

DOYLESTOWN TOWNSHIP BOARD OF SUPERVISORS

REGULAR MEETING

November 18, 2008

The Regular Meeting of the Doylestown Township Board of Supervisors was held at 7:00 p.m. on Tuesday, November 18, 2008 at the Doylestown Township Municipal Building, 425 Wells Road, Doylestown, PA., Members of the Board of Supervisors in attendance included Barbara N. Lyons, Chairman; E. Thomas Scarborough, Vice Chairman; Jeffrey Bennett; Cynthia Philo and Barbara Eisenhardt. Others in attendance included Jeffrey Garton, Township Solicitor; Stephen White, Chief of Police; Mario Canales, Township Engineer and Stephanie Mason Township Manager.

PLEDGE OF ALLEGIANCE

Ms Lyons announced that this meeting is being televised and recorded.

Resolution – Traffic Advisory Committee Appointment:

Ms. Philo made a MOTION, seconded by Mr. Scarborough to appoint Alan McQuarrie to represent District 1 for the Township Traffic Advisory Committee.

MOTION was ADOPTED 5-0.

Budget Presentation by Ways & Means Committee:

2008 Revised Budget

Mark P. Glassman, Chairman of the Ways & Means Committee, presented the 2008 Revised Budget and 2009 Preliminary Budget to the Board (See attached to the minutes).

Ms. Lyons asked for any comments from Supervisors.

Mr. Bennett commented as the liaison to this committee; they put in an extraordinary amount of time and hard work on this process. He is pleased that the 2009 budget has no operating deficit, and noted that in 2009, we will have one less employee working for the Township. We will continue to provide the same level of services that was provided in 2008 and we will maintain a healthy reserve balance.

Mr. Scarborough thanked the Ways & Means Committee and Township staff for their work on the budget as they have not taken anything away that we need to operate this Township.

Ms. Lyons asked for any public comments.

Harry Wreath asked about the unrestricted fund balance and is that the difference between the total capital expenditures?

Mr. Glassman replied yes.

Ernie Gash, 15 Wilkshire Road, asked is the surplus from this year carried over to next year?

Mr. Glassman replied yes.

Ms. Philo noted that the committee will continue to look at long term projections for the capital plan.

Mr. Bennett added that the Board is voting on a blueprint for 2009, and the budget will be looked at on a monthly basis to see if revenues are coming in and, if not, expenses will be cut back.

Marty Gillen, 740 Bittersweet Drive, expressed concern about the reserve fund disappearing within a year and, with all of the capital expenses, how will the Township pay for it?

Mr. Glassman replied at some point it is possible we would have to increase revenue or cut expenses to be able to fund the capital expenditures.

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve the 2008 Revised Budget.

MOTION was ADOPTED 5-0.

2009 Preliminary Budget

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to authorize advertising the 2009 Preliminary Budget.

Ms. Eisenhardt commented that this has nothing to do with Township employees not doing a good job or deserving the benefits they have; this is about fiscal responsibility in a very bad economy. She asked for discontinuance of all seminars and conferences for Township employees for 2009, which can be added in at a later time. Also, employee bonuses and employees' cars with the exception of cars that are included in employees' contracts should come back in. To be fiscally responsible, those are the areas we need to look at. Some of the drainage and blacktop projects had to be taken out along with many other projects to balance the budget.

For the PSATS Conference, which is the State Supervisors Convention, taxpayers pay for registration, hotel, meals and all expenses, and the Board agreed that we would only be reimbursed for registration and all other expenses would be paid for by each member of the Board. There are a lot of employees who have Township cars and, in reviewing the amount we spend for gas, tires, maintenance and insurance; it is a tax burden for all of us. Unless they are first responders, those vehicles should be brought back in.

Mr. Bennett agreed that we need to be fiscally responsible and careful about what we spend; however, the 2009 budget is a blueprint, not an authorization to spend money. We developed a zero operating budget. Those capital projects do not impact the operations of the Township. We are still spending \$1.2 million dollars on capital projects even with cuts made in trying to be conservative with how we spend taxpayers' money. In terms of conferences and training, we already cut 10% from what was budgeted in 2008. Our operation expenditures are less than last year, our expected revenues are less than last year and we have one less Township employee, which means the rest of the Township employees will absorb the work that that person did last year.

Ms. Lyons commented that the total amount for conferences and training is \$52,000 and most of it is for mandatory police, fire and zoning training and certification and also for the parks & recreation staff for insurance purposes. Attending the PSATS Conference is invaluable for the supervisors as we meet officials from all over the Commonwealth of Pennsylvania and make connections with them.

Ms. Philo commented that she suggested that the supervisors pay for the conferences and have the taxpayers pay for just the registration, which is something the supervisors can do on our part towards balancing the budget.

Phil Simon, resident, asked what could the residents do to help the Township?

Ms. Philo replied attend more Township events so that money comes back to the Township.

Mr. Scarborough commented that the Board has done a great job in making sure that we have all the facilities we need to operate this Township and keep it a great place to live. He has learned how to better serve our community by attending the PSATS Conferences over the years, and it behooves all five supervisors to attend whether we pay for it or not. He appreciates that the Ways & Means Committee will be looking at the budget on a monthly basis to make sure we do have a balanced budget.

There was further discussion about whether the Township should pay for the Tax Collector to attend conferences and also how much was specifically spent for gas for Township employees' cars.

MOTION was ADOPTED 4-1. Ms. Eisenhardt opposed.

VISITOR/PUBLIC COMMENTS: None.

ANNOUNCEMENTS:

Ms. Lyons announced that the next Board of Supervisors meeting will be held on Tuesday, December 2, 2008. The Doylestown Township Administration Offices will be closed Thursday, November 27, 2008 and Friday, November 28, 2008 due to Thanksgiving.

MINUTES APPROVAL:

November 10, 2008 Budget Work Session:

Mr. Scarborough made a MOTION, seconded by Ms. Philo to approve the minutes of the November 10, 2008 Budget Work Session.

MOTION was ADOPTED 5-0.

October 27, 2008 – Budget Work Session:

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to approve the minutes of the October 27, 2008 Budget Works Session.

MOTION was ADOPTED 4-0-1. Ms. Eisenhardt abstained.

October 21, 2008 Regular Meeting:

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve the minutes of the October 21, 2008 Regular Meeting.

MOTION was ADOPTED 4-0-1. Mr. Bennett abstained.

October 7, 2008 Regular Meeting:

Mr. Scarborough made a MOTION, seconded by Ms. Philo to approve the minutes of the October 7, 2008 Regular Meeting.

MOTION was ADOPTED 5-0.

CORRESPONDENCE: None.

REPORTS:

Solicitor: No report.

Police Chief: No report.

Township Engineer: No report.

Manager: Ms. Mason announced that Ms. Philo was appointed as Chairman of the Communities of 10,000 or Greater for PSATS – the PA State Association of Township Officials.

Supervisors:

Presentation to Doris Clegg:

Ms. Lyons read a resolution dated, November 18, 2008, from the Board of Supervisors recognizing Doris Clegg for her nine years of service and dedication to the Environmental Advisory Council and the community into the record (See attached to minutes). Ms. Clegg was presented with a plaque.

Energy Conservation Plan:

Ms. Philo noted that she attended a course regarding infrastructure for Townships. An energy conservation policy was discussed being incorporated into development. She asked for the Township Planning Commission and EAC to work together on an energy sustainability policy for Doylestown Township. Consensus of the Board was to send this matter to the EAC and Planning Commission.

PUBLIC HEARING:

Proposed Amendment to Zoning Ordinance – Other Uses:

Solicitor Garton explained that the Board authorized the advertisement of an ordinance recommended by the Planning Commission, which was prepared and duly advertised. There was one minor clerical change in which the Planning Commission's recommendation began with Article 5 and the BCPC identified it as Article 23 and that modification was changed. There were two comments from the BCPC that Ms. Goldstein will discuss.

Judy Goldstein, Director of Landscape Architecture and Planning Services with Boucher & James Inc., noted the Comment 2 from the BCPC letter dated, November 5, 2008, dealt with the district of the other lawful uses permitted and the Township Planning Commission asked for that to be in the LI District and not throughout the Township.

They declared that anyone could come in with another required lawful use and put it anywhere in the Township if we do not have a specific district in which to house it.

The other comment was alternative provisions for a lawful use, which is similar to what we have proposed; however, that would permit it to be anywhere in the Township as opposed to limiting it to a certain place.

Ms. Lyons asked for any public comments. There were none.

Ms. Philo made a MOTION, seconded by Mr. Bennett to approve the proposed amendment to the Zoning Ordinance for Other Uses as amended.

MOTION was ADOPTED 5-0.

Proposed Amendment to Zoning Ordinance – Home Based Business:

Solicitor Garton explained that this ordinance has clarifications for home-based businesses and no impact home-based businesses. This ordinance has been duly advertised and comments were received by the Township Planning Commission and the BCPC. The BCPC noted some typos to be changed in the ordinance as listed in their letter dated, November 5, 2008.

Ms. Goldstein noted that this is to bring the Doylestown Township Ordinance into compliance with the MPC and their language with regards to no impact home-based businesses. Comments from the BCPC letter dated, 11/5/08, dealt with parking standards and they suggest having a minimum parking standard in order to not have more parking than what is needed. The DTPC already has a maximum limit parking standard and this ordinance is stricter from an impervious surface standpoint.

Ms. Philo asked by not having the minimum as what the county is suggesting; will that put home-based business customers on the street v. off street where there should have a parking area?

Solicitor Garton added that the no impact home-based business provides that there is no customer, client or patient traffic.

Ms. Goldstein replied this is a no impact home-based business that does not impact the neighborhood to start with. The other comment made by the BCPC dealt with habitable floor area and our ordinance is consistent with the MPC.

Ms. Lyons asked for any public comments.

Bill Hodgekiss, member of the ZHB, commented that the ZHB were having difficulties rebutting attorney arguments that our existing ordinance allowed any kind of retail business and the home-based business ordinance is ambiguous. Has it been looked at?

Ms. Goldstein replied this ordinance addresses both the no impact home-based business and the home-based business and makes a distinction between the two.

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve the proposed amendment to the zoning ordinance for Home-Based Business as amended.

MOTION was ADOPTED 5-0.

Proposed Amendment to Zoning Ordinance – Wind Energy System:

Solicitor Garton noted that this ordinance has been duly advertised and no changes were recommended by the BCPC.

Ms. Goldstein commented that the DTPC looked at wind energy and the current zoning regulations for wind turbines as an accessory use, which would not work because accessory uses are limited strictly in height and wind turbines, even individual residential ones, have certain parameters that need to be met for design. One parameter is the distance from the bottom of the blade to the ground, which is a minimum of 15 feet and height is needed for wind. After doing extensive research on wind energy, we came up with regulations that seem to be similar throughout the country for individual residential use as listed in the ordinance.

Ms. Lyons asked for any public comments.

Joe Paternostro commented by eliminating one acre of property, would eliminate a significant amount of Township residents.

There was further discussion on the size of lots, height and setback distance of wind turbines for individual residential use.

Ms. Philo expressed concern about appropriate color for the turbines as well as shadows and flickers from the blades of wind turbines, which may cause a site nuisance to residents and noted that the ordinance does not include a provision for preventing advertising on it. She suggested that a wind turbine not display any advertising except for reasonable identification of a manufacturer or operator of that particular wind turbine.

Solicitor Garton suggested that wind turbines be a non-obtrusive color and blend in with the surrounding terrain.

Ms. Goldstein agreed that the ordinance does not include a provision for signage.

Mr. Simon, resident, asked about noise from the wind turbines.

Ms. Goldstein replied the ordinance says, “The applicant shall demonstrate that any noise emanating from the wind energy system shall not exceed 60 decibels measured at the nearest property line.”

A resident expressed concern about two acres being too small of a lot size for a wind turbine as it would take away from the character of the Township and another resident commented that there is probably a reason why the turbines are the colors that they are.

Henry Strawn, 12 Kuhn Drive, commented that blades of wind turbines do break.

Mr. Gaver commented they make wind turbines with smaller blades.

Ms. Eisenhardt made a MOTION, seconded by Ms. Philo to table the proposed amendment for wind energy system for further review by the Township Planning Commission.

MOTION was ADOPTED 5-0.

NEW BUSINESS:

Central Bucks Family YMCA – Request for Building Permit Waiver

Mr. Scarborough made a MOTION to waive the building permit fee for the YMCA. Motion failed for lack of a second.

Ms. Eisenhardt commented that with hard economic times and being fiscally responsible, it is difficult when the Township counts on permit fees and \$116,550.00 is a substantial amount. She would agree to a 5% discount, but this is not a precedent the Board should set.

Ms. Philo asked if the applicant would like to comment on this matter.

Gene Smith, Director of the YMCA, thanked the Board for their consideration. He asked for some relief from the fees, which is an added expense to the project and this facility provides a tremendous benefit to residents of Doylestown Township. We would like to invest in the project as opposed to investing in fees that has no return to the community. If the Board would consider a partial relief, this could act as a contribution on behalf of the Township to this community project.

Ms. Lyons asked for any public comments.

Marty Gillen commented that he feels the Board should support the relief for fees as the YMCA provides health and life saving-type activities. He asked the Board to support a minimum of 75% waiver of fees.

Joe Paternostro commented that he is in favor of the Board charging for the whole amount.

Bill Hodgekiss commented that fees are used for code inspections and that is what pays their salary.

James Bingler commented that the Board charged Kutz Elementary their full price.

Mr. Scarborough commented that the Board waived fees for the hospital and Fire Company and he would be in favor of waiving 50% of fees to assist the YMCA.

Mr. Paternostro commented that the Board should freeze waiving of building permit fees until the economy turns around.

Mr. Simon commented that these are tough economic times and the Township could use the money.

Ms. Eisenhardt made a MOTION, seconded by Ms. Philo to deny the request to waive building permit fees in the amount of \$116,550.00 made by Gene Smith, Director of the Central Bucks YMCA.

MOTION was ADOPTED 3-2. Ms. Lyons and Mr. Scarborough opposed.

Doylestown Hospital Temporary Parking Lot Agreement:

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve the Doylestown Hospital Temporary Parking Lot Agreement.

MOTION was ADOPTED 5-0.

TEFRA for Doylestown Hospital:

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to recognize that Doylestown Hospital project is for public interest at no cost to the Township and to authorize Chairman, Barbara Lyons to execute the appropriate certification to that effect.

MOTION was ADOPTED 5-0.

DEP Hearing – Furlong Round Water Contamination Mitigation:

Ms. Lyons announced that DEP will host a public meeting at the Township Administrative Building on Wednesday, January 7, 2009 at 6:30 p.m. regarding the Furlong Round Water Contamination Mitigation and public notices will be sent to residents affected by it.

2008-2011 Master Casting Agreement:

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to approve the 2008-2011 Master Casting Agreement from PennDOT.

MOTION was ADOPTED 5-0.

Delaware Valley College Composting Site:

Keith Peters, Acting Chairman of the EAC, recommended that the Board continue with the 2009 composting program with Delaware Valley College.

Ms. Eisenhardt made a MOTION, seconded by Mr. Scarborough to approve continuing with the 2009 composting program with Delaware Valley College.

MOTION was ADOPTED 5-0.

Township Vehicle Usage Policy:

Ms. Lyons noted that this policy applies to current positions designated for 24-hour use such as: Township Manager; Director of Operations; Director of Code Enforcement; Road Superintendent; Parks Superintendent; Water Superintendent; Chief of Police; Lieutenant of Police and Police Detective. The expenses for positions of Director of Operations and Water Superintendent are paid for by the Doylestown Township Municipal Authority so we provide for seven vehicles. The policy reflects that these above mentioned officials have 24-hour access for the public health safety and welfare of Township residents.

We investigated the cost of maintenance for these vehicles, which is done at the Township building and the amount of gas that was used and we found that an exorbitant amount of gas was not used. Ms. Eisenhardt expressed concern about whether these officials should have 24-hour, 7-days a week usage of these vehicles and the Chief of Police informed the Board that he will develop his own policy for police vehicles, which will be incorporated into the municipal employees plan.

Ms. Philo commented another concern was to make sure that these vehicles were being used properly so incorporated in this policy are guidelines that require Township officials to complete weekly logs on mileage; mileage on how far each official lives from the Township; that no one should be inside a vehicle that is not a Township employee; and that this policy will be looked at on an annual basis.

Mr. Bennett noted a typo in Section 7 that the word “or” should say “and.”

Ms. Lyons amended the first sentence of Section 11 to read, “Township vehicles should not be driven by anyone except the person assigned to that vehicle.”

Ms. Eisenhardt commented that being in financial difficult times; the Township needs to cut back in areas that are not urgent. The employees do a wonderful job, but she feels certain officials do not require a vehicle unless it is an emergency responder, a police vehicle and the Township Manager’s contract requires the use of a Township vehicle. The other vehicles should be brought back in as it would be the fiscally responsible thing to do. The average is 3.2 vehicles per municipality, and we have nine.

Mr. Scarborough clarified that we have seven vehicles as two are from our Municipal Authority. Also, the Fire Marshal is called at all hours of the day and night.

Ms. Eisenhardt replied that she spoke with the head of the Fire Company and asked him what the criteria is for the Fire Marshal to respond to a fire and she was told that the Fire Marshal does not put out fires. He is to be there the day after the fire and the only time the Fire Marshal needs to be at the scene of a fire is if a life is lost and an investigation is required.

Chief White commented that our Fire Marshal’s responsibilities are to respond and take evidence for any criminal case that may occur at a fire or arson in Doylestown Township. It is to our benefit to have our own Fire Marshal to be able to respond immediately to the scene of what could be a crime.

Ms. Lyons asked for any public comments.

Joe Paternostro asked what happens if someone breaks the rules of this policy?

Ms. Mason replied contained in the personnel policy there are rules and regulations for disciplinary action that can be taken if any rules are broken.

Marty Gillen asked are municipal employees required to keep tax records for use of their vehicle?

Ms. Mason replied yes.

James Bingler asked about maintenance of these vehicles.

Ms. Mason replied maintenance is done in-house.

Mr. Scarborough made a MOTION, seconded by Ms. Philo to approve the Township Vehicle and Equipment Usage Policy as amended.

MOTION was ADOPTED 4-1. Ms. Eisenhardt opposed.

Eagle Scout Proclamation:

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to approve the Proclamation of Erik Phillip Payn, a member of Boy Scout Troop 71, who will be awarded to the rank of Eagle Scout on November 29, 2008.

MOTION was ADOPTED 5-0.

Ms. Eisenhardt left the meeting at 9:25 p.m.

Zoning Hearing Board Application of Pamela & Eugene Alpin – 4010 Devon Lane – Requests a variance:

The consensus of the Board was to leave the matter to the Zoning Hearing Board for their consideration.

Treasurer's List – November 18, 2008:

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to approve the Treasurer's List of November 18, 2008.

MOTION was ADOPTED 4-0.

Bills List – November 18, 2008:

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to approve the Bills List of November 18, 2008 in the amount of \$807,515.92.

MOTION was ADOPTED 4-0.

ANNOUNCEMENTS:

Ms. Lyons announced that the next Board of Supervisors meeting will be held on Tuesday, December 2, 2008. The Doylestown Township Administration Offices will be closed Thursday, November 27, 2008 and Friday, November 28, 2008 due to Thanksgiving.

Henry Strawn, 12 Kuhn Drive, provided photos of the bridge guard rails on Rogers Road, west toward Spring Valley Road to the Board.

Mr. John noted that this was investigated last year and money has been budgeted for 2009 for repairs of the bridge guard rails.

ADJOURNMENT: 9:28 P.M.

Respectfully submitted,

Stephanie Mason, Township Manager

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