

**BENSALEM TOWNSHIP COUNCIL
COUNCIL MEETING MINUTES**

**Monday
February 11, 2019**

MEMBERS PRESENT:

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

ALSO PRESENT:

Mayor Joseph DiGirolamo
Debora McBreen, Council Clerk/Recording Secretary
Joseph Pizzo, Township Solicitor
Lauren Gallagher, Township Solicitor
Ron Gans, Engineer

1. OPENING OF THE MEETING:

Council President Knowles opened the meeting with a moment of silence which was followed by the Pledge of Allegiance.

2. BENSALEM TOWNSHIP POLICE DEPARTMENT AWARDS RECOGNITION:

2018 Officer of the Year:

Officer Connor Farnan

Medal of Valor:

Officer Norm Muller
Officer Matthew Malcom
Officer Kevin Howard

Civilian Life Saving Efforts:

Resuscitated – Daniel Topley
Nicholas Park, Teammate
Miranda Smith, Swim Coach
Matt Hirst, Swim Coach
Natalie Barber, Registered Nurse

The **Mayor** and **Council** joined the audience in giving the recipients of their awards in a standing ovation.

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.**

3. PUBLIC COMMENT:

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

4. APPROVAL OF COUNCIL MINUTES:

After corrections were noted to the minutes of October 9th, 2018, **Council Member Sloane** motioned to approve and **Council Member Tokmajian** seconded and the motion carried 5-0. **Council Secretary Pilieri** motioned to approve the minutes January 14th, 2019 as presented, **Council Member Tokmajian** seconded and the motion carried 5-0. **Council Member Tokmajian** motioned to approve the minutes of January 28th, as presented, **Council Member Sloane** seconded and the motion carried 5-0.

5. DISABLED ADVISORY BOARD:

The Mayor recommended **James Wright, Michele Baker, Matthew Neiman and Teddy Walker** to a one (1) year term. **Council Member Sloane** indicated that we are relying on a section of code that says “no less than five (5) members of this board shall be disabled residents”. **Mayor** said that we were never able to accomplish having five (5) members on the board that were disabled. **Council Member Sloane** asked if council could make a revision to the Code. **Solicitor Pizzo** indicated that **Solicitor Gallagher** would prepare an Ordinance that will revise the membership requirements to the Disabled Persons Advisory board. **Solicitor Pizzo** indicated that this is not a State mandated board and that the Township has tried consistently to have at least one or two individuals that fall within that category and if Council is collectively of the mind, we will change the five (5) into two (2). **Council Member Sloane** mentioned the Drug and Alcohol board to reflect that council is not going to require an eighth grade student to serve on the board and that it could be any student. **Solicitor Pizzo** responded that it would be included in the ordinance and he will create one ordinance to reflect both requests.

Council Secretary Pilieri motioned to approve and **Council Vice President Kisselback** seconded and the motion carried 5-0. Three (3) members were sworn in by **Judge Gallagher**.

6. RE-APPROVAL AND SIGNING OF RECORD PLAN:

Applicant: Ivy State Road
Location: 3750 State Road
Tax Parcel: 2-79-9-4, 2-79-9-5, 2-79-10, 2-79-9-6 & 2-80-28

Engineer Gans indicated that this is a plan that was approved by council on September 27th, 2018, and recommends that council approves the plans prior to signing because the ninety (90) day recording period has elapsed. **Council Secretary Pilieri** motioned to approve as presented, Council President Knowles seconded and the motion carried 5-0.

7. CONSIDERATION OF A RESOLUTION 537 PA SEWAGE FACILITIES:

Solicitor Pizzo explained that this is the DEP required Resolution for the amendment of the Act 537 Plan for the Bensalem Veterans Senior Housing on Mechanicsville Road. The land development was previously approved by council and the Resolution is in a form acceptable for council's consideration and approval. **Council Vice President Kisselback** motioned to approve and **Council Secretary Pilieri** seconded, the motion carried 5-0.

8. CONSIDERATION OF A TRAFFIC ORDINANCE:

Solicitor Pizzo indicated Administration received a complaint regarding trucks and trailers parking too close to driveways and obstructed the view of motorists along Imperial Court. The Mayor directed the Traffic Safety Officer to conduct an investigation of the situation and the Traffic Safety Officers conclusion and recommendation along with some photographs is to place a No Parking sign on both sides of Imperial Court. The ordinance has been duly advertised and is in a form for council's recommendation and approval. **Council Member Tokmajian** made a motion to approve, **Council Member Sloane** seconded and the motion carried 5-0. **Council President Knowles** invited Public Comment, seeing no one come forward, the Public portion was closed for this agenda item.

9. CONSIDERATION OF AN ORDINANCE CREATING M.U.R. DISTRICT:

Tom Hecker, legal counsel on behalf of the applicant, **Len Poncia, Aquinas Realty** for the Katharine Drexel property. **Solicitor Pizzo** indicated that the record should reflect that the hearing on this proposed ordinance and the rezoning have been previously advertised. As council will recall, the subject property had not been posted in advance of council's last meeting on January 28th and so this matter was tabled to a date certain of February 11th to afford the administration an opportunity to post the property. The property was posted the very next day and was properly posted in accordance with the requirements of the townships zoning ordinance and the municipality's planning code. Council can proceed with consideration of the potential rezoning of the property. **Solicitor Pizzo** indicated to **Council President Knowles** that there is some inter-relation between items nine (9) and ten (10) on the agenda. Item nine (9) is the consideration of a text amendment to the township zoning ordinance to create a new residential district the Mixed Use Residential District. The impetus for that new zoning district

would be item ten (10) which would be the rezoning of the Katharine Drexel property which is currently zoned as IN (Institutional) to the MUR (Mixed Use Residential). Since there will be a significant overlap in the discussion on items nine (9) and ten (10) council may want to consider treating both agenda items nine (9) and ten (10) as part of the same hearing that is about to be heard. **Council President Knowles** indicated to combine items nine (9) and ten (10) but vote on each item separately and public comment will be to that affect also.

Mr. Hecker indicated that the Sisters of the Blessed Sacrament, after a lot of deliberation and prayer, made the very difficult decision to place the Katharine Drexel property up for sale. In doing so they hired a national firm to assist them and set about to find not only the appropriate person to buy it but somebody they believe would respect the uniqueness of the property, the history and also the integrity. After the selection process that involved various users all over with different concepts for redevelopment, Mr. Poncia and his company, Aquinas Realty, were chosen. Mr. Poncia offered something unique and had a vision on how this property could be developed while at the same time preserving the integrity and historic nature.

An overview of the project was discussed and a lengthy discussion ensued with the following representatives and they offered testimony and answered questions pertaining to the project: **Mr. Fleming**, professional engineer with **Marathon Engineers** provided details on the layout of the structure and **Peter Stanfold**, Principal with **Stanfold & Associates**, provided details about housing, dining, salon, parking, garages, lounges and such and **Mr. Mark Roth**, Traffic Engineer with **McMahon Associates** performed the traffic study regarding the site. There were questions and comments by council and those questions were answered as needed by Mr. Hecker, Mr. Poncia and their representatives for the applicant. **Solicitor Pizzo** took notes regarding stipulations made to the proposed ordinance.

Public comment was then invited and eighteen (18) speakers came forward, expressed concerns about the proposed development. During this public comment portion there were numerous comments and questions from Council and its professional staff, and answers and remarks provided by Mr. Hecker and his associates making it difficult to follow the narrative, so I am identifying the public speakers and providing a brief synopsis of their commentary.

John Pedrick, 936 Langstroth Lane expressed concerns regarding the access to his street and the positioning of the apartment buildings that are proposed for this project.

Ed Ives, 1555 Tyson Avenue, expressed his concerns regarding the apartments and having them in his backyard.

Danielle Lehr Schgrin, 1708 George Avenue, was concerned about the historic preservation and council allowed her to read a prepared statement from a resident who could not be in attendance, **Joan Schoen** who opposes the developing of the Drexel property.

Veronica Lawrence, 2047 New York Avenue, expressed her concerns regarding the town homes and families moving in, not retirement age people who really do not want steps.

Jim Hardcastle, indicated that his parents, who now live in Fairless Hills, were looking for a place just like this and thought it would be a good thing for the community, especially having his parents living closer to him.

Lindsey Lehr, 1708 George Avenue, was relieved to know that the historic buildings would be reserved and would like to see it in writing a guarantee that no one will destroy the chapel.

Robert Belinsky, 318 Cambria Avenue, was concerned with the overall scope of the project and the added congestion.

Tony Williams, 3960 Bainbridge Court, expressed his concerns regarding traffic.

Sue Breault, 2342 New Market Square S., expressed her concerns regarding low income housing and the traffic.

Ken Breault, 2342 New Market Square S., expressed his concerns regarding traffic and road maintenance.

Pat Murphy, 3361 Adams Court, asked if it is possible to make these townhouses one story as Ms. Murphy is looking to downsize to a one story here in Bensalem but is surprised that there really isn't anything new or newer that are one story.

Tim Whelan, 2382 New Market Square S., indicated that this was just to re-zone the property and wanted to know if the public will get a chance to look at the plans. Thanked council for doing a good job.

John Doody, 1539 Tyson Ave, expressed his concerns about lighting and how it will interfere with his home that backs up to this property.

Mary Ann Griffin, 3101 Addison Court, will this cause any extra stress on our Fire and EMS because of the 605 units, will there be consideration to expand EMS in Andalusia.

Alan Winsor, 3232 Azalea Avenue, council explained the difference between the two zoning districts, M.U.R. (Mixed Use Residential) and M.U. (Mixed Use). Mr. Winsor also had an issue regarding curbs and sidewalks and transportation issues and said that this project would not be a good fit for this area.

Robert Homolka, 3213 Whitney Court, handed out pictures and expressed his concerns regarding the historical aspect of the property and not seeing the laundry building on the plans.

Joyce Hadley, 2921 Sussex Road, handed out literature and understood that the Sisters of the Blessed Sacrament needed their money and expressed how she never wanted to see this property desecrated.

Deborah Gallagher, 925 Clarmont Avenue, commented to keep the property Institutional, **Council President Knowles** indicated that if the property is kept Institutional anyone could

come in and tear down all the historical properties. **Mrs. Gallagher** offered an idea of having an Anne's Choice in that area.

Solicitor Pizzo indicated that based on the notes that he took during the hearing on both the rezoning and the text amendment, he had at least a half a dozen potential revisions to the ordinance and believed that the applicant is agreeable to, and those are to include but not limited to the insertion of language that there would be a two bedroom limit in the independent living and the active adult lease units. The townhouse as the percentage of the use and dwelling mix in section 310.10 Mr. Hecker indicated that based on the ninety units that the developer has committed would be the maximum that would work out to be roughly 14% of the overall number of units that are currently being proposed. Solicitor Pizzo indicated that council may want to round it to 15% and among the use and dwelling mix that 15% of the total units within the community that would be the maximum number of townhouse units and can include there 15% or ninety, whichever is the lesser number. The proposed language for the townhouse in the ordinance is they are describe as attached single family units, it would be the Solicitors preface, so there is consistency, throughout the zoning ordinance, that the township change that designation to townhouse dwelling units and that they would parrot the definition of a townhouse dwelling unit that is currently found in the townships R33 section of the township zoning ordinance, so that the township would have the same definition for townhouse in MUR as the township currently has in R33. In the building coverage section the word "tract" should be inserted stating maximum coverage of the building should not exceed 35% of the overall tract area. The discussion concerning the number of parking spaces for the single attached family dwelling units now to be called townhouse dwelling units, right now in the ordinance it is at 2.0 and there was some discussion that the applicant said that 2.5 would be the number but they would want to continue to have their proposal regarding garages what the solicitor got from council was irrespective of the garages the township would want to be consistent and that the township don't allow the garages to be counted in the calculations and that would be the same for MUR as it is for any other district in the township, but that not aside Solicitor Pizzo indicated he was not clear on whether council would want to see 2.5 or whether council would want to see the 3.5, which is the overall number that would be required in the R33 district or whether council wanted to see some combination of shared parking between the townhomes and the other uses. Finally, following the lengthy discussion on the historic structures and the conversation the Solicitor had with a few of the council members during the recess, that there would be language inserted to the effect of the existing historic structures located on the property shall not be demolished without the approval of the township council.

Council Member Tokmajian commented that he did not feel he got definitive clarification regarding the property and the historic preservation and was very concerned about the depth and the scale of the plan that was shown this evening and asked to put a motion on the floor to deny the MUR as drafted for this evening, Council Member Sloane seconded.

Solicitor Pizzo indicated that procedurally, the direction that council was going was that this ordinance based on the changes discussed this evening would have to be re-advertised if council wants to move forward with this, because the changes are so substantive under Pennsylvania State Law, the Municipalities Planning Code, the number of potential changes that council would be making to this ordinance in such, once it is put into its new form it would have to be re-advertised, notice would have to go out to the public and council would then be

acting on essentially a new ordinance or at least an amended version of this ordinance. Certainly the question of denying this ordinance can be voted on but the net effect of what council is talking about is that this ordinance would not be approved tonight anyway. What council has essentially directed the solicitor to do, or at least what he thought council was talking about doing, was what is going to be a new ordinance which will have to be re-advertised anyway so the solicitor indicated that he didn't know that if voting to deny this ordinance, other than for show, he didn't know from a legal perspective if what they are going to be doing as a council is going to make a difference, so the solicitor just wanted to put that out there before whatever action council was going to take.

Solicitor Pizzo indicated that council could motion to table the motion which would always be in order. This ordinance as it currently stands assuming council wants to see a revised version of it is for all intents and purposes dead.

Council President Knowles asked for a vote on the motion to deny the ordinance as presented, motion failed 2-3.

Solicitor Pizzo indicated having that vote now being taken, in order to save some expense in terms of the re-advertisement of the re-zoning of the property itself item 10, what the solicitor suggests is that agenda items number 9 and 10 both be tabled to a date certain of March 25th. If council does not make that date it can always be tabled again and to give the public advanced notice.

Council Vice President Kisselback motioned to table agenda items number 9 and 10 to a date certain of March 25th, with the changes as discussed with the solicitor, any councilman can give the solicitor a call to make any additional changes that will also be discussed with the developer. **Council Secretary Pilieri** seconded, the vote carried 3-2, with **Council Member Sloane** and **Council Member Tokmajian** voting no.

11. CONSIDERATION OF AN ESCROW RELEASE:

A. Developers Request:	Provco WaWa – Release #10 - Final
Location:	3620 Street Road
Tax Parcel:	2-1-42, 2-1-42-3 & 2-1-47
Amount:	\$ 50,000.00

Mr. Gans recommended a release of the full amount \$50,000.00 subject to an audit by the Finance Department.

Council Secretary Pilieri motioned to release the recommended amount subject to an audit by the Finance Department, **Council Member Sloane** seconded and the motion carried 5-0.

B. Developers Request: Chick Fil-A
Location: 1525 Street Road
Tax Parcel: 2-71-242-001
Amount: \$ 292,698.75

Mr. Gans recommended a release of the amount \$292,698.75 subject to an audit by the Finance Department.

Council Vice President Kisselback motioned to release the recommended amount subject to an audit by the Finance Department, **Council Secretary Pilieri** seconded and the motion carried 5-0.

12. PUBLIC COMMENT:

Council President Knowles invited Public Comment and seeing no one come forward the second of two public portions was closed.

13. OTHER BUSINESS:

Engineer Gans reminded everyone what Thursday, 2/14/19, was and if they didn't already know they are in big trouble.

The **Mayor** wished everyone a lovely Valentine's Day.

Council Member Sloane asked about the Marwin Avenue the Mayor indicated that he had pulled it from the agenda.

Council Vice President Kisselback wished everyone a Happy Valentine's Day.

Council Member Tokmajian wished everyone a Happy Valentine's Day and mentioned that he had just received a text indicating the Bensalem Township School District had a two hour delay tomorrow.

Council President Knowles wished everyone a Happy Valentine's day and announced the PGA Hope Bensalem Spring sessions May 15th, 22nd and 29th and June 5th and the 12th from 5:00 P.M. to 7:00 P.M. There is a clinic for golfers which is free to veterans and they help if you are disabled, anyone interested please call the Bensalem Township Country Club at 215-639-5556 for golf lessons.

14. **ADJOURNMENT**

With no other business to conduct, **Council Secretary Pilieri** motioned to adjourn.

Bensalem Township Council Meeting of February 11th, 2019 can be viewed in its entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Respectfully submitted,

Debra F. McBreen
Recording Secretary/Council Clerk