

**BENSALEM TOWNSHIP COUNCIL
MEETING MINUTES**

**Monday
September 14th, 2020**

Zoom – Virtual Public Meeting

VIRTUAL COUNCIL MEMBERS PRESENT:

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

OTHER VIRTUAL PRESENCE BY:

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

PLEASE NOTE:

Due to the COVID-19 pandemic and all of the orders and declarations from the Federal, State, and County governments, the Bensalem Township Council held its' regular monthly meeting as a virtual public meeting utilizing the Zoom Meetings platform.

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. 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:**

publiccomments@bensalempa.gov

3. **APPROVAL OF COUNCIL MINUTES:**

Council Member Tokmajian liked how Debora McBreen, Council Recording Secretary/Council Clerk, prepared the comments towards the end of the Minutes, they were easy to read and well organized. **Council Secretary Knowles**, motioned to approve the Minutes of the Council Meeting dated August 24th, 2020. **Council Member Tokmajian** seconded and the motion carried 5-0.

4. **CONSIDERATION OF A RESOLUTION REGARDING THE BENSALEM POLICE PENSION PLAN TO REDUCE OR ELIMINATE PARTICIPANT CONTRIBUTIONS BELOW THE MANDATED RATE OF 5 PERCENT (5%) OF COMPENSATION SUBJECT TO CERTAIN CONDITIONS ON AN ANNUAL BASIS:**

John Chaykowski, Township Finance Manager, every year at this time it is required that Mr. Chaykowski read into the Township record information in compliance with the Pennsylvania Act 205. The first requires no action by Council, which is the 2021 Minimum Municipal Obligation (MMO) financial requirements for the Police, Non-Uniform and Non-Uniform Defined Contributions pension funds which have been prepared as follows:

Police Defined Benefit Pension	\$ 3,539,478
Non-Uniformed Defined Benefit Pension	\$ 429,258
Non-Uniformed Defined Contribution Pension	\$ 180,000

Secondly, there is a required annual Resolution for adoption in decreasing the payroll deduction from 5% to 3.5%.

Council Member Sloane asked for clarification as to how the Resolution reads regarding the following wordage: “Whereas, the Township is satisfied that the conditions have been met in order to reduce the contribution rate,” and asked what exactly are those conditions. Mr. Chaykowski indicated the Act 600 rate is the normal contribution of 5%, but, if the Township wanted to go below the 5%, which are done through contract negotiations, a Resolution has to be adopted every year. **Council Member Sloane** asked if this was retroactive to the beginning of the year and Mr. Chaykowski indicated that was correct.

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

5. **CONSIDERATION OF A MINOR LAND DEVELOPMENT:**

Applicant:	Amazon.Com Services, LLC
Location:	3750 State Road
Proposed Use:	Warehouse/Storage
Zoning Classification:	G-I General Industrial
Tax Parcel:	2-79-9-5

Solicitor Pizzo admitted the following people in for the applicant, Amazon.Com Services, LLC:

Amee S. Farrell, Esquire Samantha Mazo, Amazon Tarun Sonkhya, Amazon
Nafees Udin, Amazon Frazier Baker, Amazon

Jeff DeZort, CESO, Amazon Civil Engineer
Kyle Kessler, McMahon Amazon Traffic Engineer
Jonathan Goldsmith – LBA Property Owner
Dave Poquette – LBA Property Owner
Matt McHugh, Counsel for LBA

Council President Kisselback indicated the T and M letter which discusses the Land Development and referred to page 3, Section D, Chapter 201 – Subdivision and Land Development Ordinance (SLDO) 1 through 28 sub-sections. **Council President Kisselback** asked Solicitor Farrell if they were going to comply with all of Section D of the T and M letter. Solicitor Farrell indicated they will comply to all of the SLDO comments.

Council Member Sloane indicated Council had received a letter dated, today, September 14th, and it looks like Amazon is not complying with everything and are asking for some waivers. Solicitor Farrell indicated Engineer Benner noted in his letter, number one is a waiver to allow this as a Minor Land Development because it is a modification of the existing Land Development application approval, there are no other waivers being requested.

Council President Kisselback continued to Section E, Chapter 196 – Stormwater Management Ordinance (SWMO) the proposed one year, ten year and one hundred year is less than what is existing at this time. Jeff DeZort, Amazon Civil Engineer, indicated that is correct. **Council President Kisselback** indicated, quite substantially, the one-hundred-year flood plan is 230.04 existing, versus the proposed 70.44 which is quite an improvement and very important in that area.

Council Member Sloane asked, on those Stormwater Management calculations, is this an additional improvement to the construction project Council already approved two years ago? Jeff DeZort, Amazon Civil Engineer, indicated on the original approval, there are 5 detention ponds or rain gardens in addition to an underground detention system that was already approved as part of the original approval. None of the stormwater basins are being changed. What the applicant is doing, on the west side of the property, with some additional added impervious area, just in that area. On that side, because of some additional impervious and grading, they added an additional stormwater detention basin. The stormwater management report that was submitted addresses all of the stormwater as well as the one specifically the applicant is adding.

Council Member Sloane indicated this isn't really a change from the state of this now, but a change from before the construction occurred. Jeff DeZort stated that is correct and indicated it is overall comprehensive.

Council Member Sloane asked the Township Engineer Benner if he had any issues with the response that the calculations are comprehensive from the original. Engineer Benner indicated

they reviewed them against the original calculations as well as with the new minor impervious coverage improvements and we are satisfied with the stormwater management design for this amended Land Development.

Council President Kisselback asked if there were any issues regarding the Traffic Planning Design letter dated September 10th, 2020 that Amazon is not going to comply or consider having a waiver.

Solicitor Farrell indicated there were no waivable issues under the TPD review letters, but noted the July 1st review letter from TPD that was followed up by a couple of meetings, one with the Amazon team which included Mr. Wursta directly and then another with the larger planning staff. Solicitor Farrell indicated they supplemented the July 1st traffic review with an August 5th response that outlined a summary of those conversations. They did not have the September review as Mr. Wursta was holding it after this as part of a plan clean up. Based on Solicitors Farrell's conversations with Mr. Wursta last week, that was reflected of the August 5th response from the CESO Engineers.

Council President Kisselback indicated Solicitor Farrell was not in receipt of the September 10th letter from TPD and asked if it included Phase III, Mr. Wursta, Township Traffic Engineer, indicated it does include Phase III. Mr. Wursta indicated he spoke to Solicitor Farrell in regards to the September 10th letter, in which he apologized to her for not receiving it, and reiterated the memo included the conversations they had over the past few weeks and they are all will comply and nothing has changed since their conversation. Phase III is not included in tonight's approval.

Council Secretary Knowles indicated in the recent letter Council received it mentioned the sidewalks needed to be confirmed that they were already paid in lieu of. Solicitor Farrell indicated, under the prior approval, that was secured, there needed to be a fee in lieu of for not installing sidewalks along State Road. The Township Engineers office was looking into this and Amazon is the tenant and it would be the property owner, LBA, to handle that request.

Council Secretary Knowles asked about the future trail system along the front of State Road. The Mayor indicated those trails would be located on the other side of State Road in front of Neshaminy State Park. Solicitor Farrell indicated there are trails along the Neshaminy State Park side. As part of the traffic improvements that were scoped out with the Township Traffic Engineer, Mr. Wursta, the intersection improvements at Winks Lane and State Road will also include ADA acceptable curbing and crosswalks that will allow for pedestrian connection across State Road into the Neshaminy State Park which currently does not exist.

Council Member Tokmajian indicated on the original approval included some improvements to the intersection at Winks Lane and State Road, where does that stand, has it been completed at this point? Township Traffic Engineer Wursta said no, the existing design is going to be revamped into a much larger more standardized widening of Winks Lane and State Road. The intersection will include a brand-new traffic signal where the last plan was going to have a modified traffic signal. It is also enhanced by a right-of-way acquisition that will make that corner much better for not just the Amazon use, but anybody else using that intersection. Council Member Tokmajian asked at what point was the Township going to ask for them to be completed. Council Member Tokmajian had concerns about the timeline and was under the assumption that a lot of the improvements are not slated until Phase III. Council Member

Tokmajian stated you would think the improvements to the roadways would be done first before you would be seeing a lot of the vans and trucks coming through.

Township Traffic Engineer Wursta indicated the first project was proposed by Amazon and expanded and that is basically why that is where it is; and the issue of getting permits and doing the design is much more elaborate than what was previously approved. As an example, the stormwater management along State Road is completely modernized and changed so it will take some time to fine tune the design and to get the PennDOT permits. Mr. Wursta did not think the issue of this was Amazon building this during Phase III, he thinks the issue is it will probably take Amazon that long to get through the PennDOT and Township process with regard to the design. Mr. Wursta indicated Amazon was asked to put up 2.5 million dollars to ensure the project will be completed for the intersection. Council Member Tokmajian asked what would happen if Amazon decided not to settle in this building. Mr. Wursta indicated if Amazon walks away after the approval or starting work or whatever would happen, that would be a default and the escrow would be turned over to the Township to complete the project.

Solicitor Farrell indicated one of the reasons they split Phase II and Phase III the way they did was because the Phase II operations is much more keeping with, in fact, a lot less intense than the approval as originally granted for a much larger trucking operation at that site. You will not see an increase in traffic and activity at that site until Phase III when all of the traffic improvements will come on line.

Council Member Tokmajian disagreed with Solicitor Farrell regarding the traffic. He believes there will be an increase in traffic with the trucks and vans and consumers going in and out of the area. Council Member Tokmajian asked about the lock-boxes for the consumers to pick up their product and asked if there will be some type of plan to handle that traffic.

Jeff DeZort, Amazon Civil Engineer, indicated, in relation to all of the traffic inclusive of any type of anticipated pick-ups or vans and trucks, all of that has been included in that traffic study. They did a comprehensive full analysis of the surrounding roadway systems as well as including the traffic that is generated that way. Solicitor Farrell indicated there is no locker pick-up at this location. There will not be much, if any, overlap of associates traffic and customer traffic.

Tarun Sonkhya, Amazon, confirmed there is no customer pick-up at this location and that includes no associates will be able to pick-up product from this location.

Council Member Tokmajian asked if Amazon planned on opening up this location prior to Phase III. Or is Phase I, II and III going to be completed for Amazon starts up operations.

Jeff DeZort, Amazon Civil Engineer, indicated they included in Councils packet a proposed Phasing Operations Narrative that spells out what the intent was of the various Phases and how that operation would work.

Council Member Tokmajian said he assumed Amazon was going to start operations before Phase III. Solicitor Farrell responded, yes that is correct.

Council Member Tokmajian asked what are the shift times and was the traffic study looked at according to the shift times.

Traffic Engineer Wursta indicated everything was considered. The amount of improvements that Amazon is doing on State Road and Winks Lane are essentially more than enough to accommodate all the hourly traffic associated to whatever hour that would be with Amazon. They have designed for above the worst-case scenario. The intersection is as wide as you can get and the signal is the best you can get and the best operations.

Council Member Tokmajian indicated this facility would certainly open the door for a significant economic impact for the Bensalem community. And asked if Amazon is doing anything to ensure a certain percentage of employment to the Bensalem residents. Solicitor Farrell indicated there is no guarantee on how many local versus non-local residents can be hired. A large number of the jobs do end up being local, they cannot guarantee a certain percentage will be local.

Tarun Sonkhya, Amazon, indicated Amazon has worked with different townships in the area where they have partnered their recruitment teams with the townships and the Economic Development departments for job fillers for local residents.

Council Secretary Knowles asked how many employees will be needed for this facility.

Samantha Mazo, Amazon indicated essentially what they were anticipating is approximately 100 Amazon employees would be working in the warehouse, 165 employees will be needed as drivers for the delivery vans, 50 managers for the drivers, there are also the 45-individual flex-drivers needed which brings the total of 360 jobs that would be generated by this site. The broader aspect would be to include the number of people employed to clean the delivery stations, clean the vans which are not included in this number.

Council Secretary Knowles asked about the additional stormwater management along State Road and is assuming the potential for flooding or the drainage off of State Road is going to be highly improved. Mr. Wursta indicated this area is not as prone to flooding along this section of State Road as further to the south. Nevertheless, they will be putting new pipe in from basically their frontage, down State Road and also along Winks Lane. Mr. Wursta indicated one of the improvements is, they are putting in a left lane along State Road to make that left onto Winks Lane. Engineer Benner indicated the majority of the water is handled in the detention basins and is released on the northside of the site, not towards State Road. The good news is, any widening on State Road, new and additional stormwater drainage, which is a tremendous benefit to State Road.

Council Vice President Pilieri asked Mr. Wursta if it has been taken into consideration the roadwork PennDOT has to do on State Road, will there be any problems with the left turn lane or anything regarding that moving forward. Mr. Wursta indicated PennDOT was going to pave the road shortly and Quinton Nearon, Township Principal Inspector, is keeping close contact with their Maintenance Manager. Because of COVID a lot of the construction has stopped and PennDOT has held off as long as they are concerned in paving State Road.

Council Member Tokmajian indicated since Phase III will not be completed before they start operations, then asked, is there sufficient parking on site. Mr. Benner indicated from a Phase II standpoint of view they are providing 284 spaces and really don't need that many parking spaces so there is adequate parking.

Council Member Tokmajian indicated there are residents that about this property on State Road and Haunted Lane, is there anything being done to try and mitigate concern of noise levels being this is a facility that will be running operations overnight. Solicitor Farrell responded yes to both. With Haunted Lane, in particular, all of the requirements that were in place under the prior approval so emergency access only, no commercial use of Haunted Lane, etc. That all carries forward. They are not changing anything with respect to the operations at the Haunted Lane end. If the Township decides they want additional signage along there, beyond what was previously required under the prior approval, they certainly will do that. On the State Road side, LBA has the corner property under agreement and intends to purchase the home which will allow for the full scope of the intersection improvements. There was an existing fence installed along the rear of those 5 properties and landscaping was required as part of the prior approval and that all is staying. Additional landscaping was added across the drive isle to further buffer the noise. Amazon has even more stringent noise requirements than the Township, so they will be testing continuously for that and they are quite confident they will be within the Townships noise level requirements.

Council President Kisselback indicated Amazon was acquiring the corner property and asked if any other properties were considered for purchase. Solicitor Farrell indicated LBA has continued to reach out to the four other properties along State Road and realize that is where the primary impact of this project is and they have had mixed success, a couple of the homeowners are interested in a discussion regarding an outright purchase, a couple homeowners were unable to be reached. They are continuing to have that conversation to make that effort to reach out to those folks and try to get those under an agreement if they can. If they cannot, the traffic improvement plans along that piece of road frontage don't actually require outright purchase, the improvements there can be accomplished a temporary construction easement that will not impact the homes.

Council Member Sloane asked what the timeline for completing this construction and beginning operations. Tarun Sonkhya, Amazon, indicated for Phase II they are looking at some time in the middle of October to be able to start operating. This is the part of the project that has all of the parking on the site and then Phase III they are expecting some time mid-February to mid-March which depends on the conditions. Council Member Sloane asked if they were looking to start operations or complete the construction improvements in mid-October. Mr. Sonkhya indicated Phase I and II will have construction completed and the operations started in Mid-October.

Solicitor Pizzo indicated the following Public Comments were submitted. These comments can be heard in their entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Below are the correspondents and a short synopsis of their email:

Solicitor Pizzo indicated the Township received a number of emails from a single resident, Larry Tankelewicz, regarding his opposition of using the property right behind his home. He is opposed to their 24-hour operation, it will directly impact his right of the peaceful use of his property and wasn't too happy about the traffic it will bring to this area. Solicitor Farrell reiterated the substantial traffic improvements and touched on the noise level requirements once again. Amazon is not asking for any kind variances, this is the kind of use that is

anticipated that the Township designed in the Township Zoning plan for this location. LBA has reached out to these home owners and are more than happy to have a conversation with them about what can be done.

Council Secretary Knowles, motioned to approve with the following notation from the Township Engineers letter dated September 11th, 2020, Section D – Chapter 201 – Subdivision and Land Development Ordinance Amazon did adjust number one to a Minor Land Development and the other 27 requests by the Township Engineer are will complies. They will pay for sidewalks in lieu of and they agree to make any adjustments required by the Fire Marshals office. Solicitor Pizzo indicated, in addition to the Council Secretary’s notation, the applicant will comply with all of the provisions of the T an M letter of September 11th, 2020. The applicant will also comply with all of the provisions of the Township Traffic Engineer, TPD letter, of September 10th, 2020, as well. Council Member Tokmajian seconded and the motion carried 5-0.

6. **PUBLIC COMMENT EMAILS:**

Council President Kisselback asked **Solicitor Pizzo** if there were any Public Comment Emails that needed to be addressed.

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

www.bensalempa.gov or www.youtube.com

Solicitor Pizzo presented the following:

Larry Tankelewicz commented on the Police Resolution and he was against reducing the pension contributions which will create a funding gap later and future mayors and councils will have to raise taxes. Any vote should be withheld until the public has time to fully read and understand the details of the plan.

Brian Connelly forward a letter from Joseph Connelly regarding 568 Bristol Pike, over the past four years he has asked for help with his property line issue and wanted to know if anyone has made any attempt to look into his accusations. Mr. Connelly also asked when will the dirt pile be removed.

Quinton Nearon, Township Principal Inspector, was asked if he had any updates regarding the ongoing Connelly issue with the property line or the dirt pile. Mr. Nearon indicated no new information, there was a court hearing in which he did not attend and did not know the outcome. Mr. Popli’s engineer presented older plans, Mr. Farrall, Director of Building and Planning, has directed them to submit a plan regarding the drainage. The Township policy is the dirt is to be removed. Mr. Nearon was unaware of any timeline or deadline regarding the removal of the dirt.

Council Vice President Pilieri indicated he has sent several videos of the water streaming off of the dirt pile onto Mr. Connelly’s property. The Township is citing the man for having problems with the water coming off of Popli’s property onto his property.

Township Engineer Benner indicated they have submitted a plan, it's an old plan, of removing the dirt pile. There were no grating provisions associated with that plan. Mr. Farrall got back to them stating any plan they submit has to show that information that the stormwater, once the pile of dirt is removed, is directed at the proper location which is to the rear of the property as opposed to the adjoining property. Mr. Farrall has told them they need a more detailed plan than the old plan they simply submitted.

Council Vice President Pilieri asked if they could get the court order and how long they gave him to get rid of the dirt pile? What about the wall that was put up by the Condo Association in the back, who is responsible for that wall? There needs to be an understanding of who is responsible for what because a lot of this stuff was done before he had zoning ordinances and before there ever was a Mayor and Council government in this Township. We need to give some quality of life back to people.

Bob Norkus, 4803 Bensalem Boulevard, Resident Opinion, Don't Defund Public Safety, added additional comments in support of his letter to Council of July 27th in response to Councilman Sloane's "better race relations" politically inspired article published in the Bensalem Courier Times. Incidentally, the Times has NOT responded whatsoever to his request for opposing resident equal time regarding the article. Mr. Norkus continued to say he believes the Bensalem residents truly need our extremely competent public safety organization and realize we have an exceptional Police Department serving the community. Mr. Norkus praised the Public Safety Director, Mr. Fred Harran, for his passionate explanation of the caliber of the Police Department at a former Council meeting and believes his work is trying to be undermined.

7. **OTHER BUSINESS:**

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

www.bensalempa.gov

or

www.youtube.com

Director Harran thanked Council for having him talk about the historical agreement that the Township entered into with the NAACP. Mr. Harran has been working with the President of the NAACP, Karen Downer, for many years specifically as representation on the Police hiring board. Mrs. Downer has all of the phone numbers of the Command Staff and Mr. Harran will be receiving phone numbers for all of the key staff from the NAACP. The things that are happening around the country are not happening in Bensalem. Part of the agreement was that people can go to the NAACP to have them reach out to the Bensalem Police Department with any issues.

The **Mayor** echoed Mr. Harran's sentiments and indicated he has been working with Mr. Harran for a long time to implement this historic plan. We have always tried to do our best, not because of what is going on around the country, but because we have had this policy in place for a long time. Hopefully Council can see the teamwork involved by making things better and the Mayor anticipates that happening. The Mayor thanked everyone and wished everyone a good night and God Bless.

Council Vice President Pilieri congratulated Mr. Harran and the Mayor on their work with the community. We have a phenomenal community we all live in and care about and we should all look out for each other.

Council Member Sloane, appreciated Director Harran coming on this evening and explaining the wonderful agreement that was signed. This is a culmination of a long-time question of what can we do better. As the Mayor said, we can always make things better. He has been saying for three years now that there are people who don't feel safe and Director Harran reiterated those comments to the press conference last week and this is certainly a step in the right direction. Schools started up in Bensalem last week, and the most challenging time to be a parent especially if you have young ones. Hopes everyone is staying safe.

Council Secretary Knowles commented on the official agreement with the NAACP and indicated those things were already in place. Having the NAACP as an Ambassador for the Bensalem people will help for those not wanting to call the police department directly to file a complaint, getting that out to the public was important. Also, going to a clergy person or even one of the councilmen to file a complaint is also an option. Council Secretary Knowles asked if there was an update on Fishers Restaurant regarding cementing the front of their property without permits. Mr. Nearon indicated he had two calls into PennDOT, one to their Inspector, as well as to their Bucks County Director, and has not heard from the Director but the Inspector was going to look into it for him.

Council President Kisselback agreed with Council Secretary Knowles with the timing of that has to be something that needs to be moved along, come winter time that area will be turned into an ice-skating rink.

Council Member Tokmajian acknowledged the efforts of Director Harran and Karen Downer, President of Bucks County's Chapter of the NAACP. Several weeks ago, Councilman Sloane and Councilman Tokmajian simply asked and encouraged the dialogue amongst all of the council members can jointly react to the nations ongoing race issues. Council Member Tokmajian sees the agreements as significant progress and continuing forward as the top notch, highly recognized police force and municipality. Agreed with the Mayor that we can always make things better. Wished those a Happy Rosh Hashana. Welcomed all Bensalem students back to virtual learning.

Solicitor Pizzo observed that not all the students in Bensalem are learning virtually. There are a number of students in Bensalem that are in fact going to a brick and mortar schools on a daily basis. The school zones that having flashing lights, drivers please observe those because there are kids in those schools and there are kids waiting to catch a bus.

Council President Kisselback indicated the fact that the Police Department has written an agreement with the NAACP is a very good thing because now the public knows what the Police Department has been doing for all the years in the past. Having a partner with the NAACP should only be an improvement with the terms of communications throughout the community so that within itself is excellent. Wished everyone a Happy New Year, Rosh Hashana, in our Jewish community.

8. ADJOURNMENT:

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

The Bensalem Township Council Meeting of September 14th, 2020 can be viewed in its entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Respectfully Submitted,

**Debora F. McBreen
Recording Secretary**