

**BENSALEM TOWNSHIP COUNCIL  
MEETING MINUTES**

**Monday  
July 26<sup>th</sup>, 2021**

**MEMBERS PRESENT:**

Joseph Pilieri, Council President  
Edward Kisselback, Council Secretary  
Jesse Sloane, Council Member

**SUPPORTING STAFF PRESENT:**

Russell Benner, Township Engineer  
Lauren Gallagher, Township Solicitor  
Debora McBreen, Council Clerk/Recording Secretary  
Quinton Nearon, Township Principal Inspector

**ABSENT:**

Joseph Pizzo, Township Solicitor  
Joseph Knowles, Council Vice President  
Ed Tokmajian, Council Member

**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.**

Please visit [www.bensalempa.gov](http://www.bensalempa.gov) for the council meeting recording.

**1. PLEDGE OF ALLEGIANCE:**

**Council President Pilieri** opened the meeting with a moment of silence and/or prayer which was followed by the Pledge of Allegiance.

**Council President Pilieri** asked Solicitor Gallagher if there were any changes to the agenda. **Solicitor Gallagher** presented the following changes:

**Solicitor Gallagher** indicated agenda item #4, consideration of a final land development for La Azteca, Inc., explained there was an issue with the notices that were sent and the applicant has asked for a continuance of the matter to the August 9<sup>th</sup> meeting and has granted an extension of time for council to consider the application until the end of August. **Council Secretary Kisselback** motioned to continue, **Council Member Sloane** seconded and the motion carried 3-0.

**Solicitor Gallagher** indicated agenda item #10 which is the consideration and approval of adopting an Ordinance amending Chapter 232- “Zoning” to create a new Article VIII, Division 3 – “SRM – Street Road Mixed Use District” and agenda item #11 amending the classification of property located at 2201 Street Road to SRM – Street Road Mixed Use. The applicant has granted an extension of time to consider his application through the end of August and the Zoning amendment is in conjunction with the land development for the former Armstrong property and asked to table the items until the August 23<sup>rd</sup> meeting. **Council Member Sloane** motioned to table agenda items 10 and 11 to the August 23<sup>rd</sup> council meeting, **Council Secretary Kisselback** seconded and the motion carried 3-0.

**Solicitor Gallagher** asked for a motion to amend the agenda to add the following Land Development Extension Agreements:

Waterside Phase 1, LLC, **Council Secretary Kisselback** motioned to amend the agenda, **Council Member Sloane** seconded and the motion carried 3-0.

CalAtlantic Group, Inc., **Council Secretary Kisselback** motioned to amend the agenda, **Council Member Sloane** seconded and the motion carried 3-0.

Faith Unity, Inc., **Council Member Sloane** motioned to amend the agenda, **Council Secretary Kisselback** seconded and the motion carried 3-0.

VIP Wireless, **Council Member Sloane** motioned to amend the agenda, **Council Secretary Kisselback** seconded and the motion carried 3-0.

2. **PUBLIC COMMENT:**

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

3. **APPROVAL OF COUNCIL MINUTES:**

**Council Secretary Kisselback** motioned to approve the Council Minutes from the meeting date of June 14<sup>th</sup>, 2021, as presented, **Council Member Sloane** seconded and the motion carried 3-0.

4. **CONSIDERATION OF A FINAL LAND DEVELOPMENT FOR:**

<b>Applicant:</b>	<b>La Azteca, Inc. (Cruz)</b>
<b>Location:</b>	Street Road & Castle Drive
<b>Proposed Use:</b>	Retail
<b>Zoning Classification:</b>	GC - General Commercial
<b>Tax Parcel:</b>	2-37-39 & 2-37-40

**This matter was tabled by a prior motion to a date certain of August 9<sup>th</sup>, 2021.**

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

**Applicant:** Amazon Phase III  
**Location:** 777 Winks Lane & 445 Winks Lane  
**Proposed Use:** Parking Lot  
**Zoning Classification:** GI - General Industrial  
**Tax Parcel:** 2-79-10-1 & 2-79-9

**Amee Farrell**, Solicitor for the applicant, presented a quick background to refresh council's recollections to what is specifically proposed for this evening. There was an overall plan displayed for the site which included Phases 1 and 2, which were previously approved by council and Phase 3 which is before council this evening. Phase 3 is the area shaded in blue which currently has two masonry buildings, associated parking and outdoor storage yards. The intent is to demolish both buildings, consolidate those two lots into the Phase 1 and 2 State Road component and develop those as parking and circulation for van and associate parking connected with the Amazon operations. The red arrows displayed along State Road and along Winks Lane the applicant had previously agreed to a series of traffic improvements with the Township and as part of the Phase 2 approvals posted \$ 2.5 million dollars in escrow which the Township is holding to guarantee those traffic improvements. All of these improvements are paralleling all these other approvals as PennDOT releases that permit that traffic work will start.

**Council Member Sloane** asked Solicitor Farrell for a quick update on the timeline and indicated one of the issues that is currently happening down there are the houses, which have not been maintained, on the corner of Winks Lane and State Road.

**Solicitor Farrell** indicated the applicant had to wait for the property owner of all five lots, along with the finalization shut-off notices from PECO, and have all been received, which led to the contractor receiving authorization today to proceed with the demolition of those five houses.

**Council Member Sloane** asked while the applicant is waiting on PennDOT and their permits, what are the lots going to look like.

**Solicitor Farrell** indicated the clearing of that property will take approximately 3 to 4 weeks to demolish everything and to do all the infill and grading because that area is just slated for reseeded, there is no development work occurring on those lots, that is going to be green grass, once done.

**Council President Pilieri** asked Engineer Benner for an update.

**Engineer Benner** indicated, **Quinton Nearon**, Township Principal Inspector, was at a Pre-Con meeting on Friday, July 23<sup>rd</sup>. As part of the subdivision plan, the Township has requested of the applicant to provide a timeline for consolidating those lots into the overall development and to reference it on the actual record plan that is going to be recorded.

**Council Member Sloane** asked if there was a timeline on the lot consolidation.

**Solicitor Farrell** indicated she did not, but was partly dependent on this applications discussion this evening. The Winks Lane parcel, the two parcels that are part of Phase 3 will be consolidated as part of this record plan. The 5 residential lots were not included in there because they are differently zoned. The 2 Winks Lane and the State Road parcels are all GI, General Industrial, the 5 residential lots are zoned Institutional. If the applicant were to consolidate, as it stands, they would have a split-zoned lot which could create some weird confusing things down the road. The applicant's suggestion is for the Township to rezone those lots to BGI, Business General Industrial, which would make it much simpler when the applicant consolidates those lots.

**Council President Pilieri** asked for an update from the Township Traffic Engineer, Mr. Phil Wursta.

**Township Traffic Engineer Wursta** indicated the Amazon traffic improvements are proceeding very well, they have been cordial and accommodating. Recently, there was a meeting with the people the Pennsylvania Park Service, DCNR and working with PennDOT as well, to make sure there is a first-class operation being performed which includes a nice crosswalk and entry into the park. The Township Traffic Engineer met with PennDOT and all of the permits are basically waiting for easements to be granted for the traffic signals that are going to be on the park side of the street. The new traffic signal will have pedestrian accommodations, a center lane for left turns onto Winks Lane from State Road and they are widening Winks Lane all the way back to this last lot they are building subject to this evening's presentation. Traffic Engineer Wursta indicated he will be using Amazon as a model for other developments that come into the Township.

**Council President Pilieri** thanked the Township Traffic Engineer for not only updating Council, also, the people of the community.

**Council Member Sloane** asked when the construction on the roadway issues is going to start.

**Township Traffic Engineer Wursta** stated the issue is that it is a very small easement that is needed. The Pennsylvania Park Service, DCNR, has to go to the National Park Service to get an approval which is being treated as an enhancement to the park, they will have a kiosk and a nice walking area. Because of that easement, the Pennsylvania Park Service has to sign off on it and the reason being is federal funds have been used throughout the park to do certain things to be sure they have that requirement. If it were done by tomorrow, then the digging would start in September.

**Solicitor Farrell** summarized what is proposed in connection with Phase 3 and referred to the plan and the 4 colored areas displayed. The lower left in green are the 5 residential houses that are coming down that will ultimately be consolidated. Just north of the green area, which is in red, is the existing truck loading area and will have no substantial changes. Just north of the red area is the yellow area and indicated one of the advantages of picking up this additional ground as part of Phase 3 is to allow for a complete separation of the Building Associates from the Van Associates. So that traffic gets all separated out, individuals get separated out, which makes the site much safer and certainly from a circulation standpoint, much easier to operate. Building Associates will come in and out of the existing Winks Lane driveway into the yellow area to park and then proceed into the building. The shaded pale blue area are the two Winks Lane parcels as they currently exist, will be consolidated, and it will be all one parcel but utilizing

those existing driveway cuts onto Winks Lane allows the applicant to keep the van traffic separate from the associate traffic and the truck traffic. Van Associates will come in off of Winks Lane, find a parking spot, pick up their van then circulate counter clockwise around the building to the black and gray areas at the bottom of the plan which is the van pick up and loading area.

**Council Member Sloane** asked if the access road has been fully closed off to Haunted Lane.

**Solicitor Farrell** indicated it is an emergency access road fully signed and is not aware of any issues.

**Solicitor Farrell** indicated, with respect to what is going on parking wise on the Wink Lane parcels, there is also a large stormwater management basin that can be put in there so that it allows for additional onsite stormwater management that currently doesn't exist on either of those lots. The cell tower will remain on those lots. There is an access easement to that cell tower that will be modified slightly so that the cell tower company is accessing through the parking lot, just like anyone else would.

**Solicitor Farrell** presented the landscaping plan. There will be landscaping all around the basin and throughout the parking lot and all-around Winks Lane. Currently there is next to no landscaping and no stormwater management.

**Solicitor Farrell** referred to the review letter from the Township Engineer, Mr. Benner, and stated there were a few waiver requests Engineer Benner was in favor of, and indicated the general comments are a will comply.

**Solicitor Farrell referred to the Township Engineer Review Letter dated June 21<sup>st</sup>, 2021:**

#### **Chapter 201- Subdivision and Land Development Ordinance (SLDO)**

1-3 these comments have been addressed. Item 4 has been discussed and is the consolidation of those 5 lots. Once the rezoning of those 5 lots occurs, the applicant can then do a separate consolidation plan and record it. Items 5, 6, 7, 8, 9, 10, 11, 12 are a will comply, 13 is a will comply and the applicant did want to note this again, has to do with the timing of the PennDOT HOP permit that the applicant expects is going to follow somewhat behind the improvements for Phase 3. The applicant will note on the Record Plan that the HOP permit to follow and the plans will be updated accordingly. Item 14 is a will comply and the applicant actually has it in hand already. Items 15-19 these comments have been previously addressed. Item 20 is a will comply and is deferring to the Township Traffic Engineer. Item 21, this comment was previously addressed. Item 22 is a will comply. Item 23 is a will comply and is deferring to the Traffic Engineer. Item 24, this comment was previously addressed. Item 25 is a will comply.

#### **Chapter 196 – Stormwater Management Ordinance (SWMO)**

Comment 1 is a will comply. Comment 2 is the NPDES permit which has been received by the applicant. Comment 3 was previously addressed. Comment 4 is a waiver request. Items 5, 6 7 and 8 were previously addressed. Comment 9 is a waiver request. Comment 10 is the NPDES permit which the applicant already has. Comment 11 is a will comply. Comment 12-13 has

previously been addressed. Comment 14 is a waiver request. Comment 15-17 has been previously addressed. Comment 18 is a will comply. The last 6 items under “General Comments” are a will comply.

**Council President Pilieri** asked the Township Engineer for his response regarding the waivers. **Engineer Benner** indicated he had no objections to those waivers.

**Council Member Sloane** asked about the seeding for the triangle piece of land at the top of the plan.

**Jeff DeZort**, with CESO, applicant’s engineer, indicated the “pizza slice” portion, there is a note which has been added to the record plan for it to be “grubbed” then seeded. Some of the overgrowth would be cleared out with the contractor, however, there will be no development in the “pizza slice” area.

**Council Member Sloane** indicated he noticed the Fire Marshall’s rejection letter.

**Solicitor Farrell** indicated they had previously replied to the Fire Marshall with a copy of the circulation plan and did not receive any follow up comments. As far as they know, there seems to be no issues.

**Council Member Sloane** asked if the Traffic Impact Study has been performed and submitted.

**Solicitor Farrell** indicated the Traffic Impact Study was submitted as part of Phase 1 and 2 and was updated as part of Phase 3 the Townships Traffic Engineer has reviewed the report and has not received any additional comments.

**Township Traffic Engineer Wursta** indicated the original study was modified to include the other phases and there really was not much of a net change associated with the traffic improvements that were needed.

**Council Member Sloane** asked Traffic Engineer Wursta if adding this new lot with all of those vans was not going to generate more trips.

**Township Traffic Engineer Wursta** indicated the Impact Fee associated with it was based upon the land use of Phase 1. The trips were counted for as part of the trips of the design for the roadway improvement for the whole project.

**Council Secretary Kisselback** asked the Township Traffic Engineer, Mr. Wursta, if he had that figure for the Impact Fee.

**Solicitor Farrell** indicated it was included in the resolution for Phase 2 and was paid at that time.

**Council President Pilieri** invited Public Comment, seeing no one come forward, the public portion was closed.

**Council Secretary** motioned to approve the Amazon Phase III project, based on the memorandum date June 20<sup>th</sup>, 2021 from T & M Associates, applicant will comply with Section

D items A, B, C and D. Item 13 will be in compliance and will be approved by the Township Engineer, Mr. Benner, at a later date. Section E, waiver requests are as follows, E-4, E-9 and E-14. The Bucks County Planning report has been approved and will be adhered to by the applicant. The letter from the Fire Marshall will go to the Township Engineer to verify any changes and be a will comply. Traffic Planning and Design letter, the applicant will adhere to all the requests based on the letter dated April 12<sup>th</sup>, 2021. **Council Member Sloane** seconded but asked if council needed to include in the motion about a plan to consolidate the houses at Winks and State Road for rezoning. **Council Secretary Kisselback** amended his motion to include the 5 houses into one and the zoning would be presented to council for a change. **Council Member Sloane** amended his seconded to include the consolidation and rezoning and the motion carried 3-0.

**Council President Pilieri** asked Director Harran to give an update on the events from the last two weeks.

### **SPECIAL REPORT:**

**Director Harran** indicated Bensalem experienced horrific flooding along with Bristol Township and Croydon. Specifically, Bensalem Township and Bristol Township got hit the hardest. On July 12<sup>th</sup> from approximately 1:30 pm to 6:30 pm Bensalem received about 10 inches of rain within that time. It has caused what people are referring to as the “100-year flood” in Bensalem Township. At 5:10 pm that evening, the Township starting receiving multiple 911 calls through the County 911 center. In total, in a matter of 6 hours, Bensalem responded to 221 911 calls in the Township.

Also responding to Bensalem, besides the police, full staffing of EMS was up and running by Director Topley as well as the 6 volunteer fire companies and 21 fire or apparatus companies within Bucks County. Red Cross was activated and they assisted a total of 240 people. The flood impacted 350 individuals’ homes along with 150 apartments and 44 businesses. One of the hardest areas hit was Lafayette Gardens Condominiums on Route 13 and some of the businesses surrounding that area.

The Building and Planning Director, Mr. Farrall, along with the Township Engineers, Public Safety officials and of course, the Mayor and other County and State and Federal officials are still assessing the damage. Other apartments that were significantly impacted were River View, Franklin Commons, Creekside, Regency Apartments have significant apartment damage. Building and Planning is still evaluating those locations.

One of the other neighborhoods that was significantly impacted were the homes on Hansell Drive. People had to be rescued out of their homes as well as in other locations. With the Mayor’s swift action on declaring a State of Emergency to apply for Federal funding when it becomes available. Officers went in without regard to their own safety to rescue people. The good news is there was no loss of life in Bensalem Township. At the end of the day, a lot of loss of property but no loss of life and no one hurt.

There were posts put out today on Facebook, which people think is the Wall Street Journal, which is a lot of misinformation. It is important for the residents to know, once the Mayor declares an emergency, the County has to declare an emergency, which they did. The Township could then apply to PEMA for funding. As far as Director Harran knows, the State

has not declared an emergency. If the State declares an emergency they can then ask the Federal Government for help. The money is not at the local level, it comes from FEMA. All three entities have to declare an emergency in order for FEMA to even consider sending funds the Townships way. State Representative Tomlinson and State Senator Tomlinson are working with their staff and the Mayor have been working as best as they can at the state level. So, two weeks later the Township is still waiting for an answer from FEMA.

People are frustrated and have lost everything the night of the torrential rains on July 12<sup>th</sup>. The Mayor ordered 30 plus dumpsters to be placed throughout the community, one location noted is Hansell Drive, also, fire companies have them so you can take your things for disposal.

There was 24-hour surveillance by the police, which just stopped this past weekend when the Township was able to get private security and fences in certain areas. The Township is just asking for people's patience as the Township is waiting on the United States Federal Government. So, you can only imagine the Townships frustration on trying to get help for the community.

**Council President Pilieri** asked what is stopping Governor Wolf on declaring a state of emergency to help out the community of Bensalem, Bristol and Croydon.

**Director Harran** indicated the problem with the system is it was an isolated area and did not impact enough of an area for them to get involved to help.

**Council Secretary Kisselback** asked if there was a minimum of \$ 19 million dollars by a state government that has to be met.

**Director Harran** indicated it is a minimum of \$19.7 million dollars which is very difficult because the Township is not sure and still trying to figure it out because this was a flood and there were people who got flooded that were not in floodplains who did not have flood insurance. You can't get flood insurance if you are not in a floodplain. This is an insurance industry issue.

**Council Member Sloane** asked, does that 19 million refer to private property or does it refer to Township infrastructure and indicated he believes there is some confusion over that.

**Director Harran** stated it is uninsured.

**Mayor DiGirolamo** asked the Township Engineer, Mr. Benner to explain what PEMA is having the Township do for their infrastructure.

**Township Engineer Benner** indicated there are three teams on the ground that have started inspecting facilities and staff from the police department that have illustrated on a map and they also have a spreadsheet of a list of all of the public places that have flooded. For example, roadways, culverts, bridges, etc. Each team was split into a zone and will be documenting all of the flooded areas from a public infrastructure standpoint. Which may even look at some other properties that influenced that public infrastructure. Pictures will be taken and they will be geolocating those areas. In addition, will be assigning dollar values for replacement reconstruction of those facilities. They are also noting areas that experienced flooding and are coming up with a plan and starting to identify how that can be alleviated in the future and the



point of that will be that the Township can apply for flood mitigation funding in the future as the Township notes these particular areas that were severely flooded. Especially one of the things that the Township looks at is a cost benefit where the Township knows that structures were flooded and future grant applications, that is very important to note, all the evidence will be documented on geospatial mapping so that the Township has it readily available and then issuing a report which will be forwarded to PEMA.

**Director Harran** indicated PEMA hasn't turned us down but they are not giving good vibes.

**Council President Pilieri** indicated if Governor Wolf had stepped up and did what he should have done and declared Bensalem a disaster area it would have been easier to get it through. When you are not getting help from the top guy in Harrisburg, to tell you, to say okay to your disaster relief down there to help, don't understand how someone with that authority can sit there and ignore these areas that were devastated for help.

**Council Member Sloane** indicated he knows there are a couple of avenues developing, from the County level, and believes they are re-allocating COVID relief funding for residents in the area that were impacted by the floods. Council Member Sloane was told that the Governor will be signing, basically an allowance for the small business association to give low interest disaster relief loans to people who were impacted.

**Council Member Sloane** asked the Township Engineer, Mr. Benner, if the Township was responsible for maintaining the Township stormwater management systems.

**Engineer Benner** indicated the Township was inspecting that system now, from the result of flooding, to see if there was any damage. Engineer Benner explained the process for that inspection.

The **Mayor** indicated when Governor Wolf came to visit Bensalem after the "100-year storm" the Mayor spoke to the Governor handed him a list of all the other areas because the Governor only visited the one area in Bensalem which was the Lafayette Gardens. The Mayor continued to say he gave the Governor pictures, identified other areas in Bensalem that were devastated.

**Council President Pilieri** indicated the businesses on Progress Drive and the I-95 Industrial Park had major flooding problems. The businesses with 1<sup>st</sup> and some 2<sup>nd</sup> floors had equipment destroyed from the flooding on July 12<sup>th</sup>. State Road is another location that needs to have proper drainage.

**Traffic Engineer Wursta** indicated the State Road widening project, that will be performed by PennDOT, is the section from Street Road to the end of the Columbus Country Club, the first canal, to the south. It is being done as part of an existing PennDOT project which is currently under design. PennDOT added State Road to an existing project. It is funded as part of that whole project which was through PennDOT, the Mayor and State Senator and so forth who got this project moving and added to the PennDOT existing project. As far as the time frame, again it is a slow process. PennDOT is in a position where they are providing large pipes to go under State Road, elevating the highway as well as restoring wetlands on the eastside of State Road to help with that drainage. There is also right-of-way acquisitions that has to be involved.

**Council President Pilieri** indicated his concern with PennDOT is Street Road and I-95 was on a 7-year plan, then a 10-year plan, 40 years ago. It was engineered and the Township still hasn't seen anything evolve. His fear is the same thing is going to happen here and other places that need to be done because it seems that PennDOT is not able to hold true to the projects they say they are going to do.

The **Mayor** indicated he has lived here all his life, farmed all of his life, and knows that "lightning can strike twice". But Bensalem has never had 10 inches of rain and God-forbid the Township gets hit again, we have to be prepared. The following week with all the wind and trees that were knocked down. It was bad throughout the Township. The Public Works crew, EMS, Fire, Police, you just can't give them enough credit on how diligently they worked around the clock.

**Director Harran** indicated that was the conclusion of his overview, and just ask for the resident's patience. Please call the tip lines 215-633-3719, the Red Cross has housed a lot of people and the Township is trying to work as quickly as possible. Waiting on the State to hear what they have to say.

**Council Member Sloane** asked Township Engineer Benner if he could forward the investigation plan and the results to council.

**Township Engineer Benner** replied he would and indicated Director Harran had a map with the circled areas that can be forwarded to council.

6. **CONSIDERATION OF A REDUCTION OF PERMIT FEES FOR VALLEY ELEMENTARY SCHOOL LOCATED AT 3100 DONALLEN DRIVE, BENSALEM, PA:**

**Council Secretary Kisselback** motioned to approve the reduction of permit fees for Valley Elementary School, **Council Member Sloane** seconded and the motion carried 3-0.

7. **CONSIDERATION OF A REDUCTION OF PERMIT FEES FOR THE BILL WASYLENKO, JR. MEMORIAL CAR SHOW LOCATED AT BENSALEM HIGH SCHOOL, 4319 HULMEVILLE ROAD, BENSALEM, PA AND WILL BE HOSTED BY THE BENSALEM BUSINESS DIRECTORY:**

**Council Member Sloane** indicated the applicant had sited a part of the code in his request which allows for this reduction as long as they provide a Performance Bond, a surety company acceptable to the Township in the amount requested and confirm in writing of compliance at all times with all Township ordinances and regulations. Is there anything additional council needs to see, besides what was included in their packets?

**Solicitor Gallagher** indicated the applicant did provide a performance bond, which the solicitor was reviewing and it looked pretty standard. The applicant has also supplied a certificate of insurance to the Township, the applicant just needs to revise it to add the Township as a name additionally insured.

**Council Secretary Kisselback** asked Solicitor Gallagher if the bond is for \$10,000.00 why would the Township reduce it to \$2,500.00?

**Council Member Sloane** indicated it allows it in the code, specifically that amount to reduce it to \$2,500.00.

**Solicitor Gallagher** indicated it is entirely council's discretion.

**Council President Pilieri** indicated it has been done before, it is up to council, it's for a good cause.

**Council Secretary Kisselback** asked if the applicant puts up \$2,500.00 in bond escrow.

**Solicitor Gallagher** indicated it would be similar to a performance bond being posted, but it is just a surety bond that is posted. If for some reason something goes wrong and there are cost incurred by the Township, then the Township can move against the bond to recover its cost. This event is not taking place on township property and one of the reasons they are asking for the reduction.

**Council Member Sloane** motioned to approve the reduction in the amount of \$2,650.00 subject to the approval of the bond and insurance documentation by the Township Solicitor, **Council Secretary Kisselback** seconded and the motion carried 3-0.

8. **REQUEST FOR A WAIVER OF CURB AND SIDEWALK INSTALLATION SUBJECT TO PAYMENT OF A FEE IN LIEU OF:**

**Applicant:** ADR Investments  
**Site Information:** 0 Appleton Avenue  
**Tax Parcel:** 2-72-11-1

**Township Engineer Benner** indicated there are no curbs or sidewalks on Appleton Avenue and the Township feels it is appropriate to ask for a fee in lieu of consisting of the amount of \$2,550.00.

**Council Secretary Kisselback** motioned to approve in lieu of payment be made, Council Member Sloane seconded and the motion carried 3-0.

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

**Applicant:** McDonald's USA, LLC  
**Location:** 1930 Street Road and 2932 Hulmeville Road  
**Proposed Use:** Restaurant  
**Zoning Classification:** GC – General Commercial District  
**Tax Parcel:** 2-43-16 and 2-43-18-1

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

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

**Solicitor Gallagher** indicated the agreements were prepared by her office, Rudolph Clarke and Associates, the Township has received all requirements for council's consideration and are in a form ready for councils' approval. The solicitor for the applicant, Mr. McHugh is in attendance should council have any questions.

**Council Member Sloane** asked why all of the old memos from T and M were included in councils' packet.

**Solicitor Gallagher** indicated there are several conditions of approval associated with the original land development approvals and the solicitor's office just attached the agreements because these will be recorded against the property.

**Council Secretary Kisselback** motioned to approve the signing of the agreements for McDonald's USA, LLC, 1930 Street Road, **Council Member Sloane** seconded and the motion carried 3-0.

10. **CONSIDERATION AND APPROVAL OF ADOPTING AN ORDINANCE AMENDING CHAPTER 232- "ZONING" TO CREATE A NEW ARTICLE VIII, DIVISION 3 – "SRM – STREET ROAD MIXED USE DISTRICT".**

This matter was tabled by a prior motion to a date certain of August 23<sup>rd</sup>, 2021.

11. **CONSIDERATION OF AMENDING THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT 2201 STREET ROAD, IDENTIFIED AS TAX MAP PARCEL 2-33-26 OF THE SAID ZONING MAP FROM R-11, RESIDENTIAL, TO SRM, STREET ROAD MIXED USE.**

This matter was tabled by a prior motion to a date certain of August 23<sup>rd</sup>, 2021.

**Council Secretary Kisselback** motioned to amend the agenda to add the Extension Agreements as suggested by Council President Pilieri and Solicitor Gallagher, **Council Member Sloane** seconded and the motion carried 3-0. They are as follows:

11A. **CONSIDERATION OF A LAND DEVELOPMENT EXTENSION AGREEMENT:**

**Applicant:** Waterside Phase I, LLC  
**Site Information:** Waterside  
**Tax Parcel:** 2-65-22, 2-64-139 and 2-64-138

11B. **CONSIDERATION OF A LAND DEVELOPMENT EXTENSION AGREEMENT:**

**Applicant:** CalAtlantic Group, Inc.  
**Site Information:** 2670 Galloway Road  
**Tax Parcel:** 2-33-7

**11C. CONSIDERATION OF A LAND DEVELOPMENT EXTENSION AGREEMENT:**

**Applicant:** Faith Unity, Inc.  
**Site Information:** Richlieu and Galloway Roads  
**Tax Parcel:** 2-1-55-2

**11D. CONSIDERATION OF A LAND DEVELOPMENT EXTENSION AGREEMENT:**

**Applicant:** VIP Wireless  
**Site Information:** 1411 Ford Road  
**Tax Parcel:** 2-45-32-1

**Solicitor Gallagher** indicated there were 4 Land Development Extension Agreements before Council for approval:

**11A** relates to Waterside Phase I, LLC and the original agreement allows them to complete the improvements within 4 months which would extend the agreement to December 31<sup>st</sup>, 2021.

**Council Member Sloane** asked Quinton Nearon, Township Principal Inspector, for an update on Waterside Phase I.

**Quinton Nearon, Township Principal Inspector**, indicated Waterside Phase I was pretty much completed. Mr. Nearon has not done a punch-list because the applicant has not requested one. Last part of Phase I is being paved in a week or two, but concrete work has to be done first.

**Council Member Sloane** asked if Waterside Phase I really needed until the end of the year to finish these improvements.

**Township Principal Inspector Nearon** indicated the inspection for the punch-list has not been done yet, and when they are ready for that list, it should be completed by October. By the applicant asking for this extension they are going to want to get the punch-list completed.

**11B** relates to CalAtlantic Group, Inc. and the original agreement requires a completion date within 4 months of the original approval and would extend the agreement to December 31<sup>st</sup>, 2021.

**Council Member Sloane** indicated there were a bunch of issues with CalAtlantic and asked Principal Inspector Nearon for an update.

**Township Principal Inspector Nearon** indicated there was paving done today. There are still issues with the basin regarding drainage. Mr. Nearon gave the applicant a recommendation in which the applicant addressed about a week ago. Mr. Nearon was at the site today and noticed the waterline on the wall in the basin had receded about 6 inches. There are minor odds and ends and also, waiting on the signage to be placed.

**Township Engineer Benner** indicated he spoke to the Property Manager of the Home Owners Association and their Engineer last week who indicated there were no issues with the road

paving that he was aware of. The Township will have a meeting with Lennar, compare the punch-lists and get those things squared away.

**Council Member Sloane** asked do they need until the end of the year to get this done? Or can the Township pressure them. If the Land Development Extension Agreement expires at the end of August, are they going to be done by then?

**Township Principal Inspector Nearon** responded yes, Lennar should have this done by the end of August. Not much left out there to be done with the paving being finished. The only real issue is with the basin.

**Township Engineer Benner** indicated in regards to the basin they are going to put up some type of solution, there will be an agreement on the solution, it will be built or constructed or fixed. Engineer Benner would like to see if it works and make sure they have adequate time to evaluate all those items to make sure they all are working.

**Council Member Sloane** indicated he was inclined to say not give the extension, and see how far they can get next month and then if they are up against a deadline to come back and let council know.

**11C** relates to Faith Unity, Inc. and the original agreement gave 1 year to complete the improvements and would extend the agreement through July 27<sup>th</sup>, 2022.

**Council Member Sloane** asked if the Faith Unity project started.

**Township Principal Inspector Nearon** indicated this project has not started.

**11D** relates to VIP Wireless and the original agreement required the improvements to be completed within 30 days, this would extend the time of completion to August 31<sup>st</sup>, 2021.

**Council Member Sloane** asked if VIP Wireless was just moving the lot line inside the building.

**Township Principal Inspector Nearon** indicated it was in regards to the parking lot and retention basin out back. The basin is in but the parking lot is not.

**Council Secretary Kisselback** asked, if the Township does not give them an extension, and they don't complete the assignment, what happens?

**Township Principal Inspector Nearon** indicated the permits are done.

**Council Member Sloane** motioned to approve the Land Development Extension Agreements for Waterside Phase I, Faith Unity and VIP Wireless Holdings, Council Secretary Kisselback seconded and the motion carried 3-0.

**Council Secretary Kisselback** motioned to deny the Land Development Extension Agreement for CalAtlantic Group, **Council Member Sloane** seconded and the motion carried 3-0.

**Council President Pilieri** asked Engineer Benner for an update on the Popli property.

**Engineer Benner** indicated in the last few months they submitted and received approval of the alteration land permits to remove the soil from the 634 Bristol Pike property. They have also identified a property at 919 Bristol Pike to receive that, they submitted a plan to receive it for that property which is also owned by same owner of 634 Bristol Pike. Township approved both properties and have received the Bucks County Conservation District approval also, and the applicant is going to schedule a pre-construction meeting to begin that work. The Conservation District is booked this week so it will probably happen next week. In the meantime, they have asked the Township for some suggestions as far as surveyors to do the layout work that is needed for property lines and grading issues. He has a surveyor interested in doing it, he submitted a proposal and that will be going forward.

**Council President Pilieri** asked the Township Engineer, Mr. Benner, how much longer is this going to take and stated he had 30 days, in which we are past 30 days and no work has started. Mr. Connelly's property is still taking a beating and is aware the Conservation District was the holdup on getting those permits. Now that they have approved that, how quickly can the Township get this moving.

**Engineer Benner** indicated as soon as the Pre-Con meeting was held the Conservation District allows Mr. Popli to go ahead and if Mr. Benner had to estimate the time, he suggested within the next 30 days.

## 12. **PUBLIC COMMENT:**

These comments can be heard in their entirety at the following websites:

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

or

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

**Joe Connelly**, 568 Bristol Pike, expressed his concerns regarding the pile of dirt and indicated his lawyer, Tim Coleman, had Mr. Connelly's tax map certified which shows the area Mr. Connelly pays taxes on which his property line runs right through Mr. Popli's building. Mr. Connelly discussed surveyors and the outcome of their findings and how much money he has spent to try and rectify this problem.

**Engineer Benner** indicated the Conservation District has approved both permits, the permit to remove the soil off of Mr. Popli's property and the permit to put the dirt on the 919 Bristol Pike property. Mr. Popli has both of those permits and they need to schedule a pre-construction meeting, due for next week, then Mr., Popli will take the dirt off the property.

**Council President Pilieri** explained to Mr. Connelly he would have to go to County regarding his zoning issues.

**Solicitor Gallagher** indicated the Court of Common Pleas would have to resolve Mr. Connelly's property boundary dispute, it is not within the Townships jurisdiction.

**Wendy Sadler**, lives at the Regency Apartments. Her apartment was one of many that were affected by the flooding on July 12<sup>th</sup>. She publicly thanked Jesse Sloane, Ed Tokmajian and Val Ridge who came to see what they could do to try and help them out.

**Rod Lynch**, lives in Bensalem spoke regarding the Linconia Concord Park Historical Association and his concerns regarding the park's bridge which was damaged.

The **Mayor** indicated there was a contract that went out to bid for bridges which the Mayor thought would help if combined but was taking too long so the Mayor gave direct orders to do the bridge in Concord Park immediately. The Mayor asked the Township Engineer, Mr. Benner, to bring him up to date.

**Engineer Benner** indicated it should be finished in 3 to 4 weeks.

**Paul Rotloff**, 1936 Hansell Drive, asked if the Township retained ownership of the storm basin and the sewer system behind Hansell Drive.

**Council President Pilieri** indicated the applicant regarding the Armstrong Property will be before Council and will make sure that system, whether the township or the applicant, is addressed and taken care of and working properly.

The **Mayor** indicated the Township never owned the Armstrong property, it was the School Districts.

**Stacey Champion**, Ashton Road, indicated any water mitigation that will be done on the Armstrong property will help. Ms. Champion was very concerned regarding the residents as she once lived there and experienced the flooding in the 1980's.

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

### 13. **OTHER BUSINESS:**

The **Mayor** indicated he appreciated the young lady coming who indicated nobody was there, was wrong. The Mayor indicated he worked with the apartment complexes immediately to make sure they could take the people out of their apartments and move them into another apartment immediately without all the paperwork and red tape. The lady was wrong. The Mayor has been to all of the apartment complexes many times and Hansell Drive every day that he could be there. For someone to come up and say the Township was not there to help, it is a direct lie.

**The Mayor** indicated he has to keep the record straight, everyone on this board works for everybody to get the job done. The Mayor took what that lady said as an insult. The Mayor did not sleep for two days after the flooding situation, because he wanted to make sure everyone was safe. The Mayor did not appreciate someone saying the Township left anyone out of being concerned with the damages and offering help. The Mayor sent people door to door to ask if they had a problem and to let the Township know right away so it could be addressed. We are a team. The Mayor wanted to set the record straight that he, along with council, works for everybody and gets the service they deserve. Especially a disaster, the Township would never leave anybody out.

**Director Harran** indicated the mayor was right. They were at the Regency Apartments, gave out gift cards at the Regency Apartments, to everyone in need. Director Harran indicated what Wendy Sadler said was totally a lie.



**Council Member Sloane** indicated he didn't think politics should be put into a major disaster as to what happened with the flooding.

**Council President Pilieri** indicated to Council Member Sloane, Wendy Sadler personally thanked Jesse Sloane, Ed Tokmajian and Val Ridge, so it was political.

The **Mayor** indicated for someone to come up and thank 3 people who are running for office regarding a disaster, that has never been done before. This is a time to worry about the people.

**Council Member Sloane** indicated a couple more things regarding the flood. He knows there were some issues with Verizon, specifically with Lafayette Gardens with Verizon charging them with termination fees and possibly fees for the damaged equipment. Verizon is waving the termination fees and the damaged equipment is being assessed. If anyone else is having issues they should contact the Township, County Commissioner, Council members, Director Harran. Council Member Sloane thanked the Lions Club for helping those in need on Hansell Drive.

**Council Member Sloane** asked Engineer Benner if the traffic additions being done at Kasmir and Ford with the little concrete island and repaving and if he knew when that work will start.

**Engineer Benner** indicated he did not, also Principal Inspector Nearon did not have a date but did indicated after a few other jobs are completed it should be about 3 to 4 weeks.

**Council Member Sloane** thanked all of the First Responders, Public Works employees, everyone who has been out there in the past couple of weeks especially the night of the flood.

**Council Secretary Kisselback** was glad the Mayor responded to the woman who came forward and indicated it was quite obvious that it was a political attack which had no basis of reality in it when in fact administration people were there along with council, the township police force, first responders, fire people and EMS.

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

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

**14. ADJOURNMENT:**

There being no other business to discuss, **Council Member Sloane** motioned to adjourn, **Council Secretary Kisselback** seconded, the meeting was adjourned.

The Bensalem Township Council Meeting of July 26<sup>th</sup>, 2021 can be viewed in its entirety at the following websites:

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

**Respectfully Submitted,**

**Debora F. McBreen**  
**Recording Secretary**