

**BENSALEM TOWNSHIP COUNCIL
MEETING MINUTES**

**Monday
November 14th, 2022**

COUNCIL MEMBERS PRESENT:

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

SUPPORTING STAFF PRESENT:

Debora McBreen, Council Clerk/Recording Secretary
Quinton Nearon, Senior Municipal Inspection Manager
Joseph Pizzo, Township Solicitor
Phil Wursta, Township Engineer/Traffic 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 their microphone.

1. PLEDGE OF ALLEGIANCE:

Solicitor Pizzo indicated Council met in an Executive Session immediately prior to this evening’s meeting for approximately 90 minutes. Present for the Executive Session were the five members of Council, the Mayor, the Director of Administration, Mr. Cmorey, the Finance Manager, Mr. Chaykowski, the Township Engineer, Mr. Wursta and the Township Solicitor, Mr. Pizzo. No official action was taken during the Executive Session and no official action will be required this evening as a result of the Executive Session. Discussed were two matters of pending litigation.

Council President Knowles opened the meeting with a moment of silence and/or prayer which was followed by the **Boy Scouts** from Cornwells Methodist Church, who led the meeting with the Pledge of Allegiance.

Council President Knowles asked Solicitor Pizzo if there were any changes to the agenda this evening.

Solicitor Pizzo indicated Agenda Item #12, **Consideration of a Preliminary and Final Minor Subdivision for Chase Bank**. The Township received correspondence from the attorney

representing the developer, due to a conflict with his schedule, asked that the matter be tabled to the next Council meeting date of November 28th. They have granted the Township an Extension of Time to the extent one is needed.

Councilwoman Benitez motioned to table Agenda Item #6, **Consideration of a Preliminary and Final Minor Subdivision for Chase Bank**, until a date certain of November 28th, 2022. **Council Secretary Pilieri** seconded, and the motion carried 5-0.

Solicitor Pizzo indicated Agenda Item #13, **Consideration of a Preliminary Land Development for Johnson Development Associates, Inc.** The Township received correspondence from the attorney representing the developer, due to a conflict with his schedule, asked that the matter be tabled to the next Council meeting date of November 28th. They have granted the Township an Extension of Time to the extent one is needed.

Council Secretary Pilieri motioned to table Agenda item #13, **Consideration of a Preliminary Land Development for Johnson Development Associates, Inc.**, until a date certain of November 28th, 2022. **Councilwoman Benitez** seconded and the motion carried 5-0.

2. **PUBLIC COMMENT:**

Council President Knowles 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:**

Council Secretary Pilieri motioned to approve the Council Minutes dated October 18th, 2022 as presented, **Councilwoman Benitez** seconded and the motion carried 5-0.

4. **AMENDMENT FOR THE 2019 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM:**

Solicitor Pizzo indicated at the Council Meeting in October, Council approved the Amendment for the 2019 Community Development Cares Act funds allocations that the Township had undertaken. Those were funds the Township received as part of the COVID funding that came from the Federal Government. The second part of that action is now to readjust the projects so as to provide for the timely expenditure of those funds. This needs to occur separately from Council's prior action because of the different advertising requirements for the CDBG funds, as opposed to the COVID funds.

Councilwoman Benitez motioned to approve the amendment for the 2019 Community Development Block Grant Program as presented. **Councilwoman Champion** seconded and the motion carried 5-0.

5. **CONSIDERATION OF A RESOLUTION AUTHORIZING AND FILING OF A GRANT APPLICATION TO THE PENNSYLVANIA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FOR THE BENSLEM TOWNSHIP SPRAY PARK:**

Solicitor Pizzo indicated the Township has been exploring through the Parks and Recreation Department constructing a Spray Park in the Township Community Park. The Township is

looking to get some Grant funding through the Department of Conservation and Natural Resources to help defray the cost of the construction of that facility, which is quite expensive.

Before Council this evening, is a Resolution that will authorize the Mayor and the Township Administration to submit an application to DCNR for a \$500,000-dollar Grant, the proceeds of which is granted, would go towards the construction of the Township Spray Park. This Resolution is only to authorize the application of those funds.

Councilwoman Benitez motioned to approve the Resolution authorizing the submission and filing of a Grant application to the Pennsylvania Department of Conservation and Natural Resources for the Bensalem Township Spray Park. **Councilwoman Champion** seconded, and the motion carried 5-0,

6. **CONSIDERATION OF A GRANT AGREEMENT REGARDING THE OPEN SPACE PROGRAM DEED OF CONSERVATION EASEMENT AND DECLARATION OF RESTRICTIVE COVENANT:**

Solicitor Pizzo indicated Council approved the acquisition by the Township of the former UGH Club which has now been renamed Bensalem First Responders Field. The property, because of the condition it was in at the time it was acquired, has required a significant amount of investment by the Township to get the fields back into useable form. In order to install to install new drainage and irrigation facilities, parking lots have been redone, and new stands have been installed. In an effort to defray some of the cost associated with the significant investment; Council approved, several months ago, submission of an Open Space Grant application with the County to preserve the property in perpetuity as Open Space. The County has since approved that, and Council was previously asked to approve various documents that authorized and secured those funds on behalf of the Township.

The final step in the Township securing those funds and the property in perpetuity being preserved as Open Space is the approval, then execution of the Deed of Conservation Easement.

The Deed when executed will preserve all but the building.

Councilwoman Champion asked Solicitor Pizzo how it is preserved in perpetuity and couldn't the Township sell it?

Solicitor Pizzo indicated the Township could sell it, but it would be sold subject to the Open Space restrictions. It could not be sold to a developer in the future for houses, or sold to a company in the future, it has to be maintained forever as Open Space.

Councilwoman Champion asked Solicitor Pizzo if the building were to be replaced on the property, could it not take up anymore space than what currently exists?

Solicitor Pizzo indicated that is correct. Essentially the building area is carved out of the area of the Grant.

Councilwoman Champion asked Solicitor Pizzo if the Township could build anymore buildings on the property or storage.

Solicitor Pizzo indicated the Township has the ability, in certain cases, to build a Storage Shed for landscaping equipment. The Township has reserved certain rights that those structures would have to be ancillary to the use of the property as Open Space, or in this case, Open Space and Recreation. Hypothetically, if the Township wanted to build a small Snack Stand, the Township would have the opportunity to do so.

Councilwoman Benitez asked Solicitor Pizzo if the Township is deeding the property to the County, will County be maintaining it?

Solicitor Pizzo indicated it is still the Township's property, what the Township is giving to County is a Restrictive Covenant. The Township is giving County a bundle of rights. The right to develop the property in exchange for \$860,000. The Township would need to get County's approval to place any structures on the property.

Councilwoman Champion motioned to approve, **Councilwoman Benitez** seconded and the motion carried 5-0.

7. **CONSIDERATION OF A REDUCTION OF PERMIT FEES FOR BENSLEM TOWNSHIP SCHOOL DISTRICT MAINTENANCE DEPARTMENT LOCATED AT 4319 HULMEVILLE ROAD, BENSLEM, PA:**

Solicitor Pizzo indicated this is a request for a reduction of permit fees for Snyder Middle School's fire alarm system. The total cost of the fees is \$193.50, and the applicant is requesting the fees to be reduced to \$99.00.

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

8. **CONSIDERATION OF A RESOLUTION FOR ACT NO. 537, PA SEWAGE FACILITIES ACT, PLAN REVISION FOR NEW LAND DEVELOPMENT OF A PARCEL OF LAND IDENTIFIED AS GREEN AVENUE SUBDIVISION:**

Solicitor Pizzo indicated what he was about to say will apply to agenda items 8, 9 and 10.

The Act 537 is a Sewage Facilities Act which the Township is required to approve pursuant to State Act 537 pertaining to new construction within the Township; making sure there is adequate sanitary sewer service conveyance and treatment for a particular project within the Township.

In all three cases, for agenda items 8, 9 and 10, these are land development projects that the Township previously approved. One of the conditions of the approval in each case was that the applicant go out and get approval from the Pennsylvania Department of Environmental Protection and from the Bucks County Water and Sewer Authority for their sewage facilities. Each one of these Resolutions is part of that process to make sure that they are able to secure from Bucks County Water and Sewer and from DEP the approvals for their sanitary sewage conveyance and treatment plans. All three Resolutions are in a form required by the DEP, and all three Resolutions are in a form acceptable to the Township and are appropriate for Council's consideration.

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

9. **CONSIDERATION OF A RESOLUTION FOR ACT NO. 537, PA SEWAGE FACILITIES ACT, PLAN REVISION FOR NEW LAND DEVELOPMENT OF A PARCEL OF LAND IDENTIFIED AS 1430 LAVENDER ROAD SUBDIVISION:**

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

10. **CONSIDERATION OF A RESOLUTION FOR ACT NO. 537, PA SEWAGE FACILITIES ACT, PLAN REVISION FOR NEW LAND DEVELOPMENT OF A PARCEL OF LAND IDENTIFIED AS 1313 PARK AVENUE SUBDIVISION:**

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

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

Applicant:	Faith Unity, Inc
Location:	Richlieu and Galloway Roads
Tax Parcel:	2-1-55-2

Solicitor Pizzo indicated this a Land Development project that Council previously approved. They secured all of the various third-party approval, such as the Act 537 that Council approved for these earlier projects, and reached the stage where they have entered into Land Development agreements with the Township. Site work began on the project and then they encountered some unforeseen issues with the site work relative to groundwater on the site, which has delayed their progress.

The applicant has submitted to the Township a Land Development Extension agreement for Township's consideration. This is a standard facet of Land Development work in the Township when the applicant gets to that point in their agreement where they haven't yet completed within the time it was originally anticipated; they ask Council to grant such an extension, Council routinely does so with the condition that there is an audit done by the Township Finance Department and the Township Engineer. This is to make sure sufficient funds remain in the escrow accounts for the completion of the public improvements should the applicant fail to do so under the terms of the agreement. The recommendation to Council is a request for an extension out to July 27th, 2023. It is the Administrations recommendation that Council grant the extension agreement subject to the condition the Solicitor outlined for an audit by the Finance Department and the Township Engineer.

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

12. **CONSIDERATION OF A PRELIMINARY AND FINAL MINOR SUBDIVISION FOR:**

Applicant: Chase Bank
Location: 1729 Street Road
Proposed Use: Commercial
Zoning Classification: G-C Commercial
Tax Parcel: 2-43-305

This matter was tabled by a prior motion.

13. **CONSIDERATION OF A PRELIMINARY LAND DEVELOPMENT FOR:**

Applicant: Johnson Development Associates, Inc.
Location: 2600 State Road
Proposed Use: Warehouse/Distribution
Zoning Classification: R-55 - Riverfront Revitalization District
Tax Parcel: 2-65-21

This matter was tabled by a prior motion.

14. **PUBLIC COMMENT:**

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

15. **OTHER BUSINESS:**

Solicitor Pizzo acknowledged the Scouts in the audience and asked if they had any questions regarding anything they have seen or heard. They did not, and Solicitor Pizzo suggested if they would like to come up afterwards, to please do so. Congratulated them on their achievement and wished them luck. **GO BIRDS!!!!**

Councilwoman Benítez thanked the Scouts for being in attendance. Thanked all of the Veterans and their families for their dedicated service to their country. Wished everyone a Happy Thanksgiving. The African American Museum is having a groundbreaking ceremony at Boone's Farm, 413 and Bridgewater Road, in Langhorne on November 23rd at 11:00 am.

Councilwoman Champion thanked all the Veterans who have served, her family has a long history of serving. Thanked the Scouts for their volunteer work. Wished everyone a Happy Thanksgiving. Township Tree Lighting is December 10th. Check out our website for more details www.bensalempa.gov

Council Secretary Pilieri “dittoed” the previous responses and thanked the Scouts and told them to keep up the good work.

Council Vice President Kisselback indicated “Hoorah” to the Marines who are celebrating their 247th Anniversary. Thanked the Veterans for their service who continue to keep American free!

Council President Knowles congratulated all of the Veterans for their service. Wished everyone a Happy Thanksgiving.

16. ADJOURNMENT:

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

The Bensalem Township Council Meeting of November 14th, 2022 can be viewed in its entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Respectfully Submitted,

**Debora F. McBreen
Recording Secretary**