

**BENSALEM TOWNSHIP COUNCIL
COUNCIL MEETING MINUTES**

**Monday
January 9th, 2023**

MEMBERS PRESENT:

Ed Kisselback, Council President
Joseph Pilieri, Council Vice President
Joseph Knowles, Council Secretary
Michelle Benitez, Council Member
Stacey Champion, Council Member

SUPPORTING PERSONNEL:

Mayor Joseph DiGirolamo
Debora McBreen, Council Clerk/Recording Secretary
Quinton Nearon, Senior Municipal Inspection Manager
Joseph Pizzo, Township Solicitor
Phil Wursta, Township Engineer

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. OPENING OF THE MEETING:

Council President Kisselback opened the meeting with a moment of silence, followed by the Pledge of Allegiance.

“NIGHT OF CHAMPIONS” PRESENTATION:

Certificates from the Mayor and Council were distributed to the players and coaches of the St. Ephrem’s Region 19 Girls Volleyball, congratulating them on their accomplishment of being undefeated for the season. The “Undefeated Champions” are as follows:

Sarah Beck	Valentina Loduca	Isabella Bonner	Emily Geyer
Breanna Dolt	Natalie Harris	Grace McCarthy	Carlie Weiss
Head coach- Linda Weiss		Assistant coach- Luz Bonner	

2. **PUBLIC COMMENT:**

Council President Kisselback indicated the Public Comment will be heard at the time the agenda item is heard. Seeing no one come forward the first of two Public Comments was closed.

3. **APPROVAL OF COUNCIL MINUTES:**

Councilwoman Benitez motioned to approve the November 28th Minutes as presented. **Council Secretary Knowles** seconded, and the motion carried 5-0.

Council Vice President Pilieri motioned to approve the December 5th Minutes as presented. **Councilwoman Benitez** seconded and the motion carried 5-0.

4. **CONSIDERATION OF AMENDING THE 2021 AND 2022 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM:**

The Mayor indicated the Township is proposing a revision to the 2021 and 2022 Annual Action Plan for Community Development. This action will eliminate the Senior Center Improvements for 2021 and transfer those funds to a new ADA Curb Cut Program, and reduce the 2022 ADA Curb Cut Program by \$50,000; and transfer those funds to the 2022 Township Parks ADA Accessible Improvements.

Council Secretary Knowles motioned to approve the revisions. **Councilwoman Champion** seconded and the motion carried 5-0.

5. **CONSIDERATION OF A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A MUNICIPAL GRANT PROGRAM CONTRACT AWARDED BY THE REDEVELOPMENT AUTHORITY OF THE COUNTY OF BUCKS IN THE AMOUNT OF \$115,600 REGARDING THE BUCKS COUNTY POLICE CHIEFS ASSOCIATION RECORDS MANAGEMENT SYSTEM:**

6. **CONSIDERATION OF A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A MUNICIPAL GRANT PROGRAM CONTRACT AWARDED BY THE REDEVELOPMENT AUTHORITY OF THE COUNTY OF BUCKS IN THE AMOUNT OF \$165,000 REGARDING TOWNS AGAINST GRAFFITI:**

Solicitor Pizzo indicated this applies to both Agenda Items #5 and #6. Last year Council approved the submission, by the Administration, of several Municipal Grant applications for the County Redevelopment Authority seeking funding from the Municipal Grant Program that is funded by money funded from Parx Casino. In terms of the applications approved for submission by the Township, the County Redevelopment Authority approved two of the applications.

Agenda Item #5 was approved in the amount of \$115,600 for the Police Chiefs Association Records Management System.

Agenda Item #6 was approved for \$165,000 for the funding of Towns Against Graffiti. The money for the Towns Against Graffiti goes not only to Bensalem but to all of the municipalities that make up that Consortium. Bensalem is acting as the lead agency.

In order to receive the monies, the process through the RDA is to adopt Resolutions agreeing to accept those funds, and to administer them consistent with the terms of the Municipal Grant Program.

Council Secretary Knowles motioned to approve Agenda Item #5 for the Police Chiefs Association Records Management System and Agenda Item #6 for the Towns Against Graffiti as presented. **Councilwoman Champion** seconded and the motion carried 5-0.

7. **CONSIDERATION OF A PRELIMINARY AND FINAL LAND DEVELOPMENT FOR:**

Applicant:	Gibson Holdings, LLC
Location:	1515 Gibson Road
Proposed Use:	6 Residential Lots
Zoning Classification:	R-2 Residential District
Tax Parcel:	02-054-005

8. **CONSIDERATION OF A RESOLUTION FOR ACT 537, PA SEWAGE FACILITIES ACT, PLAN REVISION FOR NEW LAND DEVELOPMENT OF A PARCEL OF LAND IDENTIFIED AS 1515 GIBSON ROAD SUBDIVISION:**

Solicitor Pizzo indicated earlier today the Township received correspondence from the attorney representing the applicant, advising that it is their intention to revise the plan consistent with the comments they heard from Council. At the earlier hearing the comments from Council were to eliminate the flag-lot, which is the second lot fronting on Gibson Road, and to widen the cul-de-sac consistent with Council's desire so that it would accommodate automobile parking on both sides.

In order for the applicant to fully engineer and submit those revisions and to provide for review by the Township, they have asked that this evenings hearing be tabled to a date certain of February 13th, 2023. This will give them time to get it in for the Township to review prior to Councils action on it. They have given the Township an Extension of Time of the applicable deadlines under the municipalities Planning Code, for the consideration and approval of the project through to and including February 28th, 2023.

Solicitor Pizzo indicated **Agenda Item #8**, the Act 537 Resolution applicable to that plan, should probably be tabled as well.

Council Secretary Knowles motioned to table Agenda Items #7 and #8 to a date certain of February 13th, 2023. **Council Vice President Pilieri** seconded and the motion carried 5-0.

9. **CONSIDERATION OF AN ORDINANCE APPROVING THE REQUEST OF CBOCS PENNSYLVANIA, LLC TO TRANSFER LIQUOR LICENSE NO. R-42640 INTO THE TOWNSHIP, REPEALING ALL INCONSISTENT ORDINANCES AND ESTABLISHING AN EFFECTIVE DATE THEREFOR:**

Solicitor Pizzo indicated this is a request for an Inter-Municipal Liquor License Transfer. It is applicable to the Cracker Barrel Restaurant located on Horizon Boulevard.

Ken McDermott, Counsel for the applicant, introduced Craig Tucker, who is part of the Management Team at the local Cracker Barrel here in Bensalem. Mr. McDermott is requesting the Townships approval of the Liquor License Transfer.

Mr. McDermott gave a brief overview. CBOCS Pennsylvania, LLC owns and operates all of the Cracker Barrel locations within Pennsylvania. The store is company-owned, it is not franchised. Cracker Barrel prides itself on maintaining a consistent level of appearance.

The liquor license is currently held by Sly Toms Bristol, LLC, located at 2621 Durham Road in Bristol. The liquor license is in safe keeping which indicates that particular restaurant is no longer operating. Cracker Barrel received customer feedback regarding selling liquor at the restaurant.

Mr. McDermott indicated what he wanted to emphasize is that what Cracker Barrel is planning to do is a very limited alcohol menu, which included the following: cocktails, wine, and beer will all be pre-packaged. Cracker Barrel is not installing a bar or a tap system. There will be no live bands, or DJ's or anything of that sort. The hours of operation will not change. There will be no major renovations and they will not be adding tables. The footprint Cracker Barrel currently has is the footprint that is going to stay in place.

Council Secretary Knowles asked if there were other stores actually functioning with liquor licenses.

Mr. McDermott indicated not in the state of Pennsylvania, but in other states they are serving alcohol.

Council President Kisselback asked if there was anyone in the audience who would like to make a comment. Seeing no one come forward, the Public Comment portion was closed.

Councilwoman Benitez asked if they were going to have takeout.

Mr. McDermott indicated the initial plan is not to have takeout. A restaurant license does have that privilege, but as far as the initial rollout, no. It will be on-site, on-premise consumption. Mr. McDermott stated he cannot promise Council that would never occur. At some point down the road the plan might change and there might be six-packs to go in accordance with Pennsylvania's liquor code.

Councilwoman Benitez motioned to approve the Ordinance request from CBOCS Pennsylvania, LLC to transfer liquor license No. R-42640 into Bensalem Township. **Council Secretary Knowles** seconded and the motion carried 5-0.

10. CONSIDERATION OF A LAND DEVELOPMENT AGREEMENT FOR:

Applicant: VIP Wireless Holdings, LLC
Site Information: 1411 Ford Road
Tax Parcel: 02-045-031-001

Solicitor Pizzo indicated this is a Land Development Agreement that was previously approved by Council for VIP Wireless Holdings, LLC for their property at 1411 Ford Road. The agreement is soon to expire and there are still items that need to be completed. The applicant has requested the extension of the agreement out to August 18th, 2023. If Council is inclined to grant the request, which the Administration is recommending, the Administration would also recommend that any such extension be subject to an audit by the Township Engineer; and the Township Finance Department of the Escrows applicable project to make sure there are sufficient funds to carry through all the way to completion.

Council Secretary Knowles motioned to approve the one-year extension for VIP Wireless Holdings, LLC. **Councilwoman Champion** seconded and the motion carried 5-0.

11. CONSIDERATION AND SIGNING OF AGREEMENTS FOR:

Applicant: Presto Tape
Location: 1766 Winchester Road
Proposed Use: Warehouse
Zoning Classification: LI – Light Industrial District
Tax Parcel: 02-045-021

- A. Land Development Improvements Agreement
(5) Executed copies to be signed by Council upon consideration.

- B. Stormwater Best Management Practices Operations & Maintenance Agreement
(5) Executed copies to be signed by Council upon consideration.

Solicitor Pizzo indicated this is the Land Development Improvements Agreement and the Stormwater Management Practices Operation & Maintenance Agreement for the Presto Tape property located at 1766 Winchester Road. The agreements were prepared by Rudolph Clarke and Associates, they have been fully executed by the Developer. The Developer has posted all of the required cash escrows and fees with the Township, as well as providing the required insurance certificates. The agreements are in a form acceptable for Councils consideration and approval.

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

12. REQUEST FOR A WAIVER OF DRIVEWAY LOCATION INSTALLATION:

Applicant: Clayton Mills
Site Information: Hulmeville Road and Camel Avenue
Tax Parcel: 02-052-003

Clayton Mills indicated he wanted to put a driveway where his parents are constructing a garage so they are able to pull right into their garage. **Councilwoman Benitez** seconded and the motion carried 5-0.

Councilwoman Champion motioned to approve the waiver request for the installation of the driveway located at Hulmeville Road and Camel Avenue, Tax Parcel 02-052-003.

13. REQUEST FOR A WAIVER OF CURBS AND SIDEWALKS INSTALLATION SUBJECT TO PAYMENT OF A FEE IN LIEU OF REQUEST:

Applicant: Squire Home Builders, LLC
Site Information: 2526 Paris Avenue
Tax Parcel: 02-007-079

Solicitor Pizzo indicated that routinely, the Township does not require the applicant to be present for a straight curb and sidewalk waiver. The applicant is requesting a waiver, and it has been determined there are no curbs and sidewalks in the area, and there would be no useful purpose served by requiring the installation at this time. The Township Ordinance requires the payment of a fee in lieu of an amount calculated by the Township Engineer based on the current costs of installation. The Township Engineer is recommending the Township grant the waiver and impose the fee in lieu of curbs and sidewalks.

Council Vice President Pilieri asked if there is a reason Council is doing this waiver without a Land Development.

Quinton Nearon, Senior Municipal Inspection Manager, indicated this is a single lot construction. This is not part of a Subdivision, or a Land Development. It is a new home construction which does not require Land Development approval.

Councilwoman Benitez motioned to approve the waiver of curbs and sidewalks subject to the payment of the fee in lieu of for Squire Home Builders, LLC, 2526 Paris Avenue, TMP #02-007-079. **Council Vice President Pilieri** seconded and the motion carried 5-0.

14. **CONSIDERATION OF ESCROW RELEASES FOR:**

Developers Request: Market Place at Neshaminy – Release #2
Location: Rockhill Drive
Tax Parcel: 2-1-37
Amount: \$ 121,000.00

Engineer Wursta recommended the escrow release in the amount of \$ 121,000.00

Council Vice President Pilieri motioned to approve as presented, subject to an audit by the Finance Department, **Council Secretary Knowles** seconded and the motion carried 5-0.

15. **CONSIDERATION OF AN ORDINANCE TO REPEAL ORDINANCE 2002-06 AMENDMENT TO THE R-55 RIVERFRONT REVITALIZATION DISTRICT ORDINANCE:**

Solicitor Pizzo indicated that early in November of 2022 Ordinance 2022-06 which made various revisions to the Townships Zoning Ordinance as it pertained to the R-55 Riverfront Revitalization District and specifically as to what was and was not permitted uses in that District. Following the Townships adoption of Ordinance 2022-06 the Township received a variety of responses and feedback from many of the businesses and property owners located within the Riverfront Revitalization District.

The Township subsequently started the process of creating a new Zoning District R-55A, which would have then further rezoned certain properties within the Riverfront area to essentially restore some of the uses that had been eliminated by the Township’s adoption of Ordinance 2022-06.

Following further discussions with business and property owners in the area, as well as the institution of an appeal by certain of those property owners regarding Ordinance 2022-06, decided in early November of 2022, in light of all of the feedback that was being received, as well as the status of a variety of Land Development applications that were in various stages of submission and review perhaps, the best thing to do was to take a step back and reset the zoning situation down within the Riverfront Revitalization District. At that time Council recommended, unanimously, the advertisement of the ordinance that is before Council this evening.

This Ordinance, should Council adopt it, would repeal Ordinance 2022-06. It would negate the need for proceeding with the R-55A Amendments and would essentially reset the zoning down within the Riverfront Revitalization District to exactly what it was prior to August 2022. The Ordinance has been properly advertised, it has been reviewed by both the County and Township Planning Commission and is in a form acceptable for Councils consideration. Should Council choose to adopt the Ordinance it will restore the zoning within the R-55 District back to what it was for the last, roughly, 17 years and up to and through August 2022.

Councilwoman Benitez asked if the section of property on the Riverfront side of State Road will remain R-55A.

Solicitor Pizzo indicated that Council never formerly adopted the R-55A. It was prepared, and reviewed by the various Planning Commissions but then it was subsequently decided, late last year, to simply move forward with this repeal and not move forward at this point in time with the R-55A. Everything in the Riverfront District will remain as it was prior to August of 2022. Should Council wish to consider, now having taken a step back, essentially doing a reset and look specifically at what Council might want to do for those properties located east of State Road. This is something the Administration is looking at, and will be coming back to Council with a recommendation sometime in the future.

Solicitor Pizzo indicated this will also effectively end the appeal against the Township as well.

Council President Kisselback asked if there was anyone in the audience who would like to speak for or against the Ordinance. Seeing no one come forward, the Public Comment portion was closed.

Council Vice President Pilieri motioned to approve the Ordinance Repeal as presented, **Councilwoman Champion** seconded and the motion carried 5-0.

16. **CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 229-VEHICLES FOR HIRE AT SECTION 229-27 DUTIES AND LICENSEES:**

Solicitor Pizzo indicated there was a request for a review of the fees that are permitted to be charged by the Township's Duty Tow Wreckers. The Department of Safety reviewed what the current fees being charged are, as well as what fees are being charged by surrounding municipalities and what is customary in the marketplace. The fees that are in the Ordinance in front of Council this evening is the result of that effort by Director McVey and his staff. The adoption of this Ordinance will amend Chapter 229 of the Township Code, specifically will set current fees for towing and storage of vehicles by the Towing Companies who are on the Township's Duty Tow list.

Council President Kisselback asked if there was anyone in the audience who would like to speak for or against the Ordinance. Seeing no one come forward, the Public Comment portion was closed.

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

17. **PUBLIC COMMENT:**

Council President Kisselback invited Public Comment and the following people came forward:

Joe Connelly, 568 Bristol Pike, inquired about the dirt pile.

Council President Kisselback asked Mr. Connelly if he had a permit for the storage facility that was placed on his property.

Mr. Connelly stated there was no storage facility on his property.

Mr. Nearon indicated 634 Bristol Pike was graded and seeded so not to cause any problems with the drainage run-off onto Mr. Connelly's property located at 568 Bristol Pike. The area has been stabilized temporarily because of the time of year, matting has been placed along with seeding and mulch which is required by County. There have been no drainage issues, there are a couple of areas to access from 634 Bristol Pike to 700 Bristol Pike which need to be addressed, but the ground is not favorable right now, so this item has not been addressed.

Council President Kisselback indicated the Township's position is that the dirt pile has been removed, its been seeded and it is in an acceptable condition.

Mr. Nearon indicated there is an area which the Township uses for access from 634 Bristol Pike to 700 Bristol Pike, which the Township entered through the grass and not through the street. There is minor ponding that is not draining off when it rains, which will need to be addressed at some point.

Council President Kisselback explained to Mr. Connelly that the Township has addressed the problem, and the few minor things that need to be resolved when the weather is more favorable.

Seeing no one else come forward, the second public comment portion was closed.

18. **OTHER BUSINESS:**

Solicitor Pizzo wished everyone a Happy New Year.

Mayor indicated today was "National Law Enforcement Day" and expressed that here in Bensalem we celebrate that every day. Unity Week starts next Monday. The celebration is a week-long, please come out and attend. The schedule is posted on the Township website www.bensalempa.gov and wished everyone a Happy New Year. **GO EAGLES!!!**

Councilwoman Benitez wished everyone a "Happy Law Enforcement" week. The Township loves their Police Officers every day and appreciate all they do for the Bensalem community. Unity week starts on Monday which is hosted by "Building a Better Bensalem Together" and the event is actually kicking off on Sunday this year at Love Fellowship Tabernacle.

Council Vice President Pilieri indicated "ditto" to all that has been said so far.

Council Secretary Knowles indicated he was looking forward to "Unity Week." All the events are very well done. The presentations of the various faiths make it very nice for all who attend.

The 22nd of January is the “Lunar New Year” which is the year of the Rabbit and wished a Happy New Year to all of the Asian community.

Member Champion thanked all of our law enforcement as we celebrate “Law Enforcement Day.” Thanked the ladies from St. Ephrem’s who give pride to their school and community. There are amazing children in this Township in every school. ***GO BULLDOGS!!!!***

Council President Kisselback once again, extended the invitation for Unity and Diversity Week, January 15th through the 20th. Mr. Kisselback indicated how diversified Bensalem is and how proud he is to be a part of the community. Congratulated the St. Ephrem’s Volleyball Team for their accomplishment.

19. ADJOURNMENT:

With no other business to conduct, the meeting was adjourned.

The Bensalem Township Council Meeting of January 9th, 2023 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