

**BENSALEM TOWNSHIP COUNCIL  
COUNCIL MEETING MINUTES**

**Monday  
April 8<sup>th</sup>, 2024**

**MEMBERS PRESENT:**

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

**SUPPORTING PERSONNEL:**

Mayor Joseph DiGirolamo  
Debora McBreen, Council Clerk/Recording Secretary  
Quinton Nearon, Senior Municipal Inspection Manager  
Joseph Pizzo, Township Solicitor  
Phil Wursta, Township Engineer

**PLEASE NOTE:**

**The minutes are not verbatim but rather a synopsis of what transpired during the meeting, and while I do my best to attribute remarks and questions to the correct individual, there may be mistakes or omissions because of the “back and forth” dialogue and the lack of the use of the microphone.**

**1. OPENING OF THE MEETING:**

**Council President Kisselback** opened the meeting with a moment of silence and/or prayer, followed by the Pledge of Allegiance.

**2. INTRODUCTION OF COUNCIL MEMBERS, MAYOR AND STAFF:**

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

3. **PUBLIC COMMENT:**

**Council President Kisselback** indicated the Public Comment will be heard at the time the agenda item is heard. Seeing no one come forward the first of two Public Comments was closed.

4. **APPROVAL OF COUNCIL MINUTES:**

**Councilwoman Benitez** motioned to approve the Council Meeting Minutes from March 11<sup>th</sup>, 2024. **Council Secretary Champion** seconded and the motion carried 5-0.

5. **CONSIDERATION AND PUBLIC HEARING ON AN ORDINANCE ESTABLISHING AND CREATING Chapter 173 “MOBILE FOOD VENDING” AND AMENDING CHAPTER 232 “ZONING” TO ADD SECTION 600 “MOBILE FOOD VENDORS.”**

**Councilwoman Benitez** motioned to table Agenda Item #5 until a date certain of April 29<sup>th</sup>, 2024. **Council Secretary Champion** seconded and the motion carried 5-0.

**Council President Kisselback** asked Solicitor Pizzo if there were any changes to the Agenda. **Solicitor Pizzo** indicated Agenda Item #7, McDonald’s USA, LLC, 1240 Bristol Pike, the applicant requested to table the item until April 29<sup>th</sup>, 2024. **Council Vice President Knowles** motioned to table Agenda Item #7 to a date certain of April 29<sup>th</sup>, 2024. **Council Secretary Champion** seconded and the motion carried 5-0.

6. **CONSIDERATION AND PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING MAP OF BENSLEM TOWNSHIP, AND THE ZONING CLASSIFICATION OF A PORTION OF BUCKS COUNTY TAX MAP PARCEL NO. 02-001-048 LOCATED AT 413 PUBLIC SAFETY WAY, FROM IN-INSTITUTIONAL ZONING DISTRICT TO HC1-HIGHWAY COMMERCIAL ZONING DISTRICT.**

**Director Ken Farrall** indicated the request is to amend the Zoning classification. Premiere Media is placing an electronic billboard on the property and this is a necessary requirement of PennDOT. This is part of the Settlement Agreement with Premiere Media which will satisfy the litigation. Council had repealed the Monument Ordinance a year ago. The Township will lease the property and will have the billboard at their disposal to place ads and emergency notifications. Mr. Farrall is requesting that the small triangular piece be rezoned to Highway Commercial so that Premiere Media can satisfy the PennDOT component and keep the process moving.

**Council President Kisselback** stated that this project was already approved by Council and Council was bringing it up to date so the Zoning is correct for the project.

**Councilwoman Benitez** inquired about the size of the billboard.

**Director Farrall** indicated that on the long side of the triangle it was 415 ft. and on the short side it is about 100 ft.

**Councilman Pilieri** inquired about the date it was approved.

**Director Farrall** could not recall the exact date and asked Solicitor Pizzo if he knew the date.

**Solicitor Pizzo** indicated there was a discussion with Council in an Executive Session regarding settlement of the litigation.

**Councilman Pilieri** asked for the date of that session.

**Solicitor Pizzo** indicated he did not have the information with him, but could certainly get it for Councilman Pilieri. The majority of the Council members then present and gave their consent moving forward with the lease agreement with Premiere Media so as to settle the litigation and will come back in front of Council with a final stipulation to resolve the litigation. Council gave the Administration and the Solicitor the authorization to proceed with putting together the agreement that Director Farrall just described; which would be the placement of the monument sign on that property. The Township would have access to the sign to place Township messages on one out of six panels. The Township will have full control of the content. It is spelled out in the agreement that political advertising would not be permitted. Also, cigarettes and alcohol would not be permitted.

**Director Farrall** indicated the appeal was sometime in March of 2023.

**Council Vice President Knowles** indicated everything else, besides changing the zoning of this piece of ground, everything Council approved already stays the same.

**Solicitor Pizzo** indicated the final stipulation that will be recorded as an order of the court will come in front of Council. Coming up with terms of the lease agreement, coming up with the zoning that will allow the monument sign to be placed there, and then the final step is because it is an appeal from a decision of the Zoning Hearing Board. The Zoning Hearing Board, the Township and the applicant will need to get a stipulation approved in Doylestown.

**Council President Kisselback** indicated the location was perfect and the fact that the Township would be earning money off of a ground that could not do anything other than sit there, is quite remarkable.

**Solicitor Pizzo** indicated that part of the agreement is that Premiere Media will provide screening along other parts of Street Road as to shield the Township's Emergency Services structure from view on Street Road.

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

**Council Vice President Knowles** motioned to approve the Ordinance amending the Zoning map of Bensalem Township and the Zoning classification of the portion of Bucks County TMP

02-001-048 located 413 Public Safety Way from IN Institution to HC1 Highway Commercial District as presented. **Council Secretary Champion** seconded and the motion carried 5-0.

**7. CONSIDERATION OF A MINOR LAND DEVELOPMENT FOR:**

**Applicant:** McDonald’s USA, LLC  
**Location:** 1240 Bristol Pike  
**Proposed Use:** McDonald’s Restaurant w/Drive-Thru  
**Zoning Classification:** GC – General Commercial District  
**Tax Parcel:** 02-030-009-002

**This item was tabled by a prior motion.**

**8. CONSIDERATION AND SIGNING OF AGREEMENTS FOR:**

**Applicant:** FHI Trevoise Land Holdings, Inc.  
**Location:** 4701 Somerton Road  
**Proposed Use:** Residential 60 Unit Building  
**Zoning Classification:** R-66 Intergenerational Residential District  
**Tax Parcel:** 02-003-006-003

- 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.
- C. Municipal Improvements Security Agreement  
(4) Executed copies to be signed by Council upon consideration.

**Solicitor Pizzo** indicated that the Counsel for the Developer is in route to make a presentation regarding an aspect of the Development Agreements that is slightly different from what would normally be a part of what Council approves as the Township’s Development Agreements. **Solicitor Pizzo** asked to move past Agenda Item #8 for the moment and had asked for an Executive Session following this meeting to discuss potential settlement of litigation involving property at 2600 State Road and asked to do the Executive Session during the meeting to give Mr. Murphy a chance to arrive to the meeting.

**Council President Kisselback** agreed to take a break to conduct the Executive Session to allow Mr. Murphy ample time to arrive.

9. **CONSIDERATION OF ESCROW RELEASES:**

**Developers Request:** Gibson Holdings, LLC – Release #2  
**Location:** 1515 Gibson Road  
**Tax Parcel:** 2-54-5  
**Amount:** \$18,206.00

**Quinton Nearon**, Senior Municipal Inspection Manager indicated that the Developer is requesting \$18, 206.00 to be released.

**Council Secretary Champion** questioned the Traffic Control and asked Mr. Nearon to update that area and if PECO would be involved. Also, will it be repaved at some point where they cut up and who would be responsible for that and will there be Traffic Control needed for that and is there additional funding.

**Mr. Nearon** indicated that PECO does their own Traffic Control so the only thing they have Traffic Control would be for their sanitary lines and their widening. The sanitary main has been done, as well as Aqua, so those taps are completed. There are additional funds to take care of the Traffic Control.

**Councilwoman Benitez** motioned to approve the Gibson Holdings, LLC Release #2, 1515 Gibson Road, TMP 2-54-5 in the amount of \$18,206.00 subject to an audit by the Finance Department. Council Vice President Knowles seconded and the motion carried 5-0.

**Developers Request:** Amazon Off-Site Improvements – Release #1  
**Location:** State Road & Winks Lane  
**Tax Parcel:** 079-010-001  
**Amount:** \$2,500,000.00

**Mr. Nearon** indicated the PennDOT HOP Permits for the intersection work done at State Road and Winks Lane. PennDOT has closed out the permit except for some minors with Verizon which PennDOT is handling directly with Verizon. The Developer is asking for a full release of the Escrow.

**Council Secretary Champion** asked if they were ever going to take down the old stockade fences behind the residential houses.

**Mr. Nearon** indicated he would look into the stockade fence and report back.

**Council Vice President Knowles** motioned to approve the Amazon Off-Site Improvements Release #1 State Road and Winks Lane, TMP 07-010-001 for \$2,500,000.00 subject to an audit by the Finance Department. Councilwoman Benitez seconded and the motion carried 5-0.

**7:24 PM Council recessed for the Executive Session.**

**8:03 PM** the Council meeting resumed with Mr. Murphy representing Agenda Item #8, Federation Housing Agreements.

**Mr. Murphy** indicated that Council had approved the last second Phase of this project over a year ago. The Project was reviewed by the Township Engineer, Mr. Phil Wursta. Bensalem Township received a Grant from HUD of \$1,350,000 to assist in the financing of Phase 1 of the Project. That mortgage exists today, it is a no interest loan payable on or before 30 years from 2012. That mortgage covered the entire property. Now that Phase 2 is being developed, without the benefit of any other type of unconventional financing, the request is to partially release Phase 2 from that mortgage so that the conventional financing for Phase 2 can be put on it in first position.

The Township will retain a mortgage on Phase 1 which is now fully improved. Township has no obligation to pay it back. It wasn't Township tax dollars to start with, it was a Grant received from HUD. One of the documents that Mr. Murphy is presenting was reviewed and approved by the Township Solicitor's Office which is a partial release of the HUD Mortgage from 2012 which will only remain on Phase 1. The other document, a little more typical, allows for a shared use access easement between Phase 1 and Phase 2.

All of the entities involved, Phase 1 and Phase 2, are Federation Housing entities but there is a different legal title holder to Phase 2 than Phase 1. There is a document that allows back and forth between the two sites. There are two documents that the Township Solicitor has reviewed and approved.

Mr. Murphy is asking in advance of the settlement, which is April 17<sup>th</sup>, 2024, that those two documents be ratified.

**Solicitor Pizzo** indicated in addition to the Land Development Agreements, which are the standard form, there is additional business that needs to be included within the agreements just as Mr. Murphy explained so that they can move forward with the financing for Phase 2. It is affordable housing and the Township has routinely helped to secure Grants and other financing for projects that are designed to help provide affordable housing to residents within the community.

**Mr. Murphy** indicated that was the purpose of the Neighborhood Stabilization and one of its goals was to encourage and foster the development of affordable housing in this project. This project consists of 60 more units.

**Council Vice President Knowles** indicated that the Township is the Granters of the mortgage even though the Township is not responsible to pay the mortgage but are the Administrators of the mortgage. In the original money from HUD, there is nothing on the HUD original Grant that says the Township can't remove it off of a portion. It is okay to do that according to HUD.

**Mr. Murphy** indicated that Mr. Knowles assumption was correct and all of the folks, including the County, have signed off on this as well.

**Council President Kisselback** asked in addition to the \$1,350,000 is there any additional funds from HUD.

**Mr. Murphy** indicated that was the extent of it. There is no additional funds form HUD. There is none of that financing contemplated for Phase 2, it is the traditional financing for Phase 2 only, no HUD or any other special program funding.

**Councilwoman Benitez** clarified that this was a deed restricted property that won't be changed in any of this transaction.

**Solicitor Pizzo** indicated that the motion could simply be consideration and signing of various Land Development Improvement Agreements associated with FHI Trevoise Land Holdings, Inc., 4701 Somerton Road as presented during the meeting.

**Council Vice President Knowles** motioned to approve FHI Trevoise Land Holdings, Inc., TMP 02-003-006-003 various agreements as presented, A, B, and C, and permit them to do what is being asked for as presented in their agreement. Councilwoman Benitez seconded and the motion carried 5-0.

**10. PUBLIC COMMENT:**

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

**11. OTHER BUSINESS:**

**Solicitor Pizzo** indicated that Council met in an Executive Session during this evening's meeting. Present for the Executive Session were the five members of Council, the Mayor and Township Solicitor. The matter discussed was a matter of pending litigation involving property at 2600 State Road, no official action was taken during the Executive Session and no official action is required at this time in regard to that matter.

**Councilwoman Benitez** Happy Spring and Go Phillies!!

**Council Vice President Knowles** hopes everyone enjoys the National Championship game this evening.

**Council Secretary Champion** responded ditto to the National Championship game and all of the sports going on right now. To everyone celebrating a religious holiday this month, happy holiday.

**Council President Kisselback** indicated Passover will be celebrated before the next Council meeting and wanted to wish all of his Jewish friends a Happy Passover.

12. **ADJOURNMENT:**

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

The Bensalem Township Council Meeting of April 8<sup>th</sup>, 2024 can be viewed in its entirety at the following websites:

[www.bensalempa.gov](http://www.bensalempa.gov)

or

[www.youtube.com](http://www.youtube.com)

Respectfully submitted,

Debra F. McBreen  
Recording Secretary/Council Clerk