

**BENSALEM TOWNSHIP COUNCIL
COUNCIL MEETING MINUTES**

**Monday
January 22nd, 2024**

MEMBERS PRESENT:

Ed Kisselback, Council President
Joseph Knowles, Council Vice President
Stacey Champion, Council Secretary
Michelle Benitez, Council Member
Joseph Pilieri, 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, MAYOR AND STAFF:

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

Solicitor Pizzo indicated in regards to Agenda Item #5, the Resolution amending the Fee Schedule for the Building and Planning Department the Administration has received some feedback from Council in their review of the item. The Director is getting some answers to

questions that were raised by Council and has asked to table the item to the next Council Meeting to afford the Director the opportunity to get Council those answers.

Agenda Item #9, the consideration of a Minor Land Development for McDonald's on Route 13. The Township, earlier today, received communication from the attorney representing McDonalds confirming that McDonald's is actually going to be making additional changes to the plan based on the feedback received from the Township Engineer and the Township Fire Marshal. McDonald's has asked that the item be placed on one of the February Council meeting agendas.

Councilwoman Benitez motioned to Table Agenda Item #5 and Agenda Item #9 until a date certain of February 12th, 2024. **Council Secretary Champion** seconded and the motion carried 5-0.

3A. ACKNOWLEDGEMENT OF B3T ESSAY CONTEST WINNERS:

Councilwoman Benitez indicated Building a Better Bensalem is a Community Board that works very hard to make positive impacts in the community and with the children especially. Board Members in the audience were recognized for their contributions.

Two Essay Contest winners from Unity Week, Kylie Smith, 8th Grader from Robert K. Shafer Middle School and Camryn Sperduto, 7th Grader from St. Ephrem School, presented their essays on what Unity means to them.

The Mayor indicated Director William McVey and Lieutenant Michael Schum, who are also a part of the Building a Better Bensalem Board, were unable to attend this evening due to other pressing matters.

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.

4. APPROVAL OF COUNCIL MINUTES:

Councilwoman Benitez motioned to approve the December 4th, 2023 Minutes as presented. **Council Vice President Knowles** seconded, and the motion carried 4-0-1.

Council Secretary Champion motioned to approve the December 11th, 2023 Minutes as presented. **Councilwoman Benitez** seconded and the motion carried 5-0.

Council Secretary Champion motioned to approved the January 2nd, 2024 Minutes as presented. **Council Vice President Knowles** seconded and the motion carried 5-0.

5. **CONSIDERATION OF A RESOLUTION AMENDING THE TOWNSHIP'S FEE SCHEDULE FOR THE BUILDING AND PLANNING DEPARTMENT:**

This item was Tabled by a prior motion.

6. **CONSIDERATION OF A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A MUNICIPAL GRANT PROGRAM CONTRACT AWARDED BY THE REDEVELOPMENT AUTHORITY OF THE COUNTY OF BUCKS IN THE AMOUNT OF \$115,600 REGARDING THE BUCKS COUNTY POLICE CHIEFS ASSOCIATION RECORDS MANAGEMENT SYSTEM:**

Solicitor Pizzo indicated for both Agenda Items 6 and 7, the final step in the Annual Award and receipt of the Municipal Grants using the casinos monies that are administered by the County Redevelopment Authority. Council previously approved the submission of the Grant applications in Agenda Items 6 and 7. Item 6 being for the Police Chiefs Association Records Management System which Bensalem serves as the lead agency which is a consortium of all the Police Departments in the County. The Records Management System is a computer system that is set-up to allow all of the Police Department computers essentially to speak to one another regarding various items associated to crime throughout the County. This is a recurring annual fee that the Grant is applied for and has been awarded by the Redevelopment Authority.

The Resolution is in a form required by the Authority so that the Grant can be disbursed and administered by the Township.

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

7. **CONSIDERATION OF A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A MUNICIPAL GRANT PROGRAM CONTRACT AWARDED BY THE REDEVELOPMENT AUTHORITY OF THE COUNTY OF BUCKS IN THE AMOUNT OF \$165,000 REGARDING TOWNS AGAINST GRAFFITI:**

Solicitor Pizzo indicated everything he just said about Agenda Item #6 would apply to Agenda Item #7. This is the Towns Against Graffiti annual stipend that is received by the County for that program. Bensalem, since the inception of the program, serves as the lead agency on behalf of all of the member Municipalities.

The Resolution is in the form required by the Redevelopment Authority so that the monies can be dispersed to the Township for the administration of the program.

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

8. **CONSIDERATION OF A MINOR SUBDIVISION FOR:**

Applicant: Carrabba’s Italian Grill, LLC
Location: 3210 & 3220 Tillman Drive
Proposed Use: Commercial
Zoning Classification: PCD – Planned Commercial Park District
Tax Parcel: 02-035-001-002 & 02-035-001-006

Jack Shoemaker, Professional Land Surveyor, has prepared the plans for the subdivision and introduced Robert Kenney who is the SIT and Project Manager who put together the plan being presented this evening. The property was developed back in the late 1990’s and was apparently approved for subdivision and at that time the subdivision was not formally perfected in that the Deeds were not filed for the subdivision nor was a plat (a plat is a map document based on a survey that shows land subdivision, land classification or a change in property boundaries as required before building permitting) filed for subdivision. However, the Tax Assessor assigned a tax parcel number based upon a lease description.

Through the contractor’s research and contact with the Officials in Bensalem, it was realized that this subdivision was actually never perfected. The contractor is simply looking to perfect what is already on the records, on the Tax Roles, it has been assigned a Tax Map Parcel number but was never formalized and perfected with the County.

Engineer Wursta indicated one of the issues he is dealing with is the response to TPD’s Review Letter dated November 6th, 2023. Mr. Wursta is assuming that everything in the Review Letter is a “will comply” since most of those items are existing non-conformities. The Township wants to make sure that the plans presented, prior to the recording of the plans, are presented in a nature that this never happens again.

Council President Kisselback inquired about the TPD letter and asked the applicant if they had received the TOD letter dated November 6th, 2023.

Mr. Kenney indicated he had received the letter from TPD and that there were a handful of changes they made to the plan but did not recall exactly what was on the letter from memory. At this time, Mr. Kenney passed out to Council and Supporting Staff a set of updated plans.

Councilwoman Benitez asked if these plans were different then the ones they had in their packets.

Mr. Kenney indicated these plans were different then the ones Council had received in their packets.

Council President Kisselback asked the applicant if they had just updated these plans today.

Mr. Shoemaker indicated the plans were printed out this morning and signed by him.

Council President Kisselback referred to the TPD Review Letter dated November 6th, 2023 regarding the Zoning Ordinance Comments from number 1 to 4B are all the Zoning Variances you would have needed to have in place before moving on.

The Subdivision and Land Development Ordinance Comments:

1. Section 201-41, Preliminary Plan Requirements:

- a. The names and owners of all adjacent tax parcels, with the tax map parcel numbers, land use and zoning classifications and present use should be provided. The plans should be revised to include those adjacent to Tillman Drive and Street Road. The labels should be updated to include the current use of each adjacent parcel.
Applicant Response: Will Comply
- b. The location and elevation of all boundary line (perimeter) monuments shall be indicated.
Applicant Response: Will Comply
- c. All existing utilities must be provided on the site plans.
Applicant Response: Will Comply
- d. A statement of the intended use of all non-residential lots and parcels should be added to the plan.
Applicant Response: Will Comply
- e. Lot numbers and a tabulation showing the total number lots and parcels and the area of each lot or parcel. The existing should indicate without the lot being subdivided.
Applicant Response: Will Comply
- f. Copies of any proposed deed restriction, protective and restrictive covenants, referenced to the preliminary plan should be provided. Provide a copy of the deed(s) and cross-access easement referenced on the plan for review.
Applicant Response: Will Comply
- g. All zoning requirements shall be listed, and a tabulation shall be provided demonstrating that the subdivision and/or land development is in conformance with the requirements, or citation to variances approved by the Bensalem Township Zoning Hearing Board. Provide the zoning requirements in a table, expanding it to include the existing and proposed conditions, illustrating how lots 1 & 2 meet the requirements.
 - i. Identify and existing non-conformities.
Applicant Response: Will Comply

2. Section 201-83. – Subdivision and review of lot line change.

- a. All existing structures including but not limited to curbs, sidewalks, buildings, driveways, and trees are required to be shown on the plan.
Applicant Response: Will Comply

Solicitor Pizzo indicated the items on the TPD Review Letter, in the Zoning Ordinance Comments section items 2/b/c/d/e-sub 1/2/3, g, h, are all items that should be “will comply” items. These are generally just adding zoning information to the plan, in the version Mr. Wursta’s office reviewed that wasn’t there. Zoning Section item b is a “will comply” and

Zoning 4, a and b, again, these are items that need to be noted on the plan, and are “will comply” items.

Solicitor Pizzo indicated he was not supplied with the notices to the adjacent property owners and asked the applicant if he had them with him. The applicant indicated the notices were sent. Mr. Pizzo indicated, since all of the properties around there are commercial he had no problem with the applicant providing the notices to the Township tomorrow. This is a subdivision that was previously approved by the Township.

The notices to be supplied to the Township tomorrow, as indicated by the applicant, is a condition of approval as well. The other condition would be that Deeds for the two newly created lots should be provided to the Township Engineer and the Township Solicitor for their review and approval and those Deeds should be recorded in the Office of the Recorder of Deeds contemporaneous with the recording of the Record Plan.

Councilwoman Benitez motioned to approve Agenda Item 8, Carrabba’s Italian Grill, 3210 & 3220 Tillman Drive, TMP 02-035-001-002 & 02-035-001-006 as a conditional approval upon receipt of additional required documentation as stated by the Township Solicitor and will comply with all of the items indicated in the TOD Review Letter dated November 6th, 2023. **Council Vice President Knowles** seconded and the motion carried 5-0.

9. CONSIDERATION OF A MINOR LAND DEVELOPMENT FOR:

Applicant:	McDonald’s USA, LLC
Location:	1240 Bristol Pike
Proposed Use:	McDonald’s Restaurant w/Drive-Thru
Zoning Classification:	GC – General Commercial District
Tax Parcel:	02-030-009-002

This item was Tabled by a prior motion.

10. CONSIDERATION OF A LAND DEVELOPMENT EXTENSION AGREEMENT:

Applicant:	Guy & Deborah Dalfo
Site Information:	Bristol Road & Palm Avenue
Tax Parcel:	02-018-003

Solicitor Pizzo indicated that Council previously approved the Land Development Agreement for Guy and Deborah Dalfo for their property at Bristol Road and Palm Avenue. The Developer has asked for an extension of that agreement for an additional one year to extend out to January 23rd, 2025. The Township Department of Building and Planning and the Township Engineer have no objection to the request, subject to an audit of the Developers Escrows by the Township Engineer and the Township Finance Department to make sure that sufficient funds remain in place for the completion of the project.

Council Vice President Knowles motioned to approve Guy & Deborah Dalfo located at Bristol Road & Palm Avenue, TMP 02-018-003 an extension of one year, January 23rd, 2025, for their Land Development Extension Agreement. **Council Secretary Champion** seconded and the motion carried 5-0.

11. REQUEST FOR A WAIVER OF CURB AND SIDEWALK INSTALLATION SUBJECT TO PAYMENT OF A FEE IN LIEU OF:

Applicant: KAR-MAC Holdings, LLC
Site Information: 6067 Washington Lane
Tax Parcel: 02-052-041-001

Mr. Quinton Nearon, Senior Municipal Inspection Manager, indicated that since there is no existing curbs and sidewalks in this area it is recommended that Council approve this Waiver and the applicant pay a fee in lieu of \$3,659.08.

Councilwoman Benitez motioned to approve KAR-MAC Holdings, LLC located at 6067 Washington Lane, TMP 02-052-041-001. **Council Secretary Champion** seconded and the motion carried 4-0-1.

12. CONSIDERATION AND SIGNING OF AGREEMENTS FOR:

Applicant: Gibson Holdings, LLC
Location: 1515 Gibson Road
Proposed Use: 6 Single Family Subdivision
Zoning Classification: R2 – Residential District
Tax Parcel: 02-054-005

- A. Land Development Improvements Agreement
(3) Executed copies to be signed by Council upon consideration.
- B. Stormwater Best Management Practices Operations & Maintenance Agreement
(3) Executed copies to be signed by Council upon consideration.
- C. Municipal Improvements Security Agreement
(3) Executed copies to be signed by Council upon consideration.

Solicitor Pizzo indicated the Land Development Improvements Agreement, Municipality Improvements Security Agreement and the Stormwater Best Management Practices Operations & Maintenance Agreement for the 6-family subdivision at 1515 Gibson Road have been prepared by Rudolph Clarke Associates and have been signed by the Developer and by the lender in the case of the Security Agreement. The necessary funds have been deposited with the Township and the Agreements are in a form acceptable for Council consideration and approval.

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

13. **PUBLIC COMMENT:**

Council President Kisselback asked if there was anyone in the audience who would like to come forward. Seeing no one come forward, the second Public Comment Portion was closed.

14 **OTHER BUSINESS:**

Engineer Wursta, indicated ***GO FLYERS!!!***

The Mayor indicated the Chinese New Year celebration is on February 10th, 2024 and it is the Year of the Dragon. Valentines Day and Ash Wednesday are on the same day this year, Wednesday, February 14th, 2024. Got through the snowstorm thanks to the Public Works Department, a job well done by the ladies and gentlemen in that Department. Spring Training starts soon, pitchers and catchers report soon, ***GO PHILLIES!!!***

Councilwoman Benitez thanked the Public Works Department for a great job in removing the snow from the previous Friday snowstorm. Congratulations to Lieutenant Mike Schum for being recognized by Parx Casino as “Champion of Diversity” and is the Vice Chair of B3T. Thanked the Essay Winners. Thanked the B3T Board members for all of their efforts put forth for Unity Week. Thanked the Houses of Worship that were involved with Unity Week. Rotary will be honoring the Policeman and Firefighter of the Year at 1675 Spirits on Thursday, January 25th, 2024.

Council Secretary Knowles indicated 1675 Spirits is named after the year that road opened. Thanked all of the representatives of B3T for a job well done regarding Unity Week. Great job Public Works for clearing the roads.

Councilwoman Champion Thanked Public Works for a job well done. Please reach out to T.A.G (Towns Against Graffiti) if you see graffiti. Be safe in this crazy weather.

Council President Kisselback Gave high praise to the Public Works Department for a job well done during the snowstorm. The B3T Essays were very well written and the presentation was very informative.

15. **ADJOURNMENT:**

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

The Bensalem Township Council Meeting of January 22nd, 2024 can be viewed in its entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Respectfully submitted,

Debra F. McBreen
Recording Secretary/Council Clerk