

**BENSALEM TOWNSHIP COUNCIL
MEETING MINUTES**

Monday 4/23/18

MEMBERS PRESENT:

Joseph Pilieri, President
Joseph Knowles, Vice President
Ed Kisselback, Secretary
Jesse Sloane, Member
Ed Tokmajian, Member

ALSO PRESENT:

Ron Gans, Township Engineer
Joseph Pizzo, Solicitor
Lauren Gallagher, Solicitor
Debora McBreen, Council Clerk
Cindy Terlecki, Recording Secretary

1. PLEDGE OF ALLEGIANCE:

Council President Pilieri opened the meeting with a moment of silent meditation and the Pledge of Allegiance to the flag.

PRESENTATION OF AWARDS:

BPAIR#ENDTHEEPIDEMIC ANTI-DRUG Selfie/Video Contest **Fred Harran** said that Bensalem is trying to do more to fight the opioid epidemic, this contest is a unique way to do just that. **Harran** along with Council presented awards to the following: **Laura Abele** grades 10 through 12 the winner of a \$1,000 Apple gift card. In grades 7 through 9 there were 2 winners: **Pearle Diabene** and **Natalie Peterson** both won \$500 Apple gift card. **Harran** thanked the panel of judges, **Mayor DiGirolamo**, Bucks County District Attorney, **Matt Weintraub** and **Diane Rosati**, Executive Director of Bucks County Drug and Alcohol Commission. He also went on to thank **Ann Marie Erdman**, **Erin O'Rourke**, **Kendall Johnson**, and the Township Drug and Alcohol Advisory Board, and all who helped with putting this together, along with the youth involved in this endeavor and their family members.

Pilieri asked **Pizzo** if there were any changes to the agenda and **Pizzo** said there were 2 changes to the agenda. #6 Rezoning of the Saint Katherine property, the applicant asked this to be tabled until the meeting of 5/29/18, **Kisselback** motioned to table and **Tokmajian** seconded, motion carried 5-0. **Pizzo** also said #7 Republic Bank asked that

their application be tabled until the Council meeting of 5/29/18, **Tokmajian** motioned to table and **Kisselback** seconded, motion carried 5-0.

2. **PUBLIC COMMENT:**

Pileri asked if anyone from the audience wanted to speak on any agenda items, no one came forward and public comment was closed.

3. **APPROVAL OF COUNCIL MEETING MINUTES:**

Sloane motioned to approve the minutes of 4/9/18 with one change, **Knowles** seconded, motion carried 5-0.

4. **CONSIDERATION FOR CONDITIONAL USE:**

Applicant	Holistic Pharma, LLC (c/o Keith Morgan)
Location:	4201 Neshaminy Boulevard (Stores 101 & 102)
Proposed Use:	Medical Marijuana Dispensary
Tax Parcel:	2-1-55-1

Pizzo said this was on a previous agenda, the notices were sent and are all in order. **Carrie Nase**, attorney representing the applicant said the property was posted and handed out exhibits, the property is zoned G-C. **Nase** called 5 witnesses to be sworn in. The applicant proposes opening a medical marijuana dispensary at the Neshaminy Square Shopping center which is located opposite the Neshaminy Mall, and off the main highway, but accessible to patients. **Keith Morgan** said there are 17 ailments that will be used for medical marijuana, a doctor will verify that the patient has one of the 17 ailments listed, 1% to 2% of our population will be using medical marijuana. No one in the dispensary will enter without a card that is approved by the State and a doctor. The license, which is obtained from the Department of Health is only for dispensing, no growing will be permitted at the site. **Morgan** said he met with the police for the security requirements, and limiting the hours of operation to no earlier than 7:00 a.m. and no later than 10:00 p.m. **Tokmajian** asked about **Morgan** being the principal and **Morgan** said that his wife and cousin are 50/50 owners, he owns the Krispy Kreme in Bensalem. **Knowles** said the location is right there where the Laser Zone is located and children go there. **Morgan** said that the outside of the building will have a sign that says "Liberty" no other markings indicating what it is. **Tokmajian** asked why locate at a retail building as opposed to a medical building, **Morgan** said it is PA regulated zoning. **Pizzo** said Holistic applied for several permits, this will be the only one in Bucks and **Morgan** said that Bristol Township has one. **Pizzo** then said if the patient receives a card can they go to any dispensary in PA and **Morgan** said they can. **Kisselback** asked if Ultra Zone was ever considered when looking at the dispensary since they are in close proximity and there are always children there. **Knowles** asked about the distance from the recovery house in the area and **Morgan** said 2,000 feet. **Morgan** said they worked hard to ensure that State and Local zoning was met. **Sloane** asked how many employees and what kind of requirements will be needed, **Morgan** said 6 to 15 full and part time employees, they

will be finger printed, will get PA certifications and will comply with state requirements. **Tokmajian** asked if there any other locations looked at and **Morgan** said they looked at 30 or more sites in Bensalem and around 250 sites in other Townships. **Tokmajian** asked if the patient would need to show a card to get into the facility and **Morgan** said they would come in to the vestibule and would not get into the facility until it was verified. **Pilieri** asked why not a free standing facility and not in the middle of a shopping center, as a board member it was felt it would be a better and safer location. **Morgan** noted that it will be at the end of the shopping center. **Justin Geonnoti**, a civil engineer spoke about the parking spaces and said there are 9 parking stalls and they will comply with parking requirements, this is not a high traffic use area and they will comply with all zoning requirements. **Kisselback** asked about the definition of a community center referring to Ultra Zone and **Geonnoti** said a community center is a facility being used by people paid for by tax dollars. **Pilieri** asked what about a half-way house within 2,000 feet. **Tokmajian** asked about the Mall, people congregate there after much discussion about what constitutes a Community Center, **Sloane** asked if they were aware there is a CVS pharmacy close by and **Geonnoti** said they were aware of the CVS. **Thomas Weidenman**, who is an architect in charge of codes and zoning said he reviewed the plans and they comply with state and local requirements, there is plenty of security, the storefront will blend in with the other stores, and **Kisselback** said the design is very nice. **Weidenman** said windows will be blacked out, **Sloane** asked about security bars on the windows, **Weidenman** said there are some existing security bars, **Pilieri** asked if delivery was secure and **Weidenman** said yes, there is no drive through. **Tokmajian** wanted to know who had access to the Vault where the marijuana will be and **Louis Giannotte**, Pharmacist, said he and Director of Operations would have access, and their duties would be to question patients and get a brief assessment. The patient applies on line and sees a doctor for a script, and when approved, will be issued a State approved card, they won't be able to enter the facility until they get certification. No one under 18 would be permitted without an adult, there will be cameras throughout the facility and guard along with a silent alarm. **Kisselback** asked if there are other things that can be used other than medical marijuana and has the Federal Government weighed in yet. **Giannotte** said that medical marijuana can be used for cancer treatment to relieve symptoms of nausea in patients, they continue to discover new uses for the marijuana. **Knowles** asked if the security guard would carry a weapon and **Giannotte** said no, but the delivery drivers may have weapons, **Pilieri** asked if everything would be locked up and the answer was it would be. **Knowles** asked why CVS, Walgreens' or other pharmacies cannot carry this and **Giannotte** said the Federal Government does not recognize cannabis. **Michael Palladino**, owner of Neshaminy Square Shopping Center agreed with the proposed use, he said he discussed this with all the tenants and there were no issues.

Pilieri called for a 5 minute recess.

Nase said they would comply with **Gans** review letter of 2/6/18, **Pilieri** asked **Pizzo** if the State changes the use, what protection the Township has. **Pizzo** said the Township ordinance mirrors the State laws for the criteria for one of these facility, dispensing is permitted as conditional use, grower/processor use is not permitted. **Pilieri** asked if anyone from the audience wanted to speak and **Tiffany Mitchel** came forward and said

she is concerned because her child goes to the Ultra Zone and he is autistic, she would like to know how the medical marijuana will help her son. **Palladino** said that some children with autism will benefit from the marijuana. **Knowles** asks if autism is one of the 17 conditions that will benefit from the marijuana and **Giannotte** said it is. **Pizzo** said to add Gans Memo of 2/6/16 and the conditional use application received by Building and Planning 1/19/18 into the record. **Sloane** thanked all the witnesses and said this product could help with the opioid epidemic and maybe combat the crisis. Medical Marijuana is an alternative to people who suffer with pain, and this is long overdue. **Nase** said her client will agree to accept the condition that the use is limited only to medical marijuana, and the applicant will come before council for any other proposed use. **Sloane** said the law is the law and no one is approving recreational marijuana, he then motioned to approve and **Tokmajian** seconded, motion carried 3-2 with **Knowles** and **Kisselback** voting no.

5. CONSIDERATION AND PUBLIC HEARING ON AN ORDINANCE:

Transfer of liquor license R-21166 to Giant Food Stores. **Pizzo** said the notices were received and are in order. **Ellen Friedman**, attorney for the applicant said there were 2 exhibits to be added, she went on to say that Giant has nearly 200 grocery stores and employs 33,000 associates and has a perfect record for training their employees. The proposed plan would take up only 3,500 square foot of the 50,000 square foot would be used for seating for food and alcohol sales. There will be a 2 beer consumption limit in the store and a meal would also have to be purchased, there will be no outside seating or drinking. **Colin Keith**, Giant Store Manager said the reason for the sale of alcohol at Giant is the customers want selection and convenience. **Tokmajian** asked about the liquor license transfer, and at what point does this go from a market to a bar. **Pizzo** said the use was changing, there would be seating and it is still a permitted use, this is allowed by the State. **Friedman** said this is only approving the transfer, the PA Liquor Control Board requires 30 seats, and most of the sales would be take out. **Pizzo** said when the building permit comes it would be looked at by the Township's Building and Planning Department. **Pileri** asked if anyone from the audience wanted to speak on this the following came forward:

Frank Schilling came forward, he is concerned about the DUI's, and crime associated with the liquor sale. The ACME, Shop Rite and the movie theaters all have liquor now, he said we are making it too easy to obtain liquor, **Pizzo** said we can't control the State, we have a good town here. **Allan Windsor** said the Township has a number of liquor licenses and he asked if the Township can be maxed out at some point, **Pizzo** said that he doesn't think we have a right to put a limit on the number of liquor licenses. No one else came forward and the public portion was closed. **Kisselback** motioned to approve and **Sloane** second, motion carried 3-2 with **Tokmajian** and **Knowles** voting no.

6. CONSIDERATION AND PUBLIC HEARING ON AN ORDINANCE:

Zoning change for Mother Katherine Drexel property.

Tabled until 5/29/18

7. **CONSIDERATION AND PUBLIC HEARING ON A REZONING ORDINANCE:**

Applicant: Republic First Bank d/b/a/ Republic Bank
Location: 2941 Mechanicsville Road
From Zoning Classification: R-2 Residential
Tax Parcel: 2-16-24

Tabled until the Council meeting of May 29, 2018

8. **CONSIDERATION OF A 17 RESOLUTIONS:**

1. Rockhill Drive (S.R. 2044) & S.R. 0001 NB Ramps/Neshaminy Mall
2. Rockhill Drive (S.R.2044) & Neshaminy Boulevard
3. Old Lincoln Highway (S.R. 2037) & Somerton Road
4. Lincoln Highway (S.R. 0001) & Old Lincoln Highway (S.R. 2037)
5. Old Lincoln Highway (S.R.2037 & Rockhill Drive (S.R. 2044)
6. Old Lincoln Highway (S.R. 2037) & Horizon Boulevard
7. Bristol Road (S.R. 2025) & Old Lincoln Highway (S.R. 2037)
8. Street Road (S.R. 0132) & I-276 EB Slip Ramps
9. Rockhill Drive (S.R. 2044) & Horizon Boulevard/S.R. 0001 SB Ramps
10. Bristol Road (S.R. 2025) & Neshaminy Boulevard
11. Rockhill Drive (S.R. 2044) & Overlook Boulevard
12. Street Road (S.R. 0132) & S.R. 0001 Ramps A/B, Driveway No. 2
13. Old Lincoln Highway (S.R. 2037) & Neshaminy Interplex Drive
14. Neshaminy Boulevard & Neshaminy Mall Drive
15. Street Road (S.R. 0132) & S.R. 0001 Ramps C/D, T-329 Relocated
16. Old Lincoln Highway (S.R. 2037) & Neshaminy Interplex Northgate
17. Rockhill Drive (S.R. 2044) & the Marketplace/Neshaminy Mall

Pizzo said these are all related to the future Route 1 project, they are all in a form acceptable for the Township to approve, **Sloane** asked the cost of the project and **Pizzo** said that Route 1 is a Penndot project, the Township signals are required. Penndot will be installing and making any necessary changes, and the Township will then maintain the signals, **Knowles** motioned to approve and **Tokmajian** seconded, motion carried 5-0.

9. **REQUEST FOR REDUCTION OF FEES:**

A request was made for a reduction of fire inspection fees for Bensalem United Methodist Church located at 4300 Hulmeville Road. **Pilieri** asked for the costs and **Pizzo** said when Building and Planning complete their analysis the Township considers the reduction, **Knowles** said we have given the reductions in the past, **Knowles** motioned to approve and there was no second, the motion died.

10. REQUEST FOR REDUCTION OF FEES:

A request was made for a reduction of fire inspection fees for Sisters of the Blessed Sacrament located at 1663 Bristol Pike. **Knowles** motioned to approve the reduction of fees and was past practice, there was no seconded, motion died. **Sloane** asked if Council could get some info on the actual cost, **Pilieri** said the request will be made to Administration for both agenda items 9&10.

11. PUBLIC COMMENT:

Frank Zeidler – asked if a power point presentation could be made when applicants come before Council so the people in the audience could see what they were referring to, **Sloane** said he would check with the **Mayor**, and **Pilieri** said that this is already in the works. **Pizzo** said the Township will have to require applicants to submit plans in digital form.

Allan Windsor – asked about the evasive plant ordinance specifically “Bamboo” and if Building and Planning got any complaints. **Pilieri** said there is an approved ordinance and he would get him a copy, **Gans** will see that the Environmental Advisory Board gets a copy.

12. OTHER BUSINESS:

Pizzo – said Bensalem High School baseball team is off to a good start.

Sloane – asked about the ordinance on residency, **Pizzo** will check with Administration.

Pilieri said the ordinance was originally in place to give Bensalem residents first shot at jobs in the Township, he then instructed **Pizzo** to draft the ordinance.

Tokmajian – asked about the situation in Neshaminy Valley with regards to PECO and also asked about the status of the Armstrong property. **Pizzo** said that nothing has been submitted to the Township on the Armstrong property. **Tokmajian** then asked about the budget and could **John Chaykowski**, Finance Manager report to Council on a quarterly basis. **Pilieri** said that a report could be given, but no time should be taken from a Council Meeting to go over the report. **Pizzo** said since the request just came in today, he would have **Chaykowski** get back to Council.

Knowles – said he was sorry about the Flyers but was glad about the success of the 76ers.

Kisselback – wishes everyone a happy Cinco de Mayo.

Pilieri – said he felt bad about the Flyers and he said the Township keeps going in the right direction.

13. ADJOURNMENT:

The next Council meeting is scheduled for 5/14/2018

Respectfully Submitted,

Cindy Terlecki