

**BENSALEM TOWNSHIP COUNCIL
COUNCIL MEETING MINUTES**

**Monday
July 10th, 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 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.

4. **APPROVAL OF COUNCIL MINUTES:**

Council Secretary Knowles motioned to approve the Minutes from the June 26th Council meeting as presented. **Councilwoman Benitez** seconded and the motion carried 5-0.

5. **MAYOR'S RECOMMENDATION REGARDING THE DIRECTOR OF PARKS AND RECREATION POSITION:**

The **Mayor** indicated that Chuck McMullin, Director of Parks and Recreation has retired from his position with the Township. The Mayor's recommendation has been working with Parks and Rec for many years now and has worked under Chuck McMullin and has done a great job and asked for Council's endorsement for Kyle Pennypacker.

Kyle Pennypacker presented Council with his resume and indicated that he had started working with the Amphitheater and the Summer Recreation Program. Mr. Pennypacker was involved with the High School musical program and had experience with lighting and sound. Mr. Pennypacker was a Park Ranger on and off for 16 years and has worked every facet of Parks and Recreation since then. Mr. Pennypacker has worked in the sound and lighting industry for National bands on tour all over the country and has brought his experience to the Amphitheater.

Council President Kisselback asked Mr. Pennypacker if he was involved with the new field located in Trevoise.

Mr. Pennypacker indicated he has been involved since the inception every step of the way.

Council President Kisselback asked Mr. Pennypacker what kind of relationship that he had with our local sports organizations.

Mr. Pennypacker indicated he was appointed to the Bensalem Rambler's Board to help get them back to a good standing and help grow the program and brought the kids enrollment from 160 to about 280 kids in the program. They are doing very well and the program is flourishing. Mr. Pennypacker has a good relationship with every organization,

The **Mayor** indicated that Sabrina Stancil, Assistant Director of Parks and Recreation, was offered the position of Director because of her seniority and Mrs. Stancil has declined.

Council Secretary Knowles indicated Mr. Pennypacker was the Maintenance Manager for all of the parks since 2017 and was involved with the Summer Rec Program. Mr. Pennypacker went from Maintenance Manger to Park Manager and was asked what the difference was between those two positions.

Mr. Pennypacker indicated he was primarily in the field as the Maintenance Manager and then as the Park Manager which led to managing the amphitheater and the 30 parks in the Township.

Councilwoman Benitez motioned to approve the Mayor's recommendation to hire Kyle Pennypacker for the Director of Parks and Recreation. **Council Secretary Knowles** seconded and the motion carried 5-0.

6. **CONSIDERATION AND PUBLIC HEARING OF AN ORDINANCE AMENDING AND UPDATING THE DEFINED BENEFIT PENSION PLAN AND TRUST FOR THE NON-UNIFORMED EMPLOYEES OF THE TOWNSHIP OF BENSLEM; RESTATING THE NON-UNIFORMED EMPLOYEES PENSION PLAN FOR THE PURPOSE OF PROVIDING PENSION, RETIREMENT AND OTHER DEATH OR DISABILITY BENEFITS; REPEALING INCONSISTENT ORDINANCES:**

John Chaykowski, Acting Director of Administration, Finance Manager and Pension Administrator indicated the Ordinance before Council is amending the Defined Benefit Pension Plan for Non-Uniformed employees. This Ordinance has been corrected to include the most recent union contract negotiations. The Ordinance will be retroactive from January 1st, 2022 because that is when the union contracts were all effective and it took a little bit of time to get the actuaries input and the documents together.

The key changes to the Pension Ordinance are located on page 3 indicating the retirement age for the Career Firefighters. Instead of retiring at the age of 60 they now have the ability to retire with 20 years of service at the age of 57. Everything else in the Ordinance will remain status quo.

Council President Kisselback asked Mr. Chaykowski to explain the area on page 4 of the Ordinance that indicates the 6 ½% of the actual rate earned.

Mr. Chaykowski indicated if an individual leaves before they are vested, before they have their time in to guarantee their pension, they are entitled to a member's contribution with interest returns. The Pension Plan has an actuarial assumption to try and achieve at least 6 ½% interest on the monies to fund the Pension Plan. The plan document allows the member who leaves before becoming eligible to retire or becoming vested where they can defer their retirement until retirement age, they would get their members contribution that they contributed to in the Pension Plan plus 6 ½% interest.

No one actually receives the 6 ½% unless they pull their money out of the plan and they are not eligible to retire. Everyone in the plan is currently vested and if anyone leaves today and they are not age 60, then they have the option to either wait until they are the age of 60 to start collecting their pension or they can take a refund of their member's contribution with interest returned to them. Basically their pension becomes null and void.

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

Councilwoman Benitez motioned to approve the Ordinance amending and updating the Defined Benefit Pension and Trust for the non-uniformed employees of the Township of Bensalem. **Council Secretary Knowles** seconded and the motion carried 5-0.

7. **CONSIDERATION AND PUBLIC HEARING OF AN ORDINANCE AMENDING AND MODIFYING THE DEFINED CONTRIBUTION PENSION PLAN FOR FULL-TIME NON-UNIFORMED EMPLOYEES OF THE TOWNSHIP OF BENSALEM:**

Mr. Chaykowski indicated the Defined Contribution Plan was established in 2009. On December 31st, 2008 the Township froze the Defined Benefit Plan so that any new hires after 2009 are now in the Defined Contribution Pension Plan which is similar to a 401K where it is members contribution. Township interest and it is whatever the market does, there is no obligation to the Township to back the funds of the Pension Plan. This Plan was updated through the recent contract negotiations. The vesting schedule went from 5 years to 3 years, which is in line more with the industry standard is, which means they are guaranteed their money after working 3 years instead of waiting for 5 years. There are additional changes to Township contributions and member contributions on page 5 of the Ordinance. The different unions negotiated different plans, some wanted to contribute more than to the plan with a Township match and some did other things to get rectified within the plan.

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

Council Secretary Knowles motioned to approve the ordinance toward a Defined Contribution Pension Plan for full-time non-uniformed employees of the Township of Bensalem as presented. Councilwoman Benitez seconded and the motion carried 5-0.

DISCUSSION REGARDING AGENDA ITEMS:

Solicitor Pizzo indicated Agenda Items 8 and 9 pertaining to the Gibson Holding Land Development which is on an appeal in Doylestown. The zoning aspect of it has been settled. The Township is awaiting the courts order and if the court enters the order that is anticipated, it will take care of all facets of this item going forward. Solicitor Pizzo suggested tabling Agenda Items 8 and 9 until a date certain of August 14th.

Council Secretary Knowles motioned to table Agenda Items 8 and 9 pertaining to Gibson Holdings, LLC and the 537 Act Resolution for same until a date certain of August 14th. **Councilwoman Champion** seconded and the motion carried 5-0.

Solicitor Pizzo indicated Agenda Item 10, Shax Express Cargo, Inc., the applicant has asked for this item to be tabled to Councils next meeting.

Councilwoman Champion motioned to table Agenda Item 10, Shax Express Cargo, Inc., to a date certain of July 24th. **Council Vice President Pilieri** seconded and the motion carried 5-0.

Solicitor Pizzo indicated Agenda Item 12, Edward LK. Lydon Realty Associates, LP, that he had received correspondence indicating that there is apparently an open engineering issue that needs to be addressed before the plan is otherwise ready for consideration by Council and requested the item be tabled to Councils next meeting.

Council Vice President Pilieri motioned to table Agenda Item 12, Edward LK. Lydon Realty Associates, LP, to a date certain of July 24th. **Councilwoman Benitez** seconded and the motion carried 5-0.

8. 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.

9. 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.

10 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.

11. 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 that included in the Council packets is a copy of the Cash Escrow Agreement that had been discussed at Councils last meeting. The Agreement was prepared by Solicitor Pizzo's office and presented to the applicant and signed by the applicant. Council may

authorize its execution and recording this evening. Together with that, the applicant has posted with the Township the requested escrow called for under the Agreement and has also submitted the application for demolition as Council had requested. A copy of the application and a copy of the proposal from the applicant's contractor are also included with the paperwork presented to Council. Speaking for Mr. Farrall of the Building and Planning Department and Mr. Wursta, Township Engineer, this is everything that Council was looking for when this applicant was last in front of Council and is presented this evening for Council's consideration.

Council President Kisselback indicated Council is confident enough with the paperwork that was submitted to proceed with a motion.

Solicitor Pizzo indicated, should Council approve the Lot Line Change then the Record Plan will be presented to the Township for signature and recording and new Deeds for the 2 lots will also be presented to the Township. They will be reviewed by the Township Solicitor's office and by the Township Engineers office and they will also be recorded at the time the Record Plan is recorded.

The Escrow in the Agreement is to cover all of the aspects of the removal and reconstruction of parts of the property. There are other fees that have been submitted by the applicant in the normal course of submitting a Lot Line Change, those would be the fees that cover the recording of the Record Plan and the Deeds.

Council Secretary Knowles motioned to approve the Lot Line Change for Iftikhar and Aisha Chaudhry located at 1206 Crespo Lane, they will be required upon completion to register the Deeds as stated by the Township Solicitor, Mr. Pizzo.

Solicitor Pizzo included in the motion that the applicant will comply in all respects with the requirements and conditions set forth in the March 13th, 2023 correspondence of the Township Engineer regarding this particular application. In particular, as to the Subdivision and Land Development Ordinance comments for 201 Section 106 there will be trees planted or a fee in lieu of will be posted with the Township. In all other regard, they are simply will comply items, one waiver has been requested 201-41 requiring the plan to show all existing features within 400 ft. In that case, the applicant will provide all existing features to the satisfaction of the Township Engineer. **Councilwoman Benitez** seconded and the motion carried 5-0.

Solicitor Pizzo indicated as discussed, and as part of the approval, Council should authorize the execution of the Cash Escrow Agreement since it is a separate motion and a document that will be recorded.

Councilwoman Champion motioned to accept the Cash Escrow Agreement for the property located at 1206 Crespo Lane, TMP 02-072-478, Iftikhar and Aisha Chaudhry in the amount of \$25,000 for all work that may not be completed and returned upon completion of the entire project. **Council Secretary Knowles** seconded and the motion carried 5-0.

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

Applicant: Edward K. Lydon Realty Associates, LP
Location: 448 Mill Road
Proposed Use: Manufacturing/Warehouse Addition
Zoning Classification: L-I – Light Industrial District
Tax Parcel: 02-023-025

This matter was tabled by a prior motion.

13. **CONSIDERATION AND PUBLIC HEARING OF AN ORDINANCE AMENDING CHAPTER 225 VEHICLES AND TRAFFIC ARTICLE III PARKING REGULATIONS SECTION 7 PARKING, STANDING, STOPPING, APPENDIX A SHALL BE AMENDED TO ADD THE FOLLOWING RESTRICTIONS;**

**No Parking,
Stopping, or
Standing
Anytime Sign**

Direction of Travel

Location

Bowman Avenue

All Directions

Eastside, 2821
Bowman Avenue

Engineer Wursta indicated this is consideration of an Ordinance to post the eastside of Bowman Avenue to allow for better site distances, etc. As recommended by Deputy Director Race, as well as a picture of the location in regards to the placement of No Parking sign.

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

Councilwoman Benitez motioned to approve Agenda Item 13, an Ordinance amending Chapter 225 Vehicles and Traffic, Article III Parking Regulations, Section 7 Parking Standing, Stopping, shall be amended to add the following restrictions:

**No Parking,
Stopping, or
Standing
Anytime Sign**

Direction of Travel

Location

Bowman Avenue

All Directions

Eastside, 2821
Bowman Avenue

Council Secretary Knowles seconded and the motion carried 5-0.

14. CONSIDERATION OF ESCROW RELEASE FOR:

Developers Request: McDonalds – Release #2
Location: 1930 Street Road
Tax Parcel: 043-018-001
Amount: \$ 33,515.55

Quinton Nearon, Senior Municipal Inspection Manager, indicated this is McDonald’s final release in the amount of \$33,515.55. All outstanding punch-list items, including the landscaping have been completed and recommend full release and close the project.

Council Secretary Knowles motioned to approve the Escrow Release for McDonald’s, 1930 Street Road, TMP 043-018-001, in the amount of **\$33,515.55**, as audited by the Township Finance Department. **Councilwoman Champion** seconded and the motion carried 5-0.

15. CONSIDERATION OF A LAND DEVELOPMENT EXTENSION AGREEMENT FOR:

Applicant: Faith Unity, Inc.
Site Information: Richlieu and Galloway Roads
Tax Parcel: 02-001-055-002

Solicitor Pizzo indicated the application comes in from Faith Unity congregation that is constructing the mosque at the corner of Richlieu and Galloway Roads. Mr. Kelton, attorney for Faith Unity, is here this evening to answer any questions in regards to his request Council may have. Mr. Kelton’s correspondence date June 7th, 2023 requesting the extension is part of the Council packet as well. If Council grants the request, it would be an extension out to July 27th, 2024. The Administration would recommend that it be contingent upon an audit by the Township Engineer and the Township Finance Department to make sure sufficient funds remain in place for the project.

Stan Kelton, representing the applicant, Faith Unity, indicated the projects drainage system failed and they were waiting for a plan to revise it. Since then they have moved along and have a new drainage system which was submitted to the Township for pre-approval about a month ago. The present status is that the applicant has filed with the Conservation District and waiting to see if they will approve the change at which point the applicant will be able to pick up where they had left off which was halfway through Stage 1 of the Land Development.

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

16. CONSIDERATION OF A REDUCTION OF PERMIT FEES FOR THE NEW BENSLEM HIGH SCHOOL BUILDING SIGN LOCATED AT 4319 HULMEVILLE ROAD, BENSLEM, PA:

Solicitor Pizzo indicated in preparation for the Centennial Celebration at the Bensalem High School, the very small lettering on the front of the building that is barely visible from

Hulmeville Road is going to be upgraded with a new lit sign. The School District is asking for the 50% waiver of the various building permit fees associated with the installation of the sign. This is a customary reduction consistent with Councils past practice.

Councilwoman Champion indicated it is very exciting that Bensalem High School is at its 100th Year Celebration.

Councilwoman Champion motioned to approve the reduction of permit fees for the Bensalem High School sign that will be lit and you will be able to see it nicely from Hulmeville Road to the amount of \$187.50. **Councilwoman Benitez** seconded and the motion carried 5-0.

17. **CONSIDERATION OF A REDUCTION OF SPECIAL EVENTS PERMIT FEES FOR THE ST. CHARLES BORROMEO CHURCH 2023 LATIN FESTIVAL EVENT LOCATED AT 1731 HULMEVILLE ROAD, BENSALEM, PA:**

Solicitor Pizzo indicated Agenda items 17 and 18 refer to St. Charles Borromeo parish 2023 Latin Festival Event. The event itself takes place on the grounds of Our Lady of Fatima located at 2913 Street Road. Agenda Item 17 is for a reduction of the Special Events Permit Fees. As well as a reduction in the amount of the bond that the church is being asked to post.

Council President Kisselback questioned the reduction of the bond and why the Township would do that.

Solicitor Pizzo indicated when these applications come in they go to all of the various departments that would be called upon to provide services. The Public Safety Department, the Fire Department and EMS Department all review the application as well as Parks and Rec and Building and Planning. The fact that this application has made it way from those departments to Council, means they are all comfortable based on the size and scope and nature of the event. The reduction of the Bond, which is otherwise called for by the Ordinance, would be appropriate for this event. This is the Township's Special Events Ordinance which is essentially there to deal with should something go wrong from a Public Safety perspective.

Councilwoman Champion motioned to approve Agenda Items 17 and 18 regarding the reduction of Special Events Permit Fees and the Mobile Food Vendor Event Fees for the 2023 St. Charles Borromeo Latin Festival located on the grounds of Our Lady of Fatima property located at 2913 Street Road. Council Secretary Knowles seconded and the motion carried 5-0.

18. **CONSIDERATION OF A REDUCTION OF MOBILE FOOD VENDOR EVENT FEES FOR THE ST. CHARLES BORROMEO CHURCH 2023 LATIN FESTIVAL EVENT LOCATED AT 1731 HULMEVILLE ROAD, BENSALEM, PA:**

Discussed and approved with Agenda item 17.

19. **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.

20. **OTHER BUSINESS:**

Engineer Wursta *GO PHILS!*

Solicitor Pizzo the Latin Festival for St. Charles takes place on August 13th.

The Mayor reminded everyone about the concert on Wednesday night the band featured for the evening is “The Core”, an Eric Clapton Tribute band. The Newport Fire Company is having a Flea Market this Saturday from 8:00am to 1:00pm. The *Eagles* are the only football team who have ever beaten Vince Lombardi’s Packers in the playoffs in 1960. The *Eagles* first pre-season game is August 12th against the Baltimore Ravens. **Solicitor Pizzo** added “*62 days to Football Season!!*”

Councilwoman Benitez congratulated Chuck McMullin on his retirement and his many years of service. Wished Kyle Pennypacker, Director of Parks and Rec, good luck in his new role.

Council Vice President Pilieri indicated the *Flyers* have new leadership and they are getting new players and it looks to be an exciting year!

Councilwoman Champion hopefully everyone is enjoying their summer so far, get out to the concerts, they are great! Thanked our Veterans. Thanked Chuck McMullin for his many years of service.

Council President Kisselback congratulated Kyle Pennypacker on his new role as Director of Parks and Rec and wished Chuck McMullin a Happy Retirement! The concerts are outstanding! If you have not be to any, try to get out and catch a great show!

21. **ADJOURNMENT:**

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

The Bensalem Township Council Meeting of July 10th, 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