

**BENSALEM TOWNSHIP COUNCIL  
MEETING MINUTES**

**Tuesday  
September 29<sup>th</sup>, 2020**

**Zoom – Virtual Public Meeting**

**VIRTUAL COUNCIL MEMBERS PRESENT:**

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

**OTHER VIRTUAL PRESENCE BY:**

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

**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 and the lack of the use of the microphone**

**1. PLEDGE OF ALLEGIANCE:**

**Council President Kisselback** 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)

3. **APPROVAL OF COUNCIL MINUTES:**

**Council Member Sloane** motioned to approve the Minutes of the Council Meeting dated September 14<sup>th</sup>, 2020. **Council Member Tokmajian** seconded and the motion carried 5-0.

4. **CONSIDERATION OF A MINOR LAND DEVELOPMENT :**

<b>Applicant:</b>	<b>LBI Construction, LLC</b>
<b>Location:</b>	1311 Bristol Pike
<b>Proposed Use:</b>	Alliance Cancer – Medical Specialists
<b>Zoning Classification:</b>	PCD – Planned Commercial Park District
<b>Tax Parcel:</b>	2-29-473

**Solicitor Pizzo** asked Mr. Little who would be joining the meeting virtually. Mr. Little indicated Vincent Fioravanti, the applicants Engineer and Heather Defreytas, Vice President, MRA Group, applicants representative.

**Council President Kisselback** indicated this is a minor land development that was part of Holy Family University which is being changed to a two-purpose use, one being the Cancer Alliance Center and the other half for patients and asked Mr. Little if that was a correct assumption of the use. Mr. Little indicated half of the center will be the cancer center the other half is currently unoccupied and the other half for future tenant space. Mr. Little said the owner of the space was talking to LabCorp who would be doing the medical testing, the decision has not been made final.

Mr. Fioravanti indicated he reviewed the T and M letter and it would be mostly a will comply and requested three waivers and ten items that merit discussion and the rest are a will comply. Council President Kisselback asked Mr. Fioravanti, in regards to the T and M letter, section C – Chapter 232 - Zoning Ordinance (ZO) if this will be a will comply. Mr. Fioravanti indicated he would comply with all of the Zoning requests. Mr. Fioravanti went over the Record Plan and indicated the scope of the project essentially is ADA improvements and creating a new drop-off. There is landscaping proposed where trees were removed and new striping and ramps, etc.

Mr. Fioravanti discussed the waivers in Section D, Chapter 201 – Subdivision and Land Development Ordinance (SLDO), they are as follows:

**Waiver #1 - Number 9** - In accordance with SLDO Section 201-41(d)(15), a wetland certification must be placed on the plan. This certification will either state that there are no wetlands or that there are wetlands on the site.

**Response:** Due to the nature of the project and the limit of disturbance which is mostly the removal of asphalt in the immediate vicinity of the building and felt the wetland certification would be non-implicable for this project.

**Waiver #2 – Number 15** - In accordance with SLDO Section 201-106(c)(10)b, the following standards are to be used as a guide to the number, not the spacing or location, of trees required in all subdivision and land developments: 10 trees per acre of gross site area plus one tree for every five parking spaces...

**Response:** With this project 10 trees per acre would be 47.6 trees and 1 tree for every 5 parking spaces would be approximately 65 trees for a total of 113 trees. This is an existing non-conforming situation where most of the site is paved literally to the boundary of the lot. The applicant is increasing the greenspace of the lot and reducing the impervious by planting 8 trees in the islands they create and there will be landscaping in the green areas, the applicant will not be able to fit the requested 113 trees.

**Council President Kisselback** indicated if Council were to agree to give a waiver of the trees and asked the applicant if they would be able to add the x-amount of dollars per tree as determined by the Township Solicitor which is already set figure, or donate the same number of trees, which is required by the Township Ordinance, into the tree bank. The applicant agreed.

**Waiver #3 – Number 17** - In accordance with SLDO Section 201-111(a), sidewalks shall be provided along streets by the developer. All sidewalks shall meet all applicable standards for access by handicapped persons. Please note a fee-in-lieu-of sidewalks will be required per section 201-111(i) if the applicant requests a waiver.

**Response:** There are currently no sidewalks along either side of Biddle Lane and would be difficult to install them. There are existing sidewalks along Bristol Pike and the applicant is requesting a waiver as it would be impossible to install sidewalks in that area as it would require removal, regrading and tree removal.

**Council President Kisselback** asked the Township Engineer, Mr. Russell Benner, if the applicant's assessment regarding the sidewalk and stormwater management was correct due to the flow of water during a rainfall. Engineer Benner indicated Mr. Fioravanti was correct in his assessment and it would be difficult to put in the sidewalk. Engineer Benner asked Mr. Fioravanti if it would be possible to go on the other side of Biddle Lane and put in a crosswalk. Mr. Fioravanti indicated he briefly looked at it and indicated it would be difficult to put it in on the other side as well for various reasons. There would be nothing to connect to and there are private properties in that area. Council President Kisselback indicated he would defer to the Engineers suggestion regarding this waiver request. Engineer Benner indicated there was a Septa bus-stop up at the intersection of Biddle Lane and Bristol Pike and was hoping to get some people to walk there but the issue of a fee-in-lieu-of and maybe looking at that in the future might be advised.

**Council President Kisselback** asked if the waterflow in that area would be addressed and if the applicant would pay the fee-in-lieu-of the sidewalks. Mr. Fioravanti agreed.

**Mr. Fioravanti** agreed to comply with the conditions of the T and M letter.

**Council President Kisselback** asked Council if there were any other issues they would like to discuss with the applicant.

**Council Member Sloane** asked about item number 5 regarding stormwater management. Mr. Fioravanti indicated in the due-diligence documents they uncovered a declaration of reciprocal cross-easements and that set forth the responsibilities of the four lots that made this original development. When the owner sold off the lots, the document indicated the owner of lot 1 is the owner of the largest lot with the hotel on it, that lot owner would have the responsibility of maintenance for all utilities and there are cross easements for all the utilities in the swales and the drainage facilities and the roadway that goes through the four lots. The owner of lot 1 would have the responsibility of overseeing the maintenance and repairs and billing the other lots in proportion to their building areas. Those responsibilities are set forth in a document that is recorded in Deed Book 87, page 91 and will submit that with the final plans so that it is on the record. Engineer Benner indicated he would really like to see that and asked if he could document that on the plan and to possibly summarize it so the Township has a record of that on the land development plans.

**Council Vice President Pilieri** stated he agreed with Engineer Benner to get something in writing due to the problems in that area with the drainage not be cleaned out and who is responsible for what and who is going to take care of the maintenance.

**Council Member Tokmajian** asked Engineer Benner if he could confirm in that section there was a question in terms of number 5 and number 9 related to parking and the discrepancy between the medical use vs. professional or office use. Engineer Benner indicated he is assuming with Mr. Fioravanti's comment he will comply with everything, other than the waivers, and is going to clarify that on the plan per Engineer Benner's comment as previously stated. Mr. Fioravanti indicated there was one note on top of the plan that looked at the new tenant as a related medical tenant but they really do not have an idea who the tenant will be so they changed it in the calculations to have it as office professional for now. Office professional is 5 spaces per 1000 and medical is 10 spaces per 1000. For now, they have it as a vacant space and will have to deal with the parking calculations for the new tenant when the new tenant presents itself. Engineer Benner indicated he wanted to make it clear the cancer center is in there and somebody comes in and are evaluating the leftover space they will know exactly how it relates to what is out there as it relates to parking.

**Council Member Tokmajian** asked for Engineer Benner's opinion regarding the island out in the middle of Biddle Lane which makes it awkward making a left turn. Engineer Benner indicated he did not look at it in context to this development only because of their access point but noted he would look at it.

**Council Vice President Pilieri** went back to the parking and indicated if they were going to figure out the parking according to the uses he would like to see it based on the 10 per so that they don't run into problems later. Mr. Fioravanti commented they had an adequate amount of parking for the amount of square footage to accommodate a variety of tenant types, then discussed different scenarios and zoning regarding any possible tenant.

**Council President Kisselback** referred to the Traffic Planning and Design letter dated September 17<sup>th</sup>, and asked Mr. Fioravanti if he was aware there may be a traffic study warranted. Mr. Fioravanti indicated he had not seen the TPD letter. Council President Kisselback asked Mr. Fioravanti if he would agree to the traffic study if necessary. Mr. Fioravanti agreed. Also, the applicant may be assessed for an Impact Fee, which has not been determined as of yet and would reflect the number of trips for AM and PM peak hours. Mr. Fioravanti replied he would comply.

**Council Member Sloane** asked Mr. Fioravanti if the facility would be up and running by November. Mr. Little indicated, that was correct. Ms. Defreytas indicated by the end of November. Council Member Sloane asked how many jobs would this bring to the Township. Ms. Defreytas indicated, roughly, 50 jobs, maybe more. Council Member Sloane asked if there was a timeline for filing the other half of the building. Ms. Defreytas indicated the goal was to get the cancer center in since they have to be out of their current space.

**Council President Kisselback** asked if it could be possible the applicant may use more if not all of the other space. Ms. Drefreytas indicated it was possible.

**Council Vice President Pilieri** motioned to approve with the assistance of Solicitor Pizzo, who explained based on the questions and conversations thus far during the hearing, Council Vice President Pilieri would want to include the applicant will comply with all of the zoning items set forth in the September 18<sup>th</sup>, 2020 Engineer's review letter from Russ Benner. Those zoning items are set forth in sections C paragraphs 1 through 10. As to section D the applicant will comply with paragraphs 1 through 8. Council will grant a waiver from the requirements of paragraph 9, the applicant will comply with paragraphs 10 through 14. Council will grant a waiver from the requirements of paragraph 15. The applicant will comply with paragraph 16, a waiver will be granted from paragraph 17, the waiver will be conditioned upon a payment of a fee-in-lieu-of the required sidewalks in an amount to be determined by the Township Engineer as to what that fee will be based on the cost of construction of those sidewalks. Paragraphs 18 through 23 of section D are all will comply items and paragraphs E and F all of the paragraphs set forth in those two sections are also will comply items. In addition to that, the applicant will also comply with all of the comments set forth in the September 17<sup>th</sup>, 2020 review letter of Traffic Planning and Design, the Township's Traffic Engineer, and those would be paragraphs 1 through 13 of the plan comments as well as paragraph 1 having to do with the Traffic Impact Fee and the Traffic Study comment that Council President Kisselback touched on earlier in the meeting. The applicant has indicated all of those items that the Solicitor indicated are a will comply items. Mr. Fioravanti agreed. In addition to that a note will be added to the plan referencing the Declaration of Reciprocal cross easements that apply to all of the lots set forth on the group of properties there which will be noted on the plan as well as the applicant's requirement that it will, or a note indicating that the applicant is subject to and will comply with all of the items set forth in the Declaration of Reciprocal cross easements. Regarding Council Vice President Pilieri's comment about parking he would like to see calculations based upon the whole building being used for the same use and will comply with the Fire Marshall's report. The applicant will add trees to the tree bank or will pay a fee-in-lieu-of as determined by the Township Engineer, and a fee-in-lieu-of the sidewalks and the Impact Fee to be paid and the

submission of the cross easement for the property. **Council Secretary Knowles** seconded, and the motion carried 5-0.

5. **CONSIDERATION OF AN APPLICATION FOR CONDITIONAL USE FOR A MEDICAL MARIJUANA DISPENSARY:**

**Applicant:** CannTech PA, LLC  
**Location:** 3805 Neshaminy Boulevard  
**Proposed Use:** Medical Marijuana Dispensary  
**Zoning Classification:** HC1 – Highway Commercial  
**Tax Parcel:** 2-98-95

**Solicitor Pizzo** indicated this is a Conditional Use hearing for CannTech PA for the property located at 3805 Neshaminy Boulevard, tax parcel 2-98-95. The Conditional use would be to allow a medical marijuana dispensary on this property. Mr. McHugh, representing the applicant, forwarded to the Township Solicitor the proof of notification to the adjacent property owners as required by the Township and Sub-Division Ordinances. The notices were reviewed and do appear to be in order and should be made part of this evenings hearing as applicants’ Exhibit 8. The record should also reflect this application was heard by the Township Planning Commission at its hearing on September 16<sup>th</sup>, 2020 and recommended to the Township Council that it deny the Conditional Use application.

**Solicitor Pizzo** admitted the following people in for the applicant CannTech PA, LLC:

Matthew McHugh, Esquire     Danielle Alvarez-Wolf     Kevin Tatlow     Raj Mekergie

**Council President Kisselback** asked Solicitor McHugh to make a short presentation as to what the applicants’ intentions are with this Conditional Use.

**Solicitor McHugh** explained a Conditional Use is one to which the applicant is entitled to provided they meet the specific standards of the Zoning Ordinance. The standard is as long as a Conditional Use applicant brings oneself within the applicable Zoning Ordinance, as long as it meets the requirements, the application must be granted unless there is sufficient evidence presented that the Use would present a substantial threat to the community. The objectors must prove the evidence that the proposed use proposes a substantial threat to the community in order to defeat the application. The burden on the objectors requires more than mere speculation of possible harm. The objectors must show a high degree of probability that the proposed use will substantially affect the health and safety of the community. What you essentially end up with is a presumption that as long as they meet the requirements of the ordinance that the proposed use is consistent with the general welfare and the burden shifts to the objectors to rebut the presumption by proving to a high degree of probability that the proposed use will adversely affect the public welfare in a way not normally expected from this type of use.

The state, some years ago, legalized medical marijuana dispensaries and growers. The Township was forward in thinking enough and adopted a zoning ordinance for medical marijuana dispensaries. The Township made it a Conditional Use in Highway Commercial zoning districts. The Township put certain conditions on medical marijuana dispensaries that they must meet. A legislative decision was made at that time that a medical marijuana

dispensary is reasonable and permitted land use and is not averse to the public interest, per-say, as long as those conditions were met. These are the conditions, as mentioned, the applicant will like to establish compliance with this evening.

**Solicitor Pizzo** swore in the following people:

Danielle Alvarez Wolf

Aaron Epstein

Kevin Tatlow

Solicitor Pizzo Let the record reflect all three witnesses answered in the affirmative.

**Danielle Alvarez-Wolf** introduced herself to council and gave a background of her affiliation with the applicant. Ms. Alvarez-Wolf indicated CannTech has the experience and track record to turn the former TD Bank site into a center of excellence and medical research that will help sick patients obtain compassionate relief.

**Council Member Sloane** asked Ms. Wolf, how do you plan on conducting clinical research at the site.

**Response:** Ms. Alvarez-Wolf indicated the plan is to do observation studies. Patients will be able to enter the facility only if they are pre-registered with the state of Pennsylvania. Patients will be required to have a counseling session on their first visit. The program is overseen by the on-site pharmacists. The patients will have an opportunity to participate in observational studies regarding what strains help what conditions.

**Council President Kisselback** commented: a medical marijuana dispensary shall not be obtained on a parcel within 1,000 ft. measured by a straight line in all directions without regard to intervening structures or objects from the nearest point on the property line of a parcel containing a public, private or parochial school, daycare center, place of worship, public park, library or community center. In his opinion there is a use of a daycare center as well as a community center within the 1,000 ft. radius and referred to the UltraZone facility where community organizations will often bring groups of children on field trips and believes the operation of this dispensary falls within the parameters.

**Response:** Solicitor McHugh indicated the engineer, Kevin Tatlow, prepared an exhibit that delineates the various uses within a 1,000 ft., 2,000 ft., and within a half mile as required by the ordinance and disagreed with Council President Kisselback's interpretation that UltraZone qualifies as a daycare center or community center.

**Council Member Tokmajian** asked if there was a limit to the number of dispensaries one company can open within the state.

**Response:** Ms. Alvarez-Wolf indicated there is a limit to the number of licenses a company can hold pertaining to the regulations of that state.

**Council Member Tokmajian** asked if a state permit has been received for this particular location for the dispensary.

**Response:** Ms. Alvarez-Wolf indicated they have received a clinical registrant permit which was submitted with their application for this location and were approved by the state for this location.

**Council Member Tokmajian** asked exactly what is the limit of dispensaries one can hold.

**Response:** Ms. Alvarez-Wolf's understanding is each company should have one license.

**Council Member Tokmajian** asked how many locations could be opened in the state.

**Response:** Ms. Alvarez-Wolf indicated there is a difference between conventional license holders and the clinical registrant permit which the applicant has and they are entitled to one grower processor location and six dispensary locations throughout the commonwealth.

**Council Member Tokmajian** asked how about the conventional.

**Response:** Ms. Alvarez-Wolf indicated she would have to double-check.

**Council Member Tokmajian** indicated he believes it is three as he is reading the report from the Medical Marijuana State Board that specifically states each dispensary may have up to three separate locations. Based on the fact the applicant is making this clinical for research purposes that allows the applicant to have an additional three dispensaries.

**Response:** Ms. Alvarez-Wolf indicated they are entitled to six dispensaries.

**Council Member Tokmajian** indicated it seems the clinical research is somewhat limited based off of the fact that it is still illegal on the Federal level.

**Response:** Ms. Alvarez-Wolf indicated research in the field has been severely limited due to the Federal status of cannabis. The medical schools in the Commonwealth of Pennsylvania have been trailblazers in partnering with companies like CannTech to fill the gap in literature. Leecom has been a fantastic partner and is committed to collaborating and overseeing all of CannTech's research. Research has been limited in the country because of the federal status of the drug.

**Council Member Tokmajian** asked how much research will be done at this particular location if in fact it is limited.

**Response:** Ms. Alvarez-Wolf indicated it was their mission and a requirement of their permit to conduct the research at all of their locations in order to maintain their permit with the state.

**Council Member Tokmajian** indicated the Township has another medical marijuana dispensary and he does believe the medical marijuana is helpful to some individuals. However, there has been almost one hundred dispensaries that have already opened up in the state of Pennsylvania. What makes the applicant believe they can provide a competitive edge over one hundred dispensaries that are already in the state. Council Member Tokmajian stated there are four dispensaries within a five to ten-mile radius, there is seven within twenty-one miles, there is ten within thirty miles and another seven located in Philadelphia. There are roughly 16



dispensaries that are in close proximity to this particular location. Again, what makes this dispensary competitive with all the other locations.

**Response:** Ms. Alvarez-Wolf indicated there is only one other dispensary in Bensalem which they do not believe has sufficient access for terminally ill patients. They offer a better service than their competitors. It is important for the consumer to have a choice. They are a different kind of licensee and are a clinical registrant and committed to performing clinical research. CannTech is overseen by a medical school, which the other dispensary is not and believes it is a different experience for the patient. The Department of Health indicated it was a suitable location in Bensalem.

**Council Member Tokmajian** indicated this location just falls outside of a community park, Firefighters Field. In terms of the health and safety of the community, this particular site is just about located in homeowners' backyards. If the state decides to convert the dispensaries over to recreational, would you, Mr. McHugh, want a recreational marijuana dispensary in your backyard.

**Response:** Solicitor McHugh stated the request for this evening is not for a recreational marijuana use dispensary permit, it is for a medical marijuana dispensary permit and that is the only thing this Council can decide. It cannot be based on speculation as to what can happen in the future. What is before Council this evening is whether this proposed use meets those requirements. Council can determine if there are specific aspects of the operation that are different than how medical marijuana dispensaries are operated as a whole.

**Solicitor Pizzo** indicated as to the speculative nature of the application the councilman's question does, nonetheless, go to the community standards and the health, welfare and safety of the community. The Governor of the Commonwealth has come out publicly in recent days as a proponent for the legalization of recreational marijuana. The concern that this facility could transition from a clinical facility into a recreational facility is certainly not that far fetched where we find ourselves in terms of where the government of the commonwealth, at least in terms of the proclamation of the Governor, have put us. Taking Mr. Tokmajian's concerns a step further, will the applicant be willing to put on record, as a condition of approval, assuming such an approval were coming, that this facility would not transition from a clinical facility to a recreational facility even if the law were to ultimately allow it to do so.

**Response:** Solicitor McHugh stated he would have to discuss this with his client and noted any other licensing and zoning approvals would be required to convert a site to a recreational location. It is too far away to speculate whether it would be viable or not.

**Solicitor Pizzo** indicated whether it is viable or not routinely, and Mr. McHugh being the Solicitor for the Zoning Hearing Board, are aware that routinely conditions are placed upon zoning approvals all the time.

**Response:** Solicitor McHugh agreed and that is one of the reasons for conditional uses being made conditional uses is instead of permitting uses and agreed that is something Council has in its power to limit.

**Mr. Aaron Epstein** is the COO of CannTech and has been operating cannabis facilities for about 5 years.

**Solicitor McHugh** asked Mr. Epstein to give Council an overview of how a medical marijuana dispensary works and how it would be particularly operated at this site.

**Mr. Aaron Epstein** stated the facility itself will only be accessible to registered patients in the state. The patient's current recommendation by a physician would be reviewed by a licensed pharmacist in the state who has to be present at the facility at all times. Armed security would be on site during business hours.

**Solicitor McHugh** went through an extensive list of some of the requirements that are set forth in the Township Ordinances and the State law with Mr. Epstein. Mr. Epstein complied with all requirements.

**Council Member Sloane** indicated the site was zoned Highway Commercial. The Township Ordinance was to allow for conditional use for medical marijuana in a General Commercial District, not Highway Commercial. Council member Sloane asked Solicitor Pizzo if this was a valid request Council was hearing this evening. If so, does it comply with Conditional Use.

**Solicitor Pizzo** indicated any use in General Commercial is permitted in Highway Commercial 1. Ultimately, the question Council Member Sloane is asking is one that would need to have the opinion of the Zoning Officer. In the past, the interpretation or the application of the various provisions of the Zoning Ordinance have been interpreted in the way that is being suggested. Solicitor Pizzo was not saying they have or not saying they haven't. It may come down to the Zoning Officer weighing in on that question. The question asked is now part of the record.

**Solicitor McHugh** noted as part of the application materials the applicant did seek a zoning certification from Mr. Farrall, the Townships Building and Planning Director. It referenced any use that is permitted in GC is permitted in HC1 and a Conditional Use was required for this particular use on the property.

**Mr. Kevin Tatlow**, Project Manager for the applicant, with Bohler Engineering. Mr. Tatlow prepared the aerial exhibit that shows the radius around the property boundary consisting of the 1,000 ft., 2000 ft., and half mile.

**Council Secretary Knowles** indicated he did not understand the need for a medical marijuana facility adjacent to another medical marijuana facility in walking distance. And asked what kind of studies they would be doing that justifies a medical facility to perform.

**Response:** Ms. Alvarez-Wolf indicated they are set apart by the competitor down the street. The applicant has pharmaceutical grade medical cannabis that will be offered in different strains.

**Council President Kisselback** asked if this facility was going to be a test site to see if there type of marijuana is going to medically work in different ways, therefore, utilizing the residents of Bensalem in their tests in the terms of the results of marijuana either being good or bad.

**Response:** Ms. Alvarez-Wolf indicated no, only registered qualifying patients of the Commonwealth be admitted to the facility. The applicant hopes they will contribute to medical research and will report their experiences with certain strains and the effectiveness to their medical condition. The applicant is not experimenting. They have seasoned cultivators that manufacture and grow the cannabis.

**Council Member Sloane** asked why this particular location. Why select a location a quarter of a mile down the road from a competitor? Bensalem is a very large Township, why not choose a location on the other side of the Township.

**Response:** Ms. Alvarez-Wolf indicated they do not view two dispensaries in a town the size of Bensalem as a deterrent. Bank sites in general are very attractive sites given securities measurers have already been contemplated in the construction of the property, including a bank vault.

**Council President Kisselback** asked **Solicitor Pizzo** if there were any Public Comment Emails that needed to be addressed.

**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:

Rosemarie Angle, 1187 Mildred Avenue, member of the Drug and Alcohol Board. There is no reason to have another marijuana dispensary. Please say no.

Beverly Pawlowski, 2619 Corn Crib Road, member of the Drug and Alcohol Board. There is no reason to have another marijuana dispensary. Please say no.

Michael Ho, 202 Tremain Road, Mr. Ho lives within 100 ft of the proposed medical marijuana facility and is opposed to having a second marijuana dispensary so close to the neighboring houses. Please reject this application.

Habid Sydik, Belmont Ridge, is opposed to the marijuana dispensary. Please do not allow this to be approved.

Mariann Blaney, 113 Tatham Road, does not want this dispensary here in Bensalem. Please turn down this site.

Charlotte Vendetti, Palton Road, the community does not need another marijuana dispensary. I am in strong opposition in having this approved.

Mirza Javid Baig, Tatham Road, I and my family are not in favor of Council approving another marijuana dispensary.

Nevin Das, I don't want this in my neighborhood, I moved from Philadelphia to live in a safe and drug free environment.

Ari Karpf, Palton Road, I am not against marijuana usage and I think it promotes numerous important treatment and health options. However, for very specific health and safety reasons for my objections based upon the particular suggested location, I am opposed to another marijuana dispensary.

Hansa Patel, is a member of the community and is opposed to another marijuana dispensary.

Donald Bonner, Palton Road, is opposed of another marijuana dispensary near the Belmont Ridge section so close to a neighborhood with children.

Virginia Moudnord, thinks it would be a good idea for another marijuana dispensary.

Emily Culp Berzicky, 117 Tatham Road, is too close to a neighborhood and is opposed to having another marijuana dispensary.

Frank Vendetti, Palton Road, is opposed to having another marijuana dispensary less than a quarter mile apart and yards away from a great residential community.

Nicole Vendetti, is opposed to having another marijuana dispensary in the neighborhood.

James and Helene DeBow, 3052 Sheppard Road, is opposed to another marijuana dispensary so close to a residential area.

Kathleen Culp, Tatham Road, the health and safety of the community is a concern and is opposed to another marijuana dispensary.

**Council President Kisselback** asked Mr. McHugh to make a final statement for his client. Solicitor McHugh stated the applicant is entitled to the Conditional Use Permit and has met all the specific requirements in the Ordinance. The testimony that was heard this evening did in fact establish. The concerns that were heard are merely speculative nor can it defeat the entitlement to the Conditional Use Permit application.

**Solicitor Pizzo** reminded Council, before beginning deliberations, under Section 232-595 of the Township Zoning Ordinance which deals with Conditional Uses it states:

Section A the Council shall have the power to approve conditional uses when this chapter specifically requires the obtaining of such approval and for no other use or purpose.

Section B states in granting a conditional use, the Bensalem Township Council shall make findings of fact consistent with the provisions of this chapter. The Bensalem Township Council shall not approve a conditional use except in conformance with the conditions and standards outlined in this chapter.

Section C states the Council shall grant a conditional use only if it finds adequate evidence that any proposed development will meet all of the following general requirements as well as any specific requirements listed herein for the proposed use. The Township Council shall among other things require that any proposed use and location be:

- (1) In accordance with the comprehensive plan and is consistent with the spirit, purposes, and the intent of this chapter;
- (2) That the use be in the best interests of the municipality, the convenience of the community, the public welfare, and be a substantial improvement to the property in the immediate vicinity;
- (3) That the proposed use be in a standard location suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;
- (4) That it be in conformance with all applicable requirements of this chapter, all municipal ordinances, and all state and federal statutes; and that could include, arguably the Controlled Substances Act.
- (5) That it be suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard;
- (6) And finally, that it be in accordance with sound standards of subdivision and land development practices where applicable.

**Solicitor Pizzo** stated he wanted to make sure that Council and the public was reminded of those standards set forth in the Zoning Ordinance. Regarding the discussion of the licensing for this facility and the applicable subsection of the Zoning Ordinance dealing with medical marijuana facilities requires that the medical marijuana dispensary provide proof of registration with the Department of Health or proof of registration has been sought and is pending approval and shall at all times maintain a valid and accurate up to date registration with the Department of Health. Solicitor Pizzo asked Solicitor McHugh if evidence of that registration with the Department of Health has been submitted to the Township. Solicitor McHugh stated he believes the testimony was that the actual registration was not approved but was pending approval and included with the initial application materials and was not part of anything supplemental submitted at the hearing this evening. Solicitor Pizzo stated he had not seen anything indicating either the issuance or anything that would indicate the necessary application had been submitted were being processed or were pending. Solicitor Pizzo asked Solicitor McHugh if it was anywhere among the exhibits presented this evening. Solicitor McHugh stated it was not but can include it as a supplemental exhibit.

**Council Secretary Knowles** indicated the state law in Pennsylvania should prohibit marijuana dispensaries within 100 feet of residential properties. He is opposed to the facility.

**Council Member Tokmajian** noted that the obligation of the Council is not to New Jersey residents, it is to the Bensalem residents. Regarding the many public comments received this evening, Bensalem is against this project. There is an impact to the health and safety to the Bensalem community based on the reports received regarding the loitering at the Neshaminy Mall from the other dispensary that is present and the increase in crime in that particular neighborhood and believes it is not the best use in that location.

**Council Member Sloane** indicated when Council had their hearing a year or two ago regarding the other dispensary, he was in support of that and does believe there are medical benefits to medical marijuana. His biggest issues with this dispensary that it is just the wrong location and does not make sense to have it so close to an existing facility and so close to a neighborhood and it does not meet the right requirements.

**Council Vice President Pilieri** believes all of the other councilmen have made the right comments and agreed the health and safety of our community was at the top of the list. Solicitor Pizzo was asked if there is a limit to how many facilities can be put in a township or community. Solicitor Pizzo indicated he was not aware of any limitations but like many things involving state government, once the “genie is out of the bottle” we start to slip down the slippery slope. The original legislation proposed that the various categories of licenses for growers, for processors, for distributors were going to be setup by different sectors, different regions of the state and there were going to be a finite number of licenses within each of those regions. Once all of that was done it begat additional facilities, new categories of licenses and more facilities going in, which is a long-winded way of saying no there isn’t and one should expect that the state facing the budget crunch that it faces currently thanks to COVID then the various shutdown orders over the past six months this is a revenue source for the state. We should expect more of these kinds of applications will be coming in the future.

**Council President Kisselback** stated he was against the approval of the conditional use of the CannTech PA, LLC at this location for the following reasons: it is too close to the daycare and community centers and sports field and it is Councils obligation to protect our children of this community. This is basically a gloried testing facility and do not know what the results are going to be in ten years or twenty years. This company is going to accumulate the data and believes these people may in 20 years find out their health is worse then it was before they even started the program. The health and safety of the community is top priority and Councils duties are to protect the resident of Bensalem. This does not meet the zoning laws and it is not in the best interest or the welfare of the citizens of Bensalem.

Council Member Tokmajian motioned, in respect to the Drug and Alcohol Board and Planning Commission comments along with the many public comments and for reasons outlined in Section 232 as noted by Solicitor Pizzo, to deny the applicant, seconded by Council Secretary Knowles and the motion carried 5-0.

Council Vice President Pilieri asked Solicitor Pizzo if he heard the owner of the medical marijuana place say, “see you in Commonwealth court” and indicated it sounded like a threat. Solicitor Pizzo did hear the comment and stated he thought it to be very unprofessional and it is part of the reason why the Township is so protective in how the virtual meetings are run and could have been something much worse. Unfortunately, when people are let into the virtual room to participate in the meetings once in there is no control on what they say or do.

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

<b>Applicant:</b>	<b>Echo Bensalem, LLC - The Giant Company, LLC</b>
<b>Location:</b>	Street and Mechanicsville Roads
<b>Proposed Use:</b>	4 Pump Fueling Station
<b>Zoning Classification:</b>	GC – General Commercial
<b>Tax Parcel:</b>	2-37-60, 2-37-60-1, 2-37-60-2 and 2-37-60-3

**Solicitor Pizzo** indicated, before Council this evening, are the Land Development Improvements Agreement for the Giant Grocery Store on Street Road. Council approved the Minor Land Development application earlier this year. They have been executed and funded by the developer. The agreements are in a form acceptable for Council's consideration and approval.

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

7. **CONSIDERATION OF A RESOLUTION FOR THE DIRECTOR OF ADMINISTRATION TO SUBMIT AN APPLICATION FOR TRAFFIC SIGNAL APPROVAL TO PENNDOT AND TO SIGN THIS APPLICATION ON BEHALF OF THE MUNICIPALITY.**

**Solicitor Pizzo** indicated, as Council is aware, the Township is responsible for the operation and maintenance of traffic signals located within the Township but on State Highways. Anytime the Township wants to make any changes to any of those signals it requires the Township going to PennDOT to get approval for whatever those changes may be. The application is for the traffic signal located at Street and Mechanicsville Roads which is an existing traffic signal. The pedestrian push-button at the corner of Street and Mechanicsville Roads needs to be relocated as a result of the extension of the sidewalk from the soon to be opened Veterans Home up to the intersection of Street and Mechanicsville Roads. The new veteran's home and the improvements required have necessitated a change in where the pedestrian push-button is located.

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

8. **CONSIDERATION OF A RESOLUTION FOR AN INTERGOVERNMENTAL AGREEMENT TO PARTICIPATE IN THE GRANT APPLICATION FOR TOWNS AGAINST GRAFFITI.**

**Solicitor Pizzo** indicated the TAG initiative was started by Mayor DiGirolamo and Bensalem Township was the inaugural community working with Bristol, Lower South, Middletown and Hulmeville Boroughs. They all function collectively to fund the TAG Program which is a tremendous benefit to the community over the years for the almost instantaneous removal of graffiti from buildings and other surfaces within the Township. Bensalem functions as the lead municipality therefore, Bensalem submits the application to the Redevelopment Authority for these casinos' monies.

**Council Member Sloane** indicated he read an article in the newspaper last week stating some of the money coming from Parx Casino has been reduced by \$1.7 million dollars due to the COVID pandemic and asked if there was any concern or expectation as to what the Township may or may not receive.

**Solicitor Pizzo** indicated he did not feel there was a concern, per se, every year the Township goes through this process and every year the amount of money the RDA receives from the state through the casino program fluctuates as do the various applications. As Council is aware, not

only Bensalem but Middletown, Hulmeville and Bristol Township also get to apply as does the County directly. We are competing with those municipalities and each year those applications vary. The RDA has been pretty consistent providing this amount of money for this particular application particularly in light of the fact that it is a project that just does not take in Bensalem but other communities both within the sphere and outside of the sphere of the communities that are entitled to receive the funds. The effects of the states closure are going to affect any of the businesses with government funding not only currently but in 2021 as well. The Township has not received any indication that the funding will be less but it is entirely possible the Township may not get everything they are asking for.

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

9. **CONSIDERATION OF A RESOLUTION FOR THE MUNICIPAL GRANT PROGRAM FOR FUNDING OF THE FIRE EQUIPMENT FOR 6 VOLUNTEER FIRE COMPANIES AND EMS.**

Solicitor Pizzo indicated last year we requested the same \$700,000.00 and the Township ultimately received \$70,000.00. Again, it is within the RDA's discretion to "slice up the pie" as they believe appropriate, nonetheless, the Township is resubmitting for \$700,000.00 again this year and are hopeful the Township will receive as much as they got last year.

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

10. **CONSIDERATION OF A RESOLUTION FOR THE MUNICIPAL GRANT PROGRAM FOR FUNDING OF NEW EMERGENCY RADIOS.**

**Solicitor Pizzo** indicated the Township has been able to receive funding for this program to help offset the cost of the emergency services radios that the Township was mandated to update and replace several years ago. The Township is hopeful the RDA will fund this request in full. Solicitor Pizzo indicated Mr. Chaykowski and Mr. Harran said the Township is approaching the end of that repayment cycle and next year is the last year the Township will have to make payments.

**Council Vice President Pilieri** motioned to approve as presented, **Council Member Sloane** seconded and the motion carried 5-0.

11. **CONSIDERATION OF A RESOLUTION FOR THE MUNICIPAL GRANT PROGRAM FOR FUNDING OF INTEGRATION OF POLICE RECORD MANAGEMENT SYSTEM (RMS) THROUGHOUT BUCKS COUNTY.**

Solicitor Pizzo indicated this grant from the RDA to fund the program and this system has been issued by the RDA for the past several years and noted the County had run lead on it. This year, just as a result of change in personnel in the courthouse since January coupled with the affects of COVID and staffing and where people's attentions are focused for the last several months, the lead agency for this went from being the County to Bensalem Township, the largest of all the police departments within the County.



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

12. **CONSIDERATION OF A RESOLUTION AUTHORIZING THE TAKING BY CONDEMNATION OR BY DEED IN LIEU OF CONDEMNATION CERTAIN TRACT OF REAL PROPERTY COMMONLY KNOWN AS THE STURDWICK PROPERTY.**

**Solicitor Pizzo** indicated the two properties involved are located along the Neshaminy Creek. Because of their condition over the years the Township has had to go down there numerous times to clean things up and demolish structures as the Township routinely does with problem properties. A Municipal lien is filed against these properties so the Township can recoup their cost. It was proposed by the executors of the estate that if the Township was interested, they would deed the properties over to the Township in satisfaction of the liens to the property and add it to the Townships bank of Open Space. The Administration is recommending and requesting that Council approve the Resolution whereupon it will allow the Township to take title to those properties.

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

13. **CONSIDERATION OF ESCROW RELEASE FOR:**

<b>Developers Request:</b>	<b>Samarpan Hindu Temple – Release #4</b>
<b>Location:</b>	2746 Mechanicsville Road
<b>Tax Parcel:</b>	2-36-8
<b>Amount:</b>	<b>\$ 281,681.20</b>

**Engineer Benner** indicated they have reviewed the request by the applicant and Quinton Nearon, Township Principal Inspector, did a site inspection to make sure the items requested were put in to a satisfactory degree and they were not, so the amount of the release was reduced to \$281,681.20.

**Council Member Tokmajian** motioned to accept and approve the escrow release as presented, subject to an audit, **Council Secretary Knowles** seconded and the motion carried 5-0.

14. **PUBLIC COMMENT EMAILS:**

**Council President Kisselback** asked **Solicitor Pizzo** if there were any Public Comment Emails that needed to be addressed.

**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:

James and Helene DeBow, 3052 Sheppard Road, thanked Council for not approving the marijuana medical dispensary.

**Solicitor Pizzo** indicated there were six or seven emails that address a topic. There were, regrettably, signs that popped up in various locations in the Township over the course of the last several days which spoke to ANTIFA and BLM and there is no need to dignify the signs or their comments by reading into the record what they said. Immediately, as the Township became aware of the presence of these signs the Mayor, at his direction, and with consultation with the Solicitors office, Director Harran had his officers out there removing them from public property and public rights of way. There were several comments received this evening from residents who have expressed concern and fear as a result of this. Each and every one of the emails have been forwarded to the Director of Public Safety who has been in contact with the Director of the NAACP, Karen Downer and they are working together to come up with a strategy. The signs do not indicate who sponsored them or who paid for them. Out of an abundance of precaution the Solicitor is going to refrain from identifying who wrote the emails and instead, as indicated, will forward on their concerns to the Director of Public Safety. If anyone sees these signs please contact the police department.

Leeann Hart would like to know if Council will be live streaming their meetings.

**Council Member Sloane** asked Solicitor Pizzo if the Township has made any progress with live streaming the council meetings. Solicitor Pizzo indicated Administration replicated what the public was receiving before the Township went virtual and is exactly what the public is receiving today. The Council meetings were not live streamed before COVID and before virtual meetings they went out over the cable channels as they do today. The public is getting the same degree of involvement other than the fact that they are not coming into the council chambers and coming up to a microphone for their public participation. There have been discussion regarding various means on letting the public into these meetings in some fashion other than written comments. Again, there was an applicant this evening who threw out a little barb which fortunately was not profane or obscene, but it is one of the concerns in which we lose that modicum of control. Council Member Sloane understood, but asked if it could be broadcasted in live-time on the YouTube channel.

**Council Secretary Knowles** indicated he hopes everyone takes care of themselves and added St. Charles School is celebrating 100 years of education.

**Council Member Tokmajian** asked Quinton Nearon, Township Principal Inspector if he had an update on the tot-lot for Victory Square. Then asked for an update on roadwork on State Road and in Brookwood. Mr. Nearon indicated Stated Road is PennDOT and was not aware of any work going on in Brookwood but would look into it. Thanked Solicitor Pizzo for bringing up the signs and acknowledging them and condemning them.

15. **OTHER BUSINESS:**

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)

**Council Vice President Pilieri** indicated ditto to everything discussed and appreciated everything going on in the Township. Safety is important for all of our residents and hopefully we will get a vaccine and start getting things back to some sort of normalcy.

**Council President Kisselback** thanked all of Council for their concerns for the residents of the Township and wished everyone a good night.

**16. ADJOURNMENT:**

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

The Bensalem Township Council Meeting of September 29<sup>th</sup>, 2020 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**