

**BENSALEM TOWNSHIP COUNCIL  
MEETING MINUTES**

**Monday  
December 14<sup>th</sup>, 2020**

**Zoom – Virtual Public Meeting**

**VIRTUAL COUNCIL MEMBERS PRESENT:**

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

**OTHER VIRTUAL PRESENCE BY:**

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

**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.**

**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](mailto:publiccomments@bensalempa.gov)

3. **APPROVAL OF COUNCIL MINUTES:**

**Council Secretary Knowles** motioned to approve the Minutes of the Council Meeting dated November 9<sup>th</sup>, 2020, as presented. **Council Member Tokmajian** seconded and the motion carried 4-0.

**Council President Kisselback** indicated Agenda Item #7, Consideration of a Minor Subdivision, regarding the applicant, Anthony Oelschlegel, had requested to be heard at a different date. This decision will be made when Agenda Item #7 is addressed.

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

**Applicant:** Anthony Oelschlegel  
**Location:** 3349 West End Avenue  
**Proposed Use:** Residential  
**Zoning Classification:** R-2 Residential  
**Tax Parcel:** 2-39-86

**Solicitor Pizzo** indicated since the time the item was last before Council it was tabled to a date certain for this evenings meeting. In the intervening period time it has been determined the applicant will need to go to the Zoning Hearing Board for additional relief. This evening the item can be tabled forward to a date certain of the second meeting in January 2021, which would be January 25<sup>th</sup>. There was one Public Comment received from a John Ryan regarding the application. There are a number of items Mr. Ryan has asked Council to consider at the January 25<sup>th</sup> Council meeting. Solicitor Pizzo indicated he will forward the email to the Township Clerk to have it included in the packets for the meeting date of January 25, 2021 when this matter will be heard.

**Council Member Tokmajian** motioned to table the item to a date certain of January 25, 2021, Council Secretary Knowles seconded, and the motion carried 4-0.

5. **CONSIDERATION OF THE COMMUNITY DEVELOPMENT COVID CV 3 CARES ACT FUND:**

William Cmorey, Director of Administration, indicated, as Council would recall earlier this year the Township received a smaller Grant for COVID funds in the amount of \$203,000.00. The Township is now, along with the County and other Metropolitan areas, receiving Grant funds under the COVID Relief Act which is referred to as CV # allocations. The Townships allocation is \$545,203.00. The programs put together for the use of these funds are as follows:

**Family Services, which is the Homeless Family Shelter Operations** **\$151,870.00**

**Bucks County Opportunity Council**, which is the prevention and rental assistance funding to assists residents from being evicted. **\$150,000.00**

**Consumer Credit Counseling Program**, which is the prevention of mortgage foreclosure to assist families with mortgages that are likely to default and face foreclosure. **\$150,000.00**

The amounts that were projected for each project was based on input from those particular organizations. There was a little money left and the Township is allocating 5% for Administrative costs and there is an unallocated amount of \$66,073.00. The Township can put those funds, at a later date, towards one of the other projects that the Township is funding should they have a need for more funds.

**Council President Kisselback** asked if he was correct in assuming the \$66,000.00 will be determined by the Administration based on need and COVID related. Mr. Cmorey indicated that was correct.

**Council Member Sloane** asked, with respect to the Bucks County Opportunity Council funds and the Consumer Credit Counseling funds, how can the Townships residents reach out for information on how to get relief. **Mr. Cmorey** indicated the Township is working with the County of Bucks and Bristol Township to coordinate the use of these funds. The funding listed will be used strictly for Bensalem residents. Those organizations are currently working on program guidelines, which are set forth by the COVID guidelines. The assistance provided under the Consumer Counseling, which is for those people with homes and mortgages, will provide them with counseling services and if necessary if they need financial assistance.

**Council Member Sloane** stated, then the residents will have to contact those agencies directly. Mr. Cmorey indicated that was correct.

**Council President Kisselback** stated the residents could call the Township Administration who can assist them with contacting those agencies. Mr. Cmorey indicated that was correct.

**Council Member Sloane** motioned to approve the Community Development COVID CV 3 CARES Act Fund as presented. Council Member Tokmajian seconded and the motion carried 4-0.

6. **CONSIDERATION OF AN ORDINANCE AUTHORIZING THE EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE TOWNSHIP AND VERIZON PENNSYLVANIA, LLC:**

**Solicitor Pizzo** indicated, before Council this evening is the renewal of the Township's current Franchise Agreement with Verizon for their Fios service. Verizon started the cable Fios here in the Township back in 2005/2006 which up until then the Township had a single cable provider. The initial Franchise Agreement recently expired. Negotiations on the new Franchise Agreement actually started back in 2017. Bensalem was part of a consortium made up of 33 municipalities throughout Bucks County, which is the lions share, if not all of them. The current agreement asked to be considered is a five-year agreement which is a little shorter than what historically has been done with cable providers, a ten year would be more the norm. In all candor, Verizon is pushing back not only in Bucks County but throughout Pennsylvania and throughout the country, pushing back against agreements of a longer duration because of the

significant changes that are happening in the marketplace particularly as they apply to direct television services like Netflix and Hulu which are not provided over the cable system. The form of agreement that is before Council for their consideration this evening was negotiated by Mr. Dan Cohen who is probably the most pre-eminent attorney when it comes to matters involving cable and cable franchises. The Township has routinely used Mr. Cohen in the past for other items involving the Townships various cable franchises. Insofar as fees are concerned, the franchise fees remain the same. Insofar as the free services that cable providers have previously required to provide to Township schools and other governmental entities a recent change in the law, which is no longer a requirement and is being challenged in the courts. The Township would begin to start to pay fees for cable services, minimal as they are, that go into the Township building. Insofar as the services they are required to provide in terms of the educational and governmental channels that requirement continues to remain in place, everyone watching this meeting tonight on the cable channel 34 through Verizon will continue to do that for the next 5 years. The contract does allow for Verizon to terminate the contract early under a variety of conditions which were deemed acceptable by the majority of the municipalities involved. It requires them to show a significant drop in the number of customers they have in the Township before they would be able to move forward with terminating the agreement. Under the circumstances that was probably the best arrangement Mr. Cohen would be able to negotiate on behalf of the consortium. The ordinance before Council this evening that would renew the franchise for an additional 5 years is in a form acceptable for Council's consideration and approval.

The **Mayor** indicated the contracts are shorter and it was one of the conditions of the contract to be at 5 years because of the way technology has changed the industry. It is the hope to get the laws changed federally to help the Township out in the future.

**Council Member Sloane** asked Solicitor Pizzo if the Township had a similar contract with Comcast. **Solicitor Pizzo** indicated the agreement that is in place with Comcast would be similar to the agreement that the Township is just coming out of with Verizon. The current Comcast contract is not up for renewal yet, whether the Township expects the same kind of push-back from Comcast remains to be seen. Comcast seems to be a bit more diversified in terms of their electronic media and how they are providing their various services. The Internet services provided by both cable companies is not part of the cable franchise agreement. **Council Member Sloane** indicated he is assuming that together with Verizon and Comcast those franchise fees make up the 1.2 million dollars of revenue that is listed in the budget. **Mr. Cmorey** indicated, that would be correct. **Council Member Sloane** asked how the projection for the revenue is prepared. **Solicitor Pizzo** indicated as the Township budgets out 5 years they can continue to monitor how the franchise fees move from year to year and take it into account. It is not expected for Verizon to terminate this contract early. It is not unreasonable to assume the franchise fees, in whatever amount, the Township should be seeing for the next 5 years. **Council Member Sloane** reiterated the live streaming of the council meetings to the public and said the meetings should be in real time for the public through the internet. **Solicitor Pizzo** indicated the Township continues to work towards those objectives.

**Council Member Tokmajian** asked if the Township had any idea regarding court cost and the fees as to what they would look like. Is there any discussion with Verizon in terms of what those fees would look like and should the Township be netting down the revenue by those fees? **Solicitor Pizzo** indicated they could be treated as an offset against the franchise fee or the Township could just be billed like any other customer. If the bill for the Township building is

for example, \$100.00 a month, the decision would be made whether those services are required or not.

**Council Member Tokmajian** motioned to accept the ordinance as drafted, Council Member Sloane seconded and the motion carried 4-0.

**7. CONSIDERATION AND SIGNING OF AGREEMENTS FOR:**

**Applicant:** Amazon.com Services, LLC  
**Location:** 3750 State Road  
**Proposed Use:** Warehouse/Storage  
**Zoning Classification:** GI – General Industrial  
**Tax Parcel:** 2-79-9-5

**Solicitor Pizzo indicated**, as Council is asked to do from time to time, is to approve the execution of the Land Development Improvements Agreement and the Stormwater Management Agreements for the Amazon facility at 3750 State Road. Council approved an amendment to that Land Development Agreement earlier this year. The developer, at this point, is ready to proceed with the signing of agreements. The required monies that are called for under the agreements have all been posted with the Township including the 2.5 million dollars for additional off-site intersectional traffic improvements that were required by Council at the time of the approval. The agreements are in a form acceptable for Councils consideration and approval.

**Council President Kisselback** indicated in addition to that there is over 1 million dollars left over for on-site improvements as well as \$125,000.00 for Administrative, Legal and Escrow fees.

The **Mayor** indicated there is a lot of work going on in that area. Parking lots are all dug up and said there was a 9-foot hole dug around the building and asked **Quinton Nearon**, Principal Inspector or Russ Benner, Township Engineer if they knew anything about why there was a 9-foot hole around the building. **Mr. Nearon** indicated he was not the inspector on sight, someone else is doing the inspecting and has not received any updates.

**Council Member Tokmajian** stated they were starting to get complaints about trucks running on Haunted Lane. The **Mayor** indicated the Township was addressing the truck situation on Haunted Lane.

**Council Secretary Knowles** motioned to approve as presented, **Council Member Tokmajian** seconded and the motion carried 4-0.

**8. PUBLIC COMMENTS EMAIL:**

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

[www.bensalempa.gov](http://www.bensalempa.gov)

or

[www.youtube.com](http://www.youtube.com)

**Solicitor Pizzo** indicated two of the emails were regarding a tabled item and will be forwarded to the Township Clerk of Council for the January 25<sup>th</sup> Council meeting packets.

**Joseph Connelly**, 568 Bristol Pike, asked when the dirt pile will be removed. Saw Mr. Nearon out with a contractor. He is receiving fines for erosion, was found guilty in the Bensalem Township Court and in the Doylestown Court. Mr. Connelly wants to know why this is not getting resolved. Parking lot at the smoke shop is extremely dangerous. There have been multiple fights and shouting matches, customers are trying to back out of a parking spot that is being blocked in by the drive-thru lane traffic while pedestrians are walking behind the parked cars.

The **Mayor** brought everyone up to date regarding the dirt pile, which Mr. Connelly is being fined for and in court regarding those fines. Mr. Nearon indicated he was at the site with another field inspector, not a contractor, as stated by Mr. Connelly, trying to get the survey done. The pile of dirt consists of 7,000 yards. The Mayor indicated he asked what category the dirt fell under, whether it be top-soil, fill, etc. According to the information the Mayor received the dirt was considered to be “fill” and the Mayor assured everyone it will be removed. The traffic situation in the parking lot, Councilman Pilieri has brought this up several times to the Mayor and the Township is monitoring the situation to see what steps need to be taken to secure a safer parking lot area. The second floor of the building is being handled by Ken Farrall, Director of Building and Planning who indicated some of the things they are doing, regarding the second floor, are legal according to the Zoning Ordinance, but will monitor that closely.

9. **OTHER BUSINESS:**

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

[www.bensalempa.gov](http://www.bensalempa.gov) or [www.youtube.com](http://www.youtube.com)

**William Cmorey**, Director of Administration, wished everyone a happy holiday, Merry Christmas and said it was great working with everyone through the year.

**Russell Benner**, Township Engineer, wished everyone a safe and joyous holiday.

**Quinton Nearon**, Principal Inspector, wished everyone a happy holiday and said it was a pleasure working through the COVID this year.

**Debora McBreen**, Clerk of Council, wished everyone happy holidays.

**Joseph Pizzo**, Township Solicitor, wished everyone who is currently celebrating Hanukah a pleasant one. Wished everyone in Bensalem a Merry Christmas. It is always an honor and an extra special privilege to represent the community in which he lives and thanked everyone for the opportunity to do so. Wished everyone a Happy New Year and was hopeful 2021 would be better than the year 2020 has been.

**Council Member Tokmajian** thanked everyone involved who put together the “Santa Drive-By”. Talked about the COVID vaccine being administered here in the United States. Wished everyone a Happy Hanukah, Happy Holidays, Merry Christmas and Happy New Year.

**Council Secretary Knowles** wished everyone a Happy Hanukah and a Merry Christmas. Spoke about Customer Credit Counseling Services which supplies free non-profit credit counseling.

**Council Member Sloane** wished everyone a Happy Hanukah, Merry Christmas, Happy Holidays and a very Happy, Healthy and Safe New Year.

**Council President Kisselback** wished everyone a Happy Hanukah, Merry Christmas, Happy Kwanza and thanked the Parks and Rec department for the “Santa Drive-By”. God Bless everyone for everything they have gone through this year.

**The Mayor** indicated they are predicting a major snowstorm on Wednesday, December 16<sup>th</sup>. The Township is prepared for this storm and reminded the residents to keep their cars off of the streets for the snowplows. The Mayor signed a “Declaration of Emergency” in the event this would need to go into effect and will advise and bring everyone up to date during the Mayors TV show tomorrow morning. Wished everyone a Happy Hanukah, Merry Christmas and Happy New Year.

**10. ADJOURNMENT:**

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

The Bensalem Township Council Meeting of December 14<sup>th</sup>, 2020 can be viewed in its entirety at the following websites:

[www.bensalempa.gov](http://www.bensalempa.gov)

or

[www.youtube.com](http://www.youtube.com)

**Respectfully Submitted,**

**Debora F. McBreen  
Recording Secretary**