

**BENSALEM TOWNSHIP COUNCIL
COUNCIL MEETING MINUTES**

**Monday
November 13th, 2023**

MEMBERS PRESENT:

Ed Kisselback, Council President
Joseph Knowles, Council Secretary
Michelle Benitez, Council Member
Stacey Champion, Council Member

SUPPORTING PERSONNEL:

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

PLEASE NOTE:

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

1. OPENING OF THE MEETING:

Council President Kisselback opened the meeting with a moment of silence and/or prayer, followed by the Pledge of Allegiance.

2. INTRODUCTION OF COUNCIL MEMBERS, STAFF AND MAYOR:

Council President Kisselback introduced Supporting Staff, Council Members and Mayor.

3. PUBLIC COMMENT:

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

Council President Kisselback indicated Director McVey would like to speak before Council. **Councilwoman Benitez** motioned to change the agenda to indicate agenda item number 4A. **Council Secretary Knowles** seconded and the motion carried 4-0.

4. **APPROVAL OF COUNCIL MINUTES:**

Council Secretary Knowles motioned to approve the Minutes from the October 24th Council meeting as presented. **Councilwoman Benitez** seconded and the motion carried 4-0.

4A. **DIRECTOR OF PUBLIC SAFETY, WILLIAM MCVEY, PRESENTED AN UPDATE ON THE SAFER GRANT APPLICATION:**

Director McVey indicated, since the last Council Meeting of October 24th when he presented to Council information regarding a SAFER Grant application; Director McVey wanted to come back to Council to clarify the record because of the many inaccurate statements that were made that could have deteriorated public trust.

In response to Director McVey informing Council that he was seeking four additional firefighters through a SAFER Grant that is federally funded, Councilman Pilieri stated that the Township would have to hire 65 additional firefighters and the Township would be mandated to do so by the NFPA and the Federal Government. Councilman Pilieri also cautioned that taxpayers needed to be aware of this because of the cost associated.

Director McVey indicated that the information Councilman Pilieri presented is not factual. The NFPA (National Fire Protection Association) is a non-profit organization that develops fire, electrical and other life safety standards. The NFPA is not a governing body, they have no power nor do they try to enforce any of their standards if you are not in compliance.

Under NFPA Standard 1720, the authority having jurisdiction has the responsibility to determine 3 factors: 1. The scope and level of service provided by the fire department. 2. The necessary level of funding. 3. The necessary level of personnel resources, including facilities.

Bottom line, Bensalem Township, through the Department of Public Safety, has the responsibility of fire suppressing services at the appropriate staffing levels.

Councilman Pilieri also made several accusations that the Bensalem Fire Rescue the career staff was created without the approval of the Council and done so illegally. The accusation that the Mayor and his Administration acted illegally is completely irresponsible and Direct McVey believes should be retracted immediately!

The creation of Bensalem Fire and Rescue, under the department of Public Safety, was done so in accordance with the Bensalem Township Municipal Code, specifically section 2.85 which states: The Department of Public Safety shall be responsible for police protection, fire protection other than fire inspections, fire code enforcement, rescue services and defense within

the Township. As such, the mission and function of Bensalem Fire Rescue fall under the control of the Department of Public Safety.

Director McVey commended Mayor DiGirolamo, his Administration and all of the members of Council for what they did 13 years ago to enhance the fire response in the Township for daytime hours; by creating the Department of Fire Rescue, who are operating at times that our volunteer services struggle to get fire trucks out. Back then, Public safety was put first by the Township and this Administration and Council. Director McVey does not want to see any of that change.

Over 13 years the Township has seen great success from the Fire Rescue Service. They have proven time and time again that they save lives and they save property by their quick professional and efficient response. It should also be noted, once again, that Council has approved funding for Bensalem Fire Rescue for the 13 years since it was created.

As for the current fire consolidation efforts, which were also questioned that evening, the Mayor, his Administration and the Department of Public Safety are fully committed to seeing this project through. The consolidation of the fire companies is being done not to eliminate the volunteer service, but is being done to sustain it for the future so that the Township is not strapped with a fully funded Fire Department. This is something that needs to be done that the Director has identified and experts have identified, and the leadership from 6 of the volunteer companies have also identified. This is being done despite efforts to sabotage it. It is being done for the right reason, but it is also being done because it is the only way the Township can sustain that the residents get the appropriate level of fire response they deserve to keep them safe.

Everything that has been done in the past 18 to 24 months, involving consolidation, has been done inclusive with all 6 companies. It is the Directors hope that all 6 companies vote for the consolidation and will build something great for Bensalem Township.

Councilwoman Benitez thanked Director McVey for setting the record straight and for the representation here this evening.

Council Secretary Knowles thanked Director McVey for the job he continues to do to keep our community safe.

Councilwoman Champion thanked Director McVey and conveyed her support.

Council President Kisselback indicated, the priority of this Council and the Mayor has always been Public Safety.

Council President Kisselback asked if there was anyone in the audience who would like to comment on what Director McVey has just presented.

PUBLIC COMMENT:

Don Harris, 3719 Berkley Rd., indicated he has been in the fire service for 57 years, both career and volunteer. Mr. Harris echoed the same comments from Director McVey regarding the NFPA. The NFPA has codes and standards in which one can adopt and many municipalities do adopt some of their codes. Mr. Harris continued with a list of his credentials. The whole volunteer system is pretty much collapsing. We have to accept change, and the change being not for one's ego, but to service the public.

As independent companies, they are not producing manpower that is conducive to putting apparatus on the street. Mr. Harris explained how the volunteer system thrived in the 50's, 60's and 70's. In today's society you have to spend over 200 hours to get trained before you can even respond to a call. The younger generation of today is just not there like it was years ago.

The consolidation issue needs to be on the forefront on everybody's mind. Mr. Harris was not exactly happy about it but on the other hand indicated that it is reality. If the fire companies can't get trucks on the street properly manned with qualified people, then that becomes a problem, it could jeopardize the people in the community.

Looking at the staffing level in accordance with the NFPA 1710 standard is typically the one for career staff. For a medium hazard occupancy, which would be an apartment building, 25 people have to be assembled, as in career and volunteer, in order to effectively deal with that situation.

Mr. Harris indicated the NFPA does not have the authority to come in and tell the Township how to run their system, that is strictly between Administration and the Public Safety Department.

Councilwoman Benitez thanked Mr. Harris for being here tonight and educating everyone in regards to the consolidation being more of an optimization and not a consolidation.

Mr. Harris indicated that the consolidation will not get rid of any department but rather have every fire company under one umbrella.

Thomas Prochak, ex-resident of Merganser Way, and is currently the Vice President of Local 4837 of the Bensalem Township Career Firefighters, the International Association of Firefighters Union. At last month's Council meeting there was a discussion for a vote regarding the FEMA SAFER Grant for 4 additional Firefighters to be added to the Career Department.

A letter was drafted to Councilman Pilieri from Mr. Prochak and Mr. Sponheimer. Mr. Prochak read the letter to clarify the miscommunications between Councilman Pilieri and Director McVey. Local 4837 found it very disheartening and irresponsible that a member of Council would provide false information to the public in which Councilman Pilieri serves. Local 4837 is not affiliated nor represented in any way by the Philadelphia Firefighters and Paramedic Union IAFF Local 22. Councilman Pilieri's comment that their contract is done by Philadelphia

is 100% false. In addition, Councilman Pilieri's references to the NFPA were completely baseless. According to the NFPA documents, the NFPA has no power, nor does it undertake to police or enforce compliance with the contents of the NFPA. Any certification or other statement of compliance with the requirements of this document shall not attribute to the NFPA and is solely the responsibility of the certifier or the maker of the statement. They are unsure why Councilman Pilieri would make unrealistic claims such as the Township would be required to hire 65 firefighters to be compliant with NFPA. Councilman Pilieri's comments were unprofessional and his demeanor appeared to show he was bias against the Career Firefighters of Bensalem Township and Public Safety. In closing, Mr. Prochak is asking Councilman Pilieri to retract his statement, publicly, regarding the NFPA standards and the Bensalem Township Career Firefighters Association IAFF 4837 so that the public has no misrepresentation of the Career Firefighters of Bensalem. Furthermore, they would appreciate Councilman Pilieri's public support of the departments request to apply for the SAFER Grant.

Mr. Prochak indicated the delay of applying for the SAFER Grant is putting is putting the Township at a big disadvantage. When it comes to hiring the best, they are looking for certified firefighters. They are competing against their neighbors: Bristol, Northampton, Newtown, Middletown and the City of Philadelphia. The process will only become harder in the future if it is delayed. Safe staffing is the most critical element of a firefighting force.

Council Secretary Knowles indicated there was not a delay in applying for the SAFER Grant, Councilman Knowles had made a motion to approve it, Councilwoman Champion seconded and the vote was approved 4-0 at the October 24th Council meeting.

Tom Marker, 896 Jason Drive, has been a volunteer firefighter for 37 years. Mr. Marker indicated it is really important to understand that there is one side here that needs to be represented; and that one side is the homeowner who is going to call at 2 o'clock in the morning and hope that firetrucks show up.

Mr. Marker met with Director McVey recently and indicated to the Director he was tired and didn't want to do this anymore and was very proud of the time he had here. The passion that drove Mr. Marker is not there anymore. Mr. Marker indicated, should he be the one the Township depends on crawling down a center hallway of an apartment building? He didn't think so; the residents deserve better. With consolidation a lot of the jobs that the firefighters have would be unified under one umbrella. They would maximize the greatest resource that the taxpayer has, which is the volunteer firefighter. The situation has driven home what is most important, and what is most important are the citizens of Bensalem Township.

Johnny Ejhac, Business owner of 2655 Interplex Drive, indicated November 13th, 2013 there was a tanker truck on fire 9:43am on Route 1. The quick response of the Bensalem Fire Rescue kept that fire in check. The saddle tank leaked and burned but the big tanker did not blow up, which could have been a catastrophe in the Nottingham area.

Mr Ejhac indicated Councilman Pilieri's statements were heard by the rest of Council in attendance. Everybody is entitled to their opinion, but Mr. Ejhac indicated Councilman Pilieri made such false and reckless comments. Mr. Ejhac is a Volunteer Fire Chief; the other fire

members are speaking from a career standpoint. The young volunteers are hearing this from the leadership here. It needs to be redacted, taken down and should not have been entertained here. Mr. Ejhac indicated that he knew Council was not versed in the NFPA rules but the statements by Councilman Pileri were so false and reckless. There are many places that conversation could have taken place.

The Mayor indicated that the accusations made about him and his Administration is inexcusable. The Township has done everything the right way and according to law, but most importantly, for the safety of Bensalem Township. The Mayor thanked every firefighter for what they have done and what they continue to do. The Mayor will not stand for unprofessionalism. The only way to get things done is working together, TEAMS work!

The Mayor addressed Council and expressed how it was inexcusable for those accusations that were made. The Mayor has never been so disrespected as he was that evening. Bottom line, we have to work together. The Mayor hopes the gentleman comes around and he will identify and own up to his mistakes. For anybody to accuse the Mayor and his Administration, it is inexcusable.

Councilwoman Champion spoke of a time when she had a slight incident at her home regarding an electrical fan box fire and thanked the Cornwells Fire Company who was first on the scene. Councilwoman Champion expressed the importance of each and every Fire Company in Bensalem Township and thanked them for all they do to keep the residents safe.

Council Secretary Knowles expressed his appreciation for the Fire Companies.

Councilwoman Benitez indicated the Fire Companies are the professionals, they have the answers and are educating the members of Council. The Councilwoman is excited to work on the consolidation plan with the firefighters and offer whatever support she can and thanked them for stepping up and keeping the Bensalem Community safe every day.

Council President Kisselback indicated they always have and will continue to appreciate what the volunteer firefighters do for the Bensalem Community.

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

Applicant:	Luber 74, LLC
Location:	2025 State Road
From Zoning Classification:	GC-R2 General Commercial and Residential
To Zoning Classification:	R2 – Residential Only
Tax Parcel:	02-064-058

Mike Meginniss, Begley Carlin, on behalf of the applicant. The property located at 2025 State Road is approximately .7 acres and is currently split-zoned.

Mr. Meginniss indicated that his office appeared back in the summer of 2021 at the Zoning Hearing Board, when the property was owned by the prior owner, to propose a commercial use

coming into what at the time was a building in significant disrepair. The Zoning Hearing Board turned down that application with one of the primary concerns with things such as truck traffic; and a general sentiment that this particular area isn't really fit for commercial, because of the residential community that exists on Herringbone Lane and Cambria Avenue. At that meeting there were a number of individuals from the Echo Beach Association that came and again expressed a similar sentiment. The consensus was that the general preference for that area was residential.

The owner, at that time, sold the property and Mr. Meginniss' client purchased the property in November of 2021. Because of the condition of the building, demolished the structure that was there which has essentially, functionally left an unimproved .7-acre lot with an odd zoning-split.

Earlier this year Mr. Meginniss went to the Zoning Hearing Board to receive a variance for woodlands disturbance. This will allow the applicant to move forward with a subdivision to have 3 single family detached houses. which functionally would look identical from a streetscape to the rest of the homes on Cambria Avenue and Herringbone Lane. The applicant was granted the variance at that time by the Zoning Hearing Board, and moving forward, there will be an entire typical process for a subdivision, land development, etc.

Rezoning this now eliminates GC – General Commercial development proposal in that section in the future. Mr. Meginniss would like to eliminate this odd zoning situation just to make this parcel all RS – Residential, instead of R2 and GC which would be better for any future development.

Council President Kisselback asked if there was anyone in the audience who like to come forward to speak for or against the rezoning request.

Jim Wade, member of the Echo Beach Association, indicated, the association supported the homes that will be constructed, rather than a commercial business.

Jeffrey Ziff, 331 Herringbone Lane, indicated his home is directly opposed to the Union Fire Company, and has concerns about how much water will be coming his way due to being downhill from this development. Mr. Ziff hopes that the Township will take his concerns into consideration.

Council President Kisselback assured Mr. Ziff that if this comes before Council their concern will be Stormwater Management.

Seeing no one else come forward, the Public Portion was closed.

Councilwoman Benitez motioned to approve the consideration of rezoning for Luber 74, LLC located at 2025 State Road from GC-R2, General Commercial and Residential classification to be rezoned to R2 Residential only, TMP 02-064-058. Councilwoman Champion seconded and the motion carried 4-0.

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

Applicant: J & J Properties, LLC
Location: 4432 Bristol Road
From Zoning Classification: LI – Light Industrial
To Zoning Classification: GC – General Commercial
Tax Parcel: 02-017-046-001

Mike Meginniss, Begley Carlin, on behalf of the applicant. The property is located at 4432 Bristol Road in a strip shopping center. The property is 1.14 acres and many of the surrounding properties are zoned General Commercial. This property has been for a very, very long time used in a General Commercial manner, not in a Light Industrial manner.

When the applicant purchased the property in the summer of 2018, there was some correspondence with the Township, where the statement was that the property was General Commercial. The applicant has documentation from the Township stating that the property was zoned General Commercial.

In 2019 the applicant was informed by the Township that the prior statement was wrong and is actually zoned Light Industrial. Without overly complicating things, every time there is a potential vacancy in the strip center, there is a question as to how do they address the zoning, because it is zoned Light Industrial but it is a non-conforming use. The shopping center being the non-conforming use, can anything of a General Commercial character go in there by right; or does every single time the applicant tries to fill a vacancy within the strip center, will have to go to the Zoning Hearing Board for a use variance because it is technically zoned Light Industrial.

There is no development proposed and there is no development to come. The applicant is not intending to sell the property. They are just trying to eliminate Mr. Meginniss giving Mr. Farrall an aneurysm every time Mr. Meginniss contacts Mr. Farrall about this moving forward, if that could be avoided.

The applicant is trying to have it zoned the way it should be zoned. The way the use has always been and the way this is going to be going forward with no sight improvement. Mr. Meginniss is viewing this as a housekeeping item.

Council Secretary Knowles indicated he read the memo from the Bucks County Planning Commission and that this was unnecessary; because it is approved, and guesses there is a reason why Mr. Meginniss is presenting this rezoning request.

Mr. Meginniss indicated what is in the Bucks County Planning Commission review letter. What they are saying is because of the way that the Township implements the sort of water cascading waterfall in their ordinance where the Light Industrial District cross-references the HC1 District and the HC1 District cross-references the GC District; because of that, is there an argument that the GC District uses are therefore implemented under the Light Industrial.

Mr. Meginniss indicated on his dealing with this site, that's not the way the Township has interpreted that historically, but he will not argue against a more favorable interpretation. Going forward there is no use that is going to be Industrial.

Council President Kisselback asked if there was anyone in the audience who would like to speak for or against this rezoning request. Seeing no one come forward, the Public Comment portion was closed.

Councilwoman Benitez motioned to approve the consideration of the rezoning for J & J Properties, LLC located at 4432 Bristol Road from zoning classification LI-Light Industrial to zoning classification GC-General Commercial for TMP 02-017-046-001. **Council Secretary Knowles** seconded and the motion carried 4-0.

7. **CONSIDERATION OF A RESOLUTION OF THE TOWNSHIP OF BENSLEM PERTAINING TO THE DESTRUCTION OF OLD RECORDS FOR THE BUILDING & PLANNING DEPARTMENT.**

Solicitor Pizzo indicated, as is required by Commonwealth Law, in order for the Township to destroy records after a sufficient time has passed it requires a Resolution of Council. In order to do so, the records of question would be records from the Building and Planning Department from January of 2022 to present. It should be noted that all of the documents are scanned into the Township's computer system as a matter of course. Electronic copies of everything that is being asked to be destroyed are part of the Townships filing system.

Council Secretary Knowles motioned to approve as presented. Councilwoman Benitez seconded and the motion carried 4-0.

8. **CONSIDERATION OF ESCROW RELEASES FOR:**

A. Developers Request:	Sperduto L/D – Release #5
Location:	901 Tennis Avenue
Tax Parcel:	02-029-300 & 02-029-301
Amount:	\$11,030.40

Quinton Nearon, Senior Municipal Inspection Manager, recommended release of \$11,030.40 with \$5,000.00 remaining in escrow for finalization of outstanding issues.

Councilwoman Champion motioned to approve Escrow Release #5 for Sperduto, 901 Tennis Avenue, subject to an audit by the Finance Department. Council Secretary Knowles seconded and the motion carried 4-0.

B. Developers Request:	Presto Tape – Release #3
Location:	1626 Bridgewater Rd./1766 Winchester Rd.
Tax Parcel:	02-045-021
Amount:	\$3,500.00

Mr. Nearon indicated this is Release #3 for Presto Tape at Bridgewater Road. This is the final Escrow Release of \$3,500.00 that will close the project. The previous issues have been checked, and no further action is required.

Councilwoman Champion motioned to approved Escrow Release #3 for Presto Tape, 1626 Bridgewater Road, 1766 Winchester Road subject to an audit by the Finance Department. **Councilwoman Benitez** seconded and the motion carried 4-0.

C. Developers Request: 2500 State Road Holdings, LLC – Release #1
Location: 2500 State Road & 625 Imperial Court
Tax Parcel: 02-065-020 & 02-061-292
Amount: \$140,749.87

Mr. Nearon is recommending the release of \$140,749.87.

Council Secretary Knowles motioned to approve 2500 State Road Holdings, LLC for the release of \$140,749.87 as recommended, subject to an audit by the Finance Department. **Councilwoman Champion** seconded and the motion carried 4-0.

D. Developers Request: Livengrin Foundation, Inc. – Release #4
Location: 4833 Hulmeville Road
Tax Parcel: 02-033-096
Amount: \$58,980.44

Mr. Nearon indicated this is Release #4 for Livengrin Foundation, 4833 Hulmeville Road. This is the final release recommended at \$58,980.44. All outstanding punch items have been completed and recommending closure of this project.

Council Secretary Knowles motioned to approve Livengrin Foundation for a release of \$58,980.44 as recommended, subject to an audit by the Finance Department. **Councilwoman Benitez** seconded and the motion carried 4-0.

E. Developers Request: Samarpan Hindu Temple – Release #11
Location: 2746 Mechanicsville Road
Tax Parcel: 02-036-08
Amount: \$212,988.80

Mr. Nearon indicated this is Release #11 for Samarpan Hindu Temple, 2746 Mechanicsville Road and is recommending a release of \$212,988.80 leaving \$10,000.00 in escrow for the remainder of the project in the event any outstanding issues are brought up by the County Conservation District.

Councilwoman Benitez motioned to approve Samarpan Hindu Temple, Release #11, 2746 Mechanicsville Road in the amount of \$212,988.80 subject to an audit by the Finance Department. **Councilwoman Champion** seconded and the motion carried 4-0.

9. **PUBLIC COMMENT:**

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

Alan Windsor, 3232 Azalea Avenue, indicated that at the beginning of this year he excused himself from the Environmental Advisory Board. Mr. Windsor is no longer a member of this Board.

Seeing no one come forward, the second Public Comment portion was closed.

10. **OTHER BUSINESS**

Solicitor Pizzo wished everyone a Happy Thanksgiving.

The **Mayor** thanked the Fire and Police Services for coming out this evening and wished everyone a Happy Thanksgiving.

Councilwoman Benitez wished everyone a Happy Thanksgiving. Thanked everyone who came out to support the Fire Department and is looking forward to working with them.

Council Secretary Knowles wished everyone a Happy Thanksgiving, enjoy your time with family and friends. Thanked everyone for coming out this evening, firefighters in general who volunteer and the paid firefighters during the day who supply their services to the community.

There is a lot of passion especially with long-term people who have dedicated their lives to volunteer fire companies, and when the Township is studying changes that may have to occur. Council has been studying this and talking to people and will be doing a very thorough job, before any decisions are made and the first one will probably be hiring an actual Fire Chief.

Councilwoman Champion wished everyone a Happy Thanksgiving and thanked the Public Safety Department both volunteer and paid individuals. Thanked the Mayor for the work at the Bensalem Township Country Club being done on the stream and thanked the Township Engineer, Mr. Wursta, and his people who are also working diligently on the project.

Council President Kisselback wished everyone a Happy Thanksgiving and asked everyone to please keep in their prayers the situation in the Middle East. God Bless all of the residents of Bensalem and thankful for all that the Lord has given us.

11. **ADJOURNMENT:**

With no other business to conduct, the meeting was adjourned.

The Bensalem Township Council Meeting of November 13th, 2023 can be viewed in its entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Respectfully Submitted,

Debra F. McBreen
Recording Secretary/Clerk of Council