

BENSALEM TOWNSHIP COUNCIL

MEETING MINUTES

Monday
June 14th, 2021

MEMBERS PRESENT:

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

SUPPORTING STAFF PRESENT:

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

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.

Please visit www.bensalempa.gov for the council meeting recording.

1. PLEDGE OF ALLEGIANCE:

Council President Pilieri opened the meeting with a moment of silence and/or prayer which was followed by the Pledge of Allegiance.

PRESENTATION OF AN AWARD:

Michelle Benitez thanked the Mayor, Deputy Director Harran and Mr. Harvey Kilner for coming together and supporting small businesses in Bensalem during the Pandemic. While getting feedback from the community, they wanted to recognize 1675 Spirits for transitioning and adapting to the times. Normally, 1675 Spirits would be making alcohol but transitioned to making hand sanitizer during a very critical time. Mr. Ian Monagle and Mr. Randy Taylor were presented an award along with a \$250 check to donate to any Bensalem Non-Profit Organization.

Mr. Ian Monagle indicated, on behalf of Harvey Kilner, Michelle Benitez, Director Harran and the Mayor they were happy they could do anything to help the community during the pandemic and were very appreciative of the award and recognition.

The Mayor asked Mr. Monagle to explain the meaning of “1675” Spirits. Mr. Monagle indicated 1675 is representative of Bristol Pike which is historically known as “Kings Highway” and is the oldest highway in the continental U.S.

Council Member Tokmajian thanked 1675 for their efforts to support our community with the conversion of their business during the pandemic. **Council Member Tokmajian** also thanked a very long list of the other businesses and schools who contributed during the pandemic.

Council Vice President Knowles thanked Andy Chang from Sakura Japanese Restaurant and China Sun who bought and paid for 1,500 masks in the beginning of the pandemic when they were hard to get and donated them to the Bensalem Township Police Department.

2. **PUBLIC COMMENT:**

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

3. **APPROVAL OF COUNCIL MINUTES:**

Council Member Sloane motioned to approve the Council Minutes from meeting date May 24th, 2021, as presented, **Council Secretary Kisselback** seconded and the motion carried 5-0.

Council President Pilieri asked Solicitor Pizzo if there were any changes to the agenda.

Solicitor Pizzo indicated, **Deron Miller**, Township Production/Electronic Manager, to please remind Council, only 5 microphones can be utilized at a time. Please use them when speaking and when not in use to please turn them off.

Solicitor Pizzo indicated item 4 on the agenda, which was a continuation of the Conditional Use hearing for New Cingular Wireless, received correspondence from their legal counsel advising one of their expert witnesses was unable to attend this evenings meeting and requested to table the item to a date certain of July 12th, 2021. They have granted the Township the applicable waivers of time under both the MPC and the FCC regulations.

Council Member Tokmajian motioned to table agenda item 4 to a date certain of July 12th, 2021, **Council Member Sloane** seconded and the motion carried 5-0.

4. **CONSIDERATION OF AN APPLICATION FOR CONDITIONAL USE FOR TELECOMMUNICATIONS FACILITY:**

Applicant: New Cingular Wireless PCS, LLC d/b/a AT&T Mobility
Location: Row Near 2356 Street Road
Proposed Use: Telecommunications Facility
Zoning Classification: G-C – General Commercial
Tax Parcel: 2-39-93

This matter was tabled by a prior motion to a date certain of July 12th, 2021.

5. **CONSIDERATION OF A FINAL LAND DEVELOPMENT FOR:**

Applicant: La Azteca, Inc. (Cruz)
Location: Street Road & Castle Drive
Proposed Use: Retail
Zoning Classification: GC - General Commercial
Tax Parcel: 2-37-39 & 2-37-40

Council President Pilieri asked Solicitor Pizzo if anyone for this applicant had advised him of a continuation. **Solicitor Pizzo** indicated he did not receive any correspondence from the applicant that they would not be in attendance this evening. As Council will recall, this was on the last agenda and tabled to a date certain of this evening’s meeting. Solicitor Pizzo indicated there is an open-ended extension of time. The appropriate action at this time, would be to table the item.

Council Secretary Kisselback motioned to table the item to a date certain of June 28th, **Council Member Tokmajian** seconded and the motion carried 5-0.

6. **CONSIDERATION OF A FINAL LAND DEVELOPMENT FOR:**

Applicant: Raymond Richardson (R & R Produce & Garden Center)
Location: 1215 Bristol Pike
Proposed Use: Commercial Produce and Garden Center
Zoning Classification: GC _ General Commercial
Tax Parcel: 2-29-422

Solicitor Kenneth Federman for the applicant referred to the longevity of the property and applying to the Zoning Hearing Board to receive 7 variances and in effect legitimizing the ongoing use of the property. They applied for a minor land development in March. That application was quite comprehensive and included a request for 12 waivers, again, these waivers are primarily a result for the way the property exists. The applicant is not trying to recreate, necessarily, or redo the entire property, the applicant is just trying to improve it. As a result of the submission, there was a comment letter submitted by the Township Engineer, Mr.

Russell Benner, who is working with the applicant's engineer, Sharon Dotts, regarding the comments and will comply with all of the requests.

Solicitor Federman introduced the applicant's engineer, Ms. Sharon Dotts, from Gilmore and Associates. All of the comments regarding Engineer Benner's memo will be addressed to his satisfaction and there are several waivers to be discussed.

Council President Pilieri suggested they go through Mr. Benner's letter starting with Section D Chapter 201 – Subdivision and Land Development Ordinance (SLDO), Ms. Dotts indicated items 1, 2, 3 and 4 are a will comply, item 5 is a waiver request and will supply a high-quality aerial in lieu of the detailed survey. The applicant was asked to show utility services and storm information for the property itself, and are showing everything to the limit of their knowledge.

Council President Pilieri asked **Engineer Benner** if he was okay with the waiver request. **Engineer Benner** accepted the applicants request of the high-quality aerial in lieu of the detailed survey.

Engineer Dotts continued working through the memo indicating items 6, 7, 8, 9, 10 and 11 are a will comply. Item 12 is a waiver request. Ms. Dotts indicated cut and fills adjacent to the property line, they do go right up to the property line. There is an existing chain-link fence around the property so they can not go beyond that fence. Obviously if they were to remove the fence they would have to notify the neighbor or place a note on the plan to that effect.

Council President Pilieri asked **Engineer Benner** if he was okay with the waiver request. **Engineer Benner** indicated there is a 3 ft. requirement, all construction has to stop once it gets within 3 ft. of the property line. If Council wants to consider that, the Township would request 2 conditions and notes be placed on the plan stating that 1, there will be some type of fencing and the property line staked out and 2, there will be a note stating there can be no encroachment without permission of the adjoining landowner.

Council Member Sloane asked what the neighbors' concerns were. **Engineer Dotts** indicated the existing sight has improvements right up to the property line. The applicant wants to replace the stone that is there with a more infiltratable stone so that it is non-compacted. The rear neighbor was concerned with the applicant going off of their property into her property, so the applicant needs to do something right at the property line to keep the water onto the site.

Engineer Dotts indicated item 13 was a partial waiver regarding street trees. Landscaping will be done in front of the fence against the sidewalk which was a condition of the zoning variances that were granted. To the extent if it does not meet the street tree requirement, the applicant is asking for a waiver.

Engineer Benner indicated there is a certain number of trees required, then there is species of trees required and asked Engineer Dotts if the applicant could comply with species of trees that will not interfere with the utility lines, also, the number of trees. Engineer Dotts indicated it would need 5 trees which would be hard-pressed to get across. Engineer Benner indicated in the past, what has been recommended the applicant do, if they cannot provide the trees on site, they would provide to the Township with an option to plant them somewhere on Township owned property.

Council President Pilieri asked Engineer Dotts how many trees could be put there realistically, then if the board chooses, offer a waiver on the rest.

Engineer Benner indicated there are 2 options, 1, the applicant donates the trees to the Township, or 2, pay a fee in lieu of for the trees. Engineer Benner suggested if Council could agree to the waiver based upon the partial waiver based upon the applicant doing 1 of the 2 options.

Engineer Dotts continued working through the memo indicating items 14, 15, 16 and 17 are a will comply. Item 18 is a waiver request regarding frontage improvements along Bristol Pike. The curbs and sidewalk are already there and it is an existing use, the applicant does not feel there is a need to widen Bristol Pike.

Engineer Benner indicated the waiver is not for the curbs and sidewalk, it is for the widening of Bristol Pike.

Council Vice President Knowles indicated the applicant could not just widen Bristol Pike without involving PennDOT.

Engineer Dotts indicated item 19 is a waiver request. Again, for planting an average of 10 feet between the edge of parking and the buildings, this is an existing condition. The pavement goes right up to the building. The applicant is replacing what is now an awning for a display area for the greenhouse and the parking is on the opposite side.

Engineer Dotts indicated item 20 is a waiver request. This is parking within 15 feet of the property line or right-of-way. This is one of the variances the applicant was granted, therefore, they are requesting a waiver.

Engineer Dotts indicated item 21 is a waiver request. Again, this is curb around the edge of the existing parking. The applicant is using a swale to intercept flow and the applicant is putting wheel-stops in on the pavement to keep the cars from going over the edge and the applicant would prefer not to put curbing in for stormwater management reasons.

Engineer Dotts indicate items 22 and 23 are a will comply. **Engineer Benner** instructed Engineer Dotts, regarding item 24, to submit the mailer and get the waiver, just to be sure. Items 24 and 25 are a will comply.

Council Secretary Kisselback questioned the applicant regarding item 21 and asked why is it the applicant does not want to provide curbs since the applicant is already installing wheel-stops. **Engineer Dotts** indicated water can flow around and under wheel-stops and it can't flow through a curb.

Council Member Sloane asked to go over Section C, Chapter 232- Zoning Ordinance (ZO), then asked the applicant to review the comments. **Engineer Dotts** indicated item 2 is a will comply. Item 1 was discussed at length during the Zoning Hearing Board meeting regarding the variances. Determining what the existing impervious cover on this site is, it is a non-conformity in the amount of impervious that is already there and it was acknowledge that it is non-conforming.

Engineer Benner indicated there are 2 aspects of the impervious surface, 1 is per the zoning variance that was granted and the second is in relation to the stormwater management. The Township is fine with the zoning, but would like the applicant to consider that pervious as it relates to the stormwater comments. The applicant is recommended to comply with that requirement to classify the area as pervious for stormwater management considerations. **Engineer Dotts** indicated she would make the argument that if there were no stormwater management, yes, they would take it all the way back to 60, and count all the rest as new because they would be providing stormwater management from scratch. There is pre-existing stormwater management here as well. There are 2 seepage pits at the rear of the lot the applicant is improving and expanding upon as part of the plan. The applicant sent their soil experts out to the site to make a basic flood test and had excellent infiltration results. Providing stormwater management isn't an issue, it is a matter of where do you draw the line in the sand for the existing impervious versus what is there at the end of the project.

Council President Pilieri indicated when Council reviews applications such as this, especially older properties, the main concern is the water runoff onto the surrounding properties.

Engineer Benner suggested, if the applicant is willing to comply with all the comments there should be no issues.

Engineer Dotts indicated there is nothing in the memo the applicant wouldn't comply with in coordination with Engineer Benner.

Engineer Dotts indicated under section E Chapter 196- Stormwater Management Ordinance (SWMO) the first waiver request would be item 4 which is a requirement that you increase the runoff conditions by 5% after development. Since the site is previously developed, that would apply to both pre and post. **Engineer Benner** indicated the Township has no objection.

The next waiver request is for item 8 which is a requirement for stormwater calculations during construction, the plan is not going to look much different than it does now.

Item 10 is a waiver request to allow smaller than 18-inch pipes, the applicant is using 12-inch pipes and the stormwater management system to the extent it is needed. **Engineer Benner** indicated the Township has no objection.

Item 12 is referring to the two seepage pits in the back of the site, the applicant acknowledges the grates need to be replaced. The applicant would defer the evaluation of the structures underneath those until the applicant excavates and sees what shape they are in.

The additional waiver request is regarding the Traffic Study. The applicant is cleaning up the site and providing better parking facilities and not anticipating higher business because the applicant has been in business for some time.

Public Comment Regarding Applicant:

Wesley Meyers, 1203 Bristol Pike asked if there were any changes that will affect his property.

Engineer Dotts indicated the applicant will be putting in an infiltration trench and will sink the middle of it so it will pull the water into it and depressing the center of it so that it creates a

swale so that it pulls the water in away from Mr. Meyer's property, no water will go onto Mr. Meyer's property. There is an existing fence and Mr. Meyers will have the same access to his property as he does now.

Council Member Sloane indicated the improvements are going to improve the flow from Mr. Meyer's property into the infiltration beds on the new site.

Council Vice President Knowles explained to Mr. Meyers there will be no water coming from the site onto his property adding to his problem. Any water issues he is having on his property can be addressed by digging a French drain or get an engineer to suggest what to do.

Mr. Meyers inquired about access to the side of his property along the fence line. Engineer Dotts will work with Mr. Meyers regarding any encroachments along the property line.

Council President Pilieri indicated the Township Engineer will work with Engineer Dotts and have a Township Inspector look at the area regarding Mr. Myers concerns along the fence line of the property.

Seeing no one else come forward, the Public portion for this item was closed.

Council Member Tokmajian asked about the Impact Fee. Engineer Dotts agreed for the applicant to the Impact Fee. Referenced the TDP letter dated April 16th, 2021 under General Comments item 3 indicates "The existing sidewalk should be redone to have DWS on either side of the site access." Engineer Dotts agreed to have the sidewalk on either side redone.

Council Secretary Kisselback motioned to approve and included in his motion all of the "will comply", "waivers" and any other areas addressed by Council, **Solicitor Pizzo** indicated Mr. Kisselback's motion reflects most of the comments noted throughout the hearing. As a general statement, all of the items for which there are waivers, such waivers are granted contingent upon the fact the applicant will comply with the requirements from the Township Engineer regarding all of those items. **Council Member Tokmajian** seconded and the motion carried 5-0.

7. **CONSIDERATION OF A RESOLUTION FOR THE PENNDOT TRAFFIC MAINTENANCE AGREEMENT:**

Solicitor Pizzo indicated this is a Resolution regarding the Township's Traffic Signal Maintenance Agreement with PennDOT. PennDOT recently changed some aspects of its Traffic Signal Maintenance Agreement with the Township, a document which is about 2 inches thick, and the reason why it was not attached to the Resolution. As is the standard operating procedure for PennDOT they have asked the Township to adopt a Resolution adopting the updated and modified version of the Traffic Signal Maintenance Agreement as well as authorizing any future modifications to the Traffic Signal Maintenance Agreement to be submitted and signed by the Mayor, the Director of Administration and/or the Township Finance Manager as applicable. Those changes to any traffic signal, intersection, the typical permit application revisions will still come in front of Council, this is just the standard agreement for the operation of those signals on a day to day basis. It is in a form acceptable for Councils consideration and approval.

Council Member Sloane asked Solicitor Pizzo if there was anything significant in the agreement Council should be aware of. **Solicitor Pizzo** indicated no more or less significant than before Council adopted the Resolution.

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

8. **CONSIDERATION OF A RESOLUTION FOR A DCED GRANT IN THE AMOUNT OF \$250,000 FOR THE GREENWAYS, TRAILS AND RECREATION PROGRAM (GTRP):**

Solicitor Pizzo indicated, as part of the Townships acquisition of the former UGH Trifecta property, the Township finds itself eligible to apply for a Grant through the Commonwealth Greenways, Trails and Recreation Program. The Township intends to apply for a \$250,000 Grant. In order to submit the application a Resolution of Council is required authorizing the submission of the application as well as designating the Mayor, Mr. Cmorey and Mr., Chaykowski as applicable to execute any and all documents in agreements between the Township and the Commonwealth Financing Agency that would pertain to that Grant, both in terms of the submission of the Grant and any documents that might come down the road if in fact the Commonwealth approves the application and gives the Township the \$250,000 Grant. Before Council is the form of Resolution the Commonwealth has asked Council to adopt, it is in a form acceptable for Councils consideration and approval.

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

9. **CONSIDERATION OF AN ESCROW RELEASES FOR:**

Developers Request:	Republic First Bank – Release #2
Location:	2734 Street Road
Tax Parcel:	2-37-29, 30 and 31
Amount:	\$ 21,700.00

Engineer Benner indicated this is the final Escrow Release for this particular project. There are no public improvements that are associated with the Townships escrow on this, so there is no maintenance requirement. Mr. Quinton Nearon, Township Principal Inspector, has inspected the property, reviewed the numbers and are recommending the release of the \$21,700.00.

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

10. **PUBLIC COMMENT:**

These comments can be heard in their entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Joe Connelly, 568 Bristol Pike, expressed his concerns regarding the pile of dirt on his property and no answers on the clarification of his property lines.

Michael Nush, 143 Tatham Rd. expressed his concerns on the dumpster banging from the trash trucks during the early hours of the morning at the local businesses. The Mayor and Council talked about the Noise Ordinance and how to improve it in order to control this ongoing nuisance.

Onesto Amodei, 145 Tatham Rd., supported Mr. Nush's concerns.

Larry Haley, 153 Tatham Rd., hears the same thing as Mr. Nush and indicated he hears the regular trash trucks who pick up the neighborhood trash starting around 5:00 a.m., not all the time, just some of the time.

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

11. **OTHER BUSINESS:**

The **Mayor** asked Council to keep their paperwork on the Conditional Use as a lot of work went into making those copies. Acknowledged Flag Day. The Mayor indicated how good it was to be back live and in person. Concerts are on every Wednesday night.

Solicitor Pizzo was happy to see everyone back in Council Chambers and happy not to have to sit in front of all of the computer screens anymore.

The **Mayor** passed out paperwork regarding Andalusia Supply. Solicitor Pizzo indicated there were some questions at the last Council meeting the Mayor had Director Farrall go down and take some pictures and as Council will see the site is cleaned up. Andalusia Supply is out of there. All of the building supply products have been moved from the site, there are still a few storage containers that should be removed prior to the end of the month.

Council Member Sloane indicated residents have reached out to him requesting an update on the repair of the bridge in Linconia Park. The **Mayor** indicated the job was out to bid. **Quinton Nearon**, Township Principal Inspector, indicated there is actually 4 bridges out to bid and Linconia is top priority. **Council Member Sloane** asked Mr. Nearon when the bids were expected to be in. Mr. Nearon indicated around July 6th. Solicitor Pizzo explained the process of the bidding system so that Council is aware of the steps before the bid is approved. Council Member Sloane indicated he was happy to be back and is thrilled the meetings are being live streamed and requested the continuation of the email regarding public comments. Congratulated all of the graduates. Go Sixers.

Council Member Tokmajian thanked the board and Mayor for supporting the concerns with the dumpsters and thanked the Mayor for the update on New Castle (Andalusia Supply). Mr. Nearon proceeded with an update regarding Victory Square and road paving. Asked about the hockey rink at Community Park. **Council Vice President Knowles** spoke to Director McMullen regarding the hockey rink and he indicated they had temporarily patched the cracks in the rink to make it safer for the skaters. Council Member Tokmajian indicated he was super

happy to be back and congratulated all of the graduates and a list of accomplishments for those students of BHS during a very trying year.

Council Vice President Knowles indicted it was nice to be back in person. It was a beautiful night, last Wednesday, for the Check Presentation by Penn Community Bank, urged residents to come out and enjoy the beautiful surroundings. Reiterated Council Member Tokmajian on the accomplishments of the Bensalem High School students during this past year. Congratulated all of the graduates. Congratulated all of the fathers on the upcoming Father's Day.

Council Secretary Kisselback reiterated Flag Day. Monsignor MacAteer retired from St. Ephrem's and thanked him for the past 19 years of service. The project at Hulmeville and Woodbine Roads is a project the Township has been working on for over a year and finally getting into fruition. Congratulated all of the graduates.

Council President Pilieri agreed with everything said tonight. Announced the next Council Meeting on June 28th.

All remarks can be heard in their entirety at the following websites:

www.bensalempa.gov or www.youtube.com

12. ADJOURNMENT:

There being no other business to discuss, **Council Member Tokmajian** motioned to adjourn, **Council Member Sloane** seconded, the meeting was adjourned.

The Bensalem Township Council Meeting of June 14th, 2021 can be viewed in its entirety at the following websites:

www.bensalempa.gov or www.youtube.com

Respectfully Submitted,

Debora F. McBreen
Recording Secretary