

**BENSALEM TOWNSHIP COUNCIL
COUNCIL MEETING MINUTES**

**Monday
October 28th, 2024**

MEMBERS PRESENT:

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

SUPPORTING PERSONNEL:

Mayor Joseph DiGirolamo
Debora McBreen, Council Clerk/Recording Secretary
Quinton Nearon, Senior Municipal Inspection Manager
Joseph Pizzo, Township Solicitor
Kenneth Ferris, Solicitor
Philip 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 AND STAFF:

Council President Kisselback introduced the Mayor, Supporting Staff, Council Members and acknowledged Girl Scout Troop 21608. District Attorney Schorn addressed the Troop regarding her function as a District Attorney.

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 approved the Council Minutes from September 23rd, 2024 as presented. **Council Secretary Champion** seconded and the motion carried 5-0.

Solicitor Pizzo indicated that Council President Kisselback may want to announce to the public that Agenda item 8 the Lot Line Change for Ken Flec – Fol Pen2; which is a property located at 2975 Galloway Road, the former Giles and Ransome property, explained that notices had been sent out by the applicant advising them of the hearing this evening.

Council received, from the applicant, a request to have the item tabled to the Council meeting date of November 25th, 2024. The reason being is, that the rezoning that is going to be done as part of the consideration of the Lot Line change needs to be publicly advertised and needs to go through the Planning Commission. No further notices will be sent and are being advised that is when the hearing will take place.

Councilwoman Benitez motioned to table Agenda item 8 for applicant Ken Flec – Fol Pen2 located at 2975 Galloway Road to a date certain of November 25th, 2024. **Council Vice President Knowles** seconded and the motion carried 5-0.

5. **CONSIDERATION AND PUBLIC HEARING ON AN ORDINANCE ESTABLISHING AND CREATING CHAPTER 134-“LOCAL GAMING DEVICES” OF THE TOWNSHIP CODE; AMENDING THE FOLLOWING CHAPTER 64-“BUSINESSES”, CHAPTER 105-“GAMES OF CHANCE”, CHAPTER 160-“PEACE AND GOOD ORDER”, CHAPTER 210-“TAXATION”, AND REPEALING ALL INCONSISTENT ORDINANCES, AND ESTABLISHING AN EFFECTIVE DATE THEREFOR:**

The Mayor indicated that the last couple of years he had received complaints regarding “skill games”. The Mayor turned over the investigation to the Police Department. The Police Department collaborated with the Mayor and came up with an Ordinance to present to Council where there will be certain areas that these games will be allowed, which will be part of the discussion this evening.

Director William McVey indicated this had started about two years ago when the Mayor had brought it to his attention due to the calls that he had received; and had asked the Director to take a look at the sill games and what was happening in the Township, and if there was any concern for public safety. Over the 2 years of monitoring, the skill games have grown a great deal. In 2023 Lieutenant Busch had a team of people go out and do an assessment of the Township and found 100 machines. In 2024 there was a 40% increase to 170 machines. These machines are in local deli’s, restaurants, bars, 7-Eleven’s and other establishments that are not regulated for any type of gaming. In particular, what really sticks out to the Director, since they have been monitoring over these past two years, is the increase in crime associated with these games. With these machines being unregulated this could jeopardize the quality of life we have here in Bensalem.

A slideshow was presented and in one instance, an individual played a machine for 3 hours at a Route 1 gas station. The Director assumed he did not win and he decided to rob the merchant with a replica gun and a knife before fleeing. Thankfully, a Patrol Officer was able to catch him and send him to Bucks County Prison. Earlier in the year at a gas station at Street and Knight

Roads an individual was in there playing the skills machines the vendor came to fill the machines with cash and this individual was able to steal \$190,000 dollars in cash before he fled. This individual just didn't flee and hide, he went to a neighboring municipality, Levittown, went into another gas station, chose to smoke crack-cocaine while playing a skills machine. No child should ever have to walk into a gas station, or 7-Eleven with their parent and see some guy smoking crack or displaying a hand gun because he just lost playing a skills machine.

Those two cases, in addition to other crimes that have been committed in Bensalem Township over the past two years was enough for the Director and the Mayor to say enough is enough. The Director consulted with the District Attorney Schorn early on in the process and wanted to make sure that the Township was going in the right direction legally.

Director McVey indicated there are three things that they wanted to accomplish with this ordinance. Number one, which is the priority of the Mayor, Council and the Police Department is to prioritize public safety. Number two, is to maintain the quality of life for all of the residents, mainly our children. Number three is to require regulations of these machines. Director McVey is very confident that after helping to prepare and read the ordinance that it will accomplish all three of those goals and will keep Bensalem, as the Mayor has coined, business friendly, but more importantly a family friendly Township for business.

District Attorney Schorn thanked Director McVey and Council for having her here, but most importantly the Mayor and Chief McVey and his staff for being on the forefront of this issue. There needs to be regulation and monitoring of these machines. They appear to be slot style machines that skirt the law with the game of chance, but by all accounts, they are growing in numbers that we can't even fathom. What is being seen with that is the increase in violent crimes like an armed robbery, replica gun or not. Rest assure that the store clerk had no idea if that was a replica gun or not when it was held to the clerk's face. And certainly, law enforcement might not know and who is to say that the next person isn't going to use a true firearm.

It has been seen in parts of the County these machines have been broken into, other high dollar thefts, and there is no question that we are on the verge of seeing a true uptick in crime as these machines can continue to grow if they are not properly regulated.

District Attorney Schorn indicated that the Township Solicitor put a lot of thought in after speaking to law enforcement to try and figure out a solution for Bensalem Township. This ordinance will truly allow for and not prohibiting them completely but putting them into the places they should be and where they can be properly monitored.

Legal gaming facilities can refuse people, especially if they pose a threat or do not comply to the rules. Where are these people going? They are going to your local convenient stores, pizzerias, delis and gas stations. It is important to consider the ordinance to regulate the skills machines in a proper fair way, and to protect the community to make sure we continue to have the wonderful community that is Bensalem.

District Attorney Schorn indicated that she could guarantee other Townships and municipalities are watching and are likely to follow suit. There is strength in numbers and it is going to keep our 39 municipal Police Departments from having to deal with the uptick and crime that these machines draw on.

The Mayor indicated that the Township Solicitor will explain where these machines will be prohibited and where they will be allowed

Solicitor Pizzo indicated that legislation was introduced in the Senate of the Commonwealth of Pennsylvania earlier this year, Senate Bill 1142. One of the prime sponsors of that bill is our State Senator, Fran Farry. This Bill will attempt to create a scheme of regulation for the skill games that have been described by the District Attorney and the Township's Director of Public Safety. The legislation is in Committee out in Harrisburg.

In discussions regarding the idea of regulating these machines and bringing them under the umbrella of State Gaming Commission, Governor Shapiro has expressed support for that idea. What the trend seems to be moving toward is bringing these devices under some sort of regulatory scheme. And it would certainly be the Township's preference, if the State were to, in fact, move forward and get this legislation out of Committee. Approve it and get the Governor's concurrence so that these machines, if they are going to exist, will be regulated in the same fashion that slot machines are at any number of facilities throughout the Commonwealth where they currently exist and where they are currently permitted to legally operate. Until that happens, the Solicitor and Police Department took Senate Bill 1142 and used it as their starting point for their scheme of proposed legislation to address the machines.

What the proposed ordinance will do, if Council adopts it, is to otherwise prohibit the placement and operation of local gaming devices within the Township of Bensalem. Local gaming devices as defined took the definition to mirror that which is in the State Law. Their hope is if the State Law is eventually passed what they will have on the books will to some extent mirror what the State may ultimately adopt.

Skill games will be prohibited within the Township. There is an exception, and that exception is similar to what Senate Bill 1142 proposes. The exception would be if you have a facility within the Township that has a valid State issued Liquor License by the Pennsylvania LCB. For example, a restaurant Liquor License, a brewery Liquor License, a limited distillery Liquor License, a limited winery Liquor License or a pub brewery limited Liquor License that is in good standing with the LCB; then their facility will be allowed to have up to three of the local gaming devices. If you have an active club Liquor License, and that would typically be the VFW, the Knights of Columbus, those types of fraternal or similar organizations. If you have such an organization, you would be allowed to have no more than five of the local gaming devices in your facility.

A number of those facilities rely on those machines, the VFW, the Knights of Columbus. Inasmuch as all of these facilities are subject to State regulation, they have to comply with a set of rules in order to maintain their Liquor License in good standing. The Administration thought that the Senate Bill would allow it in these numbers and it made sense for the Township to similarly recommend it in these numbers. The Township is not looking to do what is far afield what has been proposed within the State House.

In those cases where you have a valid Liquor License and choose to have these machines in your facility, they will have to be segregated so that they are not accessible to children. They will have to be in a location within the facility so that the proprietors of the facility, whether it is someone behind the bar, or someone watching the door will be able to see who goes in or who goes out to make sure that they are not accessible and in view to children. The Township is going to require that they be monitored by video surveillance, similar to what the Township requires from some other commercial facilities within the Township, namely pawn shops. They will have to have video monitoring of the area that would be accessible to our local law enforcement should there be an issue similar to those described by the District Attorney and by the Director of Public

Safety. It is going to be clear that in no time within the Township that a minor would be permitted to play a local gaming device or enter into a segregated local gaming area.

These are what the Township Ordinance proposes in terms of where they would be located. How they would be allowed to operate, and if Council approves the proposed ordinance, otherwise they are going to prohibit them throughout the Township. The ordinance goes on to provide a series of provisions as to how the ordinance will be enforced. One thing that is very important to know is that the Administration is not recommending that the Township be in the business of seizing these machines. The Township does not want to incur the liability and does not want to be responsible for anything that might happen to the machine. So the ordinance provides if you have a machine in a business where machines are not permitted to be, the Township is going to revoke the use and occupancy for that facility until such time the offending machine is removed. It is going to be placed upon the owner of the property or the owner of the machine to take care of getting it out of where it is otherwise not going to be allowed to be if this ordinance is adopted. The Township is not going to be in the business of confiscating or storing these machines.

In those instances where there is an intermunicipal transfer of a liquor license coming from an outside municipality into the Township. The current laws allow for a hearing before Council and will allow Council to impose whatever conditions that they require in order for a facility to get a liquor license that comes into the Township. And in those instances it allows Council to include the creation of a segregation area for machines, if the vendor where the Liquor License would be going intends to have them.

As they currently exist today, these machines are under Bensalem Township Code and considered to be mechanical amusement devices. That definition will change with the adoption of this ordinance, but currently these machines are treated like pinball machines or other kinds of machines. The Township, where we know about them, collect a tax, a sticker gets put on the machine and an annual tax of \$80 is collected by the Township. Going forward, since these machines will no longer be permitted in the Township, those machines where the Township was collecting that tax from the Township will no longer be collecting a tax. This is something that is not going to result in a benefit to the Township from a taxation standpoint. To the contrary, the Township is going to lose revenue by now prohibiting those machines that the Township knows about. Those machines that are permitted in the places with the Liquor Licenses, the Township is not charging the tax. The \$80 tax that was in place yesterday, if the ordinance should be adopted, will be in place tomorrow. This is not an opportunity for the Township to seize on this new legislation to somehow change the small amount of revenue that the Township obtains from these machines.

The proposed ordinance has been written with an eye toward the health and welfare of Bensalem Township, especially the youth and teenagers. Hopefully the State will do its due diligence and assume its responsibility and once and for all decide as to how these machines should be regulated and how they should be treated under the State's Gaming Laws.

If the Township has the resolve and wishes to move forward with the Ordinance, it has been properly advertised in the Bucks County Courier Times and is otherwise in a form ready for Council consideration and approval.

Council President Kisselback asked the Solicitor to explain the area which says "permanently revoke the use and occupancy permit for the premise facility establishment and or location where the local gaming devices are located".

The Solicitor indicated the entire premises would receive a cease and desist and the section indicates “permanently revoke”. The ordinance is written so that is the final step in the process under enforcement by the Township. Initially a property owner, a business owner, a business operator will receive a notice that they are now in violation of the ordinance by having this machine at their location within their establishment and will have a certain amount of time to remove it. If it is not removed within that period of time then a citation will be filed with the local District Justice and the use and occupancy permit will be temporarily revoked until either the machine is removed or until the hearing has taken place in front of the District Justice. The permanent revoking of the use and occupancy permit would essentially be for repeat offenders where the Township has gone out and told them to remove them and perhaps they have but then the machine reappears. Repeat offenders run the risk of ultimately having their use and occupancy permit permanently revoked. But again, there is a process in place that involves the local District Justice and a court hearing to ultimately determine whether there is a violation of the Township ordinance.

Council President Kisselback asked, with this ordinance would Bensalem Township itself have jurisdiction over any penalties and implementation of fines? When the State comes in with their Bill 1142 will they have jurisdiction over the Township as far as that part of the process?

The Solicitor indicated that the hope and expectation is that if Bill 1142, at least as currently constituted becomes law then to a certain extent the vast majority of the Township ordinance would become moot because the State will have now stepped in and will have set state regulations for these devices. Since the Township is a host community for a gaming facility the Township has no jurisdiction over what happens in that building. That is entirely regulated by the State Gaming Commission. The hope is that the State Gaming Commission will take authority over these devices as well.

Councilman Pilieri inquired about the original Bill that was passed by the State, House and Senate and asked if they came to the Township to present the Bill to Council and say that they are looking to present this and is this a problem, and might this be a problem in your community? Or did they just take up the vote and pass it on their own without Council consideration.

Solicitor Pizzo indicated that the Senate Bill 1142, Senator Farry had discussions over the last year or two with the Solicitor as to what the Senator was proposing and asked the Solicitor if the skill games were an issue within the Township.

Councilman Pilieri indicated if the skill games are being taken away from stores, why is the Township not taking away from bars and restaurants, they can be just as much a danger to the community. If the Township is going to do it they should prohibit the machines in every facility.

Solicitor Pizzo indicated the reason for allowing the skill machines at the businesses that are licensed by the State is that essentially it mirrors what Senate Bill 1142 indicates, which is to allow local devices at the same kinds of businesses and establishments in the same kinds of numbers. The Solicitor had recommended to the Administration that the Township should try and keep that aspect of this proposed ordinance as close to what the State is considering.

If Council wanted to expand or contract the universe of facilities where they’re allowed or prohibited, it is certainly something that can be done. Hopefully with Senate Bill 1142 becoming law, or some variation of it; as a starting point the Township thought it made the most sense to have the ordinance mirror what was being discussed and contemplated as what ultimately would be State Law.

Councilman Pilieri indicated that he understood that and the State did that Law without discussing it with Council and not putting the people in the crosshairs, as they might. If the reason is for the safety of the community then the skill games should be removed from every facility.

Council President Kisselback's interpretation of the proposed ordinance is these are facilities that are controlled by the Liquor Control Board. Therefore, it would be adult facilities, such as a bar or a club which would not include children being in those facilities; and that would help regulate what they're illegally doing now and is the reason why those facilities were chosen.

Councilwoman Benitez asked that if this ordinance were to move forward would it be effective immediately?

Solicitor Pizzo indicated that by State Law and by Township Code, if Council were to approve this ordinance this evening the Mayor has up to ten days to either approve it or veto it. Assuming the Mayor were to sign the ordinance this evening, since the Solicitor feels he might since the Mayor has championed this cause now for some time, then the effective date for the ordinance would be ten days from the date the Mayor signs it.

Councilwoman Benitez asked when would notice be provided to those proprietors?

Solicitor Pizzo indicated that the discussion has been that once Mayor signs the Law the Township will put together a letter to go out to the facilities where the Township knows the 170 some odd machines are located and let those who don't have active restaurant or brewery or Club Liquor Licenses know that the machines are now prohibited. Also, to let those who do have active licenses know what the numbers are that they're limited to have. Beyond that the Township, in those locations where the Township is not aware, as the Township goes about the daily practice of the Code Officials doing inspections in buildings. As well as the Fire Inspectors doing inspections and the Police responding to calls, then when they observe the machines in locations that they now know them to be prohibited the Township can begin the process of notifying the property owner and begin the process of getting that machine out of places where it is otherwise not permitted to be.

Council Vice President Knowles indicated that the Township is mirroring the State because there is an industry that is going to come back on this and the Township has to be in a position that they are going to be able to have something that is going to stand. If the Township gets too strict with it, the Township is going to lose in court. Mr. Knowles thanked the DA for coming out this evening and for attending an Executive Session and answered Council's questions. It is a bipartisan bill that was put together a certain way and feels it is good the way it has been presented.

Council Secretary Champion indicated that she can see both sides. She sees Mr. Pilieri's point, and sees how it has been presented by the Township Solicitor. She believes that many of these places, specifically, if it was in a convenient store, which may be open 24 hours a day as compared to a Liquor License place where they have various hours where they have to be closed so it reduces chances. To Mr. Knowles point the Township is trying to do it the best for everything to make sure it stands.

Councilwoman Benitez indicated that in a bar there are certain precautions in place, certain people in place and there is a certain way to handle things. With VFW's and such, there is a member only aspect to that so they know who is coming in. The DA and the Police Department

did their due diligence and did a lot of research for a lot of years and put all of this data together and truly feels that if they felt those were areas of concern, that they would have been incorporated in the proposed ordinance. This is a great start to push things in the right direction. Being on the Bucks County Association of Officials Board, other Townships, other municipalities are looking at this countywide. Those boards meet at State level every year and across this state will be having these conversations. What the Township is doing today is basically piloting, being a pioneer in this. The Township is taking off and setting the tone for what it is going to look like in our County and at the State level. It is appropriate to fall in line with the Senate Bill 1142 this is the way the Township is going to get stuff done across the board.

Councilman Pilieri asked Solicitor Pizzo if there was anything in the Bill regarding police protection or having security in the facilities that have these gaming machines. It is a burden on our Police Department to have and go and do this. Shouldn't these places, if they are making money on these machines, pay for security?

Solicitor Pizzo indicated that there are a number of aspects of the Senate Bill 1142 that is not law and at this point is pending legislation. There are certain aspects to it that the Township did absolutely nothing with because ultimately 1142 would create a scheme of Regulation by the State concerning these machines. Whether the owners of the machines or the operators of the machines are going to have to be licensed, what sort of licensing is going to be in place. Whether they are going to have to pay tax on these machines the way that slot machines pay tax.

There are a whole lot of aspects in that Senate Bill that did not matter to the Township because what the Township was focused on is starting from the premise of this as a growing problem within the community, for these machines are proliferating at a rapid rate. In some cases, there are facilities such as a convenient store that is not intended to be under either the Township scheme of Zoning or as a community a place where people are sitting on a stool putting money into a machine hoping to win money, and sitting there for hours on end. Or to have these kinds of machines in our delicatessens, our laundromats, our pizza shops, wherever the Township may find them.

The Township started from the premise of saying they are not going to allow them. But since the proposed legislation that has been introduced in the State is saying that they would be permitted in facilities that are otherwise currently licensed by the State; and that are otherwise under the eye or under the scrutiny of the State Liquor Control Board. Then if you have a bar in Bensalem Township and things are happening in there that shouldn't or are illegal, if the LCB finds out they are putting their Liquor License in jeopardy. Their Liquor License can be suspended and can be revoked.

If the Township is getting the benefit of having a State enforcement arm in place by having the Liquor Control Board there to oversee the businesses where in many cases these machines are located, and in most cases, roughly the number that the Township is proposing, most of the bars or taverns or restaurants in town that have them, very few of them have more than three. It is consistent with what has been happening today in facilities where if alcohol is being served it is to persons who are over 21 years of age. And if the Township is going to allow these machines to be in those premises, again, the Township is requiring the extra step of segregating the machines off in an area where they are not accessible to and hopefully not visible to children who may be accompanying their parents for a dinner or a lunch at one of these restaurants. The Solicitor highly doubts that these children are accompanying their parents to wineries or breweries. That is why the Township extracted that portion of Senate Bill 1142, the part to say okay if the proposed State legislation is going to allow them, let's follow that.

The City of Philadelphia recently adopted legislation along the same route. The city's legislation followed a similar path in that it prohibited machines within the city, but does allow them in certain of the same kinds of establishments. They do it based on the number of seats or tables. They are applying a different standard.

Rather than the Township getting bogged down on that sort of a standard, in discussing with the Administration and particularly with law enforcement the Township thought to the extent that the Township may choose to allow them anywhere, those local businesses that otherwise have to answer to the State already would be a safe place to have them. Where the Township wouldn't have to worry about some of the kinds of things that the Township is worried about with the 7-Eleven or the Shell Gas Station that have a series of these machines lined up with stools and no one paying attention to what is happening at them.

Councilman Pilieri indicated that no facility, be it a bar, private club, all skill machines should be prohibited for the safety of the community.

Solicitor Pizzo indicated that the Bill in Harrisburg does speak to licensing and oversight of the owners and operators of these machines. It was the Solicitor's recommendation to the Administration in that he was hoping to help Council craft an ordinance that would be forceable and would withstand any scrutiny that might come from future challenges. It was not the Solicitor's recommendation that the Township get into the business of Licensing or regulating, or otherwise overseeing the owners of these machines.

The Solicitor would suggest that within the purview of the State and hopefully a task they will soon take up. In the meantime, just as it was not the Solicitor's recommendation that this legislation allow for the Township to confiscate or store the machines. What is simply being said is that these machines irrespective of who owns them, who operates them, who the company that is behind them, what the business relationship is between the owner of the machine and the owner of the establishment where it is located; none of this is anything that the Township is going to find itself in the midst of.

The Township is saying, if you adopt this ordinance, except for these few limited facilities otherwise licensed by the State where no more than 3 of these machines can be, you will be simply prohibiting them in the Township irrespective of who owns them or any of the other aspects of them. For the Township, this is the most forceable as well as the most practical way to approach this.

Council Vice President Knowles agreed with Mr. Pilieri that in a perfect world he would not want any of these machines anywhere. The DA indicated these machines got through the rules by referring to these machines as skill games and hopes the State just wipes them out completely. It is important to get something done so that the people who frequent these places are not in danger and getting robbed. These are places that are apt to have more kids interacting with the public.

Solicitor Pizzo pointed out, and deferred to Director McVey, of the 170 some odd machines that the Township is aware of as of last count earlier this year. Of the facilities that would qualify under restaurant license, there are five within the Township. This seems to be a manageable number for the Bensalem Police Department as opposed to every convenience store, deli, pizzeria, laundromat, whatever it may be, the Police know where they are and if there are any problems at those locations.

Council President Kisselback asked if there was anyone in the audience who would like to speak for or against this proposal. The following people came forward:

Stuart Kahn, 27 Freedom Lane, indicated he did not here anyone say anything about supermarkets who have beer and wine. Does this ordinance affect them?

Solicitor Pizzo indicated the Liquor Code was revamped a few years ago to allow beer and wine in the supermarkets. The Township ordinance would allow a facility holding an active restaurant Liquor License. Mr. Pizzo does not know if the License that Acme or ShopRite for their takeout of beer and wine would fall under an active restaurant Liquor License. As far as takeout beer and wine, that is a separate category of licensing and does not believe that the supermarkets would give up valuable space for two or three of these machines to have their shoppers otherwise loitering in the supermarket for that additional period of time. Mr. Pizzo indicated he would find out exactly what category a supermarket falls under regarding their Liquor License.

Mr. Kahn indicated that he was a former Philadelphia Police Officer and indicated no matter what you call them they are gambling machines.

Anthony Richardi, Owner of the gas station at Hulmeville Road and Park Avenue, indicated that he has a high level of respect for law enforcement in the County and Bensalem Township and the local government. Moved his business out of Philadelphia and into Bensalem Township. Regarding the topic of skill games Mr. Richardi indicated that he has three of the machines in his establishment. When he put the skill games in his facility he was assured by PA Skills that they had gone through some court cases in Pennsylvania and that they were legal to have. Mr. Richardi indicated that they do not let children play the machines, the attendants are all instructed to watch the machines. There is an element in the cash machine where you have to show a license and be 21 to cash-out a ticket.

Mr. Richardi indicated that the only way he knew about this meeting was that Action News stopped by his location and wanted to do an interview. These machines have helped tremendously with payroll and just trying to get over the hump. PA Skills is working with State Legislators regarding more regulation. Mr. Richardi indicated that he would respect any decision made by the local government. Mr. Richardi asked if this could be tabled for more input from local businesses. At his establishment there has been no crime. They are a gas station which handles a large volume of people. They have a self-service PA Lottery machine. PA Skills is working with the State and are trying to get revenue to oversee these machines.

Councilwoman Benitez indicated that it comes down to a quality of life issue and that is what the Township is dealing with. The Township is looking at Public Safety and the quality of life in the community and these machines are affecting it in many areas.

Director McVey indicated that he applauded Mr. Richardi in that nothing has happened in his facility and it sounds like he regulates. But Director McVey said he would go against that and that it was important to go to Council and vote tonight because as our Solicitor has said it is a proliferation. Where Director McVey would disagree with Mr. Richardi is that these businesses did not get into the business to be gaming parlors. Director McVey indicated that they had seen a 40% increase in these machines in one year.

It is not a safe environment, It is not a business or family friendly environment for people to go buy a soda, to buy gas, to get their kid something. Or, as the District Attorney said, to send your

child to 7-Eleven for some candy and have four guys there gambling. Director McVey believes no one would want their child around an environment like that. It has welcomed a criminal element to Bensalem.

Director McVey has been looking into this for two years and it is his professional opinion they should not be allowed in the Township except where the ordinance is proposing they be allowed due to the regulations that are in those facilities.

Council Secretary Champion indicated if Senate Bill 1142 with all these regulations and other things, even though it has been indicated that you can have three machines if you have a liquor license, five machines at Social Clubs, with these other regulations that may be put into place by the State that would supersede Councils regulations. These establishments that Council may allow them in may no longer want them due to additional oversight and regulation being put upon them. In essence it may almost phase it in a sense it may not be worth it for the five that the Township is aware of. Her concerns are there are empty stores in the Township and there are nothing on the books and somebody could put these machines in those vacant stores. Hopefully with the additional regulations that are put into play at least they will not be allowing a vacant store to get a proliferation of them.

Councilman Pilieri indicated, once again, that he feels all facilities should be prohibited from housing these machines. If the State wants to do something different, that's on them. He feels very strong about this and that they should be protecting the people of the community.

Solicitor Pizzo indicated that the bill that is currently pending in Committee the Bill does provide for a whole scale scheme of regulations for these machines that would include licensing and background investigations of the owners of the companies that supply them similar to licensing and background investigations gaming in the Commonwealth. It would also apply for some scheme of taxation of the proceeds of those machines the same way that the State Gaming regulation currently taxes machines that operate legally in the state under the purview of the State Gaming Control Board. The Solicitor emphasized that those are not issues that necessarily the Township wants to get down in least in part because of the exchange that was just had with Mr. Richardi which is perhaps the company he is dealing with has one kind of machine that operates in a certain fashion and another operator of these machines has them in a different location in the Township.

When Director McVey and District Attorney Schorn were reporting to the Administration instances that were occurring not only in the Township but other communities, whether it be loitering in local businesses playing these machines, these machines are creating an attractive target for crime and for criminals and putting people who otherwise are going into these commercial facilities put in harms way. The drain on the Police resources that having hundreds of these machines throughout the Township create on our Police, it is the health, safety and welfare component that simply saying no we're not going to have them.

At some point of time, if the State enacts a law that trumps anything that the Township is doing, then that law trumps whatever the Township is doing. If the State says they can be legally here, or legally there, or that this company can operate them but this company can't because this company can get license but this company can't. That is all in the purview of the State and the Township will have no say in it but going forward it was the Solicitor's recommendation when the issue was brought to the Solicitor to help craft the ordinance that the Township does not want to be in the business of regulating these machines.

The effect that the ever-increasing number of these machines is having on the Townships quality of life and the drain on our law enforcement those resources have gotten to the point where if the majority of council agrees we are going to say no more in our Township and wait to see what the State ultimately does. The State in its infinite wisdom may come down on the side of Bensalem Township and prohibit them throughout the state. The State may turn around and start to treat them just like slot machines at Harrah's, Parx or Penn National and regulate them in whatever fashion they're going to regulate them. If the State turns around and says "Township, you might say they may not be allowed in a smoke shop but the State says they can." As a creature of the Commonwealth we have to defer to what the State tells us.

District Attorney Schorn indicated that it is what she hears time and time again from every victim of a violent crime is that they never thought it would happen to them. As much as an establishment can say that their place is safe they could never guarantee the safety of their employees or their self. Criminals know and identify targets and vulnerabilities. DA Schorn has been to the State and has seen the industry advocating for themselves for these skill machines. These games are advertising very clearly as slot style machines and inviting a criminal element.

Seeing no one else come forward the Public Comment portion was closed.

Council Vice President Knowles motioned to approve the ordinance establishing and creating Chapter 134 Local Gaming Devices of the Township Code amending the following, Chapter 64 Businesses; amending Chapter 105 Games of Chance; amending Chapter 160 Peace and Good Order and Chapter 210 Taxation and repealing all inconsistent ordinances and establishing an effective date therefor. **Councilwoman Benitez** seconded and the motion carried 5-0.

6. **CONSIDERATION OF A RESOLUTION AUTHORIZING AND APPROVING THE SUBMISSION AND FILING OF A GRANT APPLICATION TO THE PENNSYLVANIA COMMONWEALTH FINANCING AUTHORITY TO BE USED FOR THE FIELD LIGHTING OF THE ROBERT YEZZI MEMORIAL PARK:**

John Chaykowski, Deputy Director of Administration, indicated that the Commonwealth Financing Authority requires authorized signers of the Township for the submission of a Grant. The Township is looking to submit to the Local Share account a grant in the amount of \$679,709. This grant would be utilized to re-light a field at Yezzi Park, field 6 which is the large baseball field in the back. The existing lights are on wooden telephone poles which have to be certified every few years as well as the original lights are the old metal halide and are not energy efficient as well. The second part of the grant would go to lighting the girls' softball field, which is field 3. The lighting system would go on the Musco wireless system which would include timers and other systems that are already in place on the Townships recreation fields.

Council Secretary Champion asked the Deputy Director where the location of these fields is situated at Yezzi Park.

Mr. Chaykowski indicated that the Ramblers organization offers a Fall Ball League but they have to use other parks that have lighting.

Councilwoman Benitez indicated she was excited to tell her daughters that Bensalem Ramblers softball field will now have lighting.

Councilwoman Benitez made a motion to approve the consideration of the Resolution authorizing and approving the submission of a Grant application to the Pennsylvania Commonwealth Financing Authority to be used for the field lighting of the Robert Yezzi Memorial Park. Council Secretary Champion seconded and the motion carried 5-0.

7. **CONSIDERATION OF A RESOLUTION OF BENSLEM TOWNSHIP COUNCIL AUTHORIZING AND DIRECTING BENSLEM TOWNSHIP AND ITS SOLICITOR TO ACQUIRE CERTAIN EASEMENTS ON LANDS OWNED BY CAMDEN PROPERTIES, INC. AT STATE ROAD, BENSLEM TOWNSHIP. ALSO KNOWN AS TAX MAP PARCEL 02-065-022-001 FOR ACQUISITION OF A TEMPORARY ACCESS AND CONSTRUCTION EASEMENT AND A PERMANENT SHARED-USE PATH AND TRAIL EASEMENT:**

Solicitor Pizzo indicated as part of the ongoing improvements along State Road in the vicinity of Waterside and the Broken Goblet. The Township plans provide for the extension of the walking path and trail that currently extends along the frontage of Waterside to continue northward up State Road to Cambridge Drive, where there will be a crosswalk that will allow pedestrians to cross State Road and continue along a path that would take them to where the Broken Goblet and the two-retail restaurants and distillery are located.

In order to construct and locate that walking path it is going to be necessary for the Township to condemn the temporary construction easement and the permit shared use path and trail easement. As the Township is required under the State Eminent Domain Code, once Council approves the Township to move forward with the condemnation the Township will go out and attempt to amicably acquire the easement from the property owner. If the Township should fail to do so, then the Declaration of taking would be filed in Common Pleas Court. The property owner would be compensated for the value of the easement and the temporary construction easement the cost of which should be relatively nominal because they are talking about easements that are out along State Road out of the building envelope; and therefore, have no more impact on the property. In fact, arguably enhance the property by adding the sidewalk and the walking trail in front.

So that the Township can move forward with this action and again, to add to the amenities that the Township is providing to homeowners; as the Township continues to develop the Township Waterfront, the Administration asks if Council would authorize this condemnation and the acquisition of the permanent and temporary easements.

Council Vice President Knowles motioned to approve the Resolution as presented. **Council Secretary Campion** seconded and the motion carried 5-0.

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

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

This item was tabled by a previous motion.

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

Applicant: Gibson Holdings, LLC
Site Information: 1515 Gibson Road
Tax Parcel: 24-054-005

Solicitor Pizzo indicated that this is for a project that is being constructed at the property 1515 Gibson Road. This is a 5 or 6 house subdivision that is being constructed on that property. The houses are in various stages of construction. Most of the public improvements have been installed but are not at the final wearing course and other aspects of the road have yet to be instructed. In order to move forward and continue with the project the developer has asked that the existing Development Agreement be extended for an additional year out to January 22nd of 2026.

If Council is of a mind to grant the request and extend the Developer’s Agreement that is already in place the Administration would recommend that you do it on a condition that the developer’s escrow accounts be subject to an audit by the Finance Department and the Township Engineer to make sure efficient funds remain in place for the construction of the public improvements and the completion of the project.

Council Vice President Knowles motioned to approve the Land Development Extension Agreement for Gibson Holdings, LLC, 1515 Gibson Road, tax parcel 24-054-005 and subject to an audit by the Finance Department to make sure there are proper funds for completion of the project. **Councilwoman Benitez** seconded and the motion carried 5-0.

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

A. Applicant: Property Perfection, Inc.
Site Information: 00 Mechanicsville Road
Tax Parcel: 02-033-011-001

Quinton Nearon, Senior Municipal Inspection Manager indicated that there is an existing curb at this location and the developer is asking for a waiver for the sidewalks, the curbs already exist and they will pay a fee in lieu of.

Councilwoman Benitez motioned to approve item 10A for the waiver of sidewalks for Property Perfection Inc., 00 Mechanicsville Road, Tax Parcel 02-033-011-001, and will pay a fee in-lieu-of as determined by the Township Engineer. **Council Vice President Knowles** seconded and the motion carried 5-0.

B. Applicant: James D’Angelo Construction
Site Information: 4728 Kleckner Road
Tax Parcel: 02-078-010-003

Quinton Nearon, Senior Municipal Inspection Manager indicated that the applicant is requesting a waiver of curbs and sidewalks. There is a new house proposed at this location and there is no curbs or sidewalks in the area of Glen Ashton Farms. However, Mr. Nearon is proposing that a gutter swale be installed to channel the drainage runoff into an existing roadway cross pipe where the existing runoff is now draining to in lieu of widening done at the intersection.

Council vice President Knowles motioned to approve the applicant's request of a waiver of curbs and sidewalks and for the applicant to pay a fee in lieu of in the amount of \$7,731.94. The homeowner would be required to establish a gutter swale in the right-of-way to be installed to channel the drainage runoff into the existing roadway cross pipe. **Councilwoman Benitez** seconded and the motion carried 5-0.

11. **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 700 BRISTOL PIKE:**

Solicitor Pizzo indicated that Council recently granted Land Development for this project located on Bristol Pike where the old Andalusia Drive-In was located. They are going to construct a new building to house a Physical Therapy practice. Land Development projects that are approved by Council with a condition that the property owner or the developer will be getting all the necessary approvals from the various Regulatory Agencies at both the State and Commonwealth level. In this case State approval is necessary for an amendment to the Township's Act 537 Plan which is the Township's official Sewage Facilities Plan in order to provide this property with sanitary sewer service.

The Resolution before Council is the standard form Resolution that is required by the Department of Environmental Protection and is in a form acceptable for Council consideration and approval.

Council Secretary Champion motioned to approve the ACT 537 processing for tax parcel 02-023-001. **Councilwoman Benitez** seconded and the motion carried 5-0.

12. **CONSIDERATION OF 6 ESCROW RELEASES FOR:**

Quinton Nearon, Senior Municipal Inspection Manager presented the following Escrow Releases:

A.	Developers Request:	Galloway Reserve (AKA Victory Square) – Release #5
	Location:	2670 Galloway Road
	Tax Parcel:	2-33-7
	Amount:	\$50,000.00

Quinton Nearon, Senior Municipal Inspection Manager indicated that this is the final Escrow Release for his applicant. The developer had to finalize their Bucks County Water and Sewer Agreements which has since been taken care of by the developer.

Council Vice President Knowles motioned to release the \$50,000 as recommended by the Township Engineer subject to an audit by the Finance Department. **Councilwoman Benitez** seconded and the motion carried 5-0.

B.	Developers Request:	Lavender Rd. S/D - Release #1
	Location:	1430 Lavender Road
	Tax Parcel:	032-185
	Amount:	\$139,574.75

Council Vice President Knowles motioned to approve the release for Lavender Road, Release #1 for \$139,574.75 as recommended by the Township Engineer subject to an audit by the Finance Department. **Councilwoman Benitez** seconded and the motion carried 5-0.

C. Developers Request: Federation Housing – Release #3
Location: 4695 Somerton Road
Tax Parcel: 02-003-006-003
Amount: **\$150,958.00**

Council Vice President Knowles motioned to release Federation Housing, Release #3, for \$150,958.00 as recommended by the Township Engineer and subject to an audit by the Finance Department. **Councilwoman Benitez** seconded and the motion carried 5-0.

D. Developers Request: TIC Associates Phase 1 – Release #1
Location: 4626 Somerton Road
Tax Parcel: 02-003-002
Amount: **\$805,072.50**

Council Vice President Knowles motioned to release TIC Associates, Phase 1, Release #1, for 4626 Somerton Road, \$805,072.50 as recommended by the Township Engineer and subject to an audit by the Finance Department. **Councilwoman Benitez** seconded and the motion carried 5-0.

E. Developers Request: Waterside Phase 2 – Release #2
Location: State Road
Tax Parcel: 2-65-22, 2-64-138 and 02-67-139
Amount: **\$343,543.85**

Council Vice President Knowles motioned to release Waterside Phase 2, Release #2, for \$343,543.85 as recommended by the Township Engineer and subject to an audit by the Finance Department. **Council Secretary Champion** seconded and the motion carried 5-0.

F. Developers Request: Waterside Phase 3 – Release #1
Location: State Road
Tax Parcel: 2-65-22, 2-64-138 and 02-64-139
Amount: **\$1,389,201.25**

Council Vice President Knowles motioned to release Waterside Phase #3, Release #1, for \$1,389,201.25, Tax Parcel 2-65-22, 2-64-138 and 02-64-139 as recommended by the Township Engineer and subject to an audit by the Finance Department. **Council Secretary Champion** seconded and the motion carried 5-0.

13. CONSIDERATION OF A REDUCED FIRE INSPECTION FEES AND PERMIT FEES FOR:

A. Church of the Redeemer of their annual fire inspection fees located at 1065 Bristol Pike, Bensalem, PA.

Solicitor Pizzo indicated that the Church of the Redeemer is the church next to the King Library. They are requesting that the annual Fire Inspection Fee be reduced by 50% as is the practice of Council for applications of this type. It would reduce the fee from \$210 to \$105 if Council grants the request.

Council Vice President Knowles motioned to reduce the Permit Fee for Church of the Redeemer from \$210 to \$105 as requested. **Councilwoman Benitez** seconded and the motion carried 5-0.

B. Bensalem School District – Maintenance Department - of their permit fees as listed for Samuel K. Faust Elementary, located at 2901 Bellview Avenue, Bensalem, PA.

Solicitor Pizzo indicated that the School District is undertaking upgrades and system replacements to the HVAC system that serves the Faust Elementary School. The permit application fee for the work to be performed is \$9,748. The School District is asking for a 50% reduction. Such a request is consistent with Council's prior practices and their policies in place. Such a reduction would reduce the permit fees down to \$4,874 if Council were to grant the request.

Council Vice President Knowles motioned to approve for the School District Maintenance Department for Faust Elementary a 50% reduction fee of \$4,874 as requested. **Councilwoman Benitez** seconded and the motion carried 5-0.

14. 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 was closed.

15. OTHER BUSINESS:

Solicitor Ferris indicated that it has been a pleasure.

Solicitor Pizzo indicated as being a former board member, current coach and dad of a girl athlete, thank you to the Administration and Council for pursuing the additional lighting for the fields at Ramblers and for replacing the lights on field 6 where both of his sons played ball for a number of years.

The Fall Festival was a wonderful day and wanted to congratulate and show his appreciation for all of the hard work that everyone in all the levels of Township Government put in to making that day a success.

Councilwoman Benitez indicated that our Bensalem Police Department makes us very proud every day. Congratulated the Police Department on 2 recognitions: They were recognized by the Bucks County NAACP for a Community Partner Award for their contributions in working over many years with different levels of leadership. Working with Council in creating boards for citizens to be participants in the hiring process, for being good communicators and sharing information, always being available, being innovative and taking the charge in creating a diverse workforce.

Once again, congratulations to our Police Department for receiving the CALEA Award which is a gold star accreditation. Commission on the Accreditation of Law Enforcement Agencies, Inc. The Bensalem Police Department was recognized for Gold Star Standard for their commitment

to professional excellence. Ms. Benitez thanked them for their continued dedication and efforts to shine in this community. Happy Veterans Day! Thank you to all of our Veterans who serve. Wished the kids a Happy Halloween and to be safe. To all of her friends who celebrate Diwali, may the lights of Diwali brighten up your life with endless prosperity.

Council Vice President Knowles wished everyone a Happy Diwali, the Festival of Lights. Congratulations to our Veterans. Don't forget to turn your clocks back an hour this weekend. Have a safe Halloween, the weather forecasted is a warm 85 degrees.

Council Secretary Champion indicated kudos to our amazing Police Department, Public Safety Department. Thanked all of our Veterans for their service, especially her husband, father and brother. Wished everyone a Happy and safe Halloween. Happy Diwali to all of our friends who celebrate.

Council President Kisselback indicated ditto to everything. Don't forget in 8 days is Election Day, November 5th, don't forget to vote. Happy Veterans Day to all of our Veterans. Good Night!

16. **ADJOURNMENT:**

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

The Bensalem Township Council Meeting of October 28th, 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