

**BENSALEM TOWNSHIP COUNCIL
MEETING MINUTES**

**Monday
♥February 14th, 2022♥**

COUNCIL MEMBERS PRESENT:

Joseph Knowles, Council President
Edward Kisselback, Council Vice President
Joseph Pilieri, Council Secretary
Michelle Benitez, Council Member
Stacey Champion, Council Member

SUPPORTING STAFF PRESENT:

Mayor Joseph DiGirolamo
Debora McBreen, Council Clerk/Recording Secretary
Quinton Nearon, Senior Municipal Inspection Manager
Joseph Pizzo, Township Solicitor
Phil Wursta, Township Engineer/Traffic Engineer

PLEASE NOTE:

The minutes are not verbatim but rather a synopsis of what transpired during the meeting, and while I do my best to attribute remarks and questions to the correct individual, there may be mistakes or omissions because of the “back and forth” dialogue and the lack of the use of their microphone.

1. PLEDGE OF ALLEGIANCE:

Council President Knowles opened the meeting with a moment of silence and/or prayer which was followed by the Pledge of Allegiance.

Solicitor Pizzo indicated Council was in an Executive Session for approximately 45 minutes immediately prior to this evenings meeting. Present for that Executive Session were the Mayor, five members of Council, the Township Engineer and the Township Solicitor. One matter of potential litigation was discussed, no official action was taken by Council during the Executive Session and no official action will be required this evening as a result of the Executive Session.

Council President Knowles acknowledged Boy Scout Troop 130 from United Methodist to see government in action and to earn their Citizenship in Community Merit Badge.

Council President Knowles asked **Solicitor Pizzo** if there were any changes to this evening’s agenda. **Solicitor Pizzo** indicated he received correspondence from counsel representing Agenda Item 5, Johnson Development Associates, Inc., they have requested the application be tabled until the next Council meeting date of February 28th due to their understanding that

nearby residents have expressed some concern to the Township regarding their plan as well as some complications that have arisen regarding their plans as it pertains to the Townships plans for Renaissance Boulevard and the applicant is looking for an opportunity to address those issues prior to Council hearing their application.

Mr. Meginniss indicated, after conferring with his client, they will consent to Council if there is a meeting on the 28th of February, then the applicant would like the matter to be listed on the 28th's agenda. In the event that meeting is not held on the 28th, the applicant will consent to have it listed on the next scheduled Council meeting agenda.

2. **PUBLIC COMMENT:**

Council President Knowles indicated the Public Comment will be heard at the time the agenda item is heard. Seeing no one come forward, the first of two Public Comments was closed.

3. **DISCUSSION REGARDING THE TOWNSHIP AUDITOR:**

Solicitor Pizzo indicated Council received notice in their packet that the Township's newly elected Auditor, Nolan Wild, has informed the Township he has to resign from that position. His employer was aware of his candidacy and had consented him running for office. However, now that he has taken office, his employer has reconsidered their position and has deemed the position to be a conflict of interest with Mr. Wild's employment. Which short lived, Mr. Wild is grateful for having the opportunity to have both run for office and to have been elected. Unfortunately, his resignation will create a vacancy in that office.

First and foremost, Council needs to officially accept Mr. Wild's resignation under the recent changes in the law. Secondly, Council will need to authorize the Clerk of Council, Ms. McBreen, to advertise the vacancy in the Bucks County Courier Times and see that it is placed on the Townships Social Media advising the public they would have until Thursday, February 24th, to submit letters of interest and resumes to the Township for the elected Auditor position. Council would then take official action at Council's next meeting to vote to appoint a new elected Auditor.

First order of business would be for Council to accept Mr. Wild's resignation as Township Auditor. **Council Vice President Kisselback** motioned to accept the resignation of Nolan Wild and to accept letters of interest and resumes until Thursday, February 24th, **Councilwoman Benitez** seconded and the motion carried 5-0.

4. **APPROVAL OF COUNCIL MINUTES:**

November 8th 2021 Council Minutes, **Council Vice President Kisselback** motioned to approve as presented, **Council Secretary Pilieri** seconded and the vote carried 3-0-2.

December 6th, 2021 - Budget - Council Minutes, **Council Vice President Kisselback** motioned to approve as presented, **Council Secretary Pilieri** seconded and the motion carried 3-0-2.

January 3rd, 2022 – Reorganization – Council Minutes, Councilwoman Benitez motioned to approve, Councilwoman Champion seconded and the vote carried 5-0.

January 10th, 2022 Council Minutes, Councilwoman Champion motioned to approve, Council Secretary Pilieri seconded and the motion carried 3-0-2.

5. **CONSIDERATION OF A PRELIMINARY LAND DEVELOPMENT FOR:**

Applicant: Johnson Development Associates, Inc.
Location: 2600 State Road
Proposed Use: Warehouse/Distribution
Zoning Classification: R-55 - Riverfront Revitalization District
Tax Parcel: 2-65-21

Council Vice President Kisselback motioned to table Agenda Item 5 to a date certain of February 28th, Councilwoman Benitez seconded and the motion carried 5-0.

Mr. Meginniss indicated regarding comments that have been raised to the Township by some of the affective residents would welcome and support any comments from the public regarding the application and take them into consideration between tonight and when the application will be actually heard.

Council President Knowles asked if anyone would like to come forward and speak regarding this application.

PUBLIC COMMENT:

Joann Stewart, 118 Royal Mews, thanked Council and the developer for tabling the item due to the residents not having ample time to look over the plans and prepare their questions for this evening. Ms. Stewart is not in favor of the project and would like it rejected by Council.

John Grossi representing the property owners who own approximately 150 acres surrounding this parcel. Fully understands this is a buy right use and this is being tabled primarily to discuss Renaissance Boulevard which would obviously impact those parcels. Would like to be involved with these negotiations and discussions.

6. **CONSIDERATION OF A REZONING FOR:**

Applicant: 4020 Mechanicsville Rd, LLC
Location: 4020 Mechanicsville Road
From Zoning Classification: R-11 - Residential
To Zoning Classification: R-1 - Residential
Tax Parcel: 2-33-78-2

Matt McHugh, legal counsel on behalf of the applicant, presented hard copies of the notices mailed to the adjacent property owners to the Township Solicitor. Mr. McHugh asked Council if he should present agenda item 6 and agenda item 7 together, or present the items separately.

Solicitor Pizzo concurred with Mr. McHugh's suggested course of action as a combined hearing on the zoning and on the proposed Preliminary and Final Subdivision. Council can vote separately on each of those actions.

7. **CONSIDERATION OF A PRELIMINARY AND FINAL SUBDIVISION:
COMBINED WITH AGENDA ITEM 6**

Applicant:	4020 Mechanicsville Rd, LLC
Site Information:	4020 Mechanicsville Road
Proposed Use:	Single Family Dwellings
Zoning Classification:	R1 & R11 - Residential
Tax Parcel:	2-33-77 & 2-33-78-2

Mr. McHugh indicated the proposal for the lots is to consolidate them into one parcel and rezone from R11 to R1. There is a significant amount of R1 zoning already in the area. It makes sense from a good community planning to have consolidated single zoning of R1 on these parcels as they are being developed. It will allow the applicant to subdivide the property into 7 lots which will lead into what the subdivision allows for. This is a buy right subdivision plan from a zoning perspective. No variances are required. It allows for an 80 ft. lot width and approximately 550 ft. deep. One minor change is they stepped back the houses a little further to provide for a longer driveway and a cutout to turn around in the driveway.

There is a lot of vegetation to the rear of the property and will not be disturbing beyond the zoning ordinance requirements. One of the comments in the T and M letter was to provide a deed restriction to make sure no more than the allotted trees are taken down. The applicant will make sure the deed restriction is incorporated, you will see no more than 50% disturbance of the existing trees on the site.

In regards to the T and M letter, the applicant is a will comply and will address every issue. The applicant has two waiver requests for curbs and sidewalks along Mechanicsville Road. There is no existing curbing and sidewalk along that portion of Mechanicsville Road and it would not enhance anything and would obviously pay the required fee in lieu of.

Councilwoman Champion suggested sidewalks along the front of the 7 lots to provide for something for the children to stand on when waiting for their school bus.

Council President Knowles asked the applicants Engineer, Mr. Mark Havers, if they could put the sidewalks in considering they are already paying for them in regards to the waiver with a fee in lieu of.

Mr. McHugh indicated his client is willing to remove the waiver and put in the sidewalk, but are still asking for the waiver of the curbs.

Mr. McHugh indicated they have either addressed in their revised plan or will address in a future revised plan all of the comments listed in the T and M letter. Most of them are stormwater management things that are just some minor calculations. The applicant is willing to work with the Township Engineer to make sure they are compliant with the zoning ordinance.

Council Vice President Kisselback asked Mr. McHugh if the applicant was compliant with Section D, in its entirety, of the T and M letter dated November 10th, 2021.

Mr. McHugh stated the whole letter is a will comply.

Phil Wursta, Township Engineer, indicated the only waiver is the curb which the applicant will pay a fee in lieu of and all else is a will comply. At this time, the applicant is to be considered for preliminary and final approval with the revisions made and final plan approval.

Mr. McHugh indicated the neighboring property owner to the north, who had instituted legal action against the applicant, for an alleged easement that runs through the parcel. The applicant is in the Bucks County Court of Common Pleas defending that action. In the furtherance of moving forward with the approval, the applicant is willing to agree to a condition that they will not begin construction nor have final plan recording until that easement litigation has been addressed to the satisfaction of the Township Solicitor.

Solicitor Pizzo indicated the condition, if Council is of a mind to approve the plan this evening, will effectively keep this project from moving forward until such time as that litigation is resolved. If Council is of a mind to approve the rezoning and the subdivision and land development plan this evening, as Mr. McHugh indicated, it would be so with a condition. Council would recommend the condition that the record plan would not be assigned or recorded by the Township, nor would any land development agreements be entered into until such time as the pending quiet title action is resolved to the Townships satisfaction.

Solicitor Pizzo indicated the applicant has provided proofs of notice to the adjacent property owners for both the hearing on the rezoning of the property, as well as the hearing on the subdivision and land development. The proposed rezoning was advertised in the Bucks County Courier Times consistent with the requirements from the Townships zoning ordinance and the municipality's planning code.

Council President Knowles asked if there was anyone in the audience who would like to speak for or against this project. The following people came forward:

Frank O'Connell, 3942 Mechanicsville Road, expressed his concerns regarding flooding.

Mark Havers, Engineer for the project, explained the stormwater management regarding the proposed lots and how their system will generate the least amount of runoff.

James Weingard, 3924 Mechanicsville Road, expressed his concerns regarding flooding and whether he would have to put in a sidewalk in because of the new development.

Janet Roman, 3981 Grace Avenue, this property owner is in litigation with the applicant regarding the easement. Ms. Roman presented Council and supporting staff with an overview and history of Doric Hall.

Robert Homolka, 3213 Whitney Court, is a member of the Historical Society and indicated he was against the project and was approached by Ms. Roman in regards to the historic standing of the property. Mr. Homolka asked Council for a role call vote regarding this property.

Solicitor Pizzo indicated this plan does not propose the demolition of any historic structures or structures that may potentially be placed on the National Register. Doric Hall is not touched by this plan. The question is whether the access lane from Mechanicsville back to the property either legally still exists as an encumbrance on the front parcel, or it doesn't. While this easement appears on many documents, it doesn't appear on any recorded plans from the Township and did not show up on any of the plans the Townships Building and Planning department reviewed.

Seeing no one else come forward, the public comment portion was closed.

MOTION REGARDING AGENDA ITEM 6:

Council Vice President Kisselback motioned to approve the rezoning from R11 to R1 as displayed by the applicant for TMP 2-33-78-2, **Council Secretary Pilieri** seconded and the motion carried 5-0.

MOTION REGARDING AGENDA ITEM 7:

Council Vice President Kisselback motioned to approve the Preliminary and Final Subdivision Land Development for TMP 2-33-77 and 2-33-78-2. Lots are to be consolidated and re-subdivided as proposed on the land development plan, deeds for the newly created lots will be submitted to the Township Solicitor and the Township Engineer for their review and approval and will be recorded contemporaneously with the recording of the record plan for the site in the office of the Recorder of Deeds in Bucks County. If the decision of the courts denies the applicant, the applicant is to come back in front of Council with a revised plan. T and M memo dated November 10th, 2021, Chapter D, 50% of the trees will not be disturbed which will be a 250 ft. buffer from the rear of the property extending to Mechanicsville Road. Sidewalks will be installed and the curbs will be waived with a fee in lieu of. There will be a Recreational Fee of \$2,000.00 per lot, as well as the Impact Fee will be paid when the permits are issued to the developer, **Council Secretary Pilieri** seconded and the following votes were called, Kisselback yes, Pilieri yes, Knowles yes, Benitez yes, Champion yes, the vote carried 5-0.

8. CONSIDERATION OF A CONDITIONAL USE FOR A SELF-STORAGE BUILDING AND A PRELIMINARY AND FINAL LAND DEVELOPMENT:

Applicant:	Industrial Investments, Inc./Willow Grove Storage, LP
Site Information:	4151 Street Road
Proposed Use:	Self-Storage Building
Zoning Classification:	HC1 – Highway Commercial District
Tax Parcel:	2-1-14 & 2-1-16

Joe Blackburn, Wisler Pearlstine, counsel for the applicant submitted notices to Solicitor Pizzo. The property is currently zoned HC1, Highway Commercial and consists of just under 2 acres an area. The property is presently approved with long vacant but existing industrial structure with some associated accessory structures in the front and a single residential detached dwelling in the rear. Please note there are two subject parcels for this application. The applicant proposes to demolish all of those structures and then in their place construct approximately a 39,000 ft. 3 story self-storage facility. Storage will be contained inside, climate controlled, no garage doors or bay windows of that nature.

In respect to the Conditional Use, there are two use specific criteria that the ordinance sets forth in order to be entitled to the Conditional Use approval. Both of those were subject to variance request, however, the first of which is to permit the property to be located on less than 5 acres an area. Second had to do with the hours of operation which is 6:00 A.M. to 9:00 P.M.

The T and M memo dated February 8th, 2022 is a will comply with the exception of the waivers and they are as follows:

1. SLDO Section 201-106(c)(1), which requires street trees to be planted by developer along all streets where suitable street trees do not exist.

Mr. Blackburn indicated they are not seeking a waiver to reduce the number of trees; the ordinance requires the trees to be planted at an interval of 20 ft. apart. Due to some existing utility lines, the applicant is not able to accommodate the spacing that is required. The waiver is exclusively for the spacing of the trees, all the trees

2. SLDO Section 201-111(a), which requires sidewalks along Street Road.

Mr. Blackburn indicated this would be a situation where you would want to discourage pedestrians walking along Street Road and agreed to pay a fee in lieu of.

3. SLDO Section 201-112(d), which requires a planting strip with an average width of ten feet and minimum width of seven feet shall be provided between the edge of the parking area and the outside wall of the nearest building,

Mr. Blackburn indicated the drive-isle immediately abuts the building along the eastern and northern boundaries. Drive-isles are included in the definition of parking areas, so it is for those areas the applicant is seeking the waiver. The applicant is not seeking any parking relief, the parking is in compliance with what zoning would require with this use.

4. SLDO Section 201-112(h), except at entrance and exit drives, all parking areas as specified in section 201-112(d) shall be set back from the future right-of-way line and all property lines by at least 15 feet.

Mr. Blackburn indicated this is a function of the classification of the drive-isle as a parking area, particularly from the Turnpike. The right-of-way from the Turnpike extends into the property.

5. SWMO Section 196-61(e)(2), which requires that detention basins be designed using TR-55 method.

Township Engineer, Mr. Wursta indicated this is a common request for small sites especially when PennDOT is concerned. TR-55 is a method for determining what the run-off is and how to store it. This is common and also what PennDOT requires.

Robert Cunningham, Engineer for the applicant, indicated most of the stormwater from the site discharges onto Street Road. The applicant is installing a sub-surface basin on the parking lot in the front which will capture most of the stormwater off of the building and discharge into the Street Road right-of-way.

Council President Knowles asked if there was anyone in the audience who would like to speak for or against this project. Seeing no one come forward the public comment portion was closed.

Solicitor Pizzo indicated the notices to the adjacent property owners can be marked as Hearing Exhibit 1. The application of the applicant for preliminary and final land development and conditional use can be marked as Hearing Exhibit 2. The T an M Engineering review memorandum prepared by Russell G. Benner dated February 8th, 2022 and existing 10 pages can be marked as Hearing Exhibit 3. The 15-page plan set for this application submitted with this application and prepared by Holmes Cunningham, LLC of Doylestown, Pennsylvania can be marked as Hearing Exhibit 4. The traffic review memorandum prepared by William Zdrovicz of TPD dated February 3rd, 2022 consisting of 2 pages can be marked as Hearing Exhibit 5. The Bucks County Planning Commission review memorandum dated October 19th, 2021 consisting of 3 pages can be marked as Hearing Exhibit 6. The Bensalem Fire Rescue review memorandum of September 22nd, 2021 consisting of 2 pages can be marked as Hearing Exhibit 7. The Bensalem Police Department Traffic Safety evaluation dated September 23rd, 2021 can be marked as Hearing Exhibit 8. The Bensalem Environmental Advisory Board minutes of November 16th, 2021 as they pertain to this application can be marked as Hearing Exhibit 9.

Inasmuch as this is a Conditional Use hearing which is by definition a zoning process that's performed by the Township Council, the exhibits need to be made as part of the record.

MOTION REGARDING THE CONDITIONAL USE:

Council Vice President Kisselback motioned to approve the Conditional Use based on the exhibits presented by Solicitor Pizzo, as well as all the conditions, **Council Secretary Pilieri** seconded and the motion carried 5-0.

MOTION REGARDING THE PRELIMINARY AND FINAL LAND DEVELOPMENT:

Council Vice President Kisselback motioned to approve the preliminary and final land development for Industrial Investments, Inc./Willow Grove Storage, LP, TMP 2-1-14 & 2-1-19 consolidated and recorded in Doylestown and the new deed for the property submitted to the Township Engineer and the Township Solicitor. The new deed will be recorded prior to or contemporaneously with the recording of the record plan. The November 17th, 2021 letter from the Township's Director of Building and Planning, Ken Farrall, relative to the 5 waivers that were requested be approved as well as a fee in lieu of the sidewalks. **Council Secretary Pilieri** seconded and the motion carried 5-0.

9. CONSIDERATION OF A PRELIMINARY AND FINAL SUBDIVISION:

Applicant:	Thomas Snyder
Site Information:	2289 Green Avenue
Proposed Use:	Single Family Dwelling
Zoning Classification:	R2 - Residential
Tax Parcel:	2-39-104

Mike Meginniss, on behalf of the applicant, indicated the subject property is 2289 Green Avenue, TMP 2-39-104 located in the R2 district. This is an irregularly shaped 1-acre site. The site is presently improved and if you look at the property located on the southeast corner of the site with a detached dwelling and a garage which would remain as a part of this plan. This is a 4-lot subdivision which the applicant is planning on single-family detached dwellings on the other three lots which would be created are less dense and larger than many of the lots in the surrounding area. The minimum square footage from a zoning standpoint in this district is 7,500 sq. ft. and the applicant is proposing essentially lots that are 20% larger than what would be the minimum allowed.

This isn't a situation where the applicant went to the Zoning Hearing Board to try and cram in an extra house and get relief to maximize the build-out. These are reasonably shaped lots with reasonably sized houses and are permitted and consistent with the surrounding area in the zoning district. For the purposes of identification Mr. Meginniss will be labeling the lot on the southeast as lot 4. Lot 3 takes access off of Green Avenue which is the lot above lot 4 and then lot 1 and 2 from McKinley Avenue.

The applicant appeared in front of the Planning Commission and received a recommendation for approval. There was a comment or two at the Planning Commission raised by T and M which has been incorporated into this plan. There are a few waivers, one requiring not to require sidewalks and will agree to pay a fee in lieu of in respect to the sidewalk installation. The applicant is asking for a waiver regarding cartway widening. Everything else in the review letter is a will comply.

John Richardson, Dumack Engineering presented an overview of the project. Mr. Richardson explained the run-off and spoke in depth regarding the 3-underground dry-wells, which are stone pits underground where the water will be directed and infiltrate into. The proposed dry-wells will connect into the existing storm line which runs down McKinley Avenue. At the Planning Commission meeting the representative from T and M said he was concerned in regards to McKinley Avenue specifically. He asked the applicant to do the street widening along McKinley Avenue and the curb and the sidewalk. The other specific item was at the intersection of Green Avenue and Wine Avenue the curb at the intersection. The radius of the turn is a little "wonky" and asked the applicant to straighten it out and install curb. As part of the curb along McKinley Avenue, the drainage is such that the applicant is proposing to place several inlets along the existing storm line. As part of the condition at Planning the curb, sidewalk and road widening the applicant is going to upgrade the stormwater.

As part of the land development, the applicant will be doing some landscaping. There is a section of woods the applicant is proposing to maintain. Additionally, the area closets to Green Avenue, there is some invasive species in there which the applicant will be removing.

Council President Knowles asked Mr. Meginniss, regarding the T and M letter dated February 1st, 2022, if under Section D they are all a will comply. Mr. Meginniss stated they are all a will comply up to comment 19 and 20, which are the waivers.

Mr. Meginniss indicated there are partial waivers with respect to the curbing, sidewalks and then the cartway widening. The only other item that is worth bringing up from a housekeeping standpoint in comment 20 of the T and M letter, which deals with sidewalks, there is a statement

that says If a waiver is granted, the applicant shall pay a fee in lieu of sidewalk installation, which the applicant is agreeable to, there are no existing sidewalks in the vicinity of the site.

In SLDO Section 201-111(b) states there shall be a minimum 4-foot wide planting strip between and the curb and sidewalk. Revise the plan to provide the required planting strip. The is the section the applicant is asking for a waiver.

Mr. Richardson indicated, with the current right-a-way they are proposing to offer for dedication there is not enough room for the sidewalk to be set 4 feet back from the curb. In the applicant’s opinion the road is not heavily traveled. Pushing the sidewalk even further back in the property almost makes it feel like it is part of the property, not a part of the community. The applicant is asking for a waiver to allow the sidewalk to be tight to the curb instead of 4 feet further back into the site.

Engineer Wursta indicated the sidewalk will butt up against the curb which is not a great look. That is the only sidewalk around, there isn’t any sidewalk in the whole community, why even install the sidewalk. Mr. Wursta suggested to put the curb in and plant grass in the rest of the area instead of installing the sidewalk. This is a very nice community with all grass, the sidewalk in just this small section will look out of place.

Mr. Meginniss indicated his client is in favor of the waiver of sidewalks and will pay a fee in lieu of, everything else is a will comply.

Council President Knowles asked if there was anyone in the audience who would like to speak for or against this project. Seeing no one come forward the public comment was closed.

Councilwoman Champion motioned to approve the preliminary and final subdivision located at 2289 Green Avenue, TMP 2-39-104 with the waivers set forth on page 2 of the T an M letter dated February 1st, 2022. First waiver to not require curbing along Wine Avenue and Green Avenue. Second waiver to not require cartway widening of Wine Avenue and Green Avenue. Third waiver not to require sidewalks along Wine Avenue, Green Avenue and McKinley Avenue. Curbing to be place along McKinley. Fee in lieu of curbs and sidewalk, where not specified, per Township Engineer. Recreational fee of \$2,000.00 for each lot. Impact fee will be paid when the permits are issued to the developer. The deeds for the newly created lots will be submitted to the Township Engineer and the Township Solicitor for review and approval and will be recorded before or at the time of recording of the record plan. Councilwoman Benitez Seconded and the motion carried 5-0.

10. CONSIDERATION OF A MINOR LAND DEVELOPMENT FOR:

Applicant:	Peter J. Tantala, Tantala Associates, LLC
Site Information:	2701 Old Lincoln Highway
Proposed Use:	Office
Zoning Classification:	IN – Institutional District
Tax Parcel:	2-1-5

Peter Tantala, Civil Engineer for the applicant, indicated the applicant is actually the Roosevelt Memorial Park located at 2701 Old Lincoln Highway where they operate and maintain a cemetery.

Roosevelt Memorial Park is a 9-acre parcel having frontage on Street Road, Highway Route 1 and Old Lincoln Highway as well. This project proposes about 18,000 sq. ft. of earth disturbance fronting primarily on the Old Lincoln Highway portion of the parcel. The applicant proposes to do 4 things. One, construct a new 3,300 square footprint one story administration building accessory to their cemetery use. Two, demolish their existing accessory administration building. Three, they would build a new 11 vehicle surface parking lot accessory to the building replacing the lot where they are located now. Four, they will construct a raingarden stormwater management feature.

The new impervious area would only be 945 sq. ft. of additional impervious area to what is there now. By code, the regulation reads if they are below 1,000 sq. ft. of additional impervious area, not all of the stormwater management features that would regularly be required, would be required in this case. However, some stormwater management features are required to include groundwater recharge requirement and the water quality requirement. That is why this project proposes a stormwater raingarden, surface vegetated raingarden, to manage the stormwater runoff for these features.

Mr. Tantala indicated he was not in receipt of a technical review letter from the Township Engineer. However, Mr. Tantala did have a conversation this afternoon with Nicole Khan from Traffic Planning and Design who indicated what some of the design review comments may be. They sounded like they would substantially be items the owner would agree to and would be all will comply items. However, without a letter in hand the applicant does not want to commit to a full will comply until the applicant has received the letter from TPD.

Engineer Wursta indicated there was a letter, dated February 4th, 2022, submitted and did not know why Mr. Tantala did not receive the review letter. Everything involved with the review letter involves some clean-up matters. The will complies are appropriate for the existing letter Council has received.

Mr. Tantala conferred with the client and they agreed to a will comply regarding the TPD letter dated February 4th, 2022.

Council President Knowles asked if there was anyone in the audience who would like to speak for or against this project. Seeing no one come forward the public comment was closed.

Councilwoman Benitez motion to approve the minor land development for 2701 Old Lincoln Highway, TMP 2-1-5 as presented assuming the applicant will comply with all of the Townships requirements. **Councilwoman Champion** seconded, and the motion carried 5-0.

11. CONSIDERATION OF LAND DEVELOPMENT EXTENSION AGREEMENT FOR:

Applicant:	Sperduto Investments, LLC
Location:	901 Tennis Avenue
Tax Parcel:	2-29-300

Solicitor Pizzo indicated the Township received a request for an extension of an existing land development agreement for Sperduto Investments, LLC for property located at 901 Tennis Avenue in Bensalem. The applicant is requesting the extension for an additional 1 year that would take it out to February 8th, 2023. If Council is of a mind to grant the request, the Administration recommends that you do so conditioned upon an audit of the developers escrow accounts by the Township Engineer and by the Finance department to make sure sufficient funds remain in place for the completion of the public improvements.

Councilwoman Benitez asked Solicitor Pizzo why the applicant was requesting an extension. Solicitor Pizzo explained the process of a Land Development Extension Agreement for none other than the reason for the job not being completed. Quinton Nearon, Township Senior Municipal Inspection Manager, explained in detail how much of the job was completed before winter hit which has caused the process of the job to slow down. For the most part, the majority of the work has been done on the site.

Council Secretary Pilieri motioned to approve the extension agreement contingent upon an audit by the Finance department, **Councilwoman Benitez** seconded and the motion carried 5-0.

12. **CONSIDERATION OF AMENDING THE COMMUNITY DEVELOPMENT COVID CV 3 SUBSTANTIAL:**

Solicitor Pizzo indicated back in November of last year Council approved some of the Townships COVID CV 3 funds which are Community Development funds from the Federal Government. Those were approved to be used as part of a mortgage foreclosure prevention program that was being initiated by the County to help folks who were in danger of losing their homes of COVID loss of employment and things of that nature. Since last November that program is being funded entirely by the County and so it affords the Township an opportunity to reallocate those Community Development funds to a different program. The program is being recommended by the Administration is being administered through the Family Services Association of Bucks County. The monies would be diverted to a healthcare program that would provide medical assistance and medical services, health services, to the homeless of our community. In part, through a pilot of what is being called a street medicine program, to help with homelessness in our community and in the County.

Keeping in mind these are Community Development funds, which means they are specifically earmarked to help members in the community that are in financial need. This use would be consistent with what federal funds are earmarked to be used for. This is a project being quarterbacked by the County, the Township would be contributing a portion of the Townships Community Development COVID funds to that program and it would be in the amount of \$84,600.00 which is the amount that has been previously allocated for the mortgage foreclosure prevention program.

Council Vice President Kisselback motioned to approve, **Councilwoman Benitez** seconded and the motion carried 5-0.

13. **CONSIDERATION OF A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A MUNICIPAL GRANT CONTRACT AWARDED BY THE REDEVELOPMENT AUTHORITY OF THE COUNTY OF BUCKS FOR \$165,000 FOR T.A.G.:**
14. **CONSIDERATION OF A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A MUNICIPAL GRANT CONTRACT AWARDED BY THE REDEVELOPMENT AUTHORITY OF THE COUNTY OF BUCKS FOR \$70,000 FOR FIRE/EMS UPGRADE PROJECT:**
15. **CONSIDERATION OF A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A MUNICIPAL GRANT CONTRACT AWARDED BY THE REDEVELOPMENT AUTHORITY OF THE COUNTY OF BUCKS FOR \$115,600 FOR POLICE CHIEFS RMS INTEGRATION PROJECT:**

Solicitor Pizzo indicated what he was about to say would apply to agenda items 13, 14 and 15, all 3 of which are Resolutions that would authorize the acceptance of municipal grant contracts with the Redevelopment Authority of the County.

For the newer members of the board who may or may not be aware of the procedure, Solicitor Pizzo explained the following steps regarding the RDA projects.

Annually the Redevelopment Authority administers the distribution of municipal grant program funds to the communities of Bristol Township, Middletown Township, Hulmeville Borough and Bensalem Township primarily and then through those the County and other neighboring communities as well. These are casino funds that go from the casino to the state to the RDA for distribution to communities either affected by or adjacent to the communities that are home to casinos.

The Township and all the eligible communities submit applications each year and those applications are reviewed and approved or in some cases not approved by the Redevelopment Authority and are funded based upon what the annual take from the casino is as part of the process of distributing them to the various communities in the various projects or applications they receive.

This year there are 3 applications of the Township that were approved by the RDA for funding. The first of which is for \$165,000.00 for the Towns Against Graffiti program which the RDA has been funding on an annual basis. The final step of the process is the Township first has to approve the submission of the application. If the application is approved, the Township has to do a second vote to accept the award, and then the third and final vote Council takes is the Resolution that authorizes the entry of an agreement with the RDA for the funds and the administration of the same. This is true for all 3 agenda items 13, 14 and 15.

For agenda item 13, the Resolution would approve the entry of a municipal grant contract between the Township and the RDA for the \$165,000.00 RDA municipal grant for the operation of the Towns Against Graffiti program. The resolution is in a form acceptable to the RDA has been approved and reviewed and is acceptable for Councils consideration and approval.

Councilwoman Benitez motioned to approve agenda items 13, 14 and 15 as presented by Solicitor Pizzo, **Councilwoman Champion** seconded and the motion carried 5-0.

16. **CONSIDERATION OF A RESOLUTION PERTAINING TO THE DESTRUCTION OF OLD RECORDS OF THE BUILDING AND PLANNING DEPARTMENT:**

Solicitor Pizzo indicated State law requires the approval of Council before any Township records can be disposed of or destroyed. The Township is looking to dispose of and destroy various records dating from February 11th, 2020 through to the present. They are outlined in the list that is attached to the proposed Resolution. All of the items that are set forth in this list to be destroyed, it should be noted they have been scanned and are being preserved electronically by the Township so that they will be available to the Township in the future. The disposal is consistent with the requirements set forth for the disposition and disposal government records by the Commonwealth Local Government Records Committee.

The Resolution is in a form acceptable for Councils consideration and approval.

Council Secretary Pilieri motioned to approve as presented, **Councilwoman Champion** seconded and the motion carried 5-0.

17. **PUBLIC COMMENT:**

Council President Knowles asked if there was anyone in the audience who would like to come forward.

A gentleman approached the podium in regards to putting on a car show and asked how he should go about asking for an exemption on the permit fees. Council President Knowles directed the gentleman to the Building and Planning department and advised him to request the paperwork regarding the reduction of fees.

18. **OTHER BUSINESS:**

Solicitor Pizzo wished everyone a Happy Valentine's Day. One of the dioramas from the Neshaminy Mall the preservation of which has been completed and is now on display in the lobby in its new permanent case. The Mayor filmed an interview with the professionals who were hired to do the cleaning and restoration of the diorama. It is an interesting watch and if you get a chance it is on the Township website and running periodically on the Township cable channels. Kudos to the Historic Society for their efforts to get it done.

Councilwoman Benítez indicated Unity Week went very well and thanked B3T and Toby Kahn who is the chair of the diversity committee for organizing the event. Wished everyone a Happy Valentine's Day. Wanted to take a moment as across our nation these past couple of days there were several police officers shot and or injured and asked everyone to please keep them in your thoughts and prayers.

Councilwoman Champion wished everyone a Happy Valentine's Day. Recognized the local schools who achieved a championship. Bensalem High School Basketball Team, St. Ephrem's JV Region Boys Team are the Region 19 Champions for Basketball.

Council Secretary Pilieri wished his wife, Cammy and stepson, Nick, a Happy Valentine's Day.

Council Vice President Kisselback wished everyone a Happy Valentine's Day and congratulated the Los Angeles Rams on their Super Bowl Title.

Council President Knowles wished everyone a Happy Valentine's Day. Next Council meeting is February 28th. B3T's event regarding Unity week was a success.

19. ADJOURNMENT:

There being no other business to discuss, the meeting was adjourned.

The Bensalem Township Council Meeting of February 14th, 2022 can be viewed in its entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Respectfully Submitted,

Debora F. McBreen
Recording Secretary