

**BENSALEM TOWNSHIP COUNCIL
MEETING MINUTES**

**Monday
January 13th, 2020**

MEMBERS PRESENT:

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

ALSO PRESENT:

Joseph Pizzo, Township Solicitor
Russell Benner, Township Engineer
Debra McBreen, Council Clerk/Recording Secretary

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 microphones.

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:

Council President Kisselback invited Public Comment on Agenda items, but no one came forward and the first of two public portions was closed.

PRESENTATION AND RECOGNITION OF A HEROIC ACT

The Director of Public Safety, **Fred Harran** introduced Caitlin Groves, a 13 year old who contacted the Police Department because she was concerned about a fellow classmate who was contemplating suicide. Police Officer Steven Ambs responded to the call and spoke with Caitlin after Caitlin’s efforts to communicate with her fellow classmate ceased. The Officer responded to the address to investigate and check on the well-being of the classmate. It was determined that the classmate did in fact attempt suicide and was taken to the hospital for treatment.

Caitlin was recognized by the Police Department with a plaque because of her conscientious actions, kindness and compassion that led to helping her classmate.

Council President Kisselback invited Caitlin to speak. Caitlin spoke about the people who recently came to her school to talk about Suicide Prevention. Knowing something drastic was going to happen to her classmate, she needed to act fast and immediately dialed 911.

Council President Kisselback asked **Solicitor Pizzo** if there were any changes to the agenda this evening. **Solicitor Pizzo** indicated agenda items 4 and 4A, both agenda items are related to the Giant Shopping Center and they are due to be heard next month by the Zoning Hearing Board, it would be appropriate to table this item to March 10th, 2020. **Council Member Tokmajian** motioned to table, **Council Secretary Knowles** seconded and the motion carried 5-0. **Solicitor Pizzo** indicated he spoke to counsel for the applicant, Mr. Adleman, and he has granted the Township an extension of time for that item to be tabled forward. **Solicitor Pizzo** indicated agenda item 5, Minor Land Development for Millenium Properties, the Township Clerk of Council received a telephone call from the applicant earlier today and that a conflict had arisen and the applicant was unable to attend this evenings meeting and requested the matter be tabled to January 27th, 2020. The Township has previously been given an extension of time for the consideration of this matter until the end of this month by the applicant. **Council Member Tokmajian** motioned to table, **Council Vice President Pilieri** seconded and the motion carried 5-0

3. APPROVAL OF COUNCIL MINUTES:

Council Member Sloane motioned to approve the Minutes as presented for *November 25th, 2019*, **Council Member Tokmajian** seconded and the motion carried 5-0.

Council Member Tokmajian motioned to approve the Minutes for *December 2nd, 2019*, **Council Secretary Knowles** seconded and the motion carried 5-0.

4. CONSIDERATION AND PUBLIC HEARING ON AN ORDINANCE AMENDING THE TOWNSHIP CODE OF ORDINANCES AT CHAPTER 232 – ZONING, AT ARTICLE VIII – COMMERCIAL DISTRICTS – DIVISION I – GC – GENERAL COMMERCIAL DISTRICT – SECTION 380 – USE REGULATIONS AT SUBSECTION 15 – ACCESSORY USES.

Tabled to a date certain of January 27th, 2020.

4A. CONSIDERATION OF A FINAL LAND DEVELOPMENT:

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|-------------------------------|--|
| Applicant: | Echo Bensalem, LLC |
| Location: | 2721 Street Road – Giant Shopping Center |
| Proposed Use: | Four Gasoline Dispensing Pumps |
| Zoning Classification: | GC General Commercial |
| Tax Parcel: | 2-37-60, 60-1, 60-2 and 60-3 |

Tabled to a date certain of January 27th, 2020.

5. CONSIDERATION OF A MINOR LAND DEVELOPMENT:

Applicant: Millenium Properties and Investments, LLC
Location: 4851 Street Road
Proposed Use: Parking
Zoning Classification: BP – Business Professional
Tax Parcel: 2-4-184-1

Tabled to a date certain of January 27th, 2020.

6. CONSIDERATION OF LAND DEVELOPMENT EXTENSION AGREEMENT:

Solicitor Pizzo indicated the Development Agreements for ongoing Land Development projects in the Township are written with expiration dates as is often the case for whatever reason the project may not be completed within the anticipated time set forth in the Developers Agreement and the Developer will come back and request an extension of that Agreement. If Council is of the mind to grant the respective requests it would be recommended that Council do so subject to an audit to be performed by the Township Finance Department and the Township Engineer to make sure sufficient funds remain in both the Improvements Escrow and the Administrative Escrow to see the project through to completion.

Council President Kisselback indicated they would go through each one and preferred the Extension Agreements be for a one year extension and not two years.

A. Applicant: Bensalem 21, LLC
Site Information: 1301 Bristol Pike
Tax Parcel: 2-29-474

Council Member Sloane asked if the Township knew how much work was done. **Solicitor Pizzo** indicated a shell was constructed, so the project is under way. **Council Secretary Knowles** motioned to approve for a period of one (1) year as requested, **Council Vice President Pilieri** seconded and the vote carried 4-1.

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

Council Vice President Pilieri asked **Solicitor Pizzo** why two different names, the letter states the request is from Lennar and the application indicates CalAtlantic, we know Lennar purchased CalAtlantic. **Solicitor Pizzo** indicated he would defer to Administration as to the name of the entity, and assumes the current Developers Agreement is still in the name of CalAtlantic and whatever necessary assignments or assumptions that were necessary and executed as part of the transfer of the job at that time, leaving it as presented would be appropriate. **Council Member Sloane** motioned to approve for a period of one (1) year, **Council Secretary Knowles** seconded and the motion carried 5-0.

- C. Applicant: LBD Enterprises, Inc.**
Site Information: Crespo Estates, Phase II
Tax Parcel: 2-70-4

Council Vice President Pilieri motioned to approve for a one (1) year period, **Council Secretary Knowles** seconded and the motion carried 5-0.

Council Member Tokmajian asked where the Township stood with this project. A conversation ensued between the councilmen regarding this applicant. **Solicitor Pizzo** indicated he would assume, but for them submitting a request to extend the agreement, that is at least some indication that this applicant intends to move forward. There is a signed Developers Agreement and monies have been escrowed with the Township.

- D. Applicant: Waterside Phase I, LLC**
Site Information: Waterside
Tax Parcel: 2-65-22, 2-64-139 & 2-64-138

Council Member Tokmajian motioned to approve for a one (1) year period, **Council Vice President Pilieri** seconded and the motion carried 5-0.

7. CONSIDERATION AND SIGNING OF AGREEMENTS:

- Applicant: Samarpan Hindu Temple**
Location: Mechanicsville Road
Proposed Use: Temple
Zoning Classification: R-A-1 Residential
Tax Parcel: 2-36-8

Solicitor Pizzo indicated the Agreements were prepared by the Solicitors office, they have been executed by the congregation, all the necessary monies have been submitted to the Township and the Agreements are in a form acceptable for Council’s consideration and approval. **Council President Kisselback** indicated there were minor corrections regarding the spelling and they were amended to the agreement. **Council Member Tokmajian** motioned to approve and accept the Land Development Improvements Agreement, **Council Member Sloane** seconded and the motion carried 5-0. **Council Member Tokmajian** motioned to approve the Stormwater Best Management Practices Operations and Maintenance Agreement, **Council Member Sloane** seconded and the motion carried 5-0.

8. CONSIDERATION AND SIGNING OF A RESOLUTION: BENSLEM TOWNS AGAINST GRAFFITI

Solicitor Pizzo indicated these are the Grants submitted by the Redevelopment Authority and reminded Council they approved the submission of the applications for the various Grants in the latter part of 2019 by Resolutions. Those applications were subsequently submitted to the Redevelopment Authority for review and processed through a “pool” with other local

municipalities and the Resolutions before Council this evening reflect the amount of the awards the Township received for the various applications submitted. Items described and the dollar amounts on the agenda are correct, several of the Resolutions will need to be modified regarding the wording and Council can do so as each Resolution is addressed.

Solicitor Pizzo indicated this Resolution is for funding for this year's operation of the Bensalem Towns Against Graffiti program. **Council Secretary Knowles** motioned to approve the \$165,000 for the T.A.G. program, **Council Vice President Pilieri** seconded and the motion carried 5-0.

9. **CONSIDERATION AND SIGNING OF A RESOLUTION: BENSALEM EMERGENCY RESPONDERS RADIO REPLACEMENT**

Solicitor Pizzo indicated the Resolution was complete and accurate as to dollar amount and this would be the acceptance of the Grant the Township was awarded and previously applied for to the Redevelopment Authority. The Resolution is in a form acceptable for Councils consideration and approval. **Council Vice President Pilieri** motioned to approve as presented, **Council Member Sloane** seconded and the motion carried 5-0.

10. **CONSIDERATION AND SIGNING OF A RESOLUTION: BENSALEM FIRE AND EMS UPGRADES**

Solicitor Pizzo indicated paragraph three, second line, to be revised to read Fire and EMS Upgrades which is obviously consistent as to what was applied for in the Fall. **Council Member Sloane** motioned to approve as amended, **Council Member Tokmajian** seconded and the motion carried 5-0.

11. **CONSIDERATION AND SIGNING OF A RESOLUTION: YWCA FAMILY SUPPORT CENTER**

Solicitor Pizzo indicated this is an application that Council has done for a number of years now and the RDA has funded. Paragraph three, second line, to be revised to read YWCA Family Support Center. **Council Member Tokmajian** motioned to approve as amended, **Council Vice President Pilieri** seconded and the motion carried 5-0.

12. **CONSIDERATION OF A REDUCTION OF FEES:**

Council President Kisselback asked **Solicitor Pizzo** if the request for the reduction of fees be granted at 100% instead of the 50% as requested by the School District. **Solicitor Pizzo** indicated he would leave that to Council's discretion. Township policy calls for a 50% reduction of fees which is the standard for eligible applicants. **Council Secretary Knowles** indicated he would like to leave it at 50% due to sending staff out to check the alarms. **Council President Kisselback** asked **Solicitor Pizzo** what fees this incurred from the staff. **Solicitor Pizzo** responded it would be a combination of Plan Review and Inspection out in the field by the Township Fire Inspector, so this would be largely, if not entirely, Township Labor costs. **Council Member Sloane** motioned to approve the reduction of the Permit fee at 50% in the amount of \$257.00, **Council Member Tokmajian** seconded and the motion carried 5-0.

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

Developers Request: Samarpan Hindu Temple – Release #1
Location: 2746 Mechanicsville Road
Tax Parcel: 2-36-8
Amount: \$ 126,312.00

Council Vice President Pilieri motioned to approve subject to an audit by the Finance Department. **Council Secretary Knowles** asked **Solicitor Pizzo** if this project has started. **Solicitor Pizzo** indicated this first Release is for site clearing. **Council Member Sloane** questioned a few of the items on the breakdown sheet. **Quinton Nearon, Township Principal Inspector**, addressed **Council Member Sloane's** questions and concerns. **Council Member Tokmajian** seconded and the motion carried 5-0.

14. Consideration of Escrow Releases for:

Developers Request: Regency Estates, Inc. AKA Mar Mar Builders, Inc. – Release #4
Location: 2776 Mechanicsville Road
Tax Parcel: 2-36-9
Amount: \$ 10,389.90

Russ Benner, Township Engineer, indicated a portion of the contingency should be released because of the amount of work that has been left on the site. **Council Member Tokmajian** motioned to accept as submitted subject to an audit by the Finance Department, **Council Vice President Pilieri** seconded and the motion carried 5-0.

15. **PUBLIC COMMENT:**

Council President Kisselback invited public comment and the following residents came forward:

Michelle Benitez, Bensalem School Board Member, indicated she is the Township liaison for the School Board, Michelle is also a board member with Building a Better Bensalem (B3T) and talked about Unity Week and indicated the schedule of those events can be found on the website at www.bensalemb3t.org.

Joe Connolly, 568 Bristol Pike, is trying to sell his property and presented council with his problems and concerns. **Council President Kisselback** asked **Solicitor Pizzo** if he could bring Council up to date regarding this property. **Solicitor Pizzo** indicated the Township has contended for a number of years now the issue as to the property line to the extent that there is a dispute it is a matter that need to be resolved between the two private property owners. It is not a matter for the Township to resolve as to where the property line falls. It was the Solicitors understanding that the matter was commenced in Common Pleas Court by Mr. Connolly and a Petition for Preliminary Injunction was filed, but denied by the Court. **Solicitor Pizzo** is not aware of any of the circumstances surrounding that matter beyond that. It is a civil matter, a civil matter was commenced by Mr. Connolly against his neighbor and it is the Solicitors understanding that it did not come out favorably for Mr. Connolly's regard for

whatever reason. **Solicitor Pizzo** indicated the Township is not in a position to resolve a dispute between neighboring property owners as to where the property line falls or whether somebody's building is on somebody else's property. **Council President Kisselback** indicated, as **Solicitor Pizzo explained**, this is a civil issue between Mr. Connolly and his neighbor. **Quinton Nearon, Township Principal Inspector**, gave a brief history regarding the property. **Council President Kisselback** asked **Solicitor Pizzo** if he could find out what the aspects of the Townships responsibilities are and to make sure we are following through.

Albert Belardino, 1503 Point Dr., talked about the outdated information on the Bucks County website regarding Towns Against Graffiti and how it is a non-functioning program. **Solicitor Pizzo** indicated Bensalem has a functioning T.A.G. program, phone calls come into the Township with a graffiti complaint and depending on the size and nature of the complaint are usually removed within 24 hours. The Township administers the program on behalf of the half a dozen municipalities. The funds go to maintain the current equipment, some of which has been donated, some of which has been purchased and to pay the salary of the individual who takes care of the graffiti removal. **Solicitor Pizzo** indicated the **Director of Public Safety, Fred Harran**, was present and knows the day to day operation of the program. **Director Harran** explained how the Towns Against Graffiti operates for the surrounding municipalities and how each municipality has their own contact to remove the graffiti. Anthony is the gentleman who runs the program and checks the messages left at the T.A.G. Hotline phone number and responds out to those locations by contacting the technician for the municipality in regards to the graffiti removal.

Larry Grace, 918 Tennis Ave., asked for an update to the situation in his neighborhood regarding New Castle Supply. **Solicitor Pizzo** indicated the Township, as it said it would do, Permit Parking signs went up in the neighborhood surrounding the business in the tail end of December. Permits were mailed out to all the property owners who lived on the streets that were affected and under the old adage "no good deed goes unpunished" the Township was immediately deluged with a number of phone calls, emails and complaints over the size and scope over the Permit Parking Program the Township moved forward with. As a result, Director Harran, the Public Works Director, the Mayor and the Director of Administration all went out and reassessed where the parking signs were placed and there has been some modification as to the size, scope and nature of the Permit Parking Program for the neighborhood. As promised at the November 25th meeting, this program is something the Township felt it could do immediately and within the first month it was done. As to the balance of the issues surrounding the property the Solicitor attended a meeting with Council where Council was briefed on the status of the work that has been done by the Township Building and Planning Director, Mr. Farrall, to go back through the Townships files relative to that property as well as prior zoning, land development and the like. Council was briefed on what the Township is going to be moving forward with in the nature of either building code citations or zoning citations, all of which are going to be filed this week by Mr. Farrall in the appropriate court for that property. Mr. and Mrs. Grace thanked Council for the update.

Seeing no one else come forward, the second of two public portions was closed.

16. OTHER BUSINESS:

Council Member Sloane encouraged the community to come out to any or all of the events next week for Unity Week.

Council Vice President Pileri congratulated **Michelle Benitez** on the job she is doing and saw the Facebook Post regarding these events and expressed how diverse Bensalem really is and how wonderful the B3T programs are for the community.

Council Member Tokmajian expressed how he thought Caitlin Groves is what Bensalem is all about primarily because she cares. Unity Week is a great week and encouraged the community to come out.

Council Secretary Knowles emphasized how proud he was of Caitlin Groves and her actions and encouraged the community to attend Unity Week.

Council President Kisselback agreed with all the Council members.

17. ADJOURNMENT:

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

The Bensalem Township Council Meeting of January 13th, 2020 can be viewed in its entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Respectfully Submitted,

Debra F. McBreen
Recording Secretary