

**BENSALEM TOWNSHIP COUNCIL
COUNCIL MEETING MINUTES**

**Monday
May 22nd, 2023**

MEMBERS PRESENT:

Ed Kisselback, Council President
Joseph Pilieri, Council Vice 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 addressed the Scouts Troop 132 to lead off the meeting with the Pledge of Allegiance. **Council President Kisselback** asked everyone to take a moment and pray for the victims and their families who have been affected by the tragic mass shootings.

2. 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.

3. **APPROVAL OF COUNCIL MINUTES:**

Council Vice President Pilieri motioned to approve the Minutes from the April 24th Council meeting as presented. **Council Secretary Knowles** seconded and the motion carried 3-0-2.

4. **CONSIDERATION OF THE 2019 COMMUNITY DEVELOPMENT CARES ACT FUNDS AMENDMENT:**

The Mayor indicated funds are being transferred from the CARES Legal Program to the CARES Food Bank Program. The amendment meets all Federal requirements, and the Mayor is therefore asking for Council's approval.

Council Secretary Knowles motioned to approve the transfer of funds. **Councilwoman Benitez** seconded and the motion carried 5-0.

5. **CONSIDERATION OF A RESOLUTION REQUESTING AN AMENDMENT TO THE STERLING ACT TO REQUIRE THAT UP TO ONE PERCENT (1%) OF PHILADELPHIA WAGE TAX PAID BY NON-RESIDENTS OF PHILADELPHIA BE REMITTED TO THE MUNICIPALITY IN WHICH THE TAXPAYER RESIDES.**

The Mayor indicated six years ago, he testified in front of the Senate Committee which was passed in the Senate. The Resolution before Council this evening is to be presented to the House. This is very important to Bensalem because there is 2.4 million tax dollars Bensalem does not see. Bensalem is the largest Municipality around the Philadelphia area that has 3,800 residents who work in the city of Philadelphia.

Council President Kisselback questioned the paragraph that reads: "Whereas, Bensalem Township residents who do not work in the City of Philadelphia bear a higher tax burden to support local services because of the inequities caused by the provisions of the Sterling Act." He feels it should read "the residents WHO WORK in the City of Philadelphia."

Council Secretary Knowles indicated since the Township is losing 2.4 million dollars of the people who work in Philadelphia then the people who don't work in Philadelphia have to maintain a tax base.

Councilwoman Benitez indicated essentially, capturing back the 2.4 million into the Bensalem Township community so that the residents of the township do not have to bear the burden. This is a coordinated effort with the Bucks County Association of Township Officials. The Townships surrounding Philadelphia are making this effort together in order to present it.

Solicitor Pizzo indicated Mayor DiGirolamo and the Township government have been lobbying for some time to try and address several facets of the Philadelphia Wage Tax and the Sterling Act but in particular trying to get the one percent (1%) back to Bensalem and other home Municipalities. The process has reached a dead end at every pass for a number of years.

The Mayor testified before a Senate Committee 2 months ago on the matter along with a number of elected and appointed officials from within Bucks County. Fortunately, the Senate passed a bill last month which was introduced by Senator Farry and that bill will have the one percent (1%) of the wage tax that is paid by the Bensalem residents to Philadelphia come back to Bensalem. This is a tremendous step in the right direction but as the Resolution notes and the Mayor noted, it would still require the approval of the State House. If the State House concurs, it will require the concurrence of the Governor. Both of those steps still have to be taken if Council elects to adopt this Resolution. One of the things the residents of the Township can do is reach out to members of the House and to the Governor's office and express their support for this change to the Wage Tax and the Sterling Act so that upwards of 2 million dollars a year that leaves this Township and goes into Philadelphia, will come back into Bensalem.

Councilwoman Benitez motioned to approve the Resolution requesting an amendment to the Sterling Act to require that up to 1% of Philadelphia Wage Tax paid by non-residents of Philadelphia be remitted to the Municipality in which the taxpayer resides. **Councilwoman Champion** seconded and the motion carried 5-0.

DISCUSSION REGARDING TABLED AGENDA ITEMS:

Solicitor Pizzo indicated Agenda items 6 and 7 which are the Preliminary and Final Subdivision and the Act 537 Plan Amendment for Gibson's Holdings, 1515 Gibson Road. The applicant has requested that the matter be tabled to a date certain of June 26th.

Council Vice President Pilieri motioned to table Agenda items 6 and 7 to a date certain of June 26th. **Councilwoman Benitez** seconded and the motion carried 5-0.

Solicitor Pizzo indicated Agenda items 9 which is the Preliminary and Final Land Development for Shax Express Cargo located at Winks and Marshall Lanes. Counsel representing the developer has asked that the matter be tabled to a date certain of June 12th.

Council Secretary Knowles motioned to table Agenda item 9 to a date certain of June 12th. **Councilwoman Benitez** seconded and the motion carried 5-0.

Solicitor Pizzo indicated Agenda item 11 the proposed Ordinance regarding mobile food vendors that is on the agenda for discussion has not yet been advertised for formal adoption. Following whatever direction Council decides, it will be advertised for the next meeting.

Council President Kisselback indicated due to the volume of paperwork regarding this Ordinance, it would give Council enough time to look it over and be prepared to discuss it at the next Council meeting.

6. **Consideration of a Preliminary and Final Subdivision for:**

Applicant: Gibson Holdings, LLC
Location: 1515 Gibson Road
Proposed Use: 6 Residential Lots
Zoning Classification: R-2 Residential District
Tax Parcel: 02-054-005

This matter was tabled by a prior motion.

7. Consideration of a **Resolution for Act No. 537, PA Sewage Facilities Act**, plan revision for new land development of a parcel of land identified as **1515 Gibson Road Subdivision**.

This matter was tabled by a prior motion.

8. **CONSIDERATION OF A LOT LINE CHANGE FOR:**

Applicant: Iftikhar & Aisha Chaudry
Location: 1206 Crespo Lane
Proposed Use: Residential
Zoning Classification: RA1 Residential District
Tax Parcel: 02-072-478

Solicitor Pizzo indicated this is a continuation from the hearing on the request for a Lot Line Change between two parcels on Crespo Lane, 1204 Crespo Lane and 1206 Crespo Lane.

Council Vice President Pilieri indicated there was an addition put on the property located at 1205 Crespo Lane that should not have been constructed.

Solicitor Pizzo indicated there is an issue regarding an addition that was built illegally. The addition encroaches across the property line between 1204 and 1206 which is what has precipitated the application for the Lot Line Change.

Council President Kisselback indicated the applicant was not prepared with the requests from Council at their last meeting.

Solicitor Pizzo indicated if Council is of a collective mind to grant the Lot Line Change it would be conditioned upon the applicant posting with the Township sufficient escrow as determined by the Township Engineer and the Director of Building and Planning to cover the costs associated with the demolitions of the non-conforming portions of the addition that was constructed on the property. New Deeds will be required for the two newly created lots. Those Deeds will have to be reviewed and approved by the Township Solicitor and the Township Engineer and they will have to be recorded contemporaneously with the Record Plan for the Lot Line Change.

Council Vice President asked Solicitor Pizzo if Council should not have had all of those documents now.

Solicitor Pizzo indicated the Deeds the Township would routinely accept these after the fact once the plans approved. The Engineers and the Attorneys would prepare them and review them. As to what Council wants in place as a condition of approval, prior to approving this, if Council wants to see the terms of the Escrow Agreement and the timeline for what Council wants to take place, then Mr. McGuigan and Solicitor Pizzo can hammer something out between now and the next Council meeting.

A discussion ensued regarding demolition and escrow.

Mr. McGuigan introduced Dr. Farooq who resides at 1204 Crespo Lane. Dr. Farooq is aware of the Lot Line Change regarding her property and the property located at 1206 Crespo Lane. Dr. Farooq agreed she is aware of the change in her property line and the requirement to sign new Deeds regarding that change. Dr. Farooq is giving her approval for the Chaudry's to proceed forward, which could have implications on the size and shape of her property. The reduction in Dr. Farooq's property size will be 900 sq. ft. Dr. Farooq is approving the new Lot Line Change to her property.

Solicitor Pizzo indicated what Dr. Farooq represented this evening will be fine if Council is tabling this item it will give the opportunity to add the Farooq's to the application and to verify to the Council she was aware and in concurrence with what is happening because that is the question Council had at the last hearing.

Council Vice President Pilieri motioned to continue this item to the 26th of June. **Councilwoman Champion** added to include the demolition, the escrow amounts and a notarized letter. Councilwoman seconded and the motion carried 5-0.

9. **CONSIDERATION OF A PRELIMINARY AND FINAL LAND DEVELOPMENT FOR:**

Applicant:	Shax Express Cargo, Inc – Mr. Sheroz Vafaev
Location:	Winks and Marshall Lane
Proposed Use:	Truck Parking
Zoning Classification:	G-I – General Industrial District
Tax Parcel:	02-075-079

This matter was tabled by a prior motion.

10. **CONSIDERATION OF A PRELIMINARY AND FINAL LAND DEVELOPMENT FOR:**

Applicant:	Delaware Valley Residential Care
Location:	875 Mill Road
Proposed Use:	Medical Health Center
Zoning Classification:	IN – Industrial District
Tax Parcel:	02-023-042

Mr. Meginniss, with Begley, Carlin and Mandio, LLP, solicitor on behalf of the applicant, Delaware Valley Residential Care (DVRC). DVRC are the equitable owners of a portion of 875 Mill Road. The property is zoned in the Institutional District in the Township. The underlying property is approximately 15 acres and are acquiring 8 acres of the underlying site. St. Valentines Church will retain ownership of the balance.

Mr. Meginniss indicated that the Church has been approached over the years for a number of different uses to develop the site. They have been dealing with some financial hardships and found DVRC and that that their use and ethos was a good fit with the Church, and the mission of the Church.

DVRC provides services exclusively to individuals with traumatic and acquired brain injuries. This is a heavily screened and non-violent operation. There is not a single patient on DVRC's end who drives an automobile. DVRC's Mission Statement is to integrate their residents into the community wherever possible. For example, to work at a local grocer, if you have a higher functioning member, you have a spectrum of individuals some of whom need a significant amount of assistance and some of whom are able for employment when possible. These individuals, if and when they are to leave the property would have DVRC Aids along with them.

The site is secured, there is a gate, a security outpost at the entrance from Mill Road. The security on site is as much about protecting the residents of DVRC as it is to the community. They want to make sure no one leaves the site, but they also want to make sure people are not getting access to the property.

The plan has 5 separate residential buildings with a Community Center. There are 6 units in each of the buildings with 3 rooms per unit, in total there are 90 beds on the site. Each of the units are staffed when they are occupied by DVRC employees. This is not a theoretical operation, DVRC, in Bucks County, has a successful operation in Warminster and has no issues with the Township or their neighbors or other business owners.

DVRC is an owner operator, this is not a situation where Council would approve the project and then DVRC would sell it to a third party. DVRC wants to be a long-standing member of the Bensalem Community.

This property will be Deed restricted. This facility will be adding a number of high-paying jobs in many respects to the Bensalem Community.

From a site layout standpoint one of the items that was highlighted with the residents at the beginning is the access is not off of Walnut Avenue. Walnut is the heavily residential portion of the Township. Mill Road has more of an industrial component to it. The resident's traffic is going to be primarily in the sole point of ingress and egress off of Mill Road.

They will be maintaining the screening and planning on site. There is not just going to be an improvement of the stormwater management on site. The actual numbers in TPD's review is

that the improvement is substantial across every threshold, from the one to the 100-year storm. This will have a demonstrative positive impact on stormwater management in this area.

Jessica, Director of Admissions for DVRC which specializes in a residential program that is only focused on the traumatic brain injured. This could also include acquired brain injuries such as a stroke. DVRC provides the most independent living that these individuals can do with supervision from their staff. The screening process is both medical and financial screening. When someone approaches them with a loved one they have to make sure they fit their criteria medically, that being the traumatic brain injury or the acquired brain injury. Most of the individuals can do things for themselves.

The financial aspect is either they could pay privately, or if using Medicaid, they have funds to sustain themselves. There is a critical component on both sides that is evaluated. Due to the long process, it may take months before the individual is accepted.

There are 3 private rooms to each townhouse with either 3 males or 3 females living there. There is a little kitchenette area, a living area and washer and dryer. The kitchenette area is there for their therapies, it is disconnected and connected only by the DVRC staff. There are a variety of Group therapies during the day. They also work on community integration.

The admission criteria is that they have to meet both medical and financial. The medical would include the TBI or ABI diagnosis. They have to do most things for themselves. A full assist individual would not be appropriate. The financial criteria is making sure they qualify for whatever appropriate funding they may have.

Council Vice President Pilieri had the opportunity to visit the facility located in Warminster and was taken on a tour by the staff to see how they work on a daily basis and was very impressed with the process.

Councilwoman Champion indicated the day she visited the facility it was very well organized and was happy that it worked as she imagined it would.

Karen Trawick is a mother of a resident of DVRC. Her son was 24 years old, on his way home and was hit by a car. From that particular accident, Darren was hit so hard that he flew up and when he came down it was his head that took the brunt of the fall. Not only did his life change drastically but the family was also affected. Darren was placed in a nursing home because of his injuries. It was a process to get Darren into the DVRC facility. DVRC helped Mrs. Trawick get financing and explained what Mrs. Trawick needed to do. After the first initial visit to DVRC, Mrs. Trawick was sold and knew this is where her son Darren need to be in order to get the proper care.

Eric Clase, P.E. with Gilmore & Associates, Inc., prepared the plan for the subdivision and land development. The site is zoned Institutional. Within the existing 15 acres, about an acre of the site goes away with the dedicated right-of-way. The northern section referred to as lot 2 is the existing cemetery that will end up with about 6 acres. The southern half, which is the DVRC side, gets about 8 acres. There are 5 buildings, 6 units in each building. Each individual unit will house 3 people, either male or female, the units are not coed.

Stormwater Management, they are capturing 100 of the impervious on site. They are directing west towards Mill Road into a very large detention basin. They are greatly reducing the run-off, it is not just a minor reduction, it is dramatic. It is captured in the basin and taken to an existing pipe under Mill Road and the water is directed across Mill Road. The basin is above ground with all the bells and whistles of what a Rain Garden would have these days. You put the plantings in there, the amended soil, the water goes in, it sits, it absorbs, it cleans it and then releases it at a very slow rate.

There are 98 parking spaces. The maximum number of employees on site at any given time is 75, they meet the requirement parking spaces.

LeeAnn Crowcheck works for Hillard Inc., they are a neighbor of DVRC at their Warminster facility. There have never been any issues of any kind, including parking and traffic. DVRC has been a welcome addition to their community.

Mr. Meginniss indicated they have reviewed TPD’s both civil and traffic letters as well as the Bucks County Commission review. One of the waiver requests that was identified as Waiver 201-106(a)(2)a(6)- To permit grading with 3 feet of the site property line is being withdrawn. Everything in TPD’s Traffic review letter is a will comply and everything in TPD’s April 10th, 2023 review letter is a will comply with the exception of the 3 waivers identified. Everything under the Variances have been addressed.

Waiver Requests:

Waiver 1 Section 196-61(b)(1) – To allow pipes to be less than the required 18 inches in diameter.

Waiver 2 Section 196-61(b)(12) – To allow less than the required cover over pipes.

Waiver 3 Section 201-104(b)(1) – To not provide widening, curbs and sidewalks along Mill Street.

Stormwater Management: (cfs) – Cubic Feet per Second

Design Storm Frequency (Yr.)	Pre-Development Flow (cfs)	Post-Development Flow (cfs)	Proposed Change (cfs)
100	15.030	2.524	-12.506
50	14.087	2.378	-11.709
25	13.076	2.227	-10.849
10	8.811	1.645	-7.166
5	7.831	1.462	-6.369
2	6.578	1.248	-5.330
1	5.821	1.061	-4.460

Mr. Clase indicated the road in front of the site does build up. DVRC keeps on site 2 full weeks of food and has emergency vehicles that can get into the site if there is a flood and they have back-up generators. This campus can sustain itself for 2 weeks.

Mr. Meginniss indicated they would pay a fee in lieu of since they are asking to waive the curbs and sidewalks. Mr. Clase's office and Mr. Wursta's office will make sure that the final version of the plan will have the appropriate notes in terms of crosswalks and signage etc. for internal pedestrian traffic.

Council Secretary Knowles indicated that the property is zoned Industrial so the Township will receive tax revenue. The 75 employees will be paying wage tax which is another bonus for the Township. Mr. Knowles had the opportunity to tour the facility located in Warminster and was very impressed with the operation.

Brian O'Connor addressed Council Vice President Pilieri's concerns regarding an employee using public transportation and walking along Mill Road. Mr. O'Connor indicated they will be able to get a shuttle to and from the facility if they are arriving by bus or by train.

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

Councilwoman Champion motioned to approve the waivers as stated on page 5 Waiver 1 Section 196-61(b)(1), Waiver 2 Section 196-61(b)(12), Waiver 3 Section 201-104(b)(1) and will pay a fee in lieu of and to include the Deed restriction. The traffic letter from TPD dated April 10th, 2023 are all a will comply as are all of the items in the Engineers review of April 10th, 2023.

Mr. Pizzo indicated since this will effectuate a subdivision of the property, deeds for the newly created lots acceptable in form content of the Township will also be provided and those will be recorded in the office of the Recorder of Deeds before or at the time of recording of the record plan.

Council Vice President Pilieri seconded and the motion carried 5-0.

A short recess was taken at this time and the meeting resumed with Agenda Item #11.

11. CONSIDERATION AND PUBLIC HEARING OF AN ORDINANCE ESTABLISHING AND CREATING CHAPTER 173 – MOBILE FOOD VENDING AND AMENDING CHAPTER 232 “ZONING” TO ADD SECTION 600 “MOBILE FOOD VENDORS.”

Solicitor Pizzo indicated there are still some aspects of the ordinance that Council needs to fill in. The ordinance was not advertised until Council had the opportunity to review and discuss the proposed ordinance.

Council President Kisselback indicated Council would fill in the blanks after they have had a chance to read it in its entirety, then would discuss it at the next Council meeting.

No action required.

12. **CONSIDERATION OF THREE RESOLUTIONS FOR ACT NO. 537 PA SEWAGE FACILITIES ACT PLAN REVISION FOR NEW LAND DEVELOPMENTS FOR THE FOLLOWING PARCELS IDENTIFIED AS:**

A. 4701 Somerton Road B. 4020 Mechanicsville Road C. 4000 Bristol Pike

Solicitor Pizzo indicated one of the conditions Council imposes on the approval of Land Developments is that they have to comply with all of the requirements of the Department of Environmental Protection, the City of Philadelphia Water Department, the Bucks County Water and Sewer Authority and Aqua Pennsylvania as it pertains to the water and sewer service to various properties. One of the steps in the process is the approval of a DEP Resolution allowing for the amendment of the Townships 537 Plan to take in account the new sewage flows generated by various land developments.

In the cases of 12A, 12B and 12C all three of these are Land Development Projects that have been previously approved by the Township. The applicant is now at this point where they are submitting to DEP their Act 537 Plans and part of that process requires a Resolution of the Township confirming the Township has approved the plan and agrees with the proposed amendment to the Act 537 Plan.

Solicitor Pizzo's discussion would apply to all three Resolutions which are in a form required by the Department of Environmental Protection and in a form acceptable for Council's consideration and approval.

Council Secretary Knowles motioned to approve the Act 537 for 4701 Somerton Road, 4020 Mechanicsville Road and 4000 Bristol Pike as presented. Councilwoman Benitez seconded and the motion carried 5-0.

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

Developers Request:	Presto Tape - Release #1
Location:	1626 Bridgewater Rd./1766 Winchester Rd.
Tax Parcel:	2-45-21
Amount:	\$ 21,020.00

Quinton Nearon, Senior Municipal Inspection Manager, indicated currently the project is nearly completed. There are a few things the Developer needs to do regarding site work which is the concrete swale and the landscaping. The concrete work should be done either this week or next week.

Councilwoman Benitez motioned to approve Presto Tape, TMP 2-45-21, 1626 Bridgewater Rd./1766 Winchester Rd. subject to an audit by the Finance Department. **Council Vice President Pilieri** seconded, and the motion carried 5-0.

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

Developers Request: Amazon.com Service, LLC - Release #1
Location: 777 Winks Lane and 445 Winks Lane
Tax Parcel: 02-079-009, 02-079-009-005, 02-079-009-008, 02-079-028,
02-079-029, 02-079-030, 02-079-031, 02-079-010-001
Amount: \$ 1,842,245.25

Quinton Nearon, Senior Municipal Inspection Manager, indicated a majority of work has been done on the property and the only one items that have not been completed to date is the grading work, landscaping, as well as stabilization due to the Verizon lines on site that were removed.

Councilwoman Champion indicated the corner of Winks Lane and State Road, where the houses were, nothing has been done since they have been demolished. Ms. Champion asked if this had anything to do with the Escrow Release proposed to Council this evening.

Mr. Nearon indicated Winks Lane and State Road is a separate project and not part of the Escrow Release proposed this evening.

Council Vice President Pilieri motioned to approve subject to an audit by the Finance Department. **Councilwoman Benitez** seconded, and the motion carried 5-0.

15. **CONSIDERATION OF A REDUCTION OF PERMIT FEES FOR THE GYM HVAC UPGRADE AT THE BENSLEM HIGH SCHOOL LOCATED AT 4319 HULMEVILLE ROAD, BENSLEM, PA:**

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

16. **CONSIDERATION OF A REDUCTION OF FIRE INSPECTION FEES FOR THE BENSLEM TOWNSHIP SCHOOL DISTRICT:**

Council Vice President Pilieri motioned to approve as presented. **Councilwoman Benitez** seconded and the motion carried 5-0.

17. **CONSIDERATION OF A REDUCTION OF PERMIT FEES FOR THE FAÇADE PROJECT FOR BENSLEM HIGH SCHOOL LOCATED AT 4319 HULMEVILLE ROAD, BENSLEM, PA:**

Council Vice President Pilieri motioned to approve as presented. **Councilwoman Benitez** seconded and the motion carried 5-0.

18. **PUBLIC COMMENT:**

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

19. **OTHER BUSINESS:**

Councilwoman Benitez hoped everyone had a nice Mother's Day. Enjoy your Memorial Day, be safe, Uber is cheaper. The Police Memorial Service was observed today in honor of Officer's Yezzi and Armstrong. Councilwoman Benitez sent out Birthday Wishes to her daughter Carmen who shares the same day as Councilwoman Champion, May 29th.

Council Secretary Knowles indicated the Police Memorial was a very nice ceremony. The Memorial Day Parade is on Memorial Day. The parade starts at 10:00am from Holy Ghost Prep down to Mill Road. Wednesday, May 31st is the kick-off to the Summer Concert Series.

Councilwoman Champion invited one and all to come out and join the parade and it is also Councilwoman Champion's birthday, May 29th.

Council President Kisselback indicated the Police Memorial seemed much more somber this year as it is with heavy hearts we remembered Officer Yezzi and Officer Armstrong from the Bensalem Police Force and the two State Troopers who were killed on I-95. The murder of the Temple Police Officer and the sad state our Country is in. Memorial Day Parade is to memorialize those who have given their life in service to our country and that would include not only our Military but our Police Department and EMS.

June 12th is the next Council Meeting. Goodnight and God Bless.

20. **ADJOURNMENT:**

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

The Bensalem Township Council Meeting of May 22nd, 2023 can be viewed in its entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Respectfully Submitted,

Debora F. McBreen
Recording Secretary/Clerk of Council