

**BENSALEM TOWNSHIP COUNCIL  
MEETING MINUTES**

**Monday  
March 8<sup>th</sup>, 2021**

**Zoom – Virtual Public Meeting**

**VIRTUAL COUNCIL MEMBERS PRESENT:**

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

**OTHER VIRTUAL PRESENCE BY:**

Mayor Joseph DiGirolamo  
Russell Benner, Township Engineer  
Debora McBreen, Council Clerk/Recording Secretary  
Quinton Nearon, Principal Inspector  
Joseph Pizzo, Township Solicitor

**PLEASE NOTE:**

**Due to the COVID-19 pandemic and all of the orders and declarations from the Federal, State, and County governments, the Bensalem Township Council held its' regular monthly meeting as a virtual public meeting utilizing the Zoom Meetings platform.**

**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.**

**1. PLEDGE OF ALLEGIANCE:**

**Council President Pilieri** opened the meeting with a moment of silence or prayer which was followed by the Pledge of Allegiance.

**2. PUBLIC COMMENT:**

**[publiccomments@bensalempa.gov](mailto:publiccomments@bensalempa.gov)**

**Council President Pilieri** indicated the Public Comment will be heard at the time the agenda item is heard.

3. **APPROVAL OF COUNCIL MINUTES:**

**Council Secretary Knowles** motioned to approve the Council Minutes from meeting date of February 8<sup>th</sup>, 2021, **Council Member Sloane** seconded and the motion carried 4-0-1.

4. **CONSIDERATION OF A LOT LINE CHANGE:**

**Applicant:** James Kelly  
**Site Information:** 3132 Prospect Avenue  
**Proposed Use:** Residential  
**Zoning Classification:** R-1 Residential  
**Tax Parcel:** 2-4-239 and 2-4-239-1

**Solicitor Pizzo** admitted Mr. Kelly into the meeting.

**Council President Pilieri** asked Mr. Kelly if he wanted to go over the letter from the Township Engineer, Mr. Russell Benner, and to give Council an idea as to what he would like to do with the property. Mr. Kelly presented Council with a short history and indicated a minor line change to the property.

**Council Vice President Knowles** indicated a variance was required for lot one and if Mr. Kelly if the variance was received. Mr. Kelly replied there was no variance received.

**Council President Pilieri** indicated Council does not do the approvals until the applicant goes through the Zoning Hearing Board to receive the variance. The applicant should go through zoning first to get the relief then come back to Council for the proposed approval.

**Solicitor Pizzo** concurred with Council President Pilieri and indicated to Mr. Kelly, inasmuch as what Mr. Kelly wanted to do to the property, an approval from the Zoning Hearing Board would be necessary.

**Mr. Kelly** indicated he had talked to a few individuals from the Building and Planning department and was given direction to go before Council. Solicitor Pizzo apologized and indicated inasmuch as he was not privy to the conversation and not sure what the basis would have been for that direction, and unless Solicitor Pizzo was reading the Township Engineer's memorandum incorrectly, asked Mr. Kelly if this was an existing non-conforming lot. Mr. Kelly replied, yes this is an existing non-conforming lot. Engineer Benner indicated they were both conforming lots at this point before the provisions and lot number one will become non-conforming if the subdivision would go through. Engineer Benner indicated Mr. Kelly's relief will be for him to ask for zoning relief to allow for lot one, after the subdivision, to be essentially less than what is required for the R1 zoning.

**Council Secretary Kisselback** asked Mr. Kelly if he was adding an extra little piece of ground to make lot one "L" shaped or was he taking it away. Mr. Kelly replied he was taking it away from lot one and it will become a part of lot two.

**Council Vice President Knowles** indicated Mr. Kelly had two separate tax I.D. numbers and if he left them alone the way they are now, if these tax I.D. numbers were separate 30 years ago

he probably would be able to build on it. But, since Mr. Kelly is lessening lot one, there are zoning laws saying he needs a variance.

**Mr. Kelly** asked if he could get a conditional approval so he would not have to come back in front of Council.

**Council President Pilieri** replied no, once Council gives the approval the Council has made it into a non-conforming situation. Mr. Kelly will need to come back in front of Council with the approval from the Zoning Hearing Board.

**Solicitor Pizzo** indicated there was still sufficient time for Mr. Kelly to get on the agenda for the Zoning Hearing Board in April and call the office tomorrow to set those wheels in motion. Quinton Nearon, Township Principal Inspector indicated the cut-off date was this Thursday. Assuming Mr. Kelly goes to the April Zoning Hearing Board and assuming Mr. Kelly will receive an approval from the Zoning Hearing Board at the April meeting, Mr. Kelly could then come back in front of Council for their second meeting in April which will be a sufficient amount of time to get everything in order. Solicitor Pizzo told Mr. Kelly he would need an Extension of Time, under the Municipalities Planning Code, for the Township to consider this application and asked Mr. Kelly if he could grant that orally now and then confirm it with a written document to the Solicitors office or Zoning office tomorrow. Mr. Kelly agreed to the Solicitors instructions regarding the Extension Agreement application.

**Council President Pilieri** asked Mr. Kelly if he was giving his verbal okay now and Mr. Kelly replied, yes.

**Council Secretary Kisselback** motioned to approve the extension to June and to hear the applicant at the second meeting in April, **Council Member Tokmajian** seconded and the motion carried 5-0.

## 5. CONSIDERATION OF A LOT LINE CHANGE:

<b>Applicant:</b>	<b>Bensalem Township School District</b>
<b>Site Information:</b>	3330 Hulmeville Road – Snyder Middle School
<b>Proposed Use:</b>	School
<b>Zoning Classification:</b>	R-11 Residential
<b>Tax Parcel:</b>	2-33-33-1

**Solicitor Pizzo** admitted Mr. Steve Corr, Esquire, with Begley, Carlin & Mandio, LLP in for the applicant. Solicitor Corr has been working in tandem with 2201 Street Road to get this completed. Solicitor Corr introduced John Koutsouros, P.E., Carroll Engineering, Engineer for the applicant. They have been working with the buyer and have submitted the Contract for Professional Services along with another agreement along with the School District and the buyer.

**Engineer Koutsouros** indicated his plan was to go through the T & M comment letter. Solicitor Pizzo asked Mr. Corr to start with Section C. Chapter 232- Zoning Ordinance (ZO). Engineer Koutsouros stated Item 1 and Item 2 are a Will Comply. Section D. Chapter 201- Subdivision and Land Development Ordinance (SLDO), Items 1, 2 and 3 are a Will Comply, Item 4 they are asking for a Waiver, Item 5 is a Will Comply and item 6 and 7 they are asking

for a Waiver, Item 8 is a Will Comply. Section E. General Comments, Items 1 and 2 are a Will Comply.

**Solicitor Pizzo** asked Engineer Benner if any of the Waivers were inappropriate or warrant additional discussion.

**Engineer Benner** indicated on Item 4 typically, instead of a Waiver Request if the applicant could submit a detail aerial showing the location of the properties and then on that aerial showing a distance of 400 ft. on either side of the boundary, would be acceptable. Engineer Koutsouros agreed and said he would produce a high-quality aerial showing a 400 ft. radius.

**Engineer Benner** indicated, in reference to the Wetlands Certification asked Engineer Koutsouros if he could place a note on the plans stating it is certified there is no wetlands on the sites. Engineer Koutsouros indicated a Wetlands Cert would have to come from a Wetlands Specialist, which he is not. Furthermore, they will be taking this project to Land Development and will be able to get those plans certified from a Wetlands Specialist that there is no wetlands on the site. Engineer Benner preferred the Wetlands Cert be done and recommended not granting a Waiver.

**Solicitor Pizzo** indicated at some point in time the certification will have to be done, if the Township Engineer is suggesting it be done now as part of this process, the applicant will be that much more ahead of the game as your required for the Land Development.

**Council Vice President Knowles** asked for clarification on Lot 1. Solicitor Pizzo indicated it was his understanding the Agreement of Sale with the School District ended up including the shaded area through some subsequent modifications of that agreement. Ultimately that is what was purchased by the applicant and sold by the School District and that is what the Deeds will reflect as being the land that was sold and the amount of money paid to the School District was for all of that land. Solicitor Pizzo also stated he didn't believe the area that would have been, at one point of time, was intended for the road. Solicitor Pizzo didn't believe the plans had been shown to the Township included the development of a road on that site, but it is nonetheless part of what the applicant or the purchaser of 2201 Street Road has purchased from the School District. The applicants Solicitor, Mr. Corr, agreed with Solicitor Pizzo's statement.

**Council President Pilieri** stated it would be necessary for the Wetlands Certification. Mr. Michael Stoll, Counsel for 2201 Street Road, agreed to make it a Will Comply for the Wetlands Certification.

**Engineer Benner** indicated as afar as the Planning Module waiver, the Township has had some issues with DEP where they have had some questions with things that have been approved and Engineer Benner would like to see the applicant send in the mailer. It will be processed quickly, they will likely say it meets the requirements for a waiver, they don't need a Planning Module. Engineer Benner advised Council he would like to have it on record, from a subdivision stand-point-of-view the DEP had looked at it and have an official piece of paper from them stating they are alright with the Waiver.

**Engineer Koutsouros** stated in this case there is not even a building or anything proposed, they are literally just selling land so it feels like a frivolous exercise and kind of a time extender.

**Solicitor Stoll** indicated in terms of the ultimate landowner, as Mr. Koutsouros pointed out, the applicant will be revisiting all of these issues as they move forward with the other applications that are on their way or currently being presented to the Township, the Planning Commission and the Township Council. Solicitor Stoll asked if at all possible, they would request the Waiver for the final item and will be glad to comply and withdraw the waiver request for item four and do all of that for these early plans, but certainly be able to address any of these issues regarding the waiver being requested this evening.

**Council President Pilieri** indicated it would be up to Council and the Township Engineer would like to have the sewage planning module. When the motion is made, the board will decide whether they will want to give the Waiver for item 7.

**Council Secretary Kisselback** asked how can the applicant suggest doing something with this particular property if he doesn't know what he is doing with the property as of yet and do they know what the final plan would be regarding the property.

**Township Engineer Benner** asked Council Secretary Kisselback if he was asking about the sewage planning module, which he was, Engineer Benner reiterated the DEP's instructions regarding the mailer for the sewage planning module.

**Solicitor Pizzo indicated** in reference to the final plan in passage Council Secretary Kisselback was reading would be the final plan. In this case, the final lot line change plan, assuming the Council is inclined this evening and votes to approve the plan, that is the plan the section of the subdivision ordinance is referencing.

**Solicitor Pizzo** indicated at this point, based on the discussion, all of the items covered in the T and M memorandum of February 16<sup>th</sup> would be Will Comply items. Item 4 will be to the satisfaction of the Township Engineer by providing an aerial as described by the Township Engineer as part of the plan.

**Council Secretary Kisselback** motioned to approve the lot line change for the Bensalem School District, 3330 Hulmeville Road, Snyder Middle School, the applicant will comply with the letter from T and M dated February 16<sup>th</sup>, items A, B, C as well as Section D 201-Subdivision Land Development Ordinance and item 4 in compliance by supplying an aerial and comply with all other items 1 through 8 as well as Section E, **Council Member Tokmajian** seconded and the motion carried 5-0.

**Council Member Tokmajian** asked if Council Secretary Kisselback was confirming item 7 in his motion, Council Secretary Kisselback replied, yes.

6. **CONSIDERATION AND PUBLIC HEARING ON AN ORDINANCE AMENDING CHAPTER 225 "VEHICLES AND TRAFFIC" ARTICLE III: PARKING REGULATIONS", SECTION 7, "PARKING, STOPPING OR STANDING" SHALL BE AMENDED TO ADD THE FOLLOWING RESTRICTIONS:**

<u>No Parking</u>	<u>Direction of Travel</u>	<u>Location</u>
Blanche Road	Northeast-bound	From Bridgewater Road to Wells Drive
Wells Drive	Eastbound	From Blanche Road to Bridgewater Road
Wells Drive	Westbound	From Blanche Road to Bridgewater Road

**Solicitor Pizzo** indicated, the Township has received calls regarding vehicles, particularly trailers and tractor trailers parking along Wells Drive and Blanche Road within the Blanche Road Industrial Park. The continued parking of trailers and vehicles is creating obstruction of the view particularly for motorist pulling in and out of the various businesses located on those roads and also making it difficult for some of the tractor trailers that need to get in and out of those buildings to make the maneuvers they need to do. It is also creating a plowing problem for the Township Public Works department during snowstorms and that is what really brought everything to a head. The Township Traffic Safety Officer went out and performed an inspection and reported his findings back to Mayor DiGirolamo and the Mayor and Administration are recommending to Council the adoption of the Ordinance that would make Blanche Road and Wells Drive no parking in the areas set forth in the Ordinance. The Ordinance has been properly advertised in the Bucks County Courier Times and is in a form acceptable for Council’s consideration and approval.

**Council Member Sloane** indicated he was completely in support of the Ordinance but was wondering if anyone from the Township tried communicating with the businesses along Blanche Road and Wells Drive regarding the truck parking to see if it can be alleviated or at least give them a heads up that this was coming.

**Council President Pilieri** indicated typically they are the ones who know and are complaining. Council President Pilieri visited the area to inspect the situation and noticed the trucks parked along the road were from the trucking company located there and assumed they were parking along the road because they were out of room on the parking lot.

**Mayor DiGirolamo** indicated he did not know if anyone from the Township contacted the businesses. One of the problems is the trucks are disconnecting their trailers and they put the metal jacks right on the blacktop and it is causing damage to the Township roads. The Mayor was going to contact the Township Traffic Officer to see if the businesses were communicated with regarding the no parking.

**Council Member Sloane** motioned to approve the Ordinance as presented, **Council Member Tokmajian** seconded and the motion carried 5-0.

**7. CONSIDERATION AND SIGNING OF AGREEMENTS FOR:**

<b>Applicant:</b>	<b>Waterside Phase 3</b>
<b>Location:</b>	State Road
<b>Proposed Use:</b>	Residential Units
<b>Zoning Classification:</b>	MXD – Mixed Use Residential District
<b>Tax Parcel:</b>	2-65-22

**Solicitor Pizzo** indicated the Administration is asking the item to be tabled and will bring it back at the next Council meeting. There are discussions that need to be had with the Developer regarding Phase 3 before the Township asks Council for their final approval for those agreements.

**Council Secretary Kisselback** asked Solicitor Pizzo if a date certain was needed, Solicitor Pizzo indicated since it is not a land Development Council did not need a date certain just a motion to table and bring it back when it is ready.

**Council Secretary Kisselback** motioned to table agenda item 7, **Council Vice President Knowles** seconded and the motion carried 5-0.

8. **CONSIDERATION OF A LAND DEVELOPMENT EXTENSION AGREEMENT:**

**Applicant:** CalAtlantic Group, Inc.  
**Site Information:** 2670 Galloway Road  
**Tax Parcel:** 2-33-7

**Solicitor Pizzo** indicated item 8 on the agenda as well as item 12A both involve the Victory Square Subdivision and CalAtlantic Group. As Council President Pilieri alluded to at the outset of the meeting Council has received some Public Comment. A number of emails was received pertaining to that project. Now would be the appropriate time before Council acts on it to receive the Public Comment regarding that project.

**Solicitor Pizzo** apologized in advance to the residents who sent the emails in for butchering one or more of the names. The following emails can be heard in their entirety at the following websites:

[www.bensalempa.gov](http://www.bensalempa.gov) or [www.youtube.com](http://www.youtube.com)

Below are the correspondents, in no particular order, and a short synopsis of their email:

**Parmod and Anita Acharya**, 100 Derby Lane: Water pod in back yard. Water in basement from window-well.

**Tonya Presley**, 108 Derby Lane: Tot lot and pond, neither project has been started.

**Dimple Desai**, 135 Derby Lane: A multitude of interior problems in their home along with water drainage problems.

**E. Wyatt Gordon**, 130 Derby Lane: Roads have not been completed, the construction of the tot lot has not started, the community signage is incomplete, the proper grading regarding water run-off has not been completed and interior issues in their home have not been addressed.

**Joe Sheridan**, 102 Derby Lane: Lennar has left the roads unfinished, no tot lot, unaddressed warranty issues and poor storm water drainage.

**Mayank Bhavsar**, 133 Derby Lane: Pending issues still not resolved by the construction company, Lennar. Road paving not complete, no tot lot and the one year warranty issues have not been addressed.

**Jinesh Patel**, resident of Victory Square: Roads not complete, no tot lot and water runoff issues.

**Hemal Jariwala**, resident of Victory Square: interior issues not addressed.

**Victoria Kapusta**, 128 Derby Lane: Roads have not been completed, touch-ups to the sidewalks, walkways and mail cluster ramp are either chipping or missing altogether. Interior problems have not been addressed.

**Prince and Shaismy Varghese**, 113 Derby Lane: Many of the promises made have not been upheld by Lennar.

**Kehinde Onilari**, 140 Derby Lane: Community roads not completed, drive needs to be resurfaced, tot lot not complete and interior cracks in basement floor.

**Raghu Kagita**, 106 Derby Lane: Grading on his property never finished, storm water pools in the backyard.

**Jeffrey and Linda Grisillo**, 115 Derby Lane: Drainage issues in their side yard, multiple interior problems have not been addressed by Lennar.

**Michelle Altieri**, resident of Victory Square: Lennar has failed to complete the issues throughout the community.

**Council Secretary Kisselback** indicated since Council heard all of the emails in regards to the Escrow release why doesn't Council address the release first.

**Council Vice President Knowles** indicated the Escrow Releases were a separate issue and as far as the Land Development Extension Agreements extending it will protect the people.

**Solicitor Pizzo** indicated the extension of the Developer Agreement keeps the developer "on the hook" and keeps the rights and responsibilities they have and the Townships ability to enforce those rights under the Land Development Agreement in place. To an extent, they are asking for an extension of time, Council may not want to extend it for the year they are asking, but certainly would be the Solicitor's recommendation because the alternative is the Developer Agreement expires. The Township would then begin the process of moving to seize the money and get in a position to start doing the work itself. At the end of the day that does not benefit anyone else because it likely ends in litigation at least for some protractive period of time and during that period of time the money does not get spent. Secondly, to the extent the Township takes on the responsibility of completing the work, the Township, as a governmental entity, has to put that kind of work out to bid. The Township has to follow prevailing wage and other procurement regulations that apply to governmental entities that don't apply to private builders and therefore you don't get as nearly as much for the dollar if the Township does the work as if the builder does it. For Example, if there is \$800,00.00 dollars or \$1,000,000.00 dollars sitting there, which certainly sounds like a lot of money, but if you're listing all of the things that need



to be done, that amount of money, whatever it is, doesn't go nearly as far if the Township is doing the work as it does if the builder were to do it. It is the Solicitor's recommendation for Council to extend the Developers Agreement, maybe not for the year Lennar is asking. Rather than creating a situation where the homeowners may not see the results they are hoping to see because the Township is now going to be in litigation with Lennar.

**Council Member Sloane** asked Solicitor Pizzo if the line items listed in escrow are priced out just for that situation where the Township has to perform that work? Isn't that the whole point of the Township holding those funds in escrow?

**Solicitor Pizzo** replied as to the cost of construction, which Engineer Benner can speak to whether those numbers are based on the builder doing it or the Township, the numbers that are in the construction cost estimate are based on the cost of construction for the builder. The Township verifies those numbers are accurate. There is then on top of that, an additional amount of money, a contingency, if you will, that is then put on top of the cost estimate, which to some extent if the Township were to have to step in and do the work it would cover that. The contingency also covers the fact if this were a project where the numbers were being estimated, let's say in 2018 and by 2021 the cost of asphalt has gone up significantly because the cost of oil has gone up significantly, any number of factors, either domestically or overseas, those cost of changes into doing certain things are, at least to some extent, covered by the contingency. Now again what Council normally does as part of any Land Development Extension Agreement is Council will require the Township Engineer and the Finance department to verify the amount of money that is still in place is adequate to do the work that remains to be done. One of the things the Township Engineer does, is to verify a unit price that might have been, for example, \$20.00 a square yard in 2019 and is now \$25.00 a square yard, if it changes the numbers so much, additional escrow needs to be added. Then the Township has a condition of granting the extension of time would ask for additional money.

**Council Member Tokmajian** indicated after hearing all of those concerns regarding Lennar, he would like to hear an update as to the progress of work. He suggested extending the agreement to the end of 2021. He does not want to see it go through another winter and give the excuse to delay any work that might still have to be done. Secondly, Council needs to go back to the situation that the Township had with Waterside and Lennar. After Council pushed back on them a little bit Lennar was receptive to meeting with the residents and making a lot of those changes. Council Member Tokmajian's suggestion for item 12A is to table the agenda item because he is just not comfortable knowing all the issues that are going on.

**Council President Pilieri** indicated what he would like to suggest to the Mayor and Solicitor Pizzo if Council could have a meeting with Lennar to find out what they are going to do. Council President Pilieri indicated there are problems with both of the developments and developers and get to the bottom of it. They cannot come into our town and give the residents less than they deserve with the money they are spending. Council President Pilieri feels whatever Council can postpone, they postpone.

**Council Member Sloane** indicated he did remember Lennar coming into a council meeting to address concerns regarding Waterside. He feels it would be appropriate to do it at another public meeting. Let the residents know what is going on, let the whole Township know what is going on to let them know the Township is holding these developers accountable for what is going on.

**Council President Pilieri** indicated Council can do both, but shouldn't wait until the next Council meeting. We can start tomorrow to get on the case and have Administration get the ball rolling as to what is going on here. When you have 30 houses and 16 of those houses are complaining who knows what the other residents have who didn't know about the meeting.

**Council Secretary Kisselback** indicated his suggestion would be he agrees to extend the agreements so they can approach it and hopefully give them an opportunity for the Administration to address them and get on their case relative to them understanding that COVID-19 had something to do with that and for the same token they seem to be dragging their feet when you have this many people complaining what is happening. Also, when Council gets to agenda item 12A, it is amazing, and doesn't quite understand, how there can be so many recommended releases when many of the complaints the people had lodged with the Township today relative to the roads, relative to the bad seeding, relative to the concrete work, things the Township should be responsible for and understand there are internal things that people are complaining about which they can speak directly to Lennar. Council Secretary Kisselback is surprised, again, that there were so many releases were granted based on the amount requested, it should have been a lot less.

**Engineer Benner** indicated this is their first request for an escrow release which is kind of odd that they have not requested an escrow release throughout the project. The original escrow release was for \$922,000.00 dollars, \$122,856.00 dollars of the total amount they have escrowed of \$1,150,791.00 dollars. After reviewing the request for escrow release, the Township cut-down the original monies by over \$30,000.00 dollars and there is still a balance of \$260,000.00 dollars. In those releases where they have requested, and the Township has reduced by \$30,000.00 dollars there are a number of reasons and one of those reasons in one of the line items particular, is the adjustment of fine grading and the Township has not granted what they have requested. Because the Township recognizes these on lot issues because water ponding on the lot where it has to be filled or earth removed and recognizing it has to be done and not releasing all of the monies requested. None of the road topping money is being released, none of the tot lot monies are being released. There is a recognition of the escrow release recommendation that there are a lot of shortcomings. As a result, not all of those monies they have requested are going to be released. There is still a substantial amount of money left for items that have not been done. There hasn't been a punch list established because the developer hasn't requested a walkthrough be done to establish a punch list to identify a lot of these items. But it is not to say we are not aware of those items, we are aware, and as the Township looks at these items, and realize to the escrow release, the Township makes reductions in those overall amounts.

**The Mayor** indicated since Council is talking about the escrow release he believes the Township should get their attention, right now, just deny the escrow release. The Mayor asked Solicitor Pizzo, from a legal standpoint, if that was feasible.

**Solicitor Pizzo** indicated from a legal standpoint, it would probably be preferable if Council table the agenda item. From a practical standpoint, it makes no difference whether Council votes to deny or votes to table, Council is not authorizing the release of the money this evening. It was recommended Council table the agenda item 12A and put it on an agenda in the future when Council believes it is appropriate to do so.

**Council Secretary Kisselback** stated he thinks if there is an understanding between the Administration and Lennar that the item was tabled by Council with the future action it will be denied if they do not take action.

**Council Pilieri** stated Lennar should come before Council and let Council know what they are doing and the residents know what is going on.

**Council Member Sloane** indicated this is not the first time dealing with Lennar on these types of situations. It is very disappointing for a developer that wants to come and have a steady business in Bensalem, it is disappointing how they act with the Bensalem residents.

**Council Vice President Knowles** indicated Council should make a motion this evening to extend the Developers Agreement with the understanding that the residents who wrote emails this evening and the Township is doing that to keep the Township in a better position to help them in the future to get it resolved.

**Council President Pilieri** suggested a six-month extension in order to get answers from the developer in regards to the complaints from the residents.

**Quinton Nearon, Principal Inspector**, stated he was not aware of any housing issues and asked the Solicitor to forward those complaints to the Director of Building and Planning, Mr. Ken Farrall and have someone look into the housing issues. Not sure of the status on the roadway, waiting to get the tot lot in which was relayed to Mr. Nearon, January or February it should be done and is anticipating that coming soon. They are trying to get all of the roadway topped, converted over to the actual basin. Mr. Nearon indicated he spoke to his Inspector a couple of weeks ago and there are a few areas with minor grading issues and are aware of the reseeded. The home with the window well, waiting on a rain event to check that out and get it corrected.

**Council Secretary Kisselback** motioned to extend the agreement until August 30<sup>th</sup>, 2021, **Council Member Tokmajian** seconded and the vote carried 5-0.

9. **CONSIDERATION OF A LAND DEVELOPMENT EXTENSION AGREEMENT:**

**Applicant:** Waterside Phase 1, LLC  
**Site Information:** State Road  
**Tax Parcel:** 2-65-22, 2-64-139 and 2-64-138

**Council Member Sloane** indicated he would have the same concerns. What work still has to be completed. Why do they need to extended it for a full year? Is this something, where the last one was handled, where a shorter extension might be more appropriate.

**Council President Pilieri** indicated a shorter extension would be sufficient and Council will be calling them in and ask all of those questions. Council can ask the Township Engineer to give Council a list as to what is outstanding.

**Council Member Tokmajian** motioned to extend the agreement through August 30<sup>th</sup>, 2021, **Council Vice President Knowles** seconded and the motion carried 5-0.

12. **CONSIDERATION OF ESCROW RELEASES:**

**A. Developers Request:** Galloway Reserve (AKA Victory Square) – Release #1  
**Location:** 2670 Galloway Road  
**Tax Parcel:** 2-33-7  
**Amount:** \$890,672.55

**Council Member Tokmajian** motioned to table item 12A for a date certain of sometime in the future after the discussion with the developer, **Council Secretary Kisselback** seconded and the motion carried 5-0.

**B. Developers Request:** Samarpan Hindu Temple – Release #6  
**Location:** 2746 Mechanicsville Road  
**Tax Parcel:** 2-36-8  
**Amount:** \$112,135.00

**Council Member Sloane** motioned to approve subject to an audit by the Finance department, **Council Vice President Knowles** seconded and the motion carried 5-0.

**C. Developers Request:** Waterside Phase 2 - Release #1  
**Location:** State Road  
**Tax Parcel:** 2-65-22, 2-64-138 and 2-67-139  
**Amount:** \$944,281.81

**Council Secretary Kisselback** motioned to table item 12C until Council is able to speak to Waterside developers, **Council Member Tokmajian** seconded and the motion carried 5-0.

10. **CONSIDERATION OF A RESOLUTION FOR 537, PA SEWAGE FACILITIES ACT, PLAN REVISION FOR NEW LAND DEVELOPMENT OF A PARCEL OF LAND IDENTIFIED AS 1837 STREET ROAD LAND DEVELOPMENT.**

**Solicitor Pizzo** indicated this is the Act 537 Resolution that Council is routinely asked to approve. Council had a fairly significant discussion regarding the one for the School District Lot Line Change earlier this evening. This one is for Bensalem MZL, the owner of the former K-Mart site, which is being developed as a grocery store and furniture store. The Resolution is the standard form required by the Department of Environmental Protection Resolution for these purposes. It has been reviewed by the Township Engineer and by the Township Administration and is in a form acceptable for your consideration and approval this evening.

**Council Secretary Kisselback** made a motion to approve, **Council Member Tokmajian** seconded and the motion carried 5-0.

11. **CONSIDERATION OF A RESOLUTION FOR 537, PA SEWAGE FACILITIES ACT, PLAN REVISION FOR NEW LAND DEVELOPMENT OF A PARCEL OF LAND IDENTIFIED AS 4651 NESHAMINY BOULEVARD SUBDIVISION.**

**Solicitor Pizzo** indicated this is a two-lot subdivision that was approved by Council in 2019. This is the standard form required by the Department of Environmental Protection for the

amendment of our sewer facility plan to reflect the addition of the additional lot as part of the Township's sewer system. It has been reviewed by the Township Engineer and by the Township Administration and is in a form acceptable for your consideration and approval this evening.

**Council Vice President Knowles** motioned to approve, **Council Member Tokmajian** seconded and the motion carried 5-0.

**13. CONSIDERATION OF A LAND DEVELOPMENT EXTENSION AGREEMENT:**

**Applicant:** Crespo Estates Phase II  
**Site Information:** Subdivision off of Crespo Lane  
**Tax Parcel:** 2-70-4

**Solicitor Pizzo** indicated Council had significant discussion this evening regarding Land Development Agreements, this one is for LBD Enterprises for Crespo Estates, Phase II. They are requesting an additional 1-year extension out to January 13<sup>th</sup>, 2022. This project, as Council is aware, is not yet underway. The Developer Agreement has been provided to the Township and has been fully funded. If Council is inclined to grant the approval it should be with the review by the Township Engineer and the Township Finance department as it was alluded to in an early discussion regarding such agreements.

**Council Secretary Kisselback** motioned to approve as presented, **Council Vice President Knowles** seconded,

**Council Member Sloane** asked if there was any knowledge as to when the project will start.

**Solicitor Pizzo** indicated the Building and Planning department is having State issues regarding the site, primarily the Wetlands crossing, as well as whatever other environmental approvals are necessary. With the State, for the better part of last year, working fully remotely, things have not been moving at the speed the builder would like. Particularly in terms of getting people out to the site to do some of the things as in State approvals that are required. Hopefully as things continue to loosen up and the Governor is laying off the reins, and allowing more and more things to happen, the hope is the State agency will get back into their offices as well and some of these things can start to move quickly.

and the motion carried 5-0.

**14. PUBLIC COMMENTS EMAIL:**

**Solicitor Pizzo** indicated the following Public Comments were submitted. These comments can be heard in their entirety at the following websites:

[www.bensalempa.gov](http://www.bensalempa.gov) or [www.youtube.com](http://www.youtube.com)

Below are the correspondents and a short synopsis of their email:

**Andrew Niczewski, 4939 Neshaminy Boulevard**, in regards to the Costa 4 lot subdivision. The Costa 4 lot Subdivision is not on this evening's agenda. This has been anticipated for the next Council agenda. Unless Council objects, this comment can be saved for when Council actually considers that project at an upcoming meeting.

**Joanne Cotton, 2762 Colmar Avenue**, regarding the Harcum house 2748 Colmar Avenue has 15 to 17 cats on the property, is there something the Township can do to assist in getting these cats taken care of?

**Solicitor Pizzo** indicated the township did undertake the condemnation of the property through a blighting process which was done publicly in 2019 and into 2020. After the Township declared the property blighted, the RDA then moved for the condemnation of the property with intent of tearing down the house, cleaning up the site and putting the property up for sale. After the RDA filed the condemnation papers with the Court of Common Pleas, the property owners, who have not found the wherewithal to maintain property, nonetheless found the wherewithal to hire a lawyer and the lawyer filed a set of objections to the RDA's action to condemn the property. The RDA responded in-kind and those pleadings have been sitting in Doylestown essentially since the onset of the pandemic. They have not been acted on by the court but understand they are on a Judges desk. The Townships hope is they will be acted upon in short-order by court. The Township hopes they are acted upon in the RDA's favor so that the RDA can move forward with finalizing the condemnation and begin the process of tearing the house down and eliminating the blight. Insofar as the structure is concerned the Township has been in court numerous times over the last number of years and the Solicitor has reported to Council numerous times over the years. Culminating with the Township and taking the action of having the property blighted. At this point there is nothing the Township or the RDA can do from a legal standpoint visive the condemnation other than the Township is waiting for the court to act.

**The Mayor** indicated every Thursday, during his meeting, this subject comes up. The Township had police officers at night stakeout the place to see who is feeding the cats, but was unsuccessful at gathering the information. The Mayor understands Ms. Cotton's frustration. Until the Township can take this house down and have the courts act on the condemnation, the Townships hands are tied. If the Mayor could demolish the house himself, he would gladly do it, but the law so know. The Mayor wishes Council were on his end to understand how frustrating this problem really is.

**Solicitor Pizzo** indicated when the Governor shutdown everything last March, the court system was included in that and the court system like another facility where the public routinely enters the building, routinely enters the courtroom, there was an extended period of time from March into the summer where no proceedings were being held in the courthouse whatsoever. Jury trials are maybe still not taking place in Doylestown a year later. For the protection of the public and the people in the courthouse the wheels of justice are certainly moving at a greater pace than they were last March or a good bit of 2020. Bucks County is a very busy court system and when you shut it down completely for a period of months and once you start to ramp things up, it takes time to get things back to the way they were.

**The Mayor** asked Solicitor Pizzo if they made a preliminary objection. Solicitor Pizzo indicated they filed their objections, on a timely basis, the Township timely responded and it is now for the court system to rule.

**Council Member Tokmajian** asked if we passed a cat ordinance.

**The Mayor** indicated it was looked at but never passed.

**Council Member Sloane** asked if it was something that should be revisited.

**Council Secretary Kisselback** indicated it is because it is something all of Council made comments on.

**Council President Pilieri** said it is a problem throughout the Township. There are more and more people feeding feral cats.

**The Mayor** indicated the Township works close with the Bridge Clinic.

**Solicitor Pizzo** indicated the last email for the evening was from Joseph Connelly and was read in its entirety. Mr. Connelly, by his own submission, has hired 7 different surveyors, none of whom can give him the survey he wants to receive. The Township is not in the survey business or the title insurance business. As indicated on countless times to this issue, the property lines are different than what shows on the tax maps or what is described in the deeds, is an issue Mr. Connelly needs to resolve through the courts. It is the Solicitor's understanding it has been said publicly he has attempted to resolve unsuccessfully through the courts. If the courts can't give him the satisfaction he is looking for, the surveyors can't give him the satisfaction he is looking for, the Township is certainly not able to give him the satisfaction he is looking for. So, as to that issue, the Township continues to go around in a circle and it is unfortunate that the problem continues and Council is continuously confronted with the issue. As to the other items Mr. Connelly did receive property maintenance citations as well as the neighboring that he complained about who also received property maintenance citations, they have been handled through the court system, fines have been levied against both property owners and those matters continue in the court system. The Solicitor indicated, as recently as this afternoon, Mr. Connelly is contemplating legal action against the Township. The Solicitor's recommendation to Council at this juncture, he does not feel there is anything Council could say to make the matter any better for Mr. Connelly, certainly not for the Township if the Township is going to find themselves on the other end of a lawsuit for what it is going to allege the Solicitor did not know. Nonetheless, it is the Solicitor's recommendation as Chief Legal Counsel for the Township, that public discussion on this matter end at this point.

**15. OTHER BUSINESS:**

**The Mayor** indicated the biggest thing Administration is going through is certainly the vaccine. Administration is inundated with calls everyday as to where they can receive the vaccine. The Mayor did say with the information he had given recently regarding the Neshaminy Mall as a location for distributing the vaccine, the start date looks to be around March 16<sup>th</sup>. The Mayor suggested to call the County, 1-800-383-0371, as they are the ones responsible for this area.

**Council Member Sloane** sent get well wishes to Director Cmorey and hoped for a speedy and full recovery. Congratulated Coach Tony Chapman from Holy Ghost Prep. The Mayor, along

with Council Member Sloane, Council Member Tokmajian, Council Vice President Knowles were in attendance for an Award Ceremony for Coach Chapman who celebrated 900 wins with the basketball team in his career. Today is International Woman's Day and encouraged the public to check out an interview from 60 Minutes regarding these women. Talking about incredible woman NASA is in the middle of a project called Artemis is training 9 men and 9 women and the goal is to return to the moon and put a woman on the moon and Project Artemis is being run by mostly woman.

**Council Member Tokmajian** congratulated Coach Chapman. The Pennsylvania Junior Academy of Science, Bensalem did well. The Neshaminy Mall vaccine location wanted to clarify with the Mayor that this is a current expansion of the program already in place and will not be a walk-in site and to reiterate the Mayor's comment of needing to go to [www.buckscounty.org](http://www.buckscounty.org) to register for the vaccine.

**Council Vice President Knowles** indicated it was a lot of fun and an honor to attend the Holy Ghost Award Ceremony to honor Coach Chapman. Asked for clarification of the Galloway Road Project with Lennar and complaints mentioned a pond and Quinton mentioned it to be a tension-basin that is going to function as a pond once the fountains are installed. Get on the buckscounty.org website and register for the vaccine, by April Johnson and Johnson vaccine should be ready. Be safe, keep your distance if you can, wear your mask, by midsummer for sure, you will be able to get vaccinated.

**Council Secretary Kisselback** congratulated Coach Chapman from Holy Ghost Prep for the 900 wins, which is quite an accomplishment. 2020 was a year of depression and suicides. On a brighter note, here is to hoping, in a short time, our children can get back to being in school and accomplishing all of the things that are needed for our children in terms of physically being in school.

**Solicitor Pizzo**, did a bit of housekeeping and indicated to the resident Mr. Niczewski, who wrote earlier regarding the Costa subdivision he put in the second email 4651Neshaminy Boulevard; and in going his notes, 4651 is obviously one of the two sewer facilities Resolutions that were approved this evening. It was not for the Costa subdivision. The applicant was for Gruzin, not Costa. Council did not act, this evening, on the Costa subdivision, it did not act on a 537-sewage facility for Costa, which is a different address. 4651 Neshaminy Boulevard is not the Costa subdivision. Council Secretary Kisselback was talking about mental illness and how pervasive it has become over that last year. Solicitor Pizzo heard Director Harran speak on several occasions on how the Townships calls for police and first responders have increased dramatically over the past 12 months and yesterday marked, here in Bensalem, the untimely death of Bensalem Rescue Squad's Danny MacIntosh and his untimely passing in the line of duty was in part of him responding to a call involving someone with mental illness. It is a part of the job that all of our First Responders have to deal with more and more now and obviously he knows that everyone wants to acknowledge the passing of Danny who again, died in the line of duty for the Township. Happy St. Patrick's Day to all. It is the Solicitor's son's 21<sup>st</sup> birthday on March 17<sup>th</sup>, St. Patrick's Day, and will have special significance this year.



**Council President Pilieri** reiterated all the kudos and congratulations and asked to keep our Police and Fire and Rescue in your prayers. They work hard in trying to make everyone stay safe.

All remarks can be heard in their entirety at the following websites:

[www.bensalempa.gov](http://www.bensalempa.gov) or [www.youtube.com](http://www.youtube.com)

**16. ADJOURNMENT:**

There being no other business to discuss, **Council Vice President Knowles** motioned to adjourn, **Council Member Tokmajian** seconded, the meeting was adjourned.

The Bensalem Township Council Meeting of March 8<sup>th</sup>, 2021 can be viewed in its entirety at the following websites:

[www.bensalempa.gov](http://www.bensalempa.gov) or [www.youtube.com](http://www.youtube.com)

**Respectfully Submitted,**

**Debora F. McBreen**  
**Recording Secretary**