates to Sections 307 and 420. Chief Whitney said this is for updating two sections: 307 vehicle pursuits policy, 420 criminal organizations and how they would be investigated by our police department. Member Galloway moved to update Police Policies for Sections 307 and 420; Member Palmer seconded the motion; all board members were in favor. (3-0)

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.

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 – SEPTEMBER 23, 2024 & OCTOBER 8, 2024

Member Galloway moved to approve the minutes for September 23, 2024 and October 8, 2024; Member Palmer seconded the motion; all board members were in favor. (3-0)

ITEM # 23 ENGINEERS REPORT

Mr. Jones said for the month of September, there were seven new earth disturbance applications. Some highlights for the month are as follows. The NorthPoint Phase 2, buildings 4, 5 and 6 incidental construction is mostly complete for two of the buildings and the third building is in limbo. For LPC Morrisville, they are working on drainage improvements, basins and lighting standards. Hiossen was under construction, had paused, but with a new contractor have restarted the project. For Waste Management renewable natural gas, they are doing pipeline work. For the Pennsbury School District, they are working on the locker rooms within the concession building. Geleste Phase 3 is working on fire service and building construction. Agile Cold Storage on Cabot Boulevard was recommended for approval at the Planning Commission and will probably before the Board of Supervisors in November. The Altera Property Group went for zoning and we are waiting for them to submit their land development application. For earth disturbances, all

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three of the residential earth disturbances are complete. For NorthPoint Falls Industrial, that is a rail car covering so they can load and unload material under a roof. That is under construction with the foundations. They are building retaining walls at the Commons of Fallsington. They were stopped and submitted an earth disturbance. We are waiting for structural calculations for the walls. The WBUS Portfolio (CSC Sugar) site submitted a plan to remediate some of their failing swales off of Kresge Road and we are working with the applicant's engineer on updating information. Member Galloway asked about Lake Caroline County Park. Mr. Jones said today he received an email from the applicant's engineer and they are having conversations with FEMA and I believe we are going to get that trail built soon. Member Palmer the wall in Fallsington turned out really good. Mr. Jones said the Vermillion Hills footbridge has recently been completed. The Pinewood Drive Road Program is under maintenance.

ITEM # 24 BILL LIST

The bill list is in the amount of \$5,444,248.74. Ms. Toni Battiste said she still couldn't find the bill list on the website. Member Galloway moved to approve the bill list in the amount of \$5,444,248.74; Member Palmer seconded the motion; all board members were in favor. (3-0)

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

There was no action on this agenda item.

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

Member Galloway moved to approve the Campbell Durrant, P.C. bill list in the amount of \$29,961.82; Member Palmer seconded the motion; all board members were in favor. (3-0)

ITEM # 27 JONES ENGINEERING ASSOCIATES BILL LIST

Member Galloway moved to approve the Jones Engineering Associates bill list in the amount of \$219,908.85; Member Palmer seconded the motion; all board members were in favor. (3-0)

ITEM # 28 CONSIDERATION OF ESCROW RELEASES

Member Galloway moved to approve escrow releases as follows: MLH, 150 Roebling LLC in the amount of \$103,795.72 and Trenchtech in the amount of \$19,275.46; Member Palmer seconded the motion; all board members were in favor. (3-0)

ITEM # 29 MANAGER COMMENT

Waste Management will have leaf pick up on November 9th and 23rd. Leaves must be bagged in 30-gallon biodegradable paper bags or placed in 30-gallon trash containers

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without lids. Leaves in any other container will not be collected. Happy Birthday to our Recording Secretary Lisa Pullen.

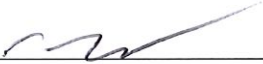
ITEM # 30 BOARD COMMENT

Member Palmer – no comment.

Member Galloway – no comment.

Member Mullen said the Board is wearing pink tonight as October is Breast Cancer Awareness Month. We want to take a moment to honor those who lost their lives to breast cancer, recognize the strength of our survivors and support regular screenings because early detection makes a big difference in the fight against breast cancer.

Member Galloway moved to adjourn the meeting; Member Palmer seconded the motion. (3-0) The meeting was adjourned at 7:50 p.m.



Brian Galloway, Secretary