

**BENSALEM TOWNSHIP COUNCIL
MEETING MINUTES**

**Monday
August 24th, 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:

William McVey, Deputy Director of Public Safety
Joseph Pizzo, Township Solicitor
Russell Benner, Township Engineer
Quinton Nearon, Principal Inspector
Debora McBreen, Council Clerk/Recording Secretary

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 Sloane motioned to approve the Minutes of the Council Meeting dated July 27th, 2020. **Council Member Tokmajian** seconded and the motion carried 5-0.

4. **CONSIDERATION OF A MINOR SUBDIVISION:**

Applicant:	Foley, Inc.
Location:	2975 Galloway Road
Proposed Use:	Modular Office Building
Zoning Classification:	G-I General Industrial
Tax Parcel:	2-33-66-7

Solicitor Pizzo indicated the Township Administration received a request from the attorney for the applicant asking the matter be tabled to a date certain of October 26th, 2020.

Council Secretary Knowles motioned to table the item until a date certain of October 26th, 2020, **Council Vice President Pilieri** seconded and the motion carried 5-0.

5. **CONSIDERATION OF A PRELIMINARY AND FINAL LAND DEVELOPMENT:**

Applicant:	Bensalem MZL, LLC
Location:	1749 & 1837 Street Road
Proposed Use:	Retail/Grocery
Zoning Classification:	GC – General Commercial
Tax Parcel:	2-43-305 & 2-43-305-1

Solicitor Pizzo indicated the Township received notice earlier in the day that representatives from the Korman Company would like to comment at the appropriate juncture of this hearing. **Solicitor Pizzo** admitted into the meeting the attorney and other principals of the Korman Company and asked if the solicitor for the applicant, Bensalem MZL, Mr. Meginniss, had any objection. Mr. Meginniss had no objection to Mr. Landis being admitted as long as he was not permitted to cross-examine witnesses. **Solicitor Pizzo** indicated, in that regard, Mr. Meginniss was correct and this is not a Zoning Hearing so neither Mr. Landis, nor his client would be considered to be parties, or have party status in the same way we would be discussing in the context of a Zoning Hearing. Korman will not be permitted to cross-examine or otherwise create a sort of record of their own. To the extent they are the adjacent property owner that is being discussed for land development approval, the Township feels it would be appropriate to admit them into this Zoom meeting so they can hear everything that is going on. **Council President Kisselback** indicated when Public Comment is called for, the Korman Company representatives may make a comment at that time.

Solicitor Pizzo admitted the following people in for the Korman Company:

Michael H. Landis Alison Korman Arnold Lurie Ron Jackson

Solicitor Pizzo indicated he received an email, along with the Clerk of Council, which had seven items attached and a subsequent email with an additional attachment. All of those were forwarded on to the Council members.

Solicitor Pizzo admitted the following people in for the applicant, Bensalem MZL, LLC:

Mike Meginniss, Esquire Chris Riggle, Project Engineer - Maser Consulting
Bensalem MZL, LLC: Josh Katz Daniel Katz Eric Wolf Daniel Kaufthal

Council President Kisselback asked Solicitor Meginniss if there were any variances issued for the applicant. Solicitor Meginniss indicated they did not apply for any variances. **Council President Kisselback** asked if everything was complied to when before the Zoning Hearing Board. Solicitor Meginniss indicated everything for Zoning was a will comply.

Council President Kisselback referred to the T an M memo dated July 10th, 2020, Section D, Chapter 201 – Subdivision and Land Development Ordinance (SLDO). **Council President Kisselback** asked Solicitor Meginniss out of the thirty items listed, which ones were going to be asked for as waivers. Solicitor Meginniss indicated there were ten waivers being requested.

Those waivers were addressed in order from the T and M Memo dated July 10th, 2020 by **Council President Kisselback**:

Number 5: In accordance with SLDO Section 201-41 (d)(9), the preliminary plan shall provide all existing sewer lines, water line, fire hydrants, utility transmission lines, culverts, bridges, railroads, or other manmade features within the proposed subdivision and/or land development and within 400 feet of the boundaries of the proposed subdivision and/or land development or a less distance within which the Township Engineer determines that all necessary information can be provided; location, width and purpose of existing easements and utility rights-of-way within 50 feet of the proposed subdivision and/or land development.

Response: Solicitor Meginniss indicated they are requesting a partial waiver and have provided a site aerial map to the Township that was added as a sheet and land development for existing features that are not within the boundary of the initial survey.

Number 13: In accordance with SLDO Section 201-62(a), upon approval of the preliminary plan by the Bensalem Township Council, an applicant may submit a signal subdivision and/or land development plan along with all required supplementary data to the Township Director of the Planning Department...

The application does not indicate whether this is a preliminary/final plan submission. If this submission is intended to be preliminary/final, the applicant should request a waiver to submit preliminary and final land development plans simultaneously.

Solicitor Pizzo indicated Council is inclined to grant that particular waiver and that waiver is traditionally granted with the applicant paying all fees associated with final land development as a condition of the same.

Response: Solicitor Meginniss replied he understood, acknowledged and agreed.

Number 17: In accordance with SLDO Section 201-106(c)(1) and (2), within any land development or subdivision, street trees shall be planted by developer along all streets where suitable street trees do not exist. And Street trees shall be planted at intervals of no more than 20 feet or at a greater interval...dependent upon species selected...but in no case will any trees be planted in existing or proposed street right-of-way.

Revise the plan to provide the required street trees along Street Road. This is also referenced in the Bucks County Planning Commission letter.

Response: Solicitor Meginniss indicated they are requesting a waiver and will provide a fee in lieu of instead of the required street trees.

Council President Kisselback asked if the applicant would be willing to work with the Township Engineer if there were any places appropriate to plant the trees and any balance not recommended by the Township Engineer, the applicant would pay a fee in lieu of.

Response: Solicitor Meginniss indicated that would be acceptable.

Number 18: In accordance with SLDO Section 201-106(c)(8)a, where buffer yards are required, an evergreen planting screen shall be used to provide an adequate visual barrier.

The landscape plan should reference this as an existing condition.

Response: Solicitor Meginniss indicated they are requesting a waiver and are willing to post a fee in lieu of for this particular subsection.

Number 19: In accordance with SLDO Section 201-106(c)(10)b, the following standards are to be used as a guide to the number, not the spacing or location, of trees required in all subdivision and land developments: 10 trees per acre of gross site area plus one tree for every five parking spaces...

Provide calculations for the required number of trees based on the net new parking spaces. We recommend landscaping to aesthetically enhance the large parking area.

Response: Mr. Meginniss indicated they are planting trees in the interior of the shopping center, however, they do not have a mechanism to plant the number of trees as required by this section and therefore, for the balance they are not planting there will be posting of a request in lieu of.

Number 21: In accordance with SLDO Section 201-111(a), sidewalks shall be provided along streets by the developer. All sidewalks shall meet all applicable standards for access by handicapped person.

Revise the plan to provide sidewalk along Street Road. This is also referenced in the Bucks County Planning Commission (BCPC) letter.

Response: They are not providing or illustrating any sidewalks along Street Road, therefore, the applicant is requesting a waiver. They are willing to post a fee in lieu of the installation of sidewalks.

Number 22: In accordance with SLDO Section 201-112(d), a planting strip with an average width of 10 feet and minimum width of 7 feet shall be provided between the edge of the parking area and the outside wall of the nearest building. Parking area includes parking spaces, aisles and driveways. Sidewalks maybe included within planting strip area.

Revise the record plan to dimension the clearance between the new parking and the existing building. Revise the plan to provide a planting strip between the new parking and existing building along the SE side of the building.

Response: Solicitor Meginniss indicated they are requesting a waiver for this section because in consultation with one of the two proposed tenants, the grocer tenant would be utilizing this area specifically for curbside loading of customer orders and therefore based upon that tenant they would be unable to comply with this section.

Council President Kisselback asked if there was a planting strip beyond where they would be doing the work, is there not additional space?

Response: Chris Riggle, Project Engineer of Maser Consulting indicated the area that is being referred to is actually south of the loading dock. The applicant will use this for curbside takeout and deliveries on the striped area alongside the building. There is no planting strip beyond this area.

Number 24: In accordance with SLDO Section 201-112(i), all non-residential parking areas and access driveway shall be paved and curbed.

It does not appear that curb is proposed in the parking areas to be improved. Revise the plan to provide curb. This is also referenced in the BCPC letter. Even if the waiver is requested and granted, the plan shall still be revised to provide curbed islands along the driveway which starts at Brookwood Drive at the SE property line, continues behind the Krispy Kreme and behind the Philly Pretzel Factory. The intent of the curbed islands is to provide a more defined aisle which is currently an issue.

Response: Solicitor Meginniss indicated tis is a partial waiver and they do agree with the Township Engineer, Mr. Benner's comments. This was discussed at the Planning Commission and in light of those comments and the comment in this letter and upon their analysis the applicant will be providing curbed islands along the drive aisle behind the Krispy Kreme and the Philadelphia Pretzel Factory on the site plan. They are not providing curbed islands in the entire interior but do believe the plan reflects a defined drive isle now satisfactory and sufficient to address the comments Mr. Benner raised. It is not a complete waiver, it is compliant with the second portion of that paragraph.

Number 26: In accordance with SLDO Section 201-112(o), all public parking areas shall be illuminated to a minimum of one foot-candle during after-dark operating hours. All light standards shall be located on the raised parking islands and not on the parking surface.

The proposed lights are not located on raised parking islands. Revise the plan to comply. This is also referenced in the BCPC letter. The Township offered the following comments regarding the proposed lighting:

1. The lighting of the parking along the rear property is less than 1.0 foot-candle. Township concern is safety.
2. The lighting of the parking in the corner west of Philly Pretzel Factory is 0.0 foot-candles. This shall be addressed.
3. Provide a note indicating intended hours of operation of exterior lighting and method of control (i.e. photocell, time-clock, etc.).

Response: Solicitor Meginniss indicated when they had appeared before the Planning Commission they had not addressed these items. The revised plans, following a conversation at the Planning Commission, were made so that the rear of the property is now compliant. There was a question about illumination and the impact on the abutting residential development but have addressed it adequately and added the lighting. The second comment raised by the Township Engineer, Mr. Benner, is now addressed as well with the Philly Pretzel Factory and have added the note: the only reason why this is a partial waiver is to preclude the applicant to having to install curbed islands around the light standards within the parking area.

Township Engineer: Mr. Benner asked if it were possible to put some type of bollards around the base of the lights. Where would the stems be located as it relates to the parking spaces itself? Is it the intersection of head-on parking? Where are these locations you are proposing them not to being in the islands?

Response: Mr. Riggle indicated they are basically using the existing light poles that are on the site right now. They did add additional poles in locations where there was not sufficient lighting to raise all the levels up to meet the Township Ordinance and to meet the tenant's requirements as well. Mr. Meginniss indicated these are existing light standards that are in place already. Mr. Meginniss indicated he would be willing to work with the Township Engineer, Mr. Benner, and work with him to make sure it is a safe condition in the parking lot. Mr. Meginniss indicated, with regards to the third comment, the note has been reflected on the resubmitted plans.

Number 27: In accordance with SLDO Section 2101-112(p), all off-street commercial parking facilities which parallel any public right-of-way shall be screened from view by means of earthen berms, masonry or brick walls, or a combination of both, and landscaping. Berms shall be a minimum of four feet in height for passenger car parking and eight feet in height for truck and tractor trailer parking and loading docks, except to provide access driveways to the site and the necessary sight triangles. Landscaping shall be in addition to the requirement of section 232-592 of the Bensalem Township Zoning Ordinance. Height of berm shall be measured vertically from the surface of the parking lot to the top of berm.

The Township recommends the applicant provide landscaping to comply with this requirement.

Response: Mr. Meginniss indicated this was a point of discussion at the Planning Commission meeting because their position was there isn't adequate space to install a berm where it would be required. It was asked if these features complied with this section because there is a wooden

fence and a landscape screen presently. The applicant may currently be compliant in which case Solicitor Meginniss indicated it would be a will comply. If not, their position is still the same and there is not enough adequate space to install a berm.

Council President Kisselback asked if any of the councilmen had questions for this applicant.

Council Secretary Knowles asked **Engineer Benner** if it would be safer to install the sidewalks along the Street Road entrance. Solicitor Meginniss indicated they are trying to avoid work in the right-of-way. Mr. Riggle indicated there was about 250 to 300 feet of area that the parking abuts directly along the right-of-way so any sidewalk that would be placed would not be on the property in question but on PennDOT's right-of-way. Engineer Benner indicated in the Traffic Engineers letter, the applicant is going to have to go to PennDOT for some HOP work possibly anyway. Council Secretary Knowles asked the applicant if council did give a waiver for this item, it would be contingent upon being turned down by PennDOT not to build the sidewalk; and if that would be the case the applicant would pay a fee in lieu of. Solicitor Meginniss indicated the concern is not that PennDOT will not permit the applicant to install the sidewalks. Their concern is the lead-time of the installation of the sidewalk and receiving a HOP permit potentially jeopardizes the tenants coming into the location. The applicant has been trying to minimize work in the right-of-way to not have to secure a highway occupancy permit to hopefully move the project along in an expeditious manner. Council Vice President Pilieri asked about the length of the sidewalk and where it would be located should it be installed. Engineer Benner indicated there would be a gap of sidewalks along that area. Council Member Sloane indicated there was no sidewalk along that area except for in front of the WaWa.

Council Member Tokmajian asked what type of fence was behind the property. Mr. Riggle indicated it was a wooden stockade fence. Can this fence be improved to create more privacy for the residents who live back in that area? Mr. Riggle indicated this is something they could work on with Engineer Benner. Council President Kisselback indicated the placement of shrubbery back in that area to act as a sound barrier since there is no berms would be a nice touch. Council Member Tokmajian asked if there will be access from the apartments to the center. Mr. Riggle indicated there is access, but no dedicated path. Is the addition on the plan the loading dock? Mr. Riggle indicated the addition to the plan was the loading dock. Is there sufficient space for a truck back in the loading dock area for the retail? Mr. Riggle indicated they have a designated loading zone in the back where the trucks would come in off of Street Road. Was there a traffic study completed? Council President Kisselback indicated there was a report from our Traffic Engineer.

Council Member Sloane asked if a variance was being requested for the parking. Mr. Meginniss replied, no. The parking calculations show a shortage, is that correct? The parking is a pre-existing non-conforming condition of which the applicant is adding a significant number of spaces.

Mr. Riggle indicated the applicant requested a waiver from the traffic study based on the reuse of this site the Traffic Planning and Design memo of July 6th indicated the support of such a waiver, unless required by PennDOT. Council President Kisselback asked, in lieu of such a study, would the applicant prepare a traffic statement indicating the trip generation for the PM peak hour and Saturday peak hour. Solicitor Meginniss agreed to the study. Council Member

Sloane asked if this study would be subject to an impact fee. Solicitor Pizzo indicated it would be appropriate if there is an increase in the number of trips.

At this time Council President Kisselback asked for Public Comment, and the following speakers came forward:

Michael Landis attorney for the adjoining property owner, Hyman Korman Co., and presented copies of deeds for record purpose just to show they are the adjoining property owner. Solicitor Pizzo indicated, for point of clarification, their participation in the hearing is not as a party but as a member of the public commenting during Public Comment. Solicitor Landis presented an aerial view to give council a better understanding of the property lines. Solicitor Landis indicated the former K-Mart building is serviced by water and gas lines which run from the Korman property along the rear of the building. In the past, on several occasions, when there has been an issue with the waterline, in order for the maintenance and repair to be done to the waterline, it requires that water to the K-Mart building be shut off. There is a history of service interruptions to the K-Mart building because of the way the utilities are laid out. Solicitor Pizzo asked Solicitor Landis to confirm that the service interruptions would not only have been to the K-Mart, but to the entirety of the shopping center. Solicitor Landis replied, that is correct.

Second issue is truck circulation. Solicitor Landis indicated safety concerns regarding the applicant's plan showing how the delivery trucks would be maneuvering through the parking lot. Solicitor Landis suggested striping changes because Korman should not have increased maintenance costs because of truck damage.

Third issue is Stormwater Management concerns. Solicitor Landis recommended the applicant be required to connect all roof leader runoff and roof drains directly to the underground storm system before crossing the Korman lands. A recommendation was made to share maintenance costs on the existing stormwater management concerns. Solicitor Landis recommended either delaying approval or attaching conditions of the land development until all important issues were resolved.

Council President Kisselback asked Solicitor Meginniss if he would like to respond to the issues that were brought up by Solicitor Landis. Solicitor Meginniss indicated This is the applicant's opportunity to fill a long-standing vacancy that everyone in the community is aware about. A discussion ensued regarding the issues which were addressed by Solicitor Meginniss and Mr. Riggle with adequate answers to those issues.

Council Secretary Knowles asked about the shutting down of the water for the restaurants and Council Member Sloane inquired about the gym and the water being shut down to sanitize equipment during a pandemic. Council Vice President Pilieri commented it sounded like a threat that the water can be shut off at any given time. There is an empty store which they all should be working together to fill that will benefit the people in Bensalem Township. Solicitor Landis stated it was not a threat regarding the water.

Solicitor Pizzo stated, as it was properly brought out in the conversation, both Aqua, the water provider for the property, and PECO, the gas provider for the property, have provided the Township with will service letters saying there is adequate capacity and the lines are capable of providing the service. The plans have been reviewed by the Township Fire Marshall and by the

Township Engineer. No one has suggested, at this point, there is a safety issue in regards to those lines in general or those lines servicing the potential grocery store or potential furniture store in addition to all the other properties and businesses located on the two adjacent properties. None of the review agencies have identified any safety issues in the way water and gas are proposed to provide service to this building.

There being no other comments, the Public portion was closed.

Council Member Tokmajian asked Solicitor Landis if Korman was against developing this property. The property is an eyesore. It seems that every time a plan comes before Council, Korman wants to find a way to fight it. Solicitor Landis indicated that was not the case, but to fix the utility problem, the truck problem and the stormwater problem.

Council Secretary Knowles motioned to approve as presented. Regarding Engineer Benner's letter, the 20 are a will comply, number 5 is a partial waiver, number 13 will be a waiver, number 17 will be a waiver, number 18 will be a waiver, number 19 will be a waiver in lieu of as determined by the Township Engineer regarding the trees, 21 will be a waiver in reference to the sidewalks paid in lieu of as determined by the Township Engineer, number 22 will be a waiver, number 24 will be a partial waiver as consulted with the Township Engineer and number 26 is a partial waiver per Engineer Benner's consultation with the applicant, number 27 will be a waiver. Solicitor Pizzo indicated where the discussion was concerning fees in lieu of landscaping the Township Engineer will have the final say in what landscaping may be required and to what location as those various numbered items and to the extent the applicant is unable to meet the entirety of the requirements per the Township Ordinance they would pay a fee in lieu of whatever portions the applicant is not providing. Council Secretary Knowles added if there is an impact fee to be determined it will be paid to the Township. Council President Kisselback added Council Member Tokmajian's condition regarding the fence and shrubbery for sound as determined by the Township Engineer. Council Member Tokmajian added the applicant had agreed to good faith effort working with Korman in regards to a shared maintenance agreement related to the stormwater. Solicitor Pizzo indicated the applicant will work in good faith with Hyman Korman Company to arrive at a comprehensive stormwater management and operation agreement for the entirety of the site. However, for the portion of the site that is subject to this evenings preliminary and final land development approval a stormwater maintenance and operation agreement with the Township pursuant to the NPDS requirements from the DEP the applicant would be required to entire in such an agreement anyway as to the Township and MZL for that portion of the site. **Council Member Sloane** seconded, and the vote carried 5-0.

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

Applicant:	TruMark Financial Credit Union
Location:	3420 Tillman Drive
Proposed Use:	Financial Institution
Zoning Classification:	PCD Planned Commercial District
Tax Parcel:	2-35-1-1

Solicitor Pizzo indicated, before Council this evening, are the Land Development Improvements Agreement and the Stormwater Best Management Practices Operations and

Maintenance Agreement for the TruMark Financial Credit Union property in the Glenview Corporate Center. The applications have been signed by the applicant together with the escrows and fees associated with the project. The agreements are in a form acceptable for Council's consideration and approval.

Council Member Tokmajian motioned to approve as presented, **Council Vice President Pilieri** seconded and the motion carried 5-0.

7. **CONSIDERATION OF A RESOLUTION FOR 537 PA SEWAGE FACILITIES ACT REGARDING PENNDOT SALT STORAGE BUILDING LOCATED ON NESHAMINY BOULEVARD:**

Engineer Benner indicated this was a Planning Module for an existing facility which is a PennDOT vehicle wash building and currently has electric, water and gas. Typically, being a PennDOT facility it doesn't go through a land development process, however, since they are having a wash facility which will connect into the sanitary sewer system it will need a planning module approval.

Council Member Sloane asked Engineer Benner why this was more than a year after the building has been constructed. Engineer Benner indicated there was a misunderstanding between PennDOT and their consultant. Council Member Sloane indicated on the DEP 4A form, number 16, asked are there or are there not inconsistencies that have to be addressed. Engineer Benner indicated there are not inconsistencies that have to be addressed. Solicitor Pizzo indicated what Council was certifying that the building is consistent with the Townships sewage facilities plan and to the extent it is going to be serviced by public sewer in an area where the Township anticipates, and is already designated there would be public sewer, it complies.

Council Secretary Knowles motioned to approve as presented, **Council Vice President Pilieri** seconded and the motion carried 5-0.

8. **CONSIDERATION OF ESCROW RELEASE FOR:**

Developers Request:	Samarpan Hindu Temple – Release #3
Location:	2746 Mechanicsville Road
Tax Parcel:	2-36-8
Amount:	\$ 48,523.80

Engineer Benner indicated they have reviewed the request by the applicant and Quinton Nearon, Township Principal Inspector, did a site inspection to make sure the items requested were put in to a satisfactory degree and they were and are requesting the release of \$48,523.80.

Council Member Tokmajian motioned to accept and approve the escrow release as presented, **Council Secretary Knowles** seconded and the motion carried 5-0.

9. **CONSIDERATION OF A REDUCTION OF PERMIT FEES FOR BENSLEM TOWNSHIP SCHOOL DISTRICT, CORNWELLS ELEMENTARY SCHOOL, LOCATED AT 2215 HULMEVILLE ROAD:**

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

10. **CONSIDERATION OF A RESOLUTION CHANGING THE NAME OF WARREN AVENUE TO CHARLES ELLZY WAY:**

Council President Kisselback read the complete Resolution and presented it to Council for their approval.

Council Vice President Pilieri commented that Mr. Ellzy was one of the finest human beings he has ever met. Mr. Ellzy worked hard for his community and the Township and was a fantastic man who he had many a wonderful conversation with and **motioned to approve** as presented.

Council Secretary Knowles commented Mr. Ellzy was a tremendous leader in his community, a very spiritual man and he provided Bensalem with some of the finest student athletes and **seconded Council Vice President Pilieri's motion.**

Council Member Sloane added that Mr. Ellzy's legacy continued even later as Council Member Sloane's brother played football at Bensalem High School with another member of the Ellzy family and was a good friend of his and was happy to see the Resolution go through.

Council President Kisselback introduced Bishop Kenneth White from the Linconia Christian Tabernacle Center where Mr. Charles Ellzy was a Deacon. Bishop White thanked Council for the dedication of the street name change and how this will make his families heart glad along with the members of his church.

Council President Kisselback added Knew Mr. Ellzy as a leader of his community and being the president of Lin-Park Association and served on a number of boards in Bensalem Township as well as a spiritual man and Deacon of his church.

Solicitor Pizzo indicated Mayor DiGirolamo could not be here this evening but certainly during the many years as being Mayor of the community he had the opportunity to work hand in hand with Mr. Ellzy for the betterment of his community and the entirety of Bensalem.

The motion carried 5-0.

11. **CONSIDERATION OF A RESOLUTION AUTHORIZING THE CONDEMNATION OF TAX MAP PARCELS 2-16-262, 2-16-243 AND 2-16-264 FOR PURPOSES OF CREATION AND MAINTENANCE OF RECREATION FACILITIES AND OPEN SPACE WITHIN THE TOWNSHIP:**

Solicitor Pizzo indicated Council met in an Executive Session on August 19th, 2020 for approximately 90 minutes. Present for the Executive Session were the 5 members of Council, the Mayor, Solicitor Pizzo and for a portion of the Executive Session, Mr. Tom Topley, the Director of the Bensalem Rescue Squad. The two issues that were discussed at the Executive Session are both items that are on the agenda this evening one being the Resolution for the condemnation and the other agenda item number 12 the Resolution for the Referendum Question regarding the 2020 General Election ballot. No official action was taken in regards to either of those actions during the Executive Session but by their presence on the agenda, official action is anticipated this evening in regard to both.

The property known as the Trifecta Club; and for a number of years prior to that was the United German Hungarian Club located on Bristol Road, came to the Townships attention that the property had been put up for sale, and in fact, an agreement of sale had been entered into and agreed between the owners of Trifecta and a local builder for the purposes of the nearly 18 acres of land being converted into single family housing. When the Administration became aware, council was notified and subsequently the Township has been working over the past several months to determine whether it was feasible for the Township to move in and stop the development of that property through the use of the Townships powers of eminent domain. Specifically, for the purpose of preserving the property, both as recreation facilities and open space to serve the Township, obviously in its entirety, particularly to make sure there was some open space and recreational facility remaining in the Trevoise area of the Township. The Township undertook an appraisal of the property and has pursued and reviewed the various aspects of the condemnation and what would be involved. Council was briefed on the status at the Executive Session and based on all the conversations taken up to this point the Administration is prepared and presenting to Council this Resolution, if adopted, would result in the condemnation of the entire almost 18 acres of land that makes up the Trifecta Sporting Club, again, for the purposes of open space preservation and to provide recreational facilities to the citizens of Bensalem Township. The Resolution is in a form for council's consideration and approval.

Council Member Sloane commented on Council having met 3 or 4 times on this issue and all of Council agreed to move forward with this idea. The residents of Trevoise have very little when it comes to the use of public lands and Township facilities and parks. Council thought this would be a great idea and for number one, to provide them with this land and number two, to prevent more development in that area which would only add to the traffic congestion along Bristol Road.

Council Secretary Knowles indicated he agreed with Council Member Sloane's comments and also the local builder presented a plan that Council was not happy with and there was a situation where Council realized at some point they would build residential homes and continued to reiterate Council Member Sloane's comments. This is certainly worth it for the overall community to approve the Resolution for condemnation.

Council Member Tokmajian agreed with Council Secretary Knowles and Council Member Sloane's comments and **motioned to approve** the Resolution as presented.

Council Vice President Pilieri seconded and...

Council President Kisselback agreed with the sentiments and indicated it was a worthwhile endeavor for Bensalem Township. We always need to have more fields for our children and is certainly something where everyone will be pleased.

The motion carried 5-0.

Solicitor Pizzo added the comment that the Township did move somewhat quickly on this inasmuch as being aware of the plans for development before the engineer got too far down the road in its efforts to develop the property. The Township came to Council and the Mayor is obviously a proponent of this action as well and if the Mayor was here this evening, he would caution everyone that what happens next is going to be part of a process. There will suddenly not be a radical change, this property was not part of the Townships long term Parks and Recreations facility plan coming into 2020. What happens next will obviously be a discussion which will involve Council and the Mayor as the Township moves forward.

12. **CONSIDERATION OF A RESOLUTION AUTHORIZING THE PLACEMENT OF A REFERENDUM QUESTION ON THE NOVEMBER 2020 GENERAL ELECTION BALLOT:**

Tom Topley, Director of the Bensalem Rescue Squad indicated the call volume in Bensalem represents about 15% of the County's entire call volume for 911 ambulance service. Mr. Topley talked about the history of the squad and the many lives that have been saved over the years. Mr. Topley indicated they have been taking the box off of the ambulance when it has about 100,000 miles on it and putting a new vehicle under it which has saved the taxpayers of Bensalem over a half a million dollars in the last ten years. The oldest ambulance body is 2003 with almost 350,000 miles on it which they are going to need to be replaced. They will not be able to re-chassis those vehicles according to the Ford company due to the difference in the axle. The squad will need to buy new ambulances and they will need to add new ambulances to the fleet which now consist of six and would like to increase to seven. The call volume has taken a significant toll on the fleet. The heart monitors are 15 years old. As they improve technology and safety it comes at a cost. Due to the COVID pandemic the squad needs to look at specific equipment for the safety of the paramedics. They are asking for an increase in tax funding to help with the capital purchases. There is such a shortage of paramedics and EMT's in the nation that the squad is having a very hard time in hiring staff. The squad has not had a base salary raise since 2010. Although the paramedics have gotten cost of living increases, the other squads around Bensalem have increased their salary in the last ten years. The Bensalem Squad is losing paramedics to other surrounding services who have had salary increases. Mr. Topley indicated there is a possibility of putting a sub-station in the Andalusia area due to the development in that area. This request represents \$21.00 a year for the average household.

Council Vice President Pilieri commented the service that the squad gives to the Township is phenomenal. Without our fire and ambulance and police department it would be a tragedy for our Township and was in full support for the referendum

Council Secretary Knowles indicated the squad did an outstanding job and during the Executive Session you presented in detail the salary differentials and was in full support of the referendum.

Council Member Sloane reiterated the Council's comments and asked about the mention of a sub-station in Andalusia. Would that be a capital expense for the EMS or something the Township would fund and approximately how much that would cost? Mr. Topley indicated it was too preliminary to even guess.

Council Member Tokmajian echoed the same sentiments as the other Council Members. Is the Bensalem Squad servicing other areas? Mr. Topley explained how a 911 call is dispatched and the closest squad to that area will get the call. Bensalem does service other areas if they are busy and likewise with other areas servicing Bensalem if Bensalem is busy. Out of the 7,900 calls received, 450 were out of service calls. Council Member Tokmajian was in full support of the referendum.

Council President Kisselback agreed with all of the councilmen and Mr. Topley's presentation and was in full support of the referendum.

Council Secretary Knowles motioned to approve as presented, **Council Member Tokmajian** seconded and the motion carried 5-0.

13. **PUBLIC COMMENT EMAILS:**

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

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:

Alane Gephart, President, Chancellors Glen HOA, in regards to the Foley application that was tabled. The email is being forwarded to Administration to answer her question regarding the distance between the proposed building to their property line and some other questions regarding buffering.

Michael Cimino, Sr., of Trevoise in regards to the condemnation Trifecta Sporting Club, sounds like a good plan and thanked Council.

Samantha Ellzy, Charles Ellzy's daughter, was attempting to log in to the meeting to watch Council's consideration of the Resolution. Solicitor Pizzo informed Samantha Ellzy that the meeting would be re-broadcasted on the Township website.

Joseph Connelly, 568 Bristol Pike, same message received twice regarding residents living on the second floor of the smoke shop on the property adjacent to his property. They were observed there on Sunday morning, August 9th, at 6:30 in the morning when the Fire department arrived there for a fire alarm. Mr. Connelly indicated he had video footage from security cameras of 5 people exiting the second floor of the building in their pajamas.

Solicitor Pizzo indicated the Township Code Officer was out to the property again, last Monday, August 17th, in response to the information that was received from the Township Emergency Services department regarding the fire call and the circumstances as described by Mr. Connelly and the property was posted for no habitation. The Township was advised as of Friday, August 21st, that the property had been vacated as confirmed by the Township Inspector. The Township had Mr. Popli in court this morning, August 24th, and Mr. Pizzo indicated he was not aware of the outcome.

Mr. Quinton Nearon, Township Principal Inspector, indicated he was out to the property on Thursday of last week, August 20th. Mr. Popli had hired another contractor to come out and redo the recharge basin that was required as their agreement with the previous engineer, Mr. Gans. The job was completed on Friday morning, August 21st. Mr. Nearon indicated he did know there was a 30-day continuance regarding this morning's hearing, August 24th, but did not know the specifics because he was not in attendance.

Solicitor Pizzo indicated the Township continues to proceed with both properties and continue to remain in court. The engineer for Mr. Popli is formulating a plan that he will bring to the Township regarding the pile of dirt and the stormwater issues associated with the property. The Township is continuing in its efforts to have the problems associated with the pile of dirt to have it removed.

Council Member Sloane asked Mr. Nearon if the recharge basin was on Mr. Connelly's property or Mr. Popli's property. Mr. Nearon indicated it was on Mr. Popli's property in the rear parking area which slopes down into Mr. Connelly's property. Council Member Sloane asked if there was a legal issue with the property line. Mr. Nearon indicated from the previous plans he has seen between the both properties, it is clearly on Mr. Popli's property.

Council Vice President Pilieri asked Mr. Nearon if Mr. Popli ever enclosed his trash receptacles. Mr. Nearon indicated the only thing remaining on the trash enclosure is the landscaping in the rear where debris was pushed on top of the hill and damaged the existing enclosed fence that was installed previously without the slots and believes now, all of the slots have been installed except for the landscaping in the back. Mr. Popli has 30 days, from Judge Gallagher, to get everything 100%.

Rebecca Colagreco, Franklin Commons, has concerns regarding parking at her complex where people are taking up two spots, parking close to the entrance and having issues with her patio at her unit. Spoke to police about noise concerns in general. There are a number of questions and issues regarding the management of the complex. Ms. Colagreco concerns were forwarded on to Ken Farrall., Director of Building and Planning, the Mayor, William Cmorey, Director of Administration, Director of Public Safety, Fred Harran and Deputy Director, William McVey.

Bob Norkus, Solicitor Pizzo indicated, unfortunately, he was having a problem opening up the attachment so this will have to wait until a future Council meeting.

14. **OTHER BUSINESS:**

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

www.bensalempa.gov

or

www.youtube.com

Council Vice President Pilieri indicated we are going through trying times and as a country we are trying to do our best and as a community we are working hard to get through these times. Hopefully the country will get back to a time where businesses can open and kids can back to school and get to some sort of normalcy. In the meantime, we just keep trudging forward and to make sure we are here for the Bensalem resident.

Council Secretary Knowles commented we are doing our best to move forward. There are Executive Sessions to discuss things in more detail and appreciated everyone's efforts and the community's effort in keeping other people safe and doing what you can to keep yourself safe.

Council Member Tokmajian agreed that it has been a challenging year for everyone. Hopefully we can see an end to this in the sometime near future. Council Member Tokmajian asked if it would be possible to open up the link so people can view the meeting as it is happening. Solicitor Pizzo indicated maintaining the control and security has always been a paramount concern but he would discuss this request with the Township IT person and the Director of the TV Studio. Council Member Tokmajian thanked Quinton Nearon for addressing the items he had sent to him and they discussed the curbs in Eddington and when that report would be ready. Also, the concrete that was laid at Fischer's was discussed.

Council Member Sloane wished everyone a happy and safe Labor Day, hopefully we canal together soon.

Solicitor Pizzo noted for the public only, after a Facebook imposed hiatus, the Township has relaunched its Facebook page.

Engineer Benner indicated the Park Avenue Drainage Project was one to two weeks away from being completed.

William McVey, Deputy Director of Public Safety, thanked Council for having him this evening and wished everyone a good night.

Council President Kisselback agreed with all of the comments from Council and wished everyone a good night.

15. **ADJOURNMENT:**

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

The Bensalem Township Council Meeting of August 24th, 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