

**BENSALEM TOWNSHIP COUNCIL
MEETING MINUTES**

**Monday
July 8, 2019**

MEMBERS PRESENT:

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

ALSO PRESENT:

Joe Pizzo, Township Solicitor
Lauren Gallagher, Township Solicitor
Harold Gans, Township Engineer
Debora McBreen, Council Clerk/Recording Secretary

1. PLEDGE OF ALLEGIANCE:

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

2. 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.

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.

Council President Knowles asked **Solicitor Pizzo** if there were any amendments or changes to the agenda. **Solicitor Pizzo** indicated receiving correspondence from the applicants counsel regarding agenda item number 6 and agenda item number 7 (Bensalem Echo, LLC) requesting both items be tabled to a date certain of July 22nd, **Council Member Tokmajian** made a motion to table agenda items number 6 and 7 to a date certain of July 22nd, **Council Vice President Kisselback** seconded and the motion carried 5-0. **Solicitor Pizzo** indicated agenda item number 9 (Lot Line Change – Tom Snyder) the applicant had written to the township advising that the efforts that it was undertaking to attempt to reach a global resolution of some of the Stormwater issues that plague the neighboring property owners, they were in the process

of doing that but were not ready to proceed at the June 28th meeting and therefore were asking that the matter be forward, at that time, an additional thirty days or essentially to the council meeting of July 22nd. **Council Secretary Pilieri** indicated that the neighboring property owners were in attendance regarding agenda item number 9 (Lot Line Change - Thomas Snyder) and asked if **Quinton Nearon**, Township Senior Inspector, would perhaps give an update of those properties and requested they have the opportunity to speak again. **Council President Knowles** indicated he will allow the update and concerns of the adjacent property owners after the presentation of certificates to the St. Charles Borromeo Varsity Softball Team. **Council Vice President Kisselback's** motion to table item number 9 was seconded by **Council Member Tokmajian** and motion carried 5-0.

PRESENTATION OF CERTIFICATES OF ACHIEVEMENT:

The Mayor and Council presented Certificates of Achievement to the St. Charles Borromeo Varsity Softball team on winning the Archdiocese of Philadelphia CYO Region 19 and 20 Championship and their coaches.

Team Members:

Madi Curry	Kaycee Gehringer	Moira Maw	Victoria Montanez
Sammy Desnoyers	Maggie Devlin	Emma McDermott	Ava Pizzo
Brooke Koch	Nicole Lenker	Amber Miller	Bridget Sweeney
Cienna Turco			

Coaches: Dan Sweeney, Head Coach
Mike Curry, Assistant Coach
John McDermott, Assistant Coach
Joe Pizzo, Assistant Coach

Tabled Agenda Item No. 9 - Lot Line Change –Thomas Snyder:

Quinton Nearon – Township Senior Inspectors Preliminary Report:

Mr. Nearon reported as follows: since the last council meeting he has been to the area along with the Public Works department examining the pipe situation. A pipe cleaning company was brought in to jet the lines out to make sure they were flowing properly. There was a video of the lines but Mr. Nearon had not received that DVD to date. Gilmore and Associates has done a preliminary study and Mr. Nearon will check with them to see what kind of pipe designs they have prepared. One of the things that Gilmore and Associates had in their study is they will be replacing the line that goes down through the roads which the line in question is coming off of Hulmeville Road down into the back of properties along Woodbine Avenue and coming out at West Bensalem Avenue. The lines do take a lot of water in from High Avenue and the junction box back in the woods and there is a vane grate that the township is looking to get installed on the inlet at the Golf Course on the opposite side of the road which is designed to collect more volume so in case there is debris it will help with the flow of water. PennDOT is working with the Township to help in this process. A conversation ensued regarding councils concerns. **Mr. Nearon** indicated he will report those concerns to Mr. Snyder and Dumack Engineering and report back to council with his findings. The **Mayor** reported that **Administration** hired an engineer to see if a retention basin can be placed on the Golf Course to help alleviate the

overflow of water when it rains. The engineer will survey the property and submit a report to Administration.

Council President Knowles invited public comment and the following residents came forward:

Mr. Nearon was asked by council to assess the following properties and the residents' concerns:

1. **Steve Reider**, 1517 West Bensalem Avenue, was concerned about the standing water on his property.

2. **Margaret Krapp**, 1337 School Lane, was concerned with the standing water on her property.

3. **Bruce Ryan**, 1702 Woodbine Avenue, asked why an environmental impact study was not done on 2509 Hulmeville Road. Mr. Ryan has never seen the water as bad as it has been this year.

4. **Dorothy Elliott**, 1718 Woodbine Avenue, distributed pictures from one of the rains we had. Asked what was going to happen to the back lot as there were dead trees and branches extending over on her property.

5. **Lincoln Russell**, 1634 Woodbine Avenue, complained of the water runoff from the Snyder lot going onto his property there must be some way to compromise and infiltrate the water runoff.

Council Member Tokmajian was wondering when the last time the code was updated and why the township doesn't try to mitigate another situation before it happens to ensure the water management is being addressed upfront. **Engineer Gans** replied Chapter 196 of the code governs the Stormwater management, covers all the issues such as infiltration, water quality and such. A county wide ordinance is used as the townships ordinance in which it can be looked at and changed. **Engineer Gans** explained his role in the evaluation of the Stormwater management process when presented by a developer. **Solicitor Pizzo** indicated that he did not want to create any false expectations and explained the Townships Stormwater Management Ordinance is in fact the result of the work at the county level by the County Planning Commission and working in concert with the State Department of Environmental Protection and is adopted for all the communities within the county that have a watershed within either the Neshaminy Creek, Poquessing Creek and Delaware River. Each of those three bodies of water, there is a separate watershed ordinance that sets forth all of the regulations regarding Stormwater management within those three basins. These are standards that have been set for us and calculated for us and determined for us at the County and State level. The townships Stormwater ordinance, in addition, has to comply with the NPDES and MS4. So everything the township has in place currently and all the regulations that fall upon the township currently and all the things the township has to do annually, such as inspecting Stormwater inlets and outfalls and making sure things are clear which ultimately led the township to adopting the county wide ordinances for the three tributaries that the township has in place. The township can take a look to increase the standards beyond those that have already been set, but the township may not have the legal authority to start to suddenly impose regulations on individuals that are 100% greater than what have been called for and determined to be necessary and adequate.

Solicitor Pizzo indicated that these are three existing lots that front on an existing road, this is not a land development application that had to come in front of council for any sort of approval, these are three individual lots, if you own a lot and you want to build a single house on it you do not have to come in front of council to do so. There has been no dereliction of duty or responsibility by any council members because these houses were never intended to come in front of council for their approval.

6. Charles Kumbat, 2499 Hulmeville Road, commented that this is not just the immediate area of the three lots that are flooding but extends all the way down School Lane to Forrest Avenue.

7. Geraldine Ryan, 1702 Woodbine Avenue, commented on how the property is a swamp land and the builder should not be building on those lots.

Seeing no one else come forward, the public portion of the tabled agenda item number 9 was closed.

3. APPROVAL OF COUNCIL MINUTES:

Council Member Sloane motioned to approve the Minutes of May 28th as presented, **Council Member Tokmajian** seconded and the motion carried 5-0.

Council Member Sloane motioned to approve the Minutes of June 10th as presented, **Council Secretary Pilieri** seconded and the motion carried 5-0.

4. MAYOR'S RECOMMENDATION REGARDING THE DIRECTOR OF PUBLIC WORKS POSITION:

The **Mayor** indicated Dennis Hunt has been working for the township these past few months. Jim Ryan, former Director of Public Works, stayed on a few months as a consultant and the Mayor is confident that Mr. Hunt meets the qualifications. **Council President Knowles** asked if Mr. Hunt received the proper certifications as noted in his resume. The **Mayor** indicated that Mr. Hunt has received those certifications. Acronym BOMA stands for: Building Owners and Managers Association. The only certification needed from the township was Mr. Hunt's CDL license. Questions were asked regarding other applicants. Other questions were asked regarding Mr. Hunt's experience. **Council Secretary Pilieri** motioned to approve the Mayor's recommendation of Mr. Dennis Hunt as the Public Works Director, **Council Vice President Kisselback** seconded and the motion carried 5-0.

5. ADVICE AND CONSENT OF MAYORAL APPOINTMENT OF TOWNSHIP ENGINEER:

The **Mayor** announced a new engineering firm after O'Donnell Naccarato made the announcement of stepping away from municipal services. The **Mayor** also mentioned there would be no change in fees. The township transitioned to T and M and in the course of that transition have gained two former O'Donnell Naccarato employees, **Ron Gans** and **Quinton Nearon** who will be staying on with the township under their new employment with T and M Associates. **Keith Lieberman**, Operations Manager for T and M Associates spoke in regards to T and M Associates and their background in relation to municipal services. Also in

attendance was **Russell Benner**, PE Vice President/Operations Manager for T and M Associates. The **Mayor** indicated that council met with T and M Associates in an executive session. **Council Vice President Kisselback** motioned to approve the Mayor's advice and consent of the new township engineering firm, **Council Secretary Pilieri** seconded and the motion carried 5-0.

6. CONSIDERATION OF AN ORDINANCE AMENDING THE TOWNSHIP CODE:

Tabled until a date certain of July 22, 2019.

7. CONSIDERATION OF A FINAL AMENDED LAND DEVELOPMENT PLAN:

Applicant: **Echo Bensalem, LLC**
Location: 2721 Street Road – Giant Shopping Center
Proposed Use: Four Gasoline Dispensing Pumps
Zoning Classification: GC – General Commercial
Tax Parcel: 2-37-60, 60-1, 60-2 and 60-3

Tabled until a date certain of July 22, 2019.

8. CONSIDERATION OF FINAL AMENDED LAND DEVELOPMENT PLAN:

Applicant: **Lennar MPA, LLC**
Location: 2375, 2233 & 2207 State Road
Proposed Use: Mixed Use Development
Zoning Classification: MXD – Mixed Use Development
Tax Parcel: 2-65-22, 2-64-138, 2-64-13

Solicitor Pizzo noted for the record that he was provided the notices to the adjacent property owners and those notices are in order. **Gregg Adelman**, solicitor, appeared on behalf of the applicant in regards to amending the final land development plan for Waterside, Phase II concentrating on the phasing of the residential. Nothing else is changing in regards to unit counts or locations. The applicant is trying to consolidate some of the phases down from 10 to 4. **Sam Carlo**, Vice President of Land with Lennar MPA, LLC, indicated there were 36 homes built by Lennar in Phase I which butts-up to Phase II. Phase I should be completed by the end of this year. **Council Vice President Kisselback** indicated to Mr. Carlo that when Lennar took possession of the construction of Waterside they had promised council and the residents that they would adhere to any commitments that were made by the previous developer. **Council Vice President Kisselback** showed Mr. Carlo, letter after letter from property owners regarding interior work that needed to be attended to and now there are water problems, then proceeded to ask Mr. Carlo what Lennar's commitment was to the residents of Waterside. **Mr. Carlo** indicated that Lennar had a commitment with Mignatti that anyone who closed on their property a year prior to last July, Lennar would take care of any of the warranty issues. **Mr. Carlo** met with homeowners regarding their repairs and those work orders for the repairs are in the process of being handled. **Mr. Carlo** stated Lennar would only be building townhomes with a Home Owners Association in place. **Council Secretary Pilieri** asked about the 451 single-family/townhouse units and 148 multi-family units, **Gregg Adelman** stated the 451 single-family/townhouse units and 148 multi-family units were being built by a different developer. A

conversation ensued regarding how many units and what Phases were being amended. **Solicitor Pizzo** indicated the final master site plan amended, which was before council, sheet 447 has a different chart than what was being displayed on the screen. The chart has multi-family approved 144 amended 148 in which Solicitor Pizzo explained the plan before council will be recorded and the reason why council is concerned with the discrepancy. **Solicitor Pizzo** asked the applicant if the council's approval of the new phasing scheme is something that is being considered tonight as well or is the developer free to develop the phases in any sequence and any number that he chooses; and if part of what is being asked this evening is approving phasing that went from 10 Phases to 4, then the sheet before council is relevant whether it is being recorded or not. **Mr. Adelman** stated it was a typo that will need to be corrected. **Solicitor Pizzo** asked if council will receive a revised sheet 20.02. **Mr. Adelman** indicated sheet 20.02 will be revised as to what is displayed before council this evening as it is a typo and will resubmit so that the record is correct and consistent.

Council President Knowles invited public comment regarding agenda item 8 and the following residents came forward:

Mr. Nearon was asked by council to assess the following properties and the residents' concerns:

1. **Joann and Michael Stewart**, 118 Royal Mews, flooding issues in front of their property and indoor repairs not being properly handled. Would like Phase II tabled until Phase I issues have been resolved.
2. **Christopher Hout**, 125 Federal Street, loves the community happy that he moved to Waterside but would like Phase I issues resolved before Phase II begins. Mr. Hout has been in the community for the past two years and still has not had his warranty issues resolved. Mr. Hout explained there are major customer service problems and would like to see matters better communicated.
3. **Floss Heckler**, 114A Royal Mews, water coming from the west side of Royal Mews is lifting up parts of the cement walkway. Drains need to be put into that area to elevate the flow of water when it rains.

Seeing no one else come forward, the public portion of agenda item number 8 was closed.

Council Vice President Kisselback motioned to table the proposal until a date certain of August 12th, 2019 with the requirement the applicant apply for the extension of the 90 day period for action under the municipality's planning code. The client was in agreement, **Council Secretary Pilieri** seconded and the motion carried 5-0.

9. CONSIDERATION OF A LOT LINE CONSOLIDATION:

Applicant:	Thomas Snyder
Site Information:	2509, 2519 & 2529 Hulmeville Rd.
Proposed Use:	Single Family Dwelling
Zoning Classification:	R-2 (Residential)
Tax Parcel:	2-32-97, 98, 99 and 100

Tabled until a date certain of July 22, 2019.

10. CONSIDERATION AND SIGNING OF DOCUMENTS FOR:

Applicant: Republic First Bank
Location: Southwest Corner of Street Road and Mechanicsville Road
Proposed Use: Bank
Zoning Classification: GC – General Commercial
Tax Parcel: 2-37-29, 2-37-30 and 2-37-31

Solicitor Pizzo indicated supplied to Council in their packets were the Land Development Improvement Agreements along with the Stormwater Best Management Practice Operations and Maintenance Agreements and have been duly executed by the developer. The developer has also posted with the township the necessary funds called for under those Agreements which are either fees to be paid to the township or escrows to be posted to the township. The Agreements are in a form acceptable for council’s consideration and approval. **Council Member Sloane** motioned to approve as presented, **Council Member Tokmajian** seconded and the motion carried 4-1-0.

11. CONSIDERATION OF A TRAFFIC ORDINANCE:

Solicitor Pizzo stated, as it occurs from time to time, the township will receive a request for the township to look into what might be a troublesome intersection or a stretch of highway. In this case, the township had received numerous complaints about cars speeding along Forrest Avenue in the vicinity of West Bensalem Avenue. As a result of that complaint being received by the township, the Mayor directed the police department’s traffic safety officer to conduct a study to determine whether in fact the complaint was warranted, and if so, if there was any corrective action that needed to be taken by the township. In this instance, the traffic safety officer performed a study, came back with a report and recommendation that the township install two stop signs on Forrest Avenue at its intersection with West Bensalem Avenue thereby creating a three-way stop at that intersection. One of the signs will be for northbound traffic, and the other for southbound traffic on Forrest Avenue, West Bensalem Avenue is already controlled by a stop sign. The ordinance has been duly advertised and is a form acceptable for council’s consideration and approval. **Council Secretary Pilieri** motioned to approve, **Council Member Sloane** seconded and the motion carried 5-0.

12. CONSIDERATION OF AN ESCROW RELEASE FOR:

Developers Request: Morelli Land Development – Release #2 - Final
Location: 876 Mill Road
Tax Parcel: 2-23-19 and 2-23-20
Amount: \$ 21,404.14

Mr. Gans recommended approving this release subject to an audit by the Finance Department, **Council Secretary Pilieri** motioned to approve subject to an audit by the Finance Department, **Council Member Tokmajian** seconded, and the motion carried 5-0.

13. **PUBLIC COMMENT:**

Council President Knowles invited public comment and the following residents came forward:

Tom Szczur, 2700 Colmar Avenue, complained how his neighborhood is turning commercial with all the company trucks all over the property.

Derek Fuller, 1899 Hollandale Drive, asked if council saw the resumes for the Public Works Director or just took the Mayors word on who was interviewed and competent for the position because it appears that a Facilities Manger was hired, an Operations Manager that ran a mall that has no PennDOT experience and no drainage experience. Mr. Fuller indicated Mr. Hunt would be great to run the municipal building but for a Director of Public Works dealing with Union personnel, road crews and such. **Council President Knowles** told Mr. Fuller council does not do the hiring but indicated that council did see Mr. Hunts resume and Mr. Hunt seemed very qualified to fill the position of Director of Public Works.

Kenneth Herb, 2716 Garden Lane, complained that his neighborhood is turning into people doing business out of their homes. Residential areas are turning commercial.

Seeing no one else come forward the second of two public portions was closed.

14. **OTHER BUSINESS:**

Council Member Tokmajian asked for the hard cost of the pipe for the Columbus Country Club and when can it be provided. **Council Member Sloane** indicated council was promised they would see all the estimates prior to any contracts being placed for the work. **Council Vice President Kisselback** suggested **Council Member Tokmajian** put his request in a form of an email to administration.

15. **ADJOURNMENT:**

There being no other business to discuss **Council Secretary** made a motion to adjourn, Council Member Sloane seconded and the motion carried 5-0.

Respectfully Submitted,

Debora F. McBreen
Recording Secretary