

**BENSALEM TOWNSHIP COUNCIL
MEETING MINUTES**

**Monday
September 9th, 2019**

MEMBERS PRESENT

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

ALSO PRESENT:

Mayor Joseph DiGirolamo
Harold Gans, Township Engineer
Russell Benner, Township Engineer
Joseph Pizzo, Township Solicitor
Debora McBreen, Council Clerk/Recording Secretary

1. PLEDGE OF ALLEGIANCE:

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

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 individuals, there may be mistakes or omissions because of the “back and forth” dialogue and the **lack of the use of the microphones.**

2. PUBLIC COMMENT:

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

Council President Knowles introduced the Mayor who read a proclamation declaring September 2019 as “Going Gold” for “Childhood Cancer Awareness Month” and recommended contributing to this charity.

Angela Caccio, member of Bensalem Strong, thanked the Mayor and Council for declaring September as “Going Gold” for “Childhood Cancer Awareness Month” and promoting awareness.

3. APPROVAL OF COUNCIL MEETING MINUTES, August 26TH, 2019:

After corrections were noted to the minutes of August 26th, 2019, **Council Member Tokmajian** motioned to approve the minutes, **Council Member Sloane** seconded and the vote carried 4-0-1, with **Council Vice President Kisselback** abstaining due to not being in attendance during the August 26th, 2019 Council Meeting.

4. CONSIDERATION OF AN ORDINANCE – POLICE PENSION AND RETIREMENT SUBSECTION (J):

John Chaykowski, Finance Manager, the township recently went through a state audit, and in 2009 the Commonwealth of Pennsylvania adopted Act 51 which provided all the members of the police pension with a Killed in Death benefit that is funded by the state. After the adoption of said benefit, it was merged and changed into law within the collective bargaining agreement, however, the ordinance was never updated to reflect the Adoption of Act 51. During the most recent audit, the state recommended updating the ordinance as well.

Council Questions:

Council Vice President Kisselback noted this will obviously be solvent and will continue for additional years without any addition funds. **Mr. Chaykowski** replied that there would be no additional funding required. **Council Vice President Kisselback** motioned to approve, **Council Member Sloane** seconded and the motion carried 5-0.

5. CONSIDERATION OF AN ORDINANCE – VACATING A PORTION OF LAKEWOOD AVENUE:

Solicitor Pizzo indicated the Township Administration reviewed the application for vacation and it is the recommendation of the Administration that the request be denied. The Township believes it is in the best interest of the Township that this access point remain. While it is not currently used by the Township, one may never know what may come to pass in the future and therefore it is prudent that the Township keeps that access point along that portion of the Golf Course for whatever future use the Township may need it for.

Council Questions:

Council Member Sloane asked why the property owners were asking to have this portion vacated. **Solicitor Pizzo** indicated he was not aware of any contact with the petitioners and explained the process of submitting a request for vacating a street.

Council Member Tokmajian asked what the townships obligation to this property is. **Solicitor Pizzo** explained the township looked at the petition, looked at the map and there was a discussion and determined it didn't make sense, as the land owner, to give it away. Beyond that, anything that council collectively thinks the township should be doing, we will be happy to do further. **Council Vice President Kisselback** indicated 90% of the time these types of ordinances come before Council regarding land that is not being used or has no use to the

Township or anyone else. But this ordinance has a potential use in the immediate future or the far-fetched future, and he would be inclined to deny this application at this time.

Council President Knowles asked if anyone would like to speak for or against this application, seeing no one come forward the public portion was closed. **Council Vice President Kisselback** made a motion to deny this ordinance, **Council Secretary Pilieri** seconded and the motion carried 5-0.

6. CONSIDERATION OF A RESOLUTION – EMERGENCY EQUIPMENT FOR 6 VOLUNTEER FIRE COMPANIES AND EMS:

John Chaykowski, Finance Manager explained this grant allows the Volunteer Fire companies and the EMS to submit for reimbursement for any type of debt or capital purchases or building renovations or whatever they deem necessary for the company. **Council Member Tokmajian** asked if there was any insight as to how the funds would be disbursed. **Mr. Chaykowski** explained the company would submit a request for the use of funds before being distributed to the company, the township would deem whether it was qualified under the grant before disbursement. **Council Secretary Pilieri** made a motion to approve as presented, **Council Member Tokmajian** seconded and the motion carried 5-0.

7. CONSIDERATION OF A RESOLUTION – NEW EMERGENCY RADIOS:

Mr. Chaykowski explained this is an ongoing grant that has been applied for many years now, it is available for the township as well as the Volunteer Fire companies for the payment for the new radio system that was implemented many years ago and many of the companies are still paying on the annual installment. **Council Secretary Pilieri** made a motion to approve as presented, **Council Member Sloane** seconded and the motion carried 5-0.

8. CONSIDERATION OF A REOLUTION – INTERGOVERNMENTAL AGREEMENT GRANT APPLICATION – TOWNS AGAINST GRAFFITI (T.A.G.):

Mr. Chaykowski explained this is an intergovernmental agreement between multiple municipalities within Bucks County for our Towns Against Graffiti program which has been funded for many years by the RDA, the program has been able to continue and keep our town clean. **Council Vice President Kisselback** commented how great the program is which was started by the Mayor many years ago and how the cooperation throughout the municipalities keeps us free from graffiti. **Council Member Tokmajian** asked where the difference in funds would be coming from. **Mr. Chaykowski** explained each municipality pays annual membership dues as well as fund raising programs should additional funds be needed. **Council Member Sloane** asked if the \$165,000 is a capped in which the township could apply for. **Mr. Chaykowski** explained the \$165, 000 and the membership dues is enough to sustain the program going forward. **Council Vice President Kisselback** made a motion to accept as presented, **Council Member Tokmajian** seconded and the motion carried 5-0.

9. CONSIDERATION OF A RESOLUTION – MUNICIPAL GRANT – BUCKS COUNTY YWCA:

Mr. Chaykowski explained community organizations can request the township submit a grant application on their behalf for funding for any particular programs. The YWCA is looking to use this program to help support programs to service low income children and families within the county. **Council Secretary Pilieri** made a motion to approve as presented, **Council Member Tokmajian** seconded and the motion carried 5-0.

10. CONSIDERATION OF A RESOLUTION – POLICE PENSION PLAN:

Mr. Chaykowski explained every year through contract negotiations the township has negotiated with the Police Benevolent Association their employee pension contributions are 3.5% of their salary. According to Act 600 if you go below 5% the board has to approve a Resolution adopting the fact that it is going below the 5%. **Mr. Chaykowski** explained it is required he reads into the Township records information in compliance with Pennsylvania Act 205. The first requires no action by Council, that being the 2020 Minimum Municipal Obligation (MMO) financial requirements for the Police, Non-Uniform Defined Contributions pension funds have been prepared as follows:

Police Defined Benefit Pension	\$ 3,685,171.00
Non-Uniformed Defined Benefit Pension	\$ 440,878.00
Non-Uniformed Defined Contribution Pension	\$ 155,000.00

Secondly there is an annual required Resolution for increasing the Police Pension payroll deduction for the year 2019 to 3.5%, again, no action by Council is required.

The Township receives State Aid and payroll deductions that offset some of the required pension payments. The 2018 State Aid is \$ 1,339,735.00 and payroll deduction were \$ 713,162.00, this Resolution does require action by Council. **Council Member Sloane** motion to approve as presented, **Council Member Tokmajian** seconded and the motion carried 5-0.

11. CONSIDERATION OF A RESOLUTION TO UPGRADE A TRAFFIC SIGNAL:

Solicitor Pizzo indicated as council is aware they had previously approved the Land Development application for Republic Bank at the corner of Mechanicsville and Street Roads which was conditioned upon PennDOTs ultimate approval of the driveways servicing that project. PennDOT had suggested that the driveway be moved farther south along the property. In order for the intersection to reflect the changes both in the driveway and to include the intelligent streetlight system it will need to be tied into all the other intersections. It is necessary for the Township traffic signal permit for that intersection to be upgraded to incorporate that change at driveway and the incorporation of that technology in the traffic signal servicing that intersection. It is in a form acceptable for council’s consideration which was suggested by the Township Traffic Engineer and it is being recommended to Council by the Township Administration. Council Member Sloane asked if the cost of the new pedestrian signal was being funded by the Township or the Developer. **Solicitor Pizzo** indicated all of the PennDOT improvements going in along the frontage of the development are going to be paid for by the Developer. **Council Secretary Pilieri** made a motion to approve as presented, **Council Member Tokmajian** seconded and the motion carried 5-0.

12. CONSIDERATION OF A REVISED PRELIMINARY AND FINAL LAND DEVELOPMENT PLAN:

Applicant: Michael Sperduto/Sperduto Investments, LLC
Location: 901 Tennis Avenue
Proposed Use: Storage/Warehouse
Zoning Classification: R2 – Residential
Tax Parcel: 2-29-300 & 301

Tony Belfield representing Sperduto Investments, LLC. The application is for two buildings approximately 11,000 square feet each. The purpose of the buildings is to service in many ways the self-storage type warehouse buildings which are more to service small commercial businesses. In today's day and age, brick and mortar businesses, the old model of having a storefront and having a warehouse with your products of that nature stored away is not as much a significant requirement any longer. In essence this is more to service a demand of commercial businesses looking for these types of facilities. These are not designed to be active businesses as such. The revised plan has a single bathroom that the tenants would have access to but as a separate stand-alone structure. The overall intended use is for commercial business to use as storage. **Council Secretary Pilieri** asked about the parking situation. **Mr. Belfield** indicated after additional consideration from council they are now providing 44 spaces. A conversation ensued regarding climate control, bathroom facility maintenance and zoning along with Stormwater management. **Mr. John Richardson** with Dumack Engineering indicated they did receive a variance for the proposed use. A conversation ensued regarding the variances. Waivers were discussed. **Solicitor Pizzo** indicated that one of the conditions of the Zoning Hearing Board was that the landscaping and fencing shall be installed as proposed. **Mr. Belfield** indicated the applicant will comply with the landscaping requirements. A discussion ensued regarding impervious surface and the memo from Traffic Planning and Design. **Engineer Gans** indicated the applicant asked for a waiver of curbs and sidewalks. **Mr. Gans** is requiring the applicant to provide radius and entrance curbing along the driveway, the remainder of the frontage would be a fee in lieu of including the sidewalks.

Council President Knowles invited public comment. **Mr. Michael Murphy**, 911 Tennis Avenue, indicated he has been informed by the applicant what their plans are for this property and is very satisfied with the applicant's plans. Seeing no one else come forward the Public Portion was closed.

Council Vice President Kisselback motioned to approve under the following stipulations:
the applicant will comply with Mr. Gans memo dated July 11th, 2019 Sections B and C, the applicant will comply with the following waivers granted for Section D in its totality, as long as it is approved by the Township Engineer regarding the sizes of the pipes and the free-board and the cover over pipes. Section E waivers are granted for 201-41 (d)(9), 201-104 (b), 201-106 (c)(8), 201-106 (a)(2)a.6, 201-106 (a)(2)a.14, the applicant will comply with 201-106

(c)(10)(b) regarding the 36 trees and a registered landscape architect to sign the papers, waivers will be granted for 201-110 (b), 201-111 (a) and the applicant will be required to pay a fee in lieu of. The entrance and the radius of the driveway will have curbs. The applicant will also meet the impervious surface of the R2 to the satisfaction of the Township Engineer. Waivers will be granted for 201-112(d) and 201-112(i). The applicant will comply with (F) Stormwater Management and (G) Miscellaneous 1, 2 and 3 and the applicant will also comply with the Bensalem Fire and Rescue memo dated March 12th, 2019 from Mr. Sponheimer. The applicant will comply with the Traffic and Safety review memo from the Townships Safety Evaluation. The applicant will comply with three through eleven of the Traffic Planning and Design letter dated April 10th, 2019. **Solicitor Pizzo** indicated in the TPD letter with the moving of the entrance way, item one will become not applicable and item two would also become not applicable because the driveway has now been moved at a sufficient distance from the neighboring property owner that a site distance easement wouldn't be required. **Solicitor Pizzo** stated that since this is a consolidation of several existing lots that a deed for the newly created single lot should be submitted for review and approval by the Township Engineer and the Township Solicitor and should be recorded contemporaneously with the recording of the Record Plan. **Council Member Tokmajian** seconded and the motion carried 5-0.

13. CONSIDERATION OF A MINOR SUBDIVISION:

Applicant:	Norman Cook, Jr./BCS Enterprises, Inc.
Location:	4809 Ridge Avenue
Proposed Use:	Lot 1 – Residential & Lot 2 - Industrial
Zoning Classification:	R1 – Residential & L-I Light Industrial
Tax Parcel:	2-4-306

Chris Stewart and John Richardson on behalf of the applicant BCS Enterprises, Inc. indicated while the application is called a Minor Subdivision, there is no development, it is simply resolving a split zoning issue by creating a lot line where the zoning line exists. This will result in 2 lots, one zoned L-I, Light Industrial and the other zoned R-1, Residential. Mr. Richardson explained in detail the minor subdivision. A discussion ensued with council and the applicant regarding tax parcels and land development. **Council President Knowles** invited Public Comment, seeing no one come forward the Public portion was closed. **Council Member Tokmajian** made a motion to approve under the following stipulations: A through G, waivers are subject to the sub-division, however, not the future development, and to be revisited on any planned development. Also, there will be a requirement for a fee in lieu of the curbs and sidewalks. The applicant will comply under Section D under number two and will comply under Miscellaneous E numbers one, two and three. **Solicitor Pizzo** indicated to **Council Member Tokmajian** that he did grant the waiver of D1 for all of the sub-items except for curbs and sidewalks, a fee for the curbs and sidewalks and all of the other waivers at the time of any future building permit application or land development application. The Deeds for the newly created lots will be submitted to the Township Engineer and the Township Solicitor and the new Deeds will be recorded contemporaneously with the recording of the Record Plan in Doylestown. **Council Vice President Kisselback** seconded and the motion carried 5-0.

14. CONSIDERATION OF A LOT LINE CHANGE:

Applicant: Bucks County Economic Development Corporation
Location: 1360-1370 Adams Road
Zoning Classification: LI – Light Industrial
Tax Parcel: 2-45-44 & 2-45-43

John Richardson, Dumack Engineering, on behalf of the applicant, indicated this deals with two lots on Adams Road. The area in questions where they are transferring one lot to the other is relatively minor, the new lot line will run down the middle of the party wall and in terms of building coverage and impervious surfaces it actually reduces the lot with the higher ratios. There is no development of any kind proposed. **Council President Knowles** invited Public Comment, seeing no one come forward the Public portion was closed. **Council Member Tokmajian** made a motion to approve, **Council Member Sloane** seconded, and the motion carried 5-0.

15. REQUEST FOR A WAIVER OF CURBS AND SIDEWALKS:

Township Engineer Gans asked to place the waiver of 2318 Ogden Avenue on the agenda. **Council President Knowles** asked for a motion, **Council Secretary Pilieri** motioned to modify the agenda, **Council Vice President Kisselback** seconded and the motion carried 5-0.

A. Applicant: Justin Vargas
Site Information: 1070 Totem Road
Tax Parcel: 2-76-91

Engineer Gans recommended a waiver for curbs and sidewalks subject to a payment of a fee in lieu of which would be \$4,613.80. **Council Member Tokmajian** made a motion to approve, **Council Vice President Kisselback** seconded and the motion carried 5-0.

B. Applicant: Thomas Snyder
Site Information: Traylor Avenue
Tax Parcel: 2-61-264

Engineer Gans recommended a waiver of curbs and sidewalks subject to a payment of a fee in lieu of which would be \$2,210.00. **Council Secretary Pilieri** made a motion to approve, **Council Vice President Kisselback** seconded and the motion carried 5-0.

D. Applicant: Thomas Snyder
Site Information: 2519 Hulmeville Road

Tax Parcel:

2-32-098

Engineer Gans recommended a waiver of curbs and sidewalks subject to a payment of a fee in lieu of which would be \$3,740.00. **Council Secretary Pilieri** asked for an update on this property. **Quinton Nearon** indicated **Russ Benner** accompanied him to the site to further investigate the pipe and indicated a design was in the process. **Mr. Nearon** has been in touch with Tri-State Engineering regarding the basin on the Golf Course to alleviate the water flow from the rainfall. **Mr. Nearon** explained the process regarding the residents' comment pertaining to a collapsed pipe and how he will be asking for assistance from the Fire Marshal's office to determine if the pipe is indeed collapsed. **Mr. Nearon** visited the area during a rainfall, noticed the steady flow of water and did not see any flooding during that event. A discussion ensued regarding the back lot where the proposed lot line change would have occurred. **Solicitor Pizzo** indicated if Council chooses not to approve the waiver the developer will be required to install the curbs and sidewalks, installing the curbs and sidewalks would increase the impervious surface and would direct Stormwater flows perhaps in directions the township would not prefer to go. A conversation ensued between a resident, Mr. Kumbat, and the township engineer and council regarding the installation of curbs only. A very lengthy conversation ensued regarding stormwater flow within and around the surrounding properties. **Council Secretary Pilieri** suggested council tabling this item to the next council meeting on September 23rd in order for **Mr. Nearon** to investigate the situation and report back to council with his findings. **Council Member Tokmajian** seconded and the motion carried 4-1.

D. Applicant: Lawrence & Marilyn Konyves
Site Information: 2318 Ogden Avenue
Tax Parcel: 2-31-185

Engineer Gans recommended a waiver of curbs and sidewalks subject to a payment of a fee in lieu of which would be \$6,293.74. **Council Member Sloane** made a motion to approve, **Council Member Tokmajian** seconded and the motion carried 5-0.

16. PUBLIC COMMENT:

Dennis McGuire, Ogden Avenue, regarding Ms. Keefe's suggestion of curbs and sidewalks after the fatality on Hulmeville Road, which was Mr. McGuire's son. Mr. McGuire indicated there was a shortage of speed limit signs and suggested posting more speed limit signs along Hulmeville Road and possibly sidewalks. **Solicitor Pizzo** suggested the townships engineers get together with PennDOT to talk with them to see what they would have in mind for sidewalks along the Hulmeville Road from Street Road to Bristol Pike and explained it would be a massive undertaking and would be years away from production.

Geraldine Ryan, Woodbine Avenue, updated council regarding meeting with Quinton Nearon and Mr. Russell Benner and is very grateful with the progress being made. Ms. Ryan indicated while in the hospital our Stroke Unit came in the hospital and had saved two lives and was very proud that the Mayor was instrumental with Jefferson Hospital to have chosen Bensalem as the community for their Stroke Unit.

Seeing no one else come forward the second of two Public Comments was closed.

17. OTHER BUSINESS:

Council Member Sloane, GO EAGLES!

Council Secretary Pilieri commented the Phillies were losing but was excited that hockey season was about to startGO FLYERS!

Council Member Tokmajian thanked the residents for coming out in regards to the Proclamation for Childhood Cancer Awareness Month.

Council Vice President Kisselback commented on the Proclamation and reminded everyone that we should never forget 9/11/01 and those horrific attacks on America and how we as Americans came together.

Council President Knowles commented on the Proclamation and suggested if anyone could make a financial contribution to help out with research for childhood cancer is certainly a worthy cause.

Respectfully Submitted,

**Debora F. McBreen
Recording Secretary**