

**BENSALEM TOWNSHIP COUNCIL
COUNCIL MEETING MINUTES**

**Monday
May 20th, 2024**

MEMBERS PRESENT:

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

SUPPORTING PERSONNEL:

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 and/or prayer, followed by the Pledge of Allegiance.

2. INTRODUCTION OF COUNCIL MEMBERS, MAYOR AND STAFF:

Council President Kisselback introduced the Supporting Staff, Mayor and Council Members.

3. 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.

4. **APPROVAL OF COUNCIL MINUTES:**

Councilwoman Benitez motioned to accept the Council Meeting Minutes from May 6th, 2024 as presented. **Council Vice President Knowles** seconded and the motion carried 4-0.

5. **COUNCIL CONSIDERATION OF MAYOR’S RECOMMENDATION TO THE PLANNING COMMISSION:**

The Mayor indicated that Mr. Hanratty was unable to attend this evenings meeting because he was on vacation.

Council President Kisselback indicated that the Mayor was recommending a candidate to replace a Planning Commission Board member who had passed away.

The Mayor presented a short background of Mr. Hanratty’s achievements.

Council Vice President Knowles motioned to approve the Mayor’s recommendation of Mr. Bryan Hanratty, to the Planning Commission Board. **Councilwoman Benitez** seconded and the motion carried 4-0.

Council President Kisselback asked Solicitor Pizzo if there were any changes to the agenda. Solicitor Pizzo indicated Agenda Item #8, Preliminary and Final Land Development for Brilla, LLC, had received correspondence from the applicant’s attorney indicating that they are still working on some aspects of the plan they want to address before making a presentation before Council and they are therefore asking that the matter be tabled to a date certain of July 8th, 2024.

Councilwoman Benitez motioned to Table the item to a date certain of July 8th, 2024. **Councilwoman Champion** seconded and the motion carried 4-0.

6. **CONSIDERATION AND PUBLIC HEARING ON AN ORDINANCE AMENDING CHAPTER 225 “VEHICLES AND TRAFFIC” ARTICLE III “PARKING REGULATIONS,” SECTION 7 “PARKING, STANDING, STOPPING”, APPENDIX A SHALL BE AMENDED TO ADD THE FOLLOWING RESTRICTIONS:**

No Parking, Standing or Stopping Anytime Sign

Direction of Travel

Location

River Road

Eastbound (River side)

from Walnut Avenue
To Locust Avenue

Solicitor Pizzo indicated that a request would come in to the Mayor’s office and the Mayor in turn directs the Department of Public Safety to decide whether any sort of traffic control

or parking control is warranted based on the complaint. In the case of this particular request, Public Safety Department went out and took a look. The complaint was that vehicles parking along the roadway were making it difficult for people to make turns and reducing the width of the roadway making it only wide enough for a single vehicle to pass. As a result, the investigation conducted by the Public Safety Department supported the request and made a recommendation to the Mayor's office that the No Parking, Standing or Stopping Anytime sign on the eastbound side of River Road be proposed to Council. The Ordinance has been proposed for Council's consideration and has been properly advertised in the Bucks County Courier Times and the Administration is recommending that Council adopt the Ordinance.

Council President Kisselback asked if anyone in the audience would like to comment for or against this Ordinance. Seeing no one come forward the Public Comment was closed.

Councilwoman Champion motioned to approve Agenda Item #6 for having a No Parking, Standing, Stopping Anytime Sign on River Road in the Torresdale Manor section on the eastbound river side from Walnut Avenue to Locust Avenue. **Councilwoman Benitez** seconded and the motion carried 4-0.

7. **CONSIDERATION AND PUBLIC HEARING ON AN ORDINANCE AMENDING CHAPTER 225 "VEHICLES AND TRAFFIC" ARTICLE III "PARKING REGULATIONS." SECTION 7 "PARKING, STANDING, STOPPING", APPENDIX A SHALL BE AMENDED TO ADD THE FOLLOWING RESTRICTIONS:**

No Parking, Standing or Stopping Anytime Sign	Direction of Travel	Location
Old Lincoln Highway	Westbound	in front of 2750 Old Lincoln Highway

Solicitor Pizzo indicated that everything he had just said regarding the ordinance for consideration of No Parking on River Road would similarly apply to the process for the determination of a No Parking recommendation on Old Lincoln Highway on the westbound side of that roadway in front of 2750 Old Lincoln Highway which is the Public Storage facility located across from Roosevelt Cemetery. Complaints about vehicles parking on the west side were resulting in obstructed views for people particularly coming out of the facility having a difficult time entering or exiting onto Old Lincoln Highway from that facility. Upon receipt of the complaint the Public Safety Department went out to the site and conducted an investigation and gave their recommendation to the Mayor. And in turn, the Mayor's recommendation to Council is that the No Parking, Stopping Standing Anytime Sign on the westbound side of Old Lincoln Highway in front of 2750 Old Lincoln Highway be adopted. The Ordinance has been publicly advertised in the Bucks County Courier Times and in a form acceptable for Council's consideration.

Council President Kisselback asked if anyone in the audience would like to comment for or against this Ordinance. Seeing no one come forward the Public Comment was closed.

Councilwoman Benitez motioned to approve Agenda Item #7 Chapter 225 “Vehicles and Traffic” No Parking, Standing, Stopping Anytime on Old Lincoln Highway westbound in front of 2750 Old Lincoln Highway. **Councilwoman Champion** seconded and the motion carried 4-0.

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

Applicant:	Brilla, LLC – Anton Poteryahin
Location:	4034 & 411 Bristol Road
Proposed Use:	Auto Parts Warehouse and Garage
Zoning Classification:	GC – General Commercial District
Tax Parcel:	02-017-068-001 & 02-017-090-001

This item was tabled by a prior motion.

9. **CONSIDERATION OF A LOT LINE CHANGE FOR:**

Applicant:	Ken Fleck – Fol Pen2
Location:	2975 Galloway Road
Proposed Use:	Foley Cat Lot Modification
Zoning Classification:	G-I General Industrial & L-I Light Industrial
Tax Parcel:	02-033-066-007, 02-033-066, 02-033-066-004, 02-033-066-003

Stephanie Kobal with Fitzpatrick, Lentz & Bubba, P.C. on behalf of the applicant. The applicant is taking 4 lots, consolidating 2 and 2, and are changing the line for those 2 lots to coincide with the zoning boundary so that there is no longer a lot half in one district, and half in the other district. The applicant did submit plans and the Township Engineer reviewed those plans and issued a comment letter. The applicant revised the plans in accordance with the comment letter and have met all of the requirements of the comment letter.

Stephanie Kobal indicated that Cody McCuean with Barry Iseet and Associates will be available for any technical questions Council may have and indicated that this plan is a minor subdivision and lot line adjustment.

Council Vice President Knowles inquired if the 4 lots were going to be 2 lots and if the 2 lots were zoned differently. A conversation ensued.

Solicitor Pizzo suggested having the plans posted on the screen so that the people in the audience and also those watching from home would be able to see what the applicant was talking about.

A group of people formed around the plans laid out on the table and a conversation ensued regarding the lot consolidation.

The applicant is not asking for any relief, it is a plan that is in compliance. The northern lot is 53.58 acres and the southern lot being 55.014 acres.

Council Secretary Champion indicated that the applicant was asking Council to make one lot two zonings.

Stephanie Kobal indicated that here would no longer be a landlocked lot which comes down to which would be more desirable. Again, this plan complies with the Township Ordinances. The applicant has no plans or land development for the southern lot. If the applicant decides to develop in some way, the applicant is aware they will have to come back before Council. But at this point all the applicant is asking for is the lot line change.

Council Vice President Knowles wanted to know if by doing this would it make it easier to sell the property or does it mean the applicant has plans for the future two lower lots to bring in a light industrial or heavy industrial in that area.

Stephanie Kobal indicated the lots are zoned as to what they are, the applicant cannot create a heavy industrial lot.

Council Vice President Knowles asked if the LI lot is closer to Galloway Road or further away.

Stephanie Kobal indicated the LI lot is closer to the residences.

Council Secretary Champion asked Solicitor Pizzo if the Township has lots that have been combined with two uses.

Solicitor Pizzo indicated that he could not think of too many times, if any, over the past 30 years that the Township has done that. Historically the Township tries to avoid creating, and in many cases have attempted to eliminate split zoned lots whenever practical and whenever feasible.

Council Secretary Champion asked if that would be the reason why there are two separate lots previously and not necessarily combined?

Solicitor Pizzo indicated in this instance probably so, but could not speak to what's been happening on the different parts of the lots. This property has been in front of the Township several times for various land development or zoning approvals associated with the activity that exists there currently. Part of it may be for rental activity that was approved and maybe

the expansion of the existing building. The applicant has been in front of Council a couple of different times under the configuration that currently exists.

Council President Kisselback asked presently, what are the four zoning lots.

Stephanie Kobal indicated the four zoning lots are former lot 1 and former lot 2 and the lower portion of the plan is lot 3 and lot 4.

Councilwoman Benitez asked for clarification on the landlocked lot.

Stephanie Kobal indicated the lower right portion of the plan is by combining the two lower lots on the plan, yes there will be a split lot, but not 2 separate uses on a lot it is two zoning districts on a lot. Right now, there is no lower use on the lower lot, it is vacant.

A discussion ensued between Solicitor Pizzo and Council regarding zoning of the lots.

Stephanie Kobal suggested to Council to table this item so that she can talk to her client about Council's concerns regarding the split zoning and see if the client is amenable to working through that with the Township.

Council Vice President Knowles motioned to table the applicant Ken Fleck – Fol Pen2, 2975 Galloway Road to a date certain of July 22nd, 2024 contingent upon the applicant giving an Extension of Time letter. **Council Secretary Champion** seconded and the motion carried 4-0.

Council President Kisselback asked if anyone in the audience would like to comment regarding this agenda item. The following people came forward:

Marie Zimmerman, 126 Liberty Drive, has concerns because her property backs up to the applicant, Foley Cat. Those concerns are noise. If they start to put a lot of businesses in there they are going to be making a lot a noise and their homes will devalue. There are only about 6 or 7 houses on that property line but there is a whole development there. They want as little noise and as little activity as possible. Mrs. Zimmerman thanked Council for tabling the item and having the applicant take a second look.

Steve Pers, 18 Freedom Lane, thought it would have been nice if the applicant had asked for a meeting with the residents of Chancellors Glen to discuss their proposal. He is concerned that this will impact their real estate values.

Regina Reedman, 124 Liberty Drive, lives across of the properties that will back up to the Foley property. She lives along the side of the Turnpike without a sound barrier. Bought her home in 2018 that backs up to the existing Turnpike. The noise level has gotten immense. With the development of Foley Cat and large equipment if it can be stopped is mainly why they are here this evening. Sound does affect mental health, they are in a community of 55 years old and older and are in their last years of their lives and bought this place with hopes of it being quiet and relaxing.

Council Vice President Knowles explained to Mrs. Reedman that with the Turnpike adding a third lane a sound barrier will go up.

10. **CONSIDERATION OF A REDUCTION OF PERMIT FEES FOR THE BENSLEM SCHOOL DISTRICT LOCATED AT 3000 DONALLEN DRIVE REGARDING THE DISTRICT OFFICE COOLING SYSTEM:**

Council Vice President Knowles motioned to accept the reduction request from the Bensalem School District from \$473 to \$236.50 as presented. **Councilwoman Benitez** seconded and the motion carried 4-0.

11. **CONSIDERATION OF APPROVAL OF A SETTLEMENT STIPULATION AND AGREEMENT AMONG AND BETWEEN BENSLEM TOWNSHIP THE BENSLEM ZONING HEARING BOARD, AND PREMIER MEDIA, LLC:**

Solicitor Pizzo indicated that Council has been briefed on the matter previously in an Executive Session and most recently approved a rezoning of a piece of land that is involved in the settlement of this matter.

A quick history for the public: The applicant Premier Media had put in an application to put a billboard at the intersection of Street Road and Hulmeville Road. The Township believing the billboard was not permitted there, the Zoning Hearing Board denied the requests for variances that otherwise would have allowed it. Premier Media appealed that decision to the Common Pleas Court as is their right.

Subsequently the Township and Zoning worked with Premier Media to see if there was some option other than continuing the litigation which there is always the possibility the Township could lose and end up with the billboard at that location which is something the Township didn't want to see happen. Ultimately the Township was able to find an appropriate piece of land on which Premier Media might put the electronic sign. The Township and Zoning Hearing Board and Premier Media appeared in front of the Common Pleas Court Judge to discuss the possibilities of a settlement that would allow for the sign to be located at a different location in the Township.

Ultimately the settlement was reached and location would now be along Street Road right next to the slip ramp entrance to the Turnpike. The settlement would have the sign going on Township owned land and as a result the Township will see revenue from the placement of the sign which over the course of the life of the lease would result in Revenue to the Township in excess of \$1.1 million dollars over the life of the lease. The negotiation would also give the Township access to the billboard such that the Township would have the ability to put messaging that is Township based on the sign one panel per minute every minute every day 365 days a year.

Finally, the arrangement is such that the Township will have a say over the content of the billboard and therein anything that would be espousing alcohol, tobacco would not be permitted. Various kinds of advertising, political advertising, the Township has the

absolute say over what can go on the sign. Under those circumstances, the Township, Premiere Media and the Zoning Hearing Board have all reached a settlement that is memorialized in the stipulation that is before Council. The stipulation is such that it has been approved by the Zoning Hearing Board and it has been approved by the applicant and now all that it requires is the approval of Council.

Solicitor Pizzo reminded Council that they did rezone the land so that the land can be used in this fashion at a Council Meeting roughly two or three months ago.

It is a good outcome for the Township and it keeps the billboard from a location where the Township absolutely did not want to see it. Puts it on land that is otherwise not being used by the Township and will be a source of revenue of over \$1.1 million dollars during the life of the billboard. The Township will have the access to put its own messaging on there and can otherwise control the content of the sign.

Council Secretary Champion asked if Premier Media would be responsible for the maintenance around the billboard.

Solicitor Pizzo indicated that Premier Media is responsible for the installation, the cost of the utilities, such as the electric and for the maintenance and upkeep.

Solicitor Pizzo indicated that Council Vice President Knowles made an excellent point. That along with the placement of the sign Premier Media is planting additional buffering and screening that will block the view of the Emergency Services Training facility from Street Road. It will improve that vista there as part of the arrangement.

Council Vice President Knowles made a motion to approve the consideration of the settlement stipulation agreement between Bensalem Township, the Bensalem Township Zoning Hearing Board and Premier Media, LLC as presented and explained by the Township Solicitor, Mr. Joseph Pizzo. Council Secretary Champion seconded and the motion carried 4-0.

12. **PUBLIC COMMENT:**

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

13. **OTHER BUSINESS:**

Engineer Wursta indicated that last Thursday he had the opportunity as the Trustee of the Bucks County Community College to preside over the 2024 Graduation Class and noted I was happily surprised by seeing Councilwoman Benitez's daughter, Carmen graduate and congratulated Councilwoman Benitez and her family.

The Mayor indicated that the Memorial Day Parade is on Monday, May 27th. The first concert of the season starts on Wednesday, May 29th with Super TransAm 70's music.

Councilwoman Benitez – Congratulated her daughter Carmen on her college graduation. Her daughter Giana will be celebrating her Senior Prom on Friday, May 24th and congratulated the Bensalem High School Class of 2024. Thanked the Bensalem High School Choir, which her daughter Giana is a part of, for participating in the Police Memorial Ceremony and wished everyone a happy and a safe Memorial Day weekend.

Council Vice President Knowles talked about the Bensalem Police Memorial and how the Yezzi and Armstrong families participate each and every year. Will be walking in the Memorial Day and ordered great weather for the day. Congratulated Councilwoman Benítez's daughter Carmen on graduating from the Bucks County Community College.

Council Secretary Champion wished everyone a Happy Memorial Day. The Police Memorial Service is always very touching and makes you think everyday what our officers throughout the country put on the line for their communities and please keep them in your prayers. Looking forward to seeing everyone at the Memorial Day Parade and again on Wednesday at the opening of the Bensalem Concert Series.

Council President Kisselback talked about the Bensalem Police Memorial and the two fallen officers that it represents, Officer Yezzi and Officer Armstrong. The Memorial Day Parade starts at 10:00am on Memorial Day, Monday, May 27th. There will be flags and candy distributed during the parade by Council. God Bless America and God Bless Bensalem!!!!

14. **ADJOURNMENT:**

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

The Bensalem Township Council Meeting of May 20th, 2024 can be viewed in its entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Respectfully submitted,

Debora F. McBreen
Recording Secretary/Council Clerk