

BENSALEM TOWNSHIP COUNCIL MEETING MINUTES

**Monday
September 28th, 2026**

COUNCIL MEMBERS PRESENT:

Edward Tokmajian, Jr., Council President
Jesse Sloane, Council Vice President
Joseph Wenzel, Jr., Council Secretary
Joseph Knowles, Council Member

SUPPORTING STAFF PRESENT:

Mayor Joseph DiGirolamo
Debora McBreen, Council Clerk/Recording Secretary
Scott Holbert, Township Solicitor
Joseph Pizzo, Township Solicitor
Nicole Khan, Township Engineer
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 their microphone.

1. OPENING OF THE MEETING:

Council President Tokmajian opened the meeting with a moment of silence and/or meditation or prayer, followed by the Pledge of Allegiance to the flag.

2. INTRODUCTION OF COUNCIL MEMBERS AND STAFF:

Council President Tokmajian introduced the Council Members and Supporting Staff.

3. PUBLIC COMMENT – LIMITED TO AGENDA ITEMS ONLY:

Council President Tokmajian 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:

Council President Tokmajian asked if there were any corrections, additions, anything that Council needed to note regarding the council minutes for meeting date of September 14th, 2026.

Council Vice President Sloane motioned to approve the Meeting Minutes from September 14th as presented. **Council Secretary Wenzel** seconded and the motion carried 4-0.

5. **CONSIDERATION OF A MINOR SUBDIVISION FOR:**

Applicant:	D. LaRosa Builders, Inc.
Location:	2183 Dunksferry Road
Proposed Use:	Residential
Zoning Classification:	R-2 Residential
Tax Parcel:	02-039-152

Solicitor Holbert indicated that Mr. Robert Cunningham had provided the notice information to the township already with regard to the cards and the return of notices. It looks like all the notices are in order and were sent to the applicants and to the adjoining property owners.

Mr. Robert Cunningham indicated yes.

Solicitor Holbert thanked Mr. Cunningham and indicated that they were in compliance and asked him to proceed with his presentation.

Mr. Cunningham indicated that he was with Homes Cunningham Engineering, representing the applicant uh which is d. LaRosa Builders, Inc. who is proposing a minor subdivision of the property located at 2183 Dunksferry Road. The subject property is a dual frontage property. It has frontage on Dunksferry Road where there's an existing house to remain and then there is frontage on Brown Avenue where they are proposing to subdivide a lot and construct a new single-family home. The project was subject to a settlement approval with the Zoning Hearing Board at the beginning of this year.

It's creating one new lot. The project will have public water and public sewer. It will have a stormwater system to mitigate any impervious coverage that is constructed. There is an existing neighborhood with similar sized lots. There are some existing nonconformities associated with the existing house to remain proximity to the property line of a wall setbacks, things of that nature. The home has been there for over 40 years. They would be just maintaining those nonconformities.

They are in receipt of two letters from WK2 Engineering Consultants both dated August 17th, 2026. Both of those letters are a will comply. There are some minor comments about adding some things to the plan, providing a calculation to their office. Then the only couple items that are not a will comply, they would be requesting waivers.

Those waivers are a waiver to permit grading within 3 ft. of a property line. And that's just because it's a 50-foot-wide lot. They would be constructing the home and obviously they'd be almost grading to the property lines. They would like a waiver from that. They will be installing ENS controls and things like that to prevent any impact to the neighbors. They shouldn't have any issues there. But they will need a waiver from the ordinance requirement.

The next two waivers are waivers from providing improvements to Brown Avenue, Which is an existing road. Those two waivers are providing any curb along Brown Avenue as there is no real curb along Brown Avenue now and no sidewalk and there's no sidewalk within the community as a whole. And then the last one is a waiver to permit pipes for the storm water smaller than 18 in. and not constructed of concrete. The stormwater pipes are all on the lot. It's not a public improvement. It's just to convey stormwater to the stormwater BMP we have at the back of the lot. All of that will be owned and maintained by the property owner. There are no maintenance responsibilities on the township other than the normal stormwater management agreement where you'd have the opportunity to inspect it, but other than that, it would be

privately owned and maintained. So, those are the four waivers. Again, it's the grading near the property line, the curbing, the sidewalk, and then the pipe size. So, other than that, everything is a will comply. The applicant is seeking final approval this evening.

Council President Tokmajian - Thanked the applicant. Referred to Solicitor Holbert Scott, and indicated that the applicant noted reference to a settlement agreement and noted that it was referenced in the WK2 letter as well. It was not in their packet. The asked Mr. Holbert if he was able to provide some sort of summary as far as that is concerned?

Solicitor Holbert replied yes. There was a settlement agreement and is related to a Zoning Hearing Board appeal. The applicant sought certain variances from the Zoning Hearing Board. Some of which were denied, some were approved. They then appealed to the Bucks County Court of Common Pleas last year. A settlement stipulation was entered into between the applicant, the Zoning Hearing Board and the township where additional waivers were granted and included the lot size, certain setback requirements as well as the one lot proposed would only have a property frontage of about 50 f.t on a street where 75 was required. Additional relief was granted in those areas.

Council President Tokmajian asked if that would be contingent on part of their decision this evening? And then was that also brought forth to Council at some point? Does that have to be approved by council?

Solicitor Holbert indicated yes. I believe it was approved last year.

Council President Tokmajian thanked Solicitor Holbert, then turned to his fellow council members for questions.

Council Vice President Sloane indicated that he wanted to get the township engineers perspective and opinion on the waivers that are granted. Not the curbs and sidewalks. Council typically sees those when there's a neighborhood that doesn't already include them for consistency with stormwater management. But in terms of the grading and the stormwater pipe, there is a note in here that calculations need to be provided. Have those been provided yet? What's the status of all of that?

Mr. Cunningham indicated that has not been provided, but the applicant will provide it. If we have to upsize the pipe a little bit to meet Ms. Kahn's requirements, they will gladly do so. But an 18 in. pipe would be gigantic on a property of this size. The applicant would need the waiver either way. But it may go to an 8 in or 10 in. pipe, something like that. The applicant will satisfy Ms. Kahn before they would go to construction.

Council Vice President Sloane asked Engineer Wursta if he would like to add anything?

Engineer Wursta indicated that the only thing is that we generally are using the HP instead of the reinforced concrete. Still, something that has to be changed within the township's ordinance.

Council Vice President Sloane asked if that is an issue with our ordinance or is that the many ordinances? This is an issue that has been coming up for well over 10 years.

Council Vice President Sloane indicated as far as the grading, any issues with that here?

Council President Tokmajian indicated that there's a seat open and asked Ms. Khan to join Council.

Council Vice President Sloane indicated that there are two other letters in the packet. One from the Bucks County Planning Commission, one from Bensalem's Environmental Advisory Board, and asked the applicant if he had copies of those? Have you looked at those? Have you seen the comments from those letters?

Mr. Cunningham indicated that he reviewed the Bucks County Planning Commission and the Sewage Facilities Planning but did not see the Environmental Advisory Boards memo.

Ms. Khan indicated that they've been keeping them in house. They have not shared them with applicants. At this time, they have been keeping them because they are trying to figure out and digest how this is something new that's been part of that and has been introduced for the land development process. They want to sit down and figure out what is the best way, but as Nancy Striniste and her team have been working, we've been working at looking at them but no I have not shared them with applicants because it is just a new piece into our puzzle.

Council Vice President Sloane replied okay. Thank you. He thinks that's something that they should probably figure out how to incorporate those memos. And some of the comments that there are add value for sure for Council from their perspective and he wants to make sure that those that don't conflict with WK2 review get passed on.

Ms. Khan indicated that what she does is that she has been reading them and working with the applicant without saying it's directly from the EAB. She is trying to tease in their comments that makes sense without overstepping the ordinances that we have right now. And if she can work with an applicant to make something be realized for their behalf, then that's part of the process.

Council Vice President Sloane Okay. I appreciate that. I think we'll have to figure out how best to incorporate that.

Councilman Knowles asked Ms. Khan if she thinks there's an issue with going from 18 in. pipe to lower diameter with their ability to keep the water on the property.

Ms. Khan replied no, what Mr. Cunningham is doing or what his design calls for is conveying what is the change that would be from the land to the impervious surface. He is capturing that, keeping it on site. So, it doesn't warrant a large pipe like that. It just warrants the size that he determines, either a 12 in. or 8 in., none greater than that.

Councilman Knowles asked Ms. Khan if she thought there was any issue keeping the water on the property?

Ms. Khan replied no, that's what we want for stormwater. We're trying to keep the drops of water on everybody's individual parcel and sending it to other places.

Council Secretary Wenzel indicated that he just noticed on the EAB they recommend a rain garden being planted because of the 2,700 square foot of new impervious space. Do you agree?

Ms. Khan indicated that she can work with Mr. Cunningham to change the existing stormwater feature that's on there and they can enhance it or add some things in other places to add that in.

Councilman Knowles indicated that he heard from engineers who Council has met with that the rain gardens some of them are not really functioning the way they're supposed to function.

Ms. Khan indicated that unless they're maintained just like everything else that we have in our business or in life we all have to go through maintenance ourselves we have to maintain these facilities.

Councilman Knowles indicated that he thinks it's a small lot to have a rain garden and have somebody maintain the plants and stuff. He has to be guaranteed that the applicant puts the system in that the water's going to stay on the property.

Ms. Khan indicated again; we're talking about infiltration rates. If we can make sure that we have the correct infiltration rate on site, and again putting the right BMP for the right lot in the right location.

Council President Tokmajian asked, that the settlement agreement, did that stipulate a certain distance or impervious feed or was there specific numbers around that settlement agreement and if there was, I'm assuming the township will make sure that we monitor and make sure that we don't exceed that.

Solicitor Pizzo replied, certainly. The settlement was specific to the variances that had been applied for and didn't go into elements that weren't part of the zoning application.

Council President Tokmajian replied that he understood. Thank you. And then one other item as far as there were still two pending items which was the PA DEP and the BCPD letters. Are they still in process? Do we know?

Mr. Cunningham indicated that he thinks he actually has the BCPD letter. I can get that over to Ms. Kahn and the PA DEP. We're working through the sewage facilities planning. I think we just need it signed by the township and submitted. But as you probably are aware, that one needs to be completed before the plan can be recorded, but the DEP has made it more and more difficult to a small project like this to get approved. We're going to work through that and get it to the township as soon as we can.

Council President Tokmajian - So, you don't have any issue if we make that contingent?

Mr. Cunningham replied, of course.

Councilman Knowles So it looks like you agreed to a certain amount for the sidewalk a fee in lieu of, correct?

Mr. Cunningham replied yes, \$3,060.

Councilman Knowles - What about the curbs? Are you agreeing to that fee as well?

Mr. Cunningham agreed to the amount of \$3,000 for the curbs. Both of the fees were in the letter and believes that those are the standard fees.

Council President Tokmajian - I'll open it up to council. A motion would be in order. Before the motion Council President Tokmajian, Jr. asked if there was anyone in the audience who would like to speak for or against this project. Seeing no one come forward the Public Comment portion was closed.

Council Vice President Sloane motioned that we approve the minor subdivision for the applicant D. La Rosa Builders, Inc. tax parcel 02-039-152. With the respect to the letter from WK2 dated August 17th, 2026. the applicant will comply with the comment regarding submission of an application to PA DEP and BCPD.

We grant the waiver with respect to grading of the property. The applicant will pay fees in lieu of curbs and sidewalks. So that covers those two waivers. And then for the stormwater management pipes waiver is granted subject to the applicant providing the requisite stormwater management calculations to the satisfaction of the township engineer. **Councilman Knowles** seconded.

Solicitor Holbert indicated that there was also a traffic impact fee in the amount of \$1,233.76.

Council Vice President Sloane - Also, subject to paying the traffic impact fee as specified.

Councilman Knowles And I'll amend my second. The motion carried 3-1.

EXECUTIVE SESSION:

Council President Tokmajian – Mr. Pizzo, before we continue, if you just want to announce we had a short Executive Session this evening.

Solicitor Pizzo - Yes. Immediately before this evening's council meeting, there was a brief Executive Session. In attendance were the four members of the township council present at this evening's meeting the mayor, Mr. Holbert and me. One matter of pending litigation was discussed. No official action was taken during that executive session and no official action is required at this evening's meeting as a result of that executive session.

6. CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 225 – VEHICLES AND TRAFFIC TO ESTABLISH AND ENACT ARTICLE V THEREOF ENTITLED – ELECTRIC MOTORIZED DEVICES:

Council President Tokmajian - First, eBikes are becoming an increasingly common form of transportation. People are using them to get to work, to run errands, recreation, and simply get around their communities. I don't think we should lose sight of that. They are part of the way transportation is evolving, but at the same time, we have a responsibility to make sure that the way these vehicles are being used is consistent with public safety.

The numbers we're seeing are fairly significant. I did some research prior to coming into this meeting, according to PennDOT, eBike rider injuries in Pennsylvania increased 40% from 2024 to 2025. And even more striking, PennDOT reported 12 eBike rider fatalities in 2025 compared to just two in 2024. Just locally, in June, a 5-year-old child riding an eBike was critically injured after being struck by a vehicle in Bristol Township. In August, an eBike rider was seriously injured in a collision in Solebury Township. Our own police department here in Bensalem identified some of the behaviors that concern them.

In April, our police department reported seeing an increase in unsafe eBike behavior, including riders without helmets, riding at night without lights, operating in traffic without sufficient experience, or just simply being reckless and multiple people riding on a single device. We certainly don't want to discourage a form of transportation that's becoming more popular. But we also can't ignore that these vehicles can travel faster than traditional bicycles and are increasingly sharing our roads, our public spaces with pedestrians, motorists, and other cyclists. I think our responsibility as a township is to establish clear expectations, promote safe behavior and make sure our local rules keep pace with how these vehicles are actually being used here in this township. And at the end of the day, it's about encouraging legal and safe transportation options while protecting the safety of the people who live, work, and travel here in Bensalem. And that's reasons why we decided to strengthen this ordinance.

Captain Bugsch - I agree with you, Councilman. We've worked long and hard with the mayor's office and the solicitor to come up with something that doesn't affect the law-abiding riders that depend on their eBikes to get around as long as they're riding the proper eBike for the proper age that they are. This ordinance is going to prevent them from riding on public property meaning township property, school district buildings, school district property. That seems to be the prohibitions of this. But if you're a lawful eBike rider, you're still going to be able to ride your bike in accordance with PennDOT's rules and regs. When you go outside of that, that's when we'll address it.

Council President Tokmajian - I'll turn to council for questions.

Councilman Knowles - Under the ordinance exhibit A, it says a person who has title to an electric motorized device. Do all electric motors have title? They don't necessarily know who owns the eBikes, or scooters. Some of them go 30 miles an hour. But then I see these young kids on these scooter type things that are like in packs and I don't care that they're doing it personally, but it's dangerous when they're driving down Bensalem Boulevard or Bristol Road.

There's six or seven of them and they're weaving in and out of traffic. They don't have licenses. They don't have titles for those type of motorized vehicles.

Captain Bugsch - Your question about a scooter, you mean the ones they stand up on?

Councilman Knowles – Yes.

Captain Bugsch - Well, they're prohibited. You can't have them on the roads at all. They're only supposed to be operated on private property alone. That is it.

Councilman Knowles - So, they're not doing that.

Captain Bugsch - They are not eBikes.

Councilman Knowles - But you realize people are driving them on roads.

Captain Bugsch - We absolutely know. And they get stopped and addressed.

Councilman Knowles - And they can be confiscated under this ordinance?

Captain Bugsch - Correct.

Councilman Knowles - When you're saying a titled motorized device, how would you describe that?

Captain Bugsch - Well, we would have to do some research and investigative on the officer's part to find out who actually owns it. Some of them may have just a bill of sale.

Councilman Knowles - So, the scooters do not have any titles.

Captain Bugsch - Some of these other electric motorized vehicles, they do have titles, because some of them are required to be registered scooters and have insurance for them.

Councilman Knowles - At what point, if you're an adult, wouldn't you need a license to drive on the road, the middle of the road with a scooter or electric bike?

Captain Bugsch - It all depends on what type of eBike they are on. If it's just a regular eBike, they do not need a license. An eBike is considered something that can't go over 20 miles per hour and I believe is under 750 watts. Anything over that, you're going to be required to register your vehicle. You need to have a license. And you also have to be 16 or older. And that's a lot of our problems here in the township. They are younger than 16. And believe a little parental advisory goes a long way.

Councilman Knowles - I know. And I don't want to come off as like a grumpy old guy or something, you know, but the thing is they're very dangerous, and someone's going to get hurt. And you're driving down Bensalem Boulevard, there's not much streetlights to begin with, and they're in dark clothes. They're not wearing helmets. There's two of them on it. One of them could fall off and fall right in the roadway. If it only goes 20 miles per hour, they shouldn't be riding in the middle of the road on a 45-mph road, right?

Captain Bugsch - If it's an eBike and it's under 20 miles per hour, they can use the bike lanes. They can use sidewalks. But they can't use sidewalks in a business district. There is a myriad of restrictions and different rules for different size conveyances that are in the vehicle code for these items.

Councilman Knowles - Because if you're if you're uh going down Washington Lane, which is dark, and you're you have three, four, five kids on scooters in dark clothes at night. I mean, it is a parental thing, but it doesn't matter. Apparently, they're getting away with it. Someone's going to get hurt.

Captain Bugsch - And again, when you say scooters, they're not supposed to be on the road at all. And the eBikes, if they're on the road at night, they are supposed to have a light on it.

Councilman Knowles - Okay. That's my concern which is public safety. We're not that much of a community where we have a central community. It's hard to go down Bensalem Boulevard on a bike on the side of the road everywhere. They have some sidewalks along Bristol Road now, but there's areas that are hard to do that. I just have public safety concerns and I don't want to see any kid getting hurt. I don't want to see a kid getting hurt. I don't want to see an adult hurting a kid and when it's not their fault. Because they're just like weaving in and out of traffic. You have to really be careful. And hopefully we're going to confiscate those and then the parents can get fined, right?

Captain Bugsch - The rider gets fined, but if there's an issue with if a parent's allowing them to do something that they're not supposed to be doing, that's a whole another crime in itself.

Council Secretary Wenzel - I know this is a problem up and down there. There are a few things that I personally feel here. Now one of the issues I see here is the playgrounds. And I spent a lot of my time this spring and summer between PAL, flag football where the kids are riding around there's no issues there's police there the park rangers are there. If we say we can't be in the playgrounds even if we give them one playground that they can hang out and get together with I feel that would be an opportunity to keep them off the roads because if we do no playgrounds at all or recreation areas at all. They're just going to keep going out in the streets and we're going to have more kids on the streets than we really already do.

I know there's a lot of people who just get out there and go. They don't know the laws. Can we have the police department maybe put out a video on road safety? Whether it's regular bikes, skateboards, a lot of kids don't know they should be riding with traffic and not against traffic. Education I think would be very fair as well. I don't think that these young children more or less are aware of what real laws are and aren't. Whether we put it out on social media, display it on our YouTube page, and get it out there to educate

kids, that would definitely, I think, be a big large step as well. But I I think that with the school grounds and the playgrounds taking it away from them without giving them a place to go is going to be a problem as well because then they're just going to end up more kids on the street and then more liability there when there's cars and traffic around where like I said I spent the good Spring and part of my Spring and Summer at Bensalem Community Park and most of them were courteous, they were having fun. They weren't being very disruptive.

I have seen some kids that have been disruptive whether it was on a regular bike or on a skateboard or on rollerblades and you know when full season of PAL or flag football they were it was addressed. I just think that if we don't give our youth enough to do here and we're just going to take something away from them without giving an opportunity. So, I think we should, if anything, allow them to either hang out at the playgrounds or give them at least one park to, you know.

Captain Bugsch - We're not telling them they can't hang out at the playground. They just can't hang out there with their eBike. We have had disruptions there over the last couple summers with the park rangers. We've had some encounters with the kids. But listen, if something wants to be taken out of there, that's above my pay grade. That's something that'll have to be discussed.

Councilman Knowles - Understood. And the problem is you can't control. I understand. I think you had a good intention, but the problem is some of the parents just let the kids go. The parents aren't going to bring them with vans and take them out and say, "Okay, just stay in this little area. You'll be fine." You know, these kids are running rampant.

Council Secretary Wenzel - I agree. There's a lot of them that the parents do take them there. I spent, like I said, I spent the majority of my Spring and Summer between PAL and flag football, watching parents pull up and they take their bikes and they take their eBikes and they take their scooters out and they're just having fun. I don't want to take something away from the children. We got to have a common ground here. That's my only point.

Captain Bugsch - Okay. And when you say children, remember they have to be 16 or older to be riding these things.

Council Secretary Wenzel - I understand.

Council Vice President Sloane - I mean, basically, it seems like this makes them follow the legal rules of the road, right?

Captain Bugsch - One would hope. Yes.

Council Vice President Sloane - And so, if they're abiding by the law, they can still go ahead and ride these conveyances.

Captain Bugsch - That's correct.

Council Vice President Sloane - Okay. I have two administrative things on the ordinance itself. In section, paragraph 225-23, it references itself, it references the section of Prohibited Acts, that should be 225-22. That's just an editorial correction that'll have to be made. And then on the notice itself, on the last page of what we received in our packet, it actually establishes the township's Responsible Contractor ordinance. So, is there any issue with the fact that this notice is referring to the RCO? the rest of the rest of the notice appears to be fine, but I want to make sure that we're not tripping over ourselves here.

Solicitor Pizzo - Let me take a fast look at it while you're okay.

Council Vice President Sloane - It's just the first paragraph. That's everything that I have. So, appreciate the effort on this.

Council President Tokmajian - just for the public's knowledge, this ordinance basically summarizes and puts into place some prohibited acts which includes shall be unlawful to operate an electric motorized device on public property on any school grounds, playgrounds, and or recreational areas owned, operated, and or maintained by Bensalem Township on private property without the express permission of the property owner or tenant on any public byway in a manner and or location if such operation is otherwise prohibited by law.

And there are enforcements which includes first, second, and third offense as well as impoundment. Before I go to the public too for uh public comment, I wanted to reference an article that just came out last week. It was from the Philadelphia Inquirer. EBikes and e-scooter boom comes with a more dangerous price than traditional cycling. and they go into a story about how two young girls 12-year-olds, I think they were both 12 years old, they had been riding an electric scooter together. They were sharing one scooter when they drove off the curb and fell into the street. They were struck by an oncoming car. Emergency responders found them holding each other and one of the girls had died, unfortunately, two days later.

I just wanted to point out that it's just becoming a public safety issue and it's something that we need to address,

Solicitor Pizzo - The notice accurately identifies the title of the ordinance that you're discussing at the moment and gives a fairly detailed description. That it is proposed to amend chapter 225 to create the new electronic motorized devices section that it would set forth regulations for the use and operation of the various electronic motorized vehicles and devices on certain public and private property within the township. Such various electronic motorized devices including but not limited to motorized bicycles, pedal cycles, motorcycles, scooters, one wheels, segways and the like. I think it adequately describes what you're doing this even.

Council Vice President Sloane - Thank you. Appreciate that.

Council Secretary Wenzel - Actually, I have another question. We have these offenses, and fines \$200, \$300, and \$500. Someone who's 16, 15 may not have a job to cover these fines. So, do we have an alternative? How do we get a fine from parents?

Council Vice President Sloane indicated that if they don't want to pay the fine then don't break the law.

Councilman Knowles - I hear you. The parents have to pay it too.

Council Secretary Wenzel - Do the parents have to pay it?

Solicitor Pizzo – the courts generally will make payment arrangement plans for individuals who may not be able to pay a fine in its entirety upfront. That should cover that and as far as the enforcement and penalties sections go. It should be noted that these are identical to the provisions that the township currently has in place for the illegal operation of ATVs in the township. So, a few years back we were having a similar problem with ATV operation on township roadways on township parks, private property. Similar provisions were enacted at that time for that. And as far as the enforcement provisions go, they are essentially identical.

Captain Bugsch - And they also may be eligible for our youth aid uh program that we have for first-time offenders. This may qualify for that. I'd have to look into that though.

Council Secretary Wenzel - I mean, because my other question would be can they do x amount of hours of community service?

Captain Bugsch - That's what that is.

Council Secretary Wenzel - That's what I wanted to confirm. Thank you.

Mayor - Mr. President. Could I add something, please?

Council President Tokmajian - Hang on two seconds, Mayor.

Councilman Knowles -I just want to mention now I imagine that the police, you're a captain, right?

Captain Bugsch – Correct.

Councilman Knowles -So, you're captain. So, I think it is above I think it is below your grade. Okay. Do you feel this gives the police the tools to enforce fairly against violators? Because I've had to be overly strong on this because I really don't want I mean I've been driving on Bristol Road and Bensalem Boulevard at night and I'm like wow I'm lucky I saw that kid you know I'm lucky I saw those three kids I'm like wow by the grace of God I seen that kid I could have I could have clipped them easy and then you yell at them yourself or honk the horn they're they don't care.

Captain Bugsch - it it's definitely a good tool for our toolbox to use but as Councilman Wenzel recommended education is a big part. We will push things out as well before this is enforced. So that will be covered. And again, like I said, parental guidance is huge. It'll pay dividends.

Council President Tokmajian - Mayor.

Mayor - Yes. I just want to add that the liability to the township without having this is very very great. So that's why we really got to make sure that we're insured and we have something in place because if we don't, it's total liability.

Council President Tokmajian - Great point. I'll just turn to the public. Is there any public here that wants to speak for or against this ordinance that we're looking at this evening? Seeing no one come forward the Public Comment portion was closed.

Council President Tokmajian - Okay. Thanks, Captain. Appreciate it. Council, I would ask for a motion to accept and adopt, or whatever your pleasure is this evening.

Councilman Knowles - I'll make a motion that we approve the ordinance amending chapter 225, vehicles and traffic to establish and enact article 5 thereof entitled electric motorized devices as presented.

Council Vice President Sloane - I will second but I would say not as presented as corrected. There was an editorial correction that needs to be addressed.

Councilman Knowles - Yes. And then that the corrections that Councilman Sloane pointed out will be done.

Council Vice President Sloane - Okay. I'll update my second to match.

Council President Tokmajian - Okay. Thank you. There's a motion and a second on the floor to approve. Any questions from the motion? If not, I'll call the votes. All in favor, vote I. The motion carried 4-0.

7. CONSIDERATION AND SIGNING OF AGREEMENTS FOR:

Applicant:	School Lane Charter School
Location:	3340 and 3350 Tillman Drive
Proposed Use:	School Gymnasium w/Classrooms and Offices on the 2 nd floor
Zoning Classification:	PCD – Planned Commercial Zoning District
Tax Parcel:	02-008-006-001

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

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

Council President Tokmajian - Mr. Pizzo, is this on your radar?

Solicitor Pizzo - Yes, sir. This is, as you described, the Land Development Improvements Agreement and the Stormwater Agreement for School Lane Charter School for the School Lane Charter High School located at 3340 and 3350 Tillman Drive. The agreements are executed. They were prepared by our office. All of the necessary fees that are required to be posted or security that's required under the agreement have all been posted with the township and the agreements are in a form acceptable for your consideration and approval this evening.

Council President Tokmajian - Thank you. Any questions from council on this? Pretty standard signing agreement. Anything? No. Okay. Uh, I just need a motion to uh to approve.

Councilman Knowles - I'll make a motion that we approve the signing uh of agreements for School Lane Charter School their Land Development Improvements Agreement and their Stormwater Best Management Practice Operation and Maintenance Agreement at 3340 and 3350 Tillman Drive. Approve as presented.

Council Secretary Wenzel – Seconded and the motion carried 4-0.

8. CONSIDERATION AND SIGNING OF AGREEMENTS FOR:

Applicant:	PennJ Petroleum, LLC
Location:	2720 Knights Road
Proposed Use:	2-Story Office Building
Zoning Classification:	GC – General Commercial Zoning District
Tax Parcel:	02-036-245

A. Land Development Improvements Agreement

(4) Executed copies to be signed by Council upon consideration.

B. Stormwater Best Management Practices Operations & Maintenance Agreement

(4) Executed copies to be signed by Council upon consideration

Council President Tokmajian – Consideration and signing of agreements for PennJ Petroleum, 2720 Nights Road. Mr. Pizzo.

Solicitor Pizzo - Yes. Again, these are the Land Development Improvements Agreement and Stormwater Agreement as you indicated Mr. President for PenNJ Petroleum LLC for their property located at 2720 Knights Road which is near the corner of Knights and Dunks Ferry. The Agreements have been prepared by our office, executed and returned by the developer. All the required fees and security have been posted with the township and the agreements are in a form acceptable for your consideration and approval this evening.

Council President Tokmajian - Any questions from council? I did have one question. We didn't see this land development, Mr. Pizzo. Is this replacing the gas station?

Solicitor Pizzo - No, this is actually for the construction as I recall of a two-story office building on the property next to the gas station.

Council President Tokmajian - no other questions. I'll ask for a motion.

Council Secretary Wenzel - I'll make a motion to move forward with the agreement with Penn J Petroleum, LLC 2720 Nights Road second story office building in the general commercial zoning district tax parcel 02-036-245 as presented.

Council Vice President Sloane - I'll second. The motion carried 4-0.

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

Council President Tokmajian - All right. agenda number nine, consideration of a Land Development Extension Agreement for Bristol Road Commons Associates located at 700 Bristol Pike, Mr. Pizzo.

Solicitor Pizzo - Certainly. This is, as you indicated, the Land Development Extension Agreement that currently there is a Land Development Agreement in place for the property at 700 Bristol Pike. I note on the agreement that the address, I believe, has now been changed by the Post Office to 650 Bristol Pike. This is the property that's the old Andalusia drive-in that the building that's going to house the physical therapy and related facilities is located on Bristol Pike. The project is still underway. The expiration date on the Development Agreement is coming up and so the developer is asking for an additional one year out to September 30, 2027. I believe the engineer and the administration recommend that extension and if council is inclined to grant it. We would recommend that you do so subject to audit by the township engineer and the township finance department to make sure that sufficient funds remain in escrow for the completion of the public improvements associated with the project.

Council President Tokmajian - Thank you. Any questions on the extension?

Council Vice President Sloane - How far along are they on the construction project? It's like they're almost gone.

Ms. Kahn - It's pretty much along. It's like framed out and all. I don't know how long it takes. Exteriors on too. That is where we have paused it. But it was in fire's hands. Our inspectors here this evening needed an update but we're waiting for fire to be able to move forward. So we've been at a standstill for the rest of the land development.

Council Vice President Sloane - Understood. And is one year generous? I tend to prefer much shorter extensions to make sure that the developer is moving forward.

Ms. Kahn - Understood. But I believe that, I mean what's another time frame? He's making every effort in good faith to get this thing done. I would like to move it along because I'd like to get it wrapped up ourselves, we have other land developers. I think he wants to get it done.

Council President Tokmajian - Okay. Any other questions? If not, a motion would be in order.

Council Vice President Sloane - I move that we approve the uh one-year Land Development Extension Agreement subject to audit by township engineer and finance department.

Council Secretary Wenzel - I'll second. The motion carried 4-0.

10. CONSIDERATION OF A REDUCED PERMIT FEE FOR HOLY GHOST PREPARATORY SCHOOL MOTHER'S GUILD CRAFT SHOW LOCATED AT 2429 BRISTOL ROAD:

Council President Tokmajian - move to agenda number 10, the consideration of a reduced permit fee for Holy Ghost Prep School Mother's Guild Craft Show located at 2429 Bristol Pike.

Solicitor Pizzo - Certainly. This is an annual application that the township receives for the holiday craft fair that the Holy Ghost Prep School Mother's Guild hosts on an annual basis. As you will recall, it used to be on a fairly large tent in the front grounds. The last several years, I believe, they've moved it indoors to the Firebird Fieldhouse and the Holt Center. As is the normal process they have applied for the township's special event permit and are requesting a reduction in the permit fee and in the bonding requirements. The township in the past has granted that request. The reductions that are shown on the permit fee worksheet in front of you this evening are consistent with the reductions that the township has done in the past and are being recommended by the township building and planning department, the township public safety department and by the administration.

Council President Tokmajian - any questions?

Council Vice President Sloane Yes, the permit fee worksheet lists this as calculated. Typically, these waivers are 50%, the bond is 25%.

Solicitor Pizzo - That's correct.

Council Vice President Sloane - That's consistent with what we've done for them in the past? I couldn't recall it.

Solicitor Pizzo - It is.

Council President Tokmajian - Any other questions? If not, I think it would be appropriate for myself to make the motion if council doesn't mind, I'll make the motion that we approve the reduction of fee for Holy Ghost Prep School Mother's Guild in the amounts calculated as listed uh \$300 and \$2500

Councilman Knowles - I'll second the approval for the reduction in the fee and the bond to \$2500. 50% to \$300 for the fee and the bond can be reduced to \$2500. I'll second that.

Council President Tokmajian - Got motion and second. All in favor vote I. Any against? Okay. Motion carried 4-0.

Council President Tokmajian - before we move to the next one, are we good to just roll through? Anybody need a break? Good.

11. DISCUSSION OF THE DATA CENTER PRELIMINARY DRAFT:

Council President Tokmajian - We'll move to agenda number 11. The discussion of the preliminary Data Center draft. Council has been provided with a copy of that data center draft. I will open the floor. I just wanted to note first Mr. Pizzo thank you for the work in putting this together. I know it was a significant amount of work. And just to note a couple of the strengths that I noted. The conditional use requirement that the noise controls, the utility and water scrutiny, the emergency planning, the construction traffic. It's a significant lengthy document that you put together. I know there's a lot of work that was put to it. Did you want to speak to it really quick before I open the floor to council for questions?

Solicitor Pizzo - Certainly. First of all, thank you for those kind words. A significant amount of work did go into this and I would be remiss if I didn't also mention Director Ken Farrell from the building planning department. He has put in a significant amount of time in helping to craft what's in front of you as well. It's funny but you know there's an old adage that the journey of a thousand miles begins with the first step and the first step was at times difficult for us because we were trying to figure out which direction to take this. Once we got there, then it became a little easier to insert the various provisions. We relied on a lot of resources. Some of which I mentioned when you were considering the adoption of the curative amendment. And a number of resources subsequent.

And one of the things that we kept coming back to for the township was that there was probably a greater likelihood that a data center might locate in an existing building in the township than might try to build from the ground up. That's not to say that they couldn't, but the number of buildings that we have in the township that are of several hundred thousand square foot in size would be sufficient for a data center that is there to serve an individual business as opposed to what Amazon is building up in the old steel mill property, which is obviously to serve a much greater capacity. But an individual business might want a data center just for its own needs and a smaller building might fit those needs.

So, looking at it from that angle, and from everything that we were seeing from all the information that was being given to us by members of council and from the administration, the largest concern that we thought would need to be addressed, believe it or not, is noise. The noise or the sound that potentially could be generated by one of these facilities, particularly in close proximity to already existing other buildings or residential areas. Made that a driving factor in in a good bit of what you've have in the document in front of you.

The proposed ordinance would relegate these facilities to the township's GI district in the GI district alone which is our heaviest industrial district where all sorts of uses that can make noise or odors or things like that are relegated. It would require them to come in as a conditional use, which would mean that it would have to come in front of this board for not only a land development if one were necessary, but for the conditional use to give you the opportunity to attach conditions to the operation of the facility and if the facility couldn't meet those conditions to give you the opportunity to deny it. We put in a variety of setbacks.

To push the building farther away from residential uses than other non-residential uses. And within those setbacks, burming and landscaping and other things that would help to block noise emanating from the site. Obviously as you've seen a variety of preconstruction studies have to be done as to noise as to water as to sewer as to emergency management. All of those different things. I'm sure I'm forgetting one or two but they're all in there. All of those have to be provided to the council before any approvals are given or shovels go into dirt. So that's that that was the way we looked at it. One of the ways we felt that we would help address that problem was to make it so that energy to power the data center cannot be generated on site.

It has to be provided from the utility providers that serve that area of the township. If it's going to be electric from PECO, if it's going to be natural gas from PECO. But by keeping the energy generation for the principal operation of the facility off the site, again, we're cutting into and taking away opportunities for facilities, equipment, and the like that are going to impact quality of life for the properties around the data center. Similarly, to the extent that there is equipment to power the facility that the cooling of the facility or the like those things can't be roof mounted because the noise travels farther. They have to be ground mounted. They have to be screened. They have to be part of the what we're doing on the ground the keep the noise that that may potentially be generated on site and not bleeding off of the site. So, those are some of the decisions that were made in preparing this proposal to all of you.

That's some of the thinking that was behind it. Again, there are a host of items, a number of which we said we would be tackling back when the curative amendment was discussed. Hopefully we've gotten to all of them. There are some things that as we hit them, we thought that they may not be relevant to the township but if again in talking about this all of you think they are this process affords us the opportunity to add them in. This has gone in front of the township planning commission at this point. I believe Director Farrell gave you a memo of roughly a half a dozen items that the Planning Commission asked us to consider and asked you to consider as we're going through the ordinance, but they otherwise unanimously recommended the ordinance by and large in its current form.

And again, the mission here as we stated back when you adopted the curative amendment is to create a set of regulations so that we have them on the books should someone come into the township looking to construct a data center. We're not doing this so that we're opening the door to data centers. Quite the contrary. We're doing this so that if someone comes in without these sorts of regulations, they can pretty much go anywhere in the township that they would want, arguing that the township doesn't have a comprehensive set of regulations.

So that by doing this, we've now taken most of the property in the township off the table. The GI in the township where a facility like this properly belongs is on the table. But again, under all of the requirements that are being proposed as to minimum lot size, number of buildings that can be on a lot and that again as I said with the journey beginning with a thousand steps, of the most difficult parts of this process, believe it or not, was just coming up with a set of definitions for what it is we were dealing with because everything that we were looking at in terms of ordinances that were form ordinances, sample ordinances, ordinances that have been adopted in other locations ran the gamut from, you know, a building with computers in it

all the way up to, you know, definitions that were a page and a half long. So, hopefully you're happy with the end result, but to the extent that there are things that you may want to see changed, beefed up, removed, added, that's part of the process and we're ready to discuss all of that with you.

Council President Tokmajian - Great. Thank you. I'll start with if you don't mind, I'll start from my right.

Council Vice President Sloane - Happy to. One of the things that you mentioned is that you drafted this basically with the intent to cover noise and not have power generation on site. But that requirement, how does that and how does this ordinance affect the public's cost of utilities? Because that is a big factor in data centers nationwide right now.

Solicitor Pizzo - Certainly. And the governor, as you may be aware, enacted an executive order pertaining to data centers. And part of that to the extent that it would apply has provisions in it that require the data centers if they're constructing or utilizing electric generation, electric transmission and the like. All those costs have to be borne or absorbed by the data center and can't be passed on to the local rate payers.

What we did for your ordinance is again first and foremost the power generation has to be done offsite has to be provided by the utility provider serving that area of the township. On page 18 in section 232-815 subsection two prior to the issuance and approval of the certificate and occupancy for the data center the applicant or the property owner has to provide to the township written verification from the applicable electric service provider that states all of the items that follow that adequate capacity is available on the applicable supply lines and substations to ensure that the capacity available to serve the data center together with the other needs of the service area in which the data center is located is consistent with the normal projected load growth envisioned for the electric service provider.

In other words, they have to tell us that PECO, I'll use PECO for the purposes of this example, has enough electric to already to serve the facility. Secondly, that the electric supply equipment and related electrical infrastructure of the electric service provider are sufficiently sized and can safely accommodate the proposed use. Again, same thing as number one. PECO's got the ability, has the equipment, has the infrastructure to provide the power necessary. This is before the data center goes into operation. Third that the proposed electrical power equipment and related electrical infrastructure of the data center are sufficiently sized and can safely provide all electrical power necessary to operate the data center.

So again, they've got to have PECO has to have everything in place to feed it. They have to have everything on site to power it.

Council Vice President Sloane - there be a rating limit for how much power then they can draw. So that it meets their initial design. I I wouldn't want a data center going in and then all of a sudden, they upgrade their system drawing more power basically blowing through the limits that are stipulated here for the construction of the data center.

Solicitor Pizzo - Sure. Just to finish this section, fourth, all systems designed for the operation and cooling of the data center will be adequate and will not negatively impact the surrounding region. And again, this is PECO saying that everything is adequate. It's not going to impact surrounding property. And finally, that the data center structure or use will not cause electrical interference or fluctuations in line voltage on or off the operating premises. So, we're not going to be creating blackout or brownout uh provisions.

From there, you jump down to section C of the same section on page 20, which requires prior to the approval that any proposal for a data center shall include an energy usage plan that shall provide or identify the following. The annual electricity demand for the data center. The electric service provider and any other off-site energy supply sources serving the data center, the energy storage capacity of the data center, the proposed sources of on-site and off-site backup power for the data center, and a written certification or confirmation of all of the information as required by the sections that we just outlined earlier in the in this discussion.

Council Vice President Sloane - Yes. So, by the way, that call out is wrong and needs to be fixed.

Councilman Knowles - But Jesse, could I ask a follow-up question to your question? Please.

Council Vice President Sloane – Yes.

Councilman Knowles - Okay. Joe, my only concern with, just to let people know out there, this is I read 33 pages here and wrote notes like you, but this is a very restrictive ordinance. Okay. So, this and we want to make it as restrictive as possible without being challenged in court or something. Good. But Joe, my only concern is if they're required to get all their electricity from PECO, isn't there a concern out there that that would that would make PECO raise everybody else's rates for supplying the electric?

Council Vice President Sloane - Yes, that's the concern I have.

Councilman Knowles - because if you're like Jesse's in nuclear like if they I don't want anybody to build a nuclear thing here, you know, but I'm just saying I don't want carbon I don't want carbon like you know ruining the ozone. If you have a nuclear power, miniature nuclear power site supplying energy and it's not coming from PECO because PECO is going to say, "Oh yeah, we can we can supply this. This is no problem. We'll get them this." And then they'll raise my rate and they will say, "I have nothing to do with that. You're just going up anyway." You know, so that's my only concern is did you think do we think about that or is that or are we thinking that PECO is not going to be able to do it probably?

Solicitor Pizzo - No, we're obviously thinking about it and I don't I don't know that the township has the ability to govern what PECO does or doesn't do. But our belief is what we can require is that the developer comes in here with certifications from PECO with an energy usage plan identifying all the power that's going to be needed to operate this, where it's going to come from, and certifications that PECO has the ability before this goes into place to serve all that. The implication is that if PECO has all of that and doesn't need to increase its electric generation to serve either this facility or this area of the township, then rates shouldn't go up as a result of the data center.

Councilman Knowles - Hopefully not. But anyway, but so self-generating power, whether it be nuclear or carbon-based or something else. So, we're saying that can't be done. Why? Because it's dangerous, because it's we just want to avoid it. It's a noise thing.

Council Vice President Sloane - It's a noise thing.

Solicitor Pizzo - You know, largely that's it. I mean, we could certainly allow for on-site electric generation if that's what the township rather. A) the number of properties in the township that we believe could house a data center and an electric generating structure under this ordinance becomes a minimum of 50 acres. We don't believe that...

Council Vice President Sloane – We don't believe that there's going to be opportunities in the township to even have some.

Solicitor Pizzo - I mean you're having otherwise GI property that you'd rather be put to other use being gobbled up so that the data center operator can now have sufficient land to do both the operation of the data center and the on-site generation of electric as well. So that's part of the consideration. Another part of the consideration again is that we believe that these facilities have the potential to between the equipment that's located inside and the located outside generate noise. That's at least what we've seen has been one of the larger complaints from communities that have opposed the facilities that are actually in operation in their communities. So, anything that we could do that A) wouldn't make this ordinance on its face illegal and B) would reduce the amount of activity on the site that's going to be generating noise that spills off of the site. We went that route, but we could turn around, again, if you know a majority of you think no on-site electric generation is more important because that way, we don't need to worry about what PECO might do, we can change this. So, keep all of that in mind here.

Councilman Knowles - So, it was just a thought, but I agree that the opportunity to build a large facility like in Falls Township for instance, it's not going to happen here in Bensalem because there are restrictions on the land are each structure has to have 25 acres, you know, so it would need a whole structure just to generate it. But I was just trying to get some background on that. But go ahead, Jess. I'm sorry. Go ahead.

Council Vice President Sloane - Okay. That answers my question. Let's see. I'm going to go through this. So, Mr. Pizzo, if you want to follow along, there's some a couple editorial things on here as well.

Solicitor Pizzo - Sure. I apologize, by the way, because things were numbered and renumbered and things were moved around. So,

Council Vice President Sloane - I mean, I'll tell you what, as far as the chapter and section call outs, how about I send you a markup version? That might be a little bit easier. They're just editorial. They're not substantial at all. Let's see. Section 232-806, Locational Restrictions. Paragraph two references adult establishments. I think that is an error and probably a carryover from other sections of the code.

Solicitor Pizzo - Yes. One of the things one of the things that we did when Mr. Farrell and I finally had determined what route we were going to go, the next task was to figure out where in the township code we were going to put all of this. We had several options available to us. We could make it all of this part of the GI section. We could make it a standalone ordinance. What we ultimately landed on was a number of years ago, the township did something similar to what is being proposed with data centers regarding \ adult entertainment establishments within the township. And in some cases what we did just as we did with the eBikes where we paraded provisions from ATV part of what we did with the locational restrictions was parrot what we did.

Council Vice President Sloane - I got that mistaken reference there's a legacy call out in there too

Solicitor Pizzo - that's why that got carried over but that was just so you understood.

Council Vice President Sloane - the lengthy discussion we just had on power generation and electricity I'm assuming that also applies to water used for cooling?

Solicitor Pizzo - Yes. What we did...

Council Vice President Sloane - and I know there's a lot of stuff in here.

Solicitor Pizzo – So, we are requiring that water facilities for portable water supply have to be public. And water facilities used to for any closed loop or other water circulation cooling systems used to cool the data center also have to use public water facilities. They so that they're not drawing from wells, use of groundwater wells or direct withdrawals from surface water courses are not permitted to supply water to cool the data center.

Council Vice President Sloane - But what about discharge?

Solicitor Pizzo - So for discharge, well let me let me just finish water for a second. So, part of what we were requiring and in looking at this I see that I need to fix the lettering here. Letter section H should actually become section E. But that is a water feasibility study. So similar to what we're requiring on the electric side, the data center has to go to the portable water supplier, the public water supplier, in this case Aqua, get the same kind of certifications that the adequate water is available, that it's not going to require any additional facilities, that it's not going to be a draw on the system. In addition to that the water feasibility study also has to show the calculations of the peak projected and annual consumption water demands. The flows and capacity necessary to meet firefighting demands of the data center. A geological map of the area with a radius of at least one mile from the site that's going to show all of the existing wells, surface water, and other and the like within the area.

Council Vice President Sloane - I've read through this list. What's not included on here is temperature. And so, one of the issues with effluent and the discharge is how the discharge temperature could impact the surrounding environment.

Solicitor Pizzo - Sure.

Council Vice President Sloane - Probably something we want to consider adding.

Solicitor Pizzo - And so, the wastewater disposal study, which would be in your ordinance section I. Has to be prepared by a qualified professional. It has to determine if there's adequate sanitary sewer collection. Conveyance and treatment capacity for the data center. No data center shall be approved without sufficient sanitary sewer collection, conveyance and treatment capacity. Wastewater shall include sanitary sewage and water discharged as part of the data center structure and or cooling systems.

So, what we're attempting to do here and perhaps we need to beef it up is that cooling system water has to be discharged into the sanitary sewer system. It can't be surface discharged. That's what the intention here is. Assuming that's agreeable to all of you, I'll go back over it just to make sure if we need to tighten it up. But there is the possibility that cooling waste water could be recirculated on site and they do need to demonstrate that's what they intend to do. But even in that case as it says in section I, 1C if the waste water from the data center includes water discharged from the data center HVAC or cooling systems that is not intended to be discharged into the applicable public sanitary sewer system. Then the wastewater feasibility study shall also include the minimum following information.

Council Vice President Sloane - So, right. So, without you just reading the ordinance to everybody, we need to include temperature, discharge temperature. That's all I was trying to go for there. Very happy to see the section on environmental standards. I thought that was great. Very happy to see an entire section on here on decommissioning. It does say that a decommissioning plan has to be approved by the board of supervisors. That should be corrected to township council. Decommissioning plan shall be updated every 5 years or upon major change in ownership or facility operations or change facility modifications.

So, if it's a modification to the facility that's going to impact the decommissioning plan and we should see that again. The financial security section it says financial security shall equal 110% of the estimated decommissioning cost. That's not clear if that's in today dollars or future dollars. And that is very very important. So that's got to be clarified. Because the costs will increase with time. The next line there, security shall remain in effect for the life of the facility shall be adjusted every 5 years or sooner if required. Don't know what that means. These are the requirements. So, I'm not sure why would it be sooner than 5 years?

Solicitor Pizzo Oh, no, no. Again, we're talking about essentially every five-year review.

Council Vice President Sloane - So if the decommissioning plan gets updated.

Solicitor Pizzo - then it triggers then it would trigger just as we ask you to recommend an audit of the of the escrows to make sure sufficient amounts remain. That's what that's intended to say.

Council Vice President Sloane - That should probably be clarified a bit more.

Solicitor Pizzo - I'll make sure that that's the case. And the same is true for the for section two. The expectation is that the figure would be a figure good for five years. And so, when we do the review, the 110% would be adjusted at that period. But again, an excellent point and I'll make sure that that's clarified.

Council Vice President Sloane - Waivers, modifications. This says basically if compliance with any of the requirements of this chapter would result in an exceptional hardship to a prospective builder, developer, or land owner. The township may upon request grant relief from the strict application of the requirements. Is it the township or is it the township council? I would think that it would be the council.

Solicitor Pizzo - For the purposes of this, it's one and the same, but I can certainly insert the word council.

Council Vice President Sloane - I just want to figure out who has authority. Is it with council or is it with the administration?

Solicitor Pizzo - No, you the council grants waivers.

Council Vice President Sloane - Okay. Then the last thing I had on the violations and penalty section at the end, the fine not to exceed \$1,000. Can we do that? Doesn't the municipalities planning code limit fines to \$500? And if we have to go back and check that before we..

Solicitor Pizzo - there are certain areas where larger fines are permitted. So, I'll circle back.

Council Vice President Sloane - I want to make sure that we've got something that's defensible. That's all. Gentlemen, thank you.

Councilman Knowles - Okay. All right. So, Joe, a couple things. On page seven it says data centers trust to be limited to but no more than 150,000 gross feet for anyone building the size limit may be increased up to 300,000 square ft upon demonstrations that increase or allow this to be heard. So, it's almost under Jesse's thing too who decides whether to justify them having up to 300,000 ft. Is it the zoning officer? Is it the zoning board? Is it count township council or is it the administration?

Solicitor Pizzo - It is the township council. You would do so under a again, this what we're recommending is the conditional use process. So that would be something that would be approved or not approved by council.

Councilman Knowles - Okay. Just clarify that on the in the actual thing. Okay. I think this got answered later on in what I what I read, but it said I wrote here sound studies or violation complaints of noise levels after 6 months. Okay. It looked like it required them to provide sound studies and you know levels and such up to 6 months. And then after six months it you know I guess are they off the hook at that point or would it have to be a complaint about noise for us to do we have enough Husba after that?

Solicitor Pizzo - Sure. So, and again for the public who doesn't have the benefit of this in front of them. The noise provisions call for four benchmarks. A preconstruction sound study has to be performed and submitted to the township which essentially establishes the baseline sound emanating from that property prior to the data center being constructed. A second interim sound study is conducted during the building permit process again to make sure what's happening on the site doesn't exceed the levels that you've now established by this ordinance. The third one would be the as built sound study. Essentially at the time that the occupancy permit is being delivered to the site and it goes into operation noise levels again will be tested and have to comply with the levels that are set forth in the ordinance. And finally, the post construction, which would have six months after the facility's been in operation, they have to provide to us and the study that shows that everything complies.

If you jump down to section G of the ordinance, it says unless otherwise specifically superseded, all provisions of the township noise ordinance apply to the data center and remain in effect. Right. At any point in time. Thereafter, if there is whether it's the township determines it, whether we receive complaints from surrounding property owners, township goes out, does the sound testing the way that we do it, pursuant to our noise ordinance, and it exceeds the decibel levels that are set forth in this, then the data center would be treated just like any other property in the township that's exceeding their noise levels.

Councilman Knowles - Thank you. And my next question would be at the top of page 15, it says all street parking spaces per employee on the largest shift. So say you have a shift of 50 people working plus three visitor spaces for each data center structure. That seems very we could be a little bit more. So, if you have 50 employees, then you're going to have three spots for visitors. I mean, we have more than that for town houses, I think. You know what I mean?

Solicitor Pizzo - The one thing that we've ascertained in all of this is that these facilities do not employ a large number of people on any given shift. Well, that would make it worse. Parking is the one thing that probably isn't going to be an issue.

Councilman Knowles - Could we increase the requirement for parking spaces beyond the employees?

Solicitor Pizzo - Certainly. We can we can put any number.

Councilman Knowles - I would think they have sales reps coming, they have people coming that, you know, sell them stuff or they have technology people or people working in the facility that aren't employees.

Solicitor Pizzo - I don't want to oversimplify it, but essentially there's a few technicians that are on a particular shift essentially to make sure that everything is running.

Councilman Knowles - we can talk about it but I think it should be more. My other related point, it talked, and this is on another page, but it's a related point. It talked about uh requirements for front entry gates at the front of these facilities. So, could we make it like are the requirements for a front entry gate or some can just be open where anybody can pull up?

Solicitor Pizzo – Again, what we've found is by and large these facilities would have heightened security.

Councilman Knowles - Well that was my next question not to interrupt but so and is there a requirement for them to provide a plan for their security staff because they're going to need heightened that's why I think a front gate someone could you know I don't want to say terrorists or whatever but someone could a lot of people are against them for sure. So, you know is there a requirement for staffing of security people?

Solicitor Pizzo - We don't require it. What we do require under the proposed ordinance is an emergency management plan that would be vetted by police, fire, EMS, and would take into account all facets of the operation so that all of our people know what's in here, who's in here, how do they get in here, how do we put out a fire that's here? How do we get people out of the building? What we should expect in the nature of an emergency call. All of that would be requiring an emergency.

Councilman Knowles - Requiring a security plan for the facility would be beyond our realm.

Solicitor Pizzo - Right. No different than if than we do for Parx or we do for other businesses in the township. The banks know what security they need to the extent that they have alarm systems that tie into that and call directly to the police. We have a set of regulations that govern that.

Councilman Knowles - Okay, thank you. And then the next one, this is a clerical thing and Mr. Sloane might have caught this already, but on page 17, it says, "If required by the township applicant shall provide preconstruction baseline measurements and post construction very shouldn't it be as required?" It's not if, it is required, isn't it?

Solicitor Pizzo I'm sorry. You're on page 17.

Councilman Knowles - it's 3 3 C says if required by the township should be as required.

Solicitor Pizzo - in this case that section is talking about electro EMFs, electromagnetic fields and so there's not a requirement as to the EMFs that it's a mandatory preconstruction baseline. The township may or may not want to require that. If you'd rather have that say, if you'd rather have that be a requirement, we can make that..

Councilman Knowles - Yes, I'd rather have it say as required, instead of if.

Solicitor Pizzo - Okay.

Councilman Knowles - Like President Clinton said, depends what the definition of is is. You know what I mean? So, it's little words that matter sometimes. On the backup power, is that only for limited use? I guess since we're not allowing generation of your own electricity, but we're allowing backup power in case PECO goes down or something. Can we put that for only in emergency situations or is that in there?

Solicitor Pizzo - I believe that's in there. If you go to page 20, which would be subsection B under utilities.

So, the on-site uh backup or emergency generators are permitted to undergo annual testing. The onsite backup or emergency energy generation that uses diesel, gasoline or other fossil fuels can only be used at the following times. This is subsection B3. A) when the primary source of power for the data center is not available due to an emergency power outage. Or B) during routine maintenance or readiness testing of the data center backup and emergency energy generation.

The routine maintenance can only be done Monday through Friday 9:00 a.m. through 3:00 p.m. And they can't do more than 100 hours of testing per year. So, if you break that down by month, that's what eight roughly eight hours a month of testing.

Councilman Knowles - Okay. And then my other question had to do with negative draw of electricity, but we're saying that we're not going to allow them generating their own electricity.

Solicitor Pizzo - And if you go down to subsection six, just to add on that, on-site backup or emergency energy generation of any kind may not be operated or otherwise used when the power is being supplied to the data center by the electric service provider servicing the data center. So, if the power is flowing in from the offsite system, these backup systems are not permitted to operate.

Councilman Knowles Okay. And when we talk about on page 22 and also on in reference to wells and other things. One it says my question here was is well water usage permitted or is just listed here as a known source of pollutants just like live streams.

Solicitor Pizzo - No well water is not permitted to be used.

Councilman Knowles - Right. I'm making sure you're discussing wells locations of wells. I want to make sure that there if someone takes an existing property that's it's not grandfathered in if that property smaller place and says well this one's you know 500 ft off the road and we have a well they can't use their own well right?

Solicitor Pizzo – correct.

Councilman Knowles - Joe, I think you did a tremendous job, you and Ken. I think it's as restrictive as you can be with, you know, not getting illegal jeopardy.

Council Secretary Wenzel - you mentioned smaller entities. This wouldn't affect Comcast Verizon because we don't want to have issues with the resident's services. Correct? Like currently they're like on Bridgewater Road, Comcast has their own small facility. Would that affect them if they wanted to expand?

Solicitor Pizzo - if there were an existing nonconforming site in the township that sought to expand, they would be subject to the township's requirements for expansion of an existing nonconformity. So, in certain instances the regulations are such that an existing nonconformity can only be expanded by so much depending on whether it's an expansion of a use or a dimensional expansion. In some cases, it's both. And so certain of what's in here would apply and certain of what's in here would not apply because of the fact that the buildings are already there as non-conforming. That's the best answer I can give you on that.

Council Secretary Wenzel - Okay. I think with the on-site power, I think they should generate their own power because I have the feeling that PECO is going to say, "Yes, you know, we can we can do this. We can accommodate this and it'll be an issue in the future." I know there are current around the countries are looking at using SMRs, which are small module reactors to power them. I think that we should allow them to produce their own power with their equipment up to like 90%. And the reason I say that is anything over that 90% could be used back to the grid to whether it goes to PECO. Locally Quakertown and Perkasio

have their own electric facility. So, we could at that point create our own to repurpose that electric. So, I think letting them create their own will stop any issues of PECO saying yeah, we can do this and then our rates go up even though it says not related to the data center.

One of the other things, if you go down to the steel mill, where the steel mill used to be from there as well there was an old coal mine and if you go down to the Navy Yard, they use the river so we do have State Road that has GI they can pull from the river, I don't see that being a problem because then that will stop the use of public water that'll eventually you know, increase our bills as well. So, I don't see an issue with them using the public waterways of the river. I mean, they they've already been doing it for hundreds of years with steel miller, Duck Island, and down at the Navy Yard. So, it wouldn't really have too much of an issue.

And then as for the rooftop HVAC equipment, most of our commercial buildings currently already have it on there. I think it would be less noise if it's on the roof, especially with a power pit wall. Parx Casino, for example, a lot of their equipment's on top of the roof and it has like a 15t power pit wall in some areas to stop the noise from going in neighbors. I think the rooftop I think would be a better solution than to have it on the ground. We should give them both options, but I think the rooftop unit will be better. My main concern is the power consumption. I know that most of them use diesel backup. Can we make a requirement that they have a battery backup prior to going to diesel, even if it's one day's worth of power?

Solicitor Pizzo - Certainly.

Council President Tokmajian - Good. I'll just to try to wrap it up. Bunch of points already hit for me. Some of the code citations I'm sure Jesse will send that over to you. I had the adult establishment. Just take a look at uh 232-809. Kind of curious, Joe. There's mention of rooftop. Yes, there's mention to Joe, to your point, you know, there's language around rooftop equipment, but we're prohibiting mechanical heating, cooling, HVAC, all that. So, just kind of curious to know what other equipment that would be if they could.

Solicitor Pizzo - I don't know. But we didn't want to preclude the possibility that there is rooftop equipment that might not fall within the universe of mechanical equipment. We are relatively certain that you know there's a reasonably good possibility that one of these buildings particularly you know if we're talking about something that's 100,000 square feet that it's going to have air conditioning units and that again if...

Council President Tokmajian - and I'm okay with not being on the roof I just you know I was just wondering what other..

Solicitor Pizzo - obviously Councilman Wenzel thinks it's a good idea so you'll need to collectively give us some direction if you want those provisions changed.

Council President Tokmajian - Understood. And I had the noise level. We talked about that in terms of measuring the compliance. One quick thing, as far as some sort of waste battery refrigerant and spill management plan. Maybe we could consider adding that into it as well.

Councilman Knowles - I just have one other question. Maybe the engineers can help us. The planning commission will go over each of these things and see whether this is something that we can add to the thing. But I don't understand number three. It says address if ozone will be a byproduct in the equipment. Do they mean carbon that could destroy the ozone? There's not ozone isn't produced by generation, is it? What does that mean? Do you know?

Solicitor Pizzo - I apologize. I don't have my notes from the planning commission meeting with me.

Councilman Knowles - It says number three address if ozone will be a byproduct from the equipment. Do they mean carbon will be a byproduct that could destroy the ozone?

Solicitor Pizzo - I don't know. I took it to mean..

Council Vice President Sloane - we'll take a look at the environmental provisions to take a look at the environmental protection provisions which I thought were pretty robust. We just got to make sure any pollution is addressed appropriately. It would be any gaseous emissions coming from the facility.

Council President Tokmajian - So two big takeaways and I would ask that you reach out to Mr. Pizzo by the end of the week in terms of what your preference is so he can draft a finalized plan which includes producing own power and as well as rooftop equipment. Mr. Pizzo, I think you've taken a lot of it and it was good discussion. Thank you very much council. Mr. Pizzo, I think that was some good comments and suggestions.

Solicitor Pizzo - That's it. And I should note that we have comments back from the planning commission. We'll get comments this evening. The county planning commission still has to weigh in as well. We expect to receive their comments by early October. So, we'll have those as well and then we'll take another pass at addressing the questions and incorporating the changes. And at that point put the ordinance in a form where it can be advertised and discussed for ultimate adoption. It's going to require at least 2 weeks lead time for advertising since it's a revision to the zoning ordinance. So, needs to be advertised at least twice. We'd probably be looking at your second meeting in October as the first time that we would be able to have a formal hearing on an ordinance. And assuming that we get the feedback from county by then, that should give us enough time to advertise for that date. If not, we'd then be looking at an early November meeting.

Council President Tokmajian - Thank you. Are we still, okay? Anybody need a break? I recognize there might be some folks here for data centers. If there is, if you want to speak for it now rather than waiting for public comment, just specific to data centers.

Hi, my name is Sandy Rogers. I live at 3274 Oak Avenue in Trios. I had no intention on speaking tonight, so apologize mayor and council for taking up any time. I will be very quick. So, you did speak of 50 acres minimum. As you're aware, 90 acres is available in Trevoise. It is being marketed as a perfect spot for a data center. It also attaches to the industrial park, a very small industrial park. Some of it is vacant. So, I guess I have one serious question because of the noise and etc. What is the buffer to residents? I know I've read a thousand different ordinances and things in regards to data centers over the past months and most of them are minimum of five miles. So, I don't know what Bensalem is proposing as far as the buffer.

Solicitor Pizzo - The minimum site for a single building is proposed at 25 acres and it's an additional 25 acres for each additional accessory structure that you add to the site. So, you have a building and an accessory facility of any kind. It goes from 25 to 50. Secondly, it has to be GI. The site that you're referring to is LI. So that zoning district the data center would not be allowed in a LI district.

Rogers - Doesn't mean we don't ask for variances. We know how that works, gentlemen.

Solicitor Pizzo - That's true.

Council Vice President Sloane - It would have to be rezoned.

Solicitor Pizzo - Correct.

Council Vice President Sloane - And I can tell you right now I'm not in favor of rezoning to support development of a data center.

Solicitor Pizzo - So as to the other question regarding the various dimensions the setback is 500 ft from the street. It's 1,000 ft from any residential property or sensitive receptor as they are defined in the ordinance. And sensitive receptors are residences, schools, daycare centers, preschools, hospitals, community centers, or similar institutional uses. As well as the data center itself has to be a minimum of 1,000 ft from any residential district, any public or private elementary or secondary school, a licensed daycare center, a church, synagogue or regular place of religious worship, a public park, any of the other sensitive receptors already identified and from another data center. So, you've got a thousand. It has to be 1,000 feet away from any of those. The property itself has to have a 1,000-foot gap. Then you have to have a 1,000-foot setback on top of that. So, you're now at 2,000 ft from the residence or the church or the daycare to the daycare to the data center structure itself. Within that there's also a buffer strip that has to be constructed. And the buffer strip has to include the trees, the plantings, a 2:1 berm, all of those things to provide visual and hopefully acoustic buffer between the over here and over here basically in the middle of that 2,000 ft.

Rogers - And I appreciate all that. would really like to ask council to consider making them a little bit larger. And I just have a question also, Mr. Pizzo, when will we be able to view the actual ordinance? Will that be after its actually accepted?

Solicitor Pizzo - No. What I would I would expect it would be at the point in time when we've ready to advertise it for consideration. At that point, as I was just discussing with council, all of the comments from this evening, the comments from the planning commission, the ca comments from the planning commission can all be incorporated. Council will take one more look at it, give me hopefully a thumbs up to say go ahead and advertise it, and at that point, it'll be out there for the world.

Rogers - Okay, great. Thank you for your time. I appreciate it, Jeff.

Thank you, **Diane Builda** from Brown Avenue. what my first question was when will we see the draft when you guys are getting ready? So glad to hear that that'll be announced and provided to people. I've read somewhere that in China the data centers are all solar powered and don't require a lot of water to cool things. I have no idea whether or not that's true. Didn't do any research on that. But you know can we look into that and make that a requirement that it doesn't go into the power grid it doesn't take out of our water supply and you know come up meet these conditions if you really want to do this here or anywhere. So just wanted to put that out there.

Council Vice President Sloane - Yes, I appreciate that feedback and this is kind of one of the discussion points we were having of whether they have to bring their own power and cooling or whether they tap into the utilities. The downside of them bringing their own power, unless they go with like a small modular reactor or something, is giant diesel turbine engines that generate a lot of noise, a lot of pollution. They're very loud.

Ms. Builda - Would that be solar powered?

Council Vice President Sloane - Also, solar power is not going to get you the energy that it needs. Not for the real estate that we have in this township. That's not going to happen. Now, there are projects for data centers in other parts of the country where they have a lot of open land and they're constructing billion-dollar data centers that are basically just a small city. We don't have anywhere in this area that would that would work. And so maybe for a facility like that where you could get enough solar power or something like that, but it's not tenable right here.

Ms. Builda - It's just hard for everybody to sit here and go, "Okay, they'll okay with PECO that they have enough capacity." There's no way we're not all paying triple for that.

Council Vice President Sloane - That's my concern. I think we're trying to figure out how to thread the needle as best we can. And so, I think we've got some more work to do before we get this.

Ms. Builda - and then you know all the water issues that you're seeing on people where you know they've got mud running through their pipes and you know they have no water and stuff. It's like let's not just turn these things on until we know that it's not going to do things like that. So, thank you.

Hi. Alex Stanchek, Carter Road, Trevoise. I'm reading from a script here, so sorry. so here today to stand up against data centers in our community. We've all heard the statistics about how these data centers will have a negative effect on our lives, from polluting our water and air to raising our utility costs. But I'm really not here to repeat the same talking points. I'm here to ask you guys on the council to take some action outside this language obviously. The governor's executive order that was signed on August 19th stopped the fast-tracking of permits and effectively put the power back in our community's hands. So realistically speaking, the people in power right now to make a decision is you sitting on the council. So, I wanted to ask you guys to make a commitment today whether you are for or against data centers. The executive order and draft language you shared today raised the bar for what these companies need to meet, but at the end of the day, we need to make sure elected officials stand up to them as well.

I've asked this before in previous council meetings and haven't gotten an answer outside of the members are free to speak on it. So, if you're not willing to speak up today, it's safe to assume you've already made your decision. And for those of you here that are against data centers, I'm a part of DSA's Falls Township anti-data center working group and I'm here to speak with anyone afterwards and the council included if you're interested. Thank you. But also, a side note, just because it was funny to hear. A \$500 fine is like a large grocery bill these days. So, I don't know if that's enough to get these companies to follow the law.

Council Vice President Sloane - So, I don't disagree with your comment about the fine. It's a question of what we're legally allowed to do. And the same thing for the data centers. Unfortunately, we cannot just ban them. That is not legally permissible. And so, what we're trying to do is protect the residents as best we can. It's not in my opinion and gentlemen you can disagree, but it's not a question of whether we are for or against data centers. It's how do we protect the residents and ensure that we're following the law. And that means all the things that we've been talking about for the past several months and that Mr. Pizzo and the attorneys and the solicitor and our director of building planning have worked to make sure we're building those protections into our code as best as we can without it being a situation where a data center developer can come in and say, "Well, you're not letting me do it. I have a right to do it." And they take us to court. So, we're trying to avoid that. Make sure that we're making it essentially as challenging as possible for them and protecting the residents of this township. And that's what we're all about.

Mr. Stanchek - And I understand that, too. It's more just anybody watching TV these days you'll see that like both sides are saying the other person is for data centers but right now no one wants to say yes. So just you know if you guys want to go one by one right now and do it that would be amazing just because

Councilman Knowles - I'm generally against data centers in Bensalem. Okay. But the thing is though, and we're putting it in an ordinance. It's not a religion to me, but I mean, I do think I don't want them polluting. I don't want them raising our electric rates. I don't want to polluting our water. I don't want them making noise. I don't want to destroying neighborhoods. But when this ordinance that we're writing and working on, we already passed the restriction that they can't slip something in already. The Solicitor has the legal term for that, but we already passed something that they can't submit something until we do this and we're doing this on time. But when this ordinance becomes public and you read this, I read and just like everybody else on council, I read the 33 pages that we wrote. When you read this ordinance when we fine-tune it, you're going to know, you're not going to have to ask us whether we're for them or not because we're restricting [snorts] them as much as they can be restricted.

Mr. Stanchek - I'm forgetting the term that you use to kind of like pause the data centers for 90 days because somebody helped me.

Council President Tokmajian - Curative amendment.

Mr. Stanchek - So, Falls Township did the same thing. So, I was wondering since you guys are actively working on this language right now, are you guys reaching out to them because, you know, they're probably in a bad spot and need language as well.

Councilman Knowles - It's too late for that.

Mr. Stanchek - Well, they did it because they're doing the same zoning update as well.

Council President Tokmajian - They're doing the same thing. They're looking at ordinances that already been drafted and we're looking at other documents to put this together.

Solicitor Pizzo - I believe that we were, if not the first very close to it, in Bucks County and in the area to take the Curative Amendment step and start that a lot of municipalities quickly followed Council's lead.

Council Vice President Sloane - Once we finalize our draft, you know, that'll be out there in the public once it gets published and so the other municipalities will have a firsthand look at, what this ordinance is going to look like.

Council President Tokmajian - I'll close agenda number 11 for the discussion of the data center. I'll move to agenda number 12 for public comment.

12. Public Comment:

Council President Tokmajian - any public comment? I would ask that you come up. Please give your name and address.

Hi, good evening. My name is **Nancy Belbo**. I live at 11 Pine Avenue in Richboro. Good evening, Mayor, Council President, and members of council. Some of you may remember me from my time as director of development for the Bridge Clinic. I stepped down in February 2025 when my mother became ill, but I have remained connected to the organization and its mission. I'm here tonight as a volunteer to introduce the Pawprint Village Fire Protection Project and discuss how we intend to move it forward. I have a handout. I can just leave them up here. I didn't want to but it actually has the plan in it which provides additional details about the project. I'd also like to just recognize quickly the dedicated volunteers who are here with us tonight. Their continued commitment makes so much of our work possible. As you know, most of you know, the new multi-use building at One Declaration Drive has an outstanding fire protection requirement. With the support and assistance of the township and thank you and fire department, we have devoted considerable time, money, and professional resources to evaluate possible solutions.

Using the existing swimming pool raised concerns about dependable water volume and sustained fire flow. We also explored multiple above ground, underground, and indoor water storage systems. A dry hydrant supplied by Neshaminy Creek is currently being evaluated. A location far further from the creek near the main driveway would require a lengthy suction line, raising questions about reliable water flow and water pressure. A location closer to the creek would require safe access for fire personnel and equipment, potentially including an elevated roadway through the flood plain.

The fire department's safety concerns are valid. However, our initial review indicates that such a roadway can involve substantial construction costs, engineering, and regulatory permitting. For these reasons, a dry hydrant option has not yet emerged as a practical path forward. We sincerely appreciate everyone's time and effort in evaluating these alternatives. Based on the work completed to date, it has become increasingly clear that the most practical and dependable solution is a permanent fire system, a service main, and a hydrant.

The Paw Print Village Fire Protection Project includes approximately 1,600 linear feet of dedicated 8-in water main, a permanent hydrant, and associated infrastructure. Our current planning estimate is \$600,000. We recognize that this is a substantial investment. We are developing a diversified funding strategy that includes public infrastructure programs, foundations, corporate partners, private donors, and in-kind support. Some opportunities may require municipal sponsorship, a resolution, a letter of support, or coordination with the township. As our next step, we respectfully request an opportunity to meet with the township administration and fire officials within the next month.

We would like to review the detailed project and funding plan and discuss what may be required from municipal sponsorship, support, and coordination. Pawprint Village remains committed to doing its part. We greatly appreciate the township and fire department's continued patience, assistance, and guidance. We look forward to working together on the permanent fire protection infrastructure needed by this campus and the community it serves. Thank you very much for your time.

Ms. Rogers - If I may add to that really quick, I do understand that there is a time constraint on this. So, the non-for-profit is in the risk of getting fined. It is a thousand every day. Obviously, as a non-for-profit, we don't want to waste our money on fines. We would ask that maybe we can get an extension of time to still work on this problem we're having to come up with \$600,000, for this hydrant. Like, we need more time. We've exhausted every avenue to look for something completely different. But unfortunately, it seems to all come back to this hydrant. So, I just ask if you, I don't know if council has the power to do that, to grant more time, but that they really do need that. Thank you.

Council President Tokmajian - So, first let me say that I know that the township's been supportive of the bridge clinic. And for the number of years, I've been in Bensalem, the site has never looked better. We

recognize the investment and we recognize the work that you're doing for animals down there. I can think I can speak for everyone up here to say that. And I know for a fact that the township has been really trying to work with the bridge clinic and to that extent extensions have been provided. And I know the mayor, and I'll give you a moment to talk here in a sec. is very willing to make sure that meeting happens. I have not been part of those meetings in the past. I'm happy to, you know, to be involved in those meetings. I will say two things. I did happen to talk to Mr. Chaykowski about it as far as what we can do and how we can help. And then also I recently spoke with Jeff Darwick from the RDA. And from what I understand, there is a meeting scheduled with the clinic for next week. So that maybe they can help with some of the financial support. And then I will, ask the Mayor, did you want to comment anything?

Mayor - Nobody has been more supportive than me for that. And if they want to go back to the very beginning, I actually helped to get the ground with the bank and I think you all remember that. Fortunately, or unfortunately, our fire code is very strict. They get stricter as time goes by; we try to make it as supportive as we can. I know the fire chief is pretty adamant of what has to be done. It's a large facility and I can't tell a fire chief that he's wrong and I'm not going to do that. So, we have to try to work this out at the best we can. I've done everything with Aqua to try to get them to bring a line down there. As you know, if you go down there coming in, it's our driveway. You come in and then they go in. So, we've been more than supportive. I have been more than I've been over there. I support it. It's a beautiful building they put up. It everything's there. It's just this fire issue is the only thing. And we're going to work with you as best we can. and you know.

Council President Tokmajian - I don't think we're disagreeing with that. And we want to make sure that we keep up with the code. So, I agree with you.

Mayor - We do, but we have to also try to get the money somehow.

Council President Tokmajian - Right. That's the biggest challenge.

Ms. Khan - I have been talking to the fire chief, I've been discussing the bridge clinic as a matter of fact today and Friday not realizing that they were coming here this evening regarding the issue with the hydrant status and the dry well and the information that we had exchanged before there the 1,600 lineal feet to connect to fuller turn hydrant is the project that you guys are looking at. But Mark and I were also discussing that there is a possible shortcut for a 1,000 lineal feet system that could come from Wister Court instead which would cut down on the amount. So, if you guys are projecting \$600,000 for 1600 lineal feet if I backpedal that you know it would cut down the cost considerably if we let them travel through from Wister Court. So that's another way to ensure that we have fire protection.

It's not using a dry well and it would be using the apparatus that is the township would be comfortable and standard for a facility that size. So, it's an option that Mark and I were going to discuss Wednesday or Thursday of this week and then talk to the bridge clinic because we do know that there was that agreement that was signed in 2024 that they would make sure that they had their fire apparatus on site. We'd like to see that happen. But we think we can cut down the costs by making this other option available.

Council President Tokmajian - That's great news. Great. I think I just want to make sure before that's fully engineered that we run whatever concept plan is by our fire chief.

Ms. Kahn - Absolutely. So, that's why Mark and I were going to sit down. I asked him to wait till Wednesday or Thursday for me this week, but we wanted to get back to you guys.

Council Secretary Wenzel - When did these fines start?

Council President Tokmajian - They have not.

Council Secretary Wenzel - We give a lot of extensions to developers and whatnot. So, I feel comfortable with giving an extension and they can come out and ask for one as they fund raise money. This is something important to our community. So, I wouldn't be opposed to that.

Council President Tokmajian - Mayor, are you comfortable with staying in touch with WK2 in terms of the progress at this point? Okay, that answers your question.

Councilman Knowles - Hopefully, we can get this done for them. And then we need like you said we need to we need to find some money you know either through a grant. I would talk to our elected state or federal people and see if we can get a grant for this kind of project because you want to provide for a legitimate mission and someone that's doing a good job but you also need to be safe. but the like the mayor said, it's getting stricter and stricter, but we don't want to have a catastrophe and be caught saying, "Oh, well, we should have done this, we should have done that." So, we we'll all work together.

Council Vice President Sloane - Have y'all been investigating grant opportunities to fund this?

Chase Miller - One Declaration Drive. We have my biggest concern as I'm a pragmatist is in the event that we are not able to be awarded grant funding whether it's municipal, state, federal. What are our avenues going forward with the township? Mr. Mayor, to your point, it's been expressed that we have to abide by the code. However, in our research of the code, a fire hydrant is not required everywhere in Bensalem Township. We've provided that information to the fire chief, which is why we started to go in the route of the dry fire hydrant because of course there are rural applications or even suburban applications where dry fire hydrants are used even in neighboring townships and within our county.

Ms. Kahn - Bensalem's considered urban and those do not apply. I did research that information. So, I would say that is not applicable for the bridge clinic location.

Chase Miller - So even for existing non-conforming I mean the property has been in existence for 80 years.

Ms. Kahn - I can't speak to that. I just know that the fire chief would like to have certain you know infrastructure available especially that you guys are operating. If you know there's other things that are down at the bridge clinic.

Mayor - Can I just can I add on to this? I think the chief should be here addressing this and not me speaking for him or anything or anybody else.

Council President Tokmajian - Can you make sure that there another meeting is coordinated but with yourself as well as WK2 so we can talk through what those requirements what the code actually looks like?

Chase Miller - I want to be as forthcoming with you know with the township as possible in the event that we are not able to get the funding. I've also looked at the Wister Court option. It's going to involve us to go through people's properties. So, there's going to be some approvals that are needed for that. However, my concern is if that brings it down from, and this is a fresh estimate, we just got it this week for \$600,000 of 1600 linear feet. Let's say that cuts it down to \$400,000. That's still not tenable for a nonprofit operation.

And we've had some conversation with the township about supporting small businesses and that being a barrier to entry. and we want to continue to ensure that we can operate but also open the door for other entities to operate within the township because it's important that small businesses continue to thrive in this township.

Mayor – I just have got to try to explain something. Our director of public safety, the fire chief, these are people that make sure that we're safe. These are people when that fire chief says something, I can't say to him, "Yo, come on. Let's do this, I won't do that to somebody that's the expert in the township." So, I wish that they were here to voice their concerns of how maybe they can do it, but he's not here and we're just hearing that part of it. I've heard his part. They put it in writing. Everything has been put in writing. It's not hearsay. So, I'm just not the guy that can say I'm the mayor and you chief lay down. We're going to do something. I can't do that.

Chase Miller - I expect nothing then for us to follow the international fire code which was adopted by the code of ordinances. And what we've been presented so far goes above and beyond what the international fire code says. I understand what you're saying, Nicole, that Bensalem is considered urban. In our reading, it's considered suburban. And there are certain subsections that IFC that apply to our area, especially our where we are, we're zoned as residential agriculture in the township.

Ms. Kahn - I would say that let's hold the meeting. Let Mark and I do our work right with the mayor. We can get back to you guys. Let's have another meeting together and then we can update you guys accordingly.

Council President Tokmajian - Obviously, you've been already exploring options. So, don't point to the international fire code option there is. Believe me, that's fine.

Mayor - I just want to make sure that you don't think that we're stopping. Well, I want to make it clear.

Council President Tokmajian - No, I'm not saying you are. I'm just saying let's get together and let's look at the options.

Councilman Knowles - I think there's alternatives that we could do or there's funding that we might be able to help try to get, but you just can't be grandfathered in and have a situation where that if you had a fire and then it can't be it can't be dealt with and there's loss of life or even the animals and stuff. But I mean, it can't be like, oh, well, it's been here this long, so it doesn't matter.

Chase Miller - There are other applications in our county. I've sent pictures of dry fire hydrants.

Councilman Knowles - I'm not an expert on dry hydrants.

Chase Miller – Just getting on the record that there are other ways to fight fire within context like ours.

Hi **Maryanne Griffin** 3101 Addison Court and I live in the Neshaminy Valley and I live four blocks away from what used to be Cherokee Day Camp. Thank you, mayor. I know you have been working with them for 5 years as long as they've been there. Yes, I am a paid employee, a volunteer, but I'm speaking as someone who lives in the community. We are so happy and people that live in the community. Your mother-in-law, Jesse, is one person who comes who comes to our thrift store and who comes to our cafe all the time. I keep trying to get Joe's wife to come.

I know that basically a lot of the events we hold that Ed does come to our events. I know the mayor; you've been down there. You haven't been down there lately, though. We haven't been to the coffee shop; I will have to say for living in this community for almost 70 years. I can't believe it's that long that I've lived here. It is such a good feeling working in the thrift store and having people come in from all over. I mean, we have people come from New York. We have people come from New Jersey.

We have the most amazing person who does all our networking. So, she gets us out on Instagram and Facebook and people come in and said, "I saw this place." I'm like, God, but I was wondering where was I coming from. I thought I was coming down into the woods and what was coming was going to come out and attack me. And then you come down and it opens up to this beautiful, beautiful area. It was beautiful when it was a camp. It was Cherokee 1940s is when it opened up. And one customer said to me a while ago, she said, "It's so nice because this is a piece of property that was a community property. And now you have turned around and made it community again." And I think that's saying a lot for Bensalem because people are coming in and they're saying, "Wow, this is so nice." I mean, people come down there and they get bored at home from working from home and they come down to the cafe to sit there and work there because the scenery is beautiful. It's it is tranquil.

I'll have to say yes, I am very partial because I've been involved with them for five years, but we do appreciate everything that you're trying to do for us. And just please, please just keep on keeping the faith because I'm telling you, it's just wonderful. It's fantastic that everyone that comes there just loves it. Thank you.

Council President Tokmajian - I also look at what else are we going to do down there as far as, you know, so it's a great opportunity, great business down there. So, we'll certainly continue to try to support as much as possible. Can you, do me a favor? Can you please also, keep the township updated with the meeting with the RDA, too, as well? I think that's important.

Council President Tokmajian - Any other additional public comment? Seeing no one else come forward, the second Public Comment portion was closed. I'll move to other business. Phil? No, sir.

13. **OTHER BUSINESS:**

Council Secretary Wenzel - I did have one question. We discussed the Armstrong property for a while. We saw they started mobilizing. Where do they stand with that Nicole?

Ms. Kahn - Regarding the Armstrong property, we are moving forward with a proposed design that initially was a basin. We've added an element in order to give them some more protection. It's not an easy thing, but we've been clearing the land to be able to understand how the site has become dominated. What are the concerns that we should be looking for? As I've discussed before, it's a confluence point uh between a stream and storm water that's occurring on the back of the site. So, where are we? We are progressing forward with the proposed design and the final detail of that proposed design. I've contractor has cleared the lot. We have met with the construction manager but I do not have physical movement yet on the site just yet because I need to have that plan be as formal and as complete as possible.

Council President Tokmajian - Correct me if I'm wrong. I thought that plan was already approved by township.

Ms. Kahn - So township, we looked at the plan that was the initial overall uh layout plan and I did approve that and we did say that that was appropriate. However, there was an alternate for the wall and that was only a layout. It did not have a detail because it's a retaining wall. So, by having that I need to have a design and we also wanted to be quite honest with you move any of the stormwater infrastructure that we were initially considering to be a stop gap. I'm trying to move it away from their homes. So, by putting this wall in I'm put I'm putting it within the channel in order to bring it away from their houses. The more that we do to keep it away from the back of the two homes on Hansel Drive, the better for the inundation portion that is happening at the back of the site.

Council President Tokmajian - I guess but I thought the wall was originally part of the original plan. No?

Ms. Khan - So the wall was the designer had proposed it, but it was a layout. It was not the actual final design of how tall the retaining wall is because that has to be designed and that is again on the designer for the Armstrong property. We are reviewing it and making sure that is appropriate based upon what I see out back and what we know is coming to the site.

Council President Tokmajian - I mean, I guess I was hoping we made some commitments for timing. We're already in October.

Ms. Khan - well, we're not there yet, but yes, we're there this week.

Council President Tokmajian - I guess my point is that once we get up to a certain point, he's not going to be able to do the work due to just the winter and the weather and so forth. So, I guess I really need to understand and we kind of need to nail down timelines. When will that finalized plan be approved and when can we expect crews on that site doing the work?

Ms. Khan - Absolutely. I would tell you that I am hoping that this week I would have the final design detail for the wall. I would look to be able to mobilize as soon as all of those pieces are together. I can't give you a firm commitment and date, but and I just want to step back. September 11th, the mayor, myself, and admin sat down with three families from Hansel Drive to explain to them where we were at from when we had talked initially on August 10th and August 24th. I wanted to give them updates. So, every week since we met on that Friday night at the township building, I've been giving them weekly updates, daily updates, letting them know where we were at, who's been out there, so they know that we have not walked away and that we are progressing slowly but surely. I know it's not at again snapping my fingers, but we want to put in an effective, thoughtful design that makes sense for these two homeowners, specifically those two homeowners. And I more than anybody sitting up here, I know that you guys really want to see this and you too, you know, want to see this to completion. But I really do because I've been working with that community, that area, watching what's been happening. We go out regularly during rain events. I can tell you, as we've discussed before, stormwater is a health, safety, welfare thing for us. It's super important. And I want to get a solution in that helps give them peace of mind as you know they regularly say they want peace of mind

Council President Tokmajian - and the developers being cooperative or I guess I should say the land owner is being cooperative?

Ms. Khan – Yes, as I have explained to the mayor you know just today, they are working, I've seen their construction manager out there I'm working with their professionals it is it is not like they are not being responsive.

Mayor - Well, this Saturday is our big day. Fall festival, October 3rd. A lot of stuff, guys, planned. I hope it doesn't rain. A lot of activity. So, I hope everybody comes out. They will and it's a great day. So, we have a beer garden out there. This year it's actually from the country club. The township's closed on Columbus Day, October 12th. If somebody has to see me, I'll come in like I always do if there's some kind of oh my God. But we hope not. And Tuesday, October 27th the township is hosting the blood drive. We talked about that last week. So, we'll keep mentioning that, but it's October 27th. Any questions, call our office if you have any questions about it. Go Eagles.

Council President Tokmajian - Nicole, did you have anything else.

Ms. Kahn - I do actually. Okay. Just to give an update because Diane's here. Lorraine was here earlier. That's for Marian Avenue, Brown Avenue, Eddington, which was another hot spot in the township. We were unable to get out due to equipment issues a couple weeks ago, but we have a jet truck and a vac truck coming out to different locations. Marian is one of them that we will come out and clear the pipe behind Lorraine's house. In between Diane's house to uncover what might be a constriction in the drainage system. But again, moving through parts, Wicker Avenue is one of those as well, as well as Forest. These are some of the areas that people have been coming in asking for, you know, assistance to understand the drainage system and some of the limitations and how they're becoming inundated. So, we will hopefully see on September 30th to do that kind of work. But those are the three hot spots that we'll be hitting hopefully this week and then we can see what our next steps are. To help the homeowners.

Council President Tokmajian - That's great because I think there were some residents that came out prior to that.

Ms. Khan – Yes, one of them is sitting right there. We're following up and continuing as we are at Hansel.

Council President Tokmajian - That's great. Thank you very much. Appreciate the work. Councilman Sloane?

Council Vice President Sloane - Yes, I just want to take a moment to thank the Bensalem Police Department. The past couple of weeks it's been our, you know, major holidays on the Jewish calendar for us Rosh Hashanah and Yom Kippur. We live in a really strange world right now where you can't necessarily go to a music concert without the fear of violence and anti-Semitism. And so having our police department in this community protecting us, I know they do increase patrols for us when we have our events, especially during this holiday time. It really does make me as President of the Board, the rest of the board, our members, our congregants, our students, and the families feel a whole lot safer. And so, I just wanted to give them a big shout out and thank them.

Council President Tokmajian - Well said. I just had two things. I was driving over here this evening. It was great to see a lot of the teams and our youth out there utilizing those fields and including the rink that

we have over there that we were able to recently get fixed. So, it was great to see it even though we had some pretty inclement weather over the last couple days. Lastly, I wanted to just wish my wife a very happy birthday. I don't do it every year, but it's a milestone. I'm not going to say what it is, but she's not watching, but she'll kill me that I probably said it anyway, but I wanted to wish her a very happy birthday this week. That's all I had. Motion to adjourn.

14. ADJOURNMENT:

Councilman Knowles - Motioned.

Council Vice President Sloane - second.

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

The Bensalem Township Council Meeting of September 28th, 2026 can be viewed in its entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Respectfully submitted,

Debora F. McBreen
Recording Secretary