

DOYLESTOWN TOWNSHIP BOARD OF SUPERVISORS

December 16, 2008

The Regular Meeting of the Doylestown Township Board of Supervisors was held at 7:00 p.m. on Tuesday, December 16, 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, Jr., 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 the Board of Supervisors held an Executive Session prior to this meeting to discuss personnel matters.

Mr. Bennett made a MOTION, seconded by Mr. Scarborough to give salary bonuses to key employees for a total amount of \$7,250.00.

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

Mr. Eisenhardt noted for the record that in these difficult economic times; she feels the Board of Supervisors are not in the position to give bonuses this year, and it is not a reflection of a poor performance of anyone. Everyone has done a wonderful and outstanding job. It is just being fiscally responsible as the economy does not enable the Board to give bonuses.

ANNOUNCEMENTS:

Ms. Lyons announced that the next meeting of the Board of Supervisors is scheduled for Monday, January 5, 2009 – Reorganization at 4:00 p.m. The Board of Auditors Reorganization meeting will be held on January 6, 2009 at 7:00 p.m. The Township Building will be closed on December 25, 2008 due to Christmas and January 1, 2009 due to New Years Day.

VISITOR/PUBLIC COMMENTS: None.

MINUTES APPROVAL:

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to approve the minutes of the December 2, 2008 Board of Supervisors Meeting as submitted.

MOTION was ADOPTED 5-0.

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RESOLUTIONS AND COMMENDATIONS:

Ms. Lyons announced the retirement of Robert Lanetti, the Township's Code Enforcement Officer for twenty years.

Mr. Scarborough made a MOTION, seconded by Ms. Philo to adopt Resolution No. 1439 – a Resolution of the Board of Supervisors of the Township of Doylestown recognizing Robert Lanetti for his twenty years of service to Doylestown Township.

MOTION was ADOPTED 5-0.

CORRESPONDENCE:

Ms. Mason noted that we received a letter from PSATS (Pennsylvania State Association of Township Supervisors) congratulating the Township as being selected as the winner of the State Association's Outstanding Citizen Communication Award for exceptional and comprehensive efforts communicating with our residents. This award will be presented at the Annual PSATS Educational Conference in Hershey, PA.

The Township has also won first place in the Other Publications and Web Sites categories and third place in the Most Improved Newsletter category in PSATS 41st Annual Township Citizen Communication Contest.

REPORTS:

Solicitor: No report.

Police Chief: No report.

Manager:

Ms. Mason reported that the Open Space Committee will be receiving additional funding in the amount of \$620,408.00 from the County under the new Open Space Program. We have two property owners interested in donating a conservation easement. It is the recommendation of the Open Space Committee to have an appraisal done on the Tilley Property that is located on Broad Street. In addition, we have been contacted by the Manager of New Britain Borough and their request is that the Borough and Doylestown Township jointly have an appraisal done on 9.5 acre apple orchard property on Keeley Avenue located next to their Covered Bridge Park. The consensus of the Open Space Committee is to ask the Board of Supervisors to authorize an appraisal of that property as well so a conservation easement can be considered.

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Mr. Scarborough asked for the cost of the appraisals.

Solicitor Garton replied about \$1,500 for each appraisal, but the Township would split the cost of one appraisal with New Britain Borough so it would be \$750 each.

Ms. Philo made a MOTION, seconded by Mr. Scarborough to authorize that two appraisals be conducted for the Tilley Property located on Broad Street and the 9.5 acre apple orchard property on Keeley Avenue located next to their Covered Bridge Park.

Mr. Bennett commented that the terms of receiving \$620,408 from the County is under the 75/25 program. Does the cost of the appraisal count towards our contribution?

Solicitor Garton replied yes.

MOTION was ADOPTED 5-0.

Supervisors:

Ms. Philo noted that the Traffic Advisory Committee has made the following recommendations:

Ms. Philo made a MOTION to approve the recommendation by the Traffic Advisory Committee that the Doylestown Township Board of Supervisors requires Artefacts Realty, Temple Judea and Hancock Group prepares a comprehensive traffic evaluation to address the impact of the proposed development on the local roadway network.

Solicitor Garton noted that Artifacts Realty has withdrawn their application.

Ms. Philo made a MOTION to AMEND the MOTION deleting Artefacts Realty from the original motion, seconded by Ms. Eisenhardt.

Mr. Bennett expressed concern that both of those projects are at different stages of the land development process.

Solicitor Garton noted that the Township's SALDO requires a traffic study be done and he suggested in-lieu-of the developers preparing a separate traffic study they could reimburse the Township for a comprehensive traffic study or the developers can work together on providing traffic study.

Chief White clarified that the motion is not to request the Township to conduct a comprehensive study. Knowing the developments will be completed at different times; the Township and Planning Commission should be looking at three separate projects that will all, at different times, affect the local roadway network.

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After further discussion of traffic studies for the above developments and the impact to the residential neighborhoods; the consensus of the Board was that those traffic studies would be better coordinated through the Township and that the Traffic Engineer should prepare the study.

Ms. Philo withdrew her motion and indicated that she will discuss the suggestions and recommendations made by the Board of Supervisors with the Traffic Advisory Committee.

Ms. Philo made a MOTION, seconded by Mr. Bennett to approve the recommendation of the Traffic Advisory Commission to approve the use of PennDOT Publication 383, Pennsylvania's Traffic Calming Handbook (January, 2001), and any subsequent revisions, for planning and implementation of traffic calming measures within the Township.

Ms. Lyons asked for the MOTION to be AMENDED to include PennDOT's publication 383, Pennsylvania's Traffic Calming Handbook (January, 2001) into the Township's Comprehensive Plan.

Ms. Philo made a MOTION to AMEND the MOTION to include PennDOT's publication 383, Comprehensive Plan, Pennsylvania's Traffic Calming Handbook (January, 2001), into the Township's Comprehensive Plan, seconded by Mr. Bennett.

MOTION as AMENDED PASSED 5-0.

Ms. Philo made a MOTION, seconded by Mr. Bennett to approve the recommendation by the Traffic Advisory Committee that Supervisor Cynthia Philo be directed to take a resolution to BCATO (Bucks County Association of Township Officials) and PSATS (PA State Association of Township Supervisors) urging both organizations to support municipal law enforcement officers being authorized to use radar as an approved speed enforcement device in the Commonwealth of Pennsylvania.

Chief White commented that the PA Chiefs of Police Association and MADD (Mothers Against Drunk Drivers) support police radar as Pennsylvania is the only state in the nation that does not allow municipal police to use radar.

Mr. Bennett suggested the motion say, "That our *delegate* be directed to take a resolution to BCATO (Bucks County Association of Township Officials) and PSATS (PA State Association of Township Supervisors) urging both organizations to support municipal law enforcement officers being authorized to use radar as an approved speed enforcement device in the Commonwealth of Pennsylvania," because we will not vote on who our delegate is until January and he supports the motion.

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Ms. Philo made a MOTION to AMEND the MOTION to approve the recommendation by the Traffic Advisory Committee that our *delegate* be directed to take a resolution to BCATO (Bucks County Association of Township Officials) and PSATS (PA State Association of Township Supervisors) urging both organizations to support municipal law enforcements officers being authorized to use radar as an approved speed enforcement device in the Commonwealth of Pennsylvania, seconded by Ms. Eisenhardt.

MOTION as AMENDED PASSED 5-0.

Ms. Philo noted that the Traffic Advisory Committee seeks permission from the Board of Supervisors to ask the Quigley Corporation to donate some of its land in order to make the corner of Shady Retreat Road and the back of Doylestown Hospital a safe crosswalk area.

Ms. Philo made a MOTION, seconded by Mr. Bennett to authorize Township Manager to ask the Quigley Corporation to donate some of its land in order to make the corner of Shady Retreat Road and the back of Doylestown Hospital a safe crosswalk area on behalf of the Board of Supervisors.

MOTION was ADOPTED 5-0.

Mr. Scarborough commented that regarding Delaware Valley College drop-off site for composting of leaves and yard waste; a question was raised about local companies who clean yards be allowed to dump it at that location. According to the agreement between Doylestown Township and Delaware Valley College, dated, November 19, 2008, it is a program only for residents to use this location as they could not control this site if anyone was allowed to use it. They use this material for composting and use it throughout the college.

Ms. Eisenhardt commented that her question was that if a resident has a third party remove their leaves and they are coming from a Doylestown Township property; why wouldn't that third party have the same rights to take the leaves from Township property to the Township composting site. She feels this matter deserves more exploration as they are Doylestown Township resident's leaves but someone else is dropping them off for them.

PUBLIC HEARING

Proposed Amendment to Zoning Ordinance – Adult Oriented Uses

Solicitor Garton noted this ordinance has been duly advertised and we received comments from the BCPC and DTBC. He introduced Judy Goldstein to discuss those comments.

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Judy Goldstein, Director of Landscape Architecture and Planning Services, Boucher & James Inc., noted the BCPC made comments in their memo, dated, December 3, 2008 as follows: They suggested that the definition and descriptions be included in uses and terms and her recommendation is to leave it in the definitions section. Adult arcade is defined as any place which the “public” is permitted or invited and they suggested “private members” be added because an adult arcade may be associated with a private club or organization that does not permit the general public. She feels that is a good suggestion. For adult cabarets; they also suggest considering a separation provision such as five feet between patrons and person who appear in the state of nudity for the proposed adult cabaret use. The next section regarding use provisions regarding the building should be no less than 400 feet away from any residential use etc., they suggest including other youth-oriented uses in the list such as licensed daycare centers and Use E-9 commercial recreation and entertainment, and we will make that change. The Uses Per Lot section should read as follows: “No more than one adult-oriented use shall be permitted within any one building or lot and no adult oriented use shall be permitted on the same lot as any other principal use.” Regarding permitted districts; we are limited to certain parcels; however, land uses could change in the future. It is important to make sure that we are not creating a situation where we are permitting a use and excluding it from the entire Township by those limitations. The BCPC suggests that we take the Institutional Districts out of this ordinance as well as some of the Commercial Districts.

After further discussion on this use being permitted and not permitted in certain districts, the Board agreed they would like to review the zoning map before adopting this ordinance and also agreed to table this matter until the next Regular Board meeting.

Ms. Philo made a MOTION, seconded by Mr. Scarborough to TABLE this matter until the next Board of Supervisors Regular Meeting in January, 2009.

MOTION was ADOPTED 5-0.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Land Development – Review Extensions:

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to approve grant extension given by Shawn Touhill – Final Subdivision Plan to Doylestown Township until March 31, 2009.

MOTION was ADOPTED 5-0.

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Ms. Eisenhardt made a MOTION, seconded by Mr. Scarborough to approve grant extension given by Temple Judea – Preliminary Land Development Plan to Doylestown Township until March 20, 2008.

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

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve grant extension given by Thompson Organization – Preliminary Land Development Plan to Doylestown Township until February 28, 2008.

MOTION was ADOPTED 5-0.

Delaware Valley College –Farmer’s Market:

Solicitor Garton noted that some years ago, this Board approved a land development application from the college to install a Farmer’s Market off of Lower State Road, which replaced the facility located on Rt. 202, and this farmer’s market has been closed for the past year. Representatives of Delaware Valley College approached owners’ of Shady Brook Farm in Yardley in which they agreed to work on a management agreement. The Fleming Family, who are the owners of Shady Brook Farm, would manage the Farmer’s Market for the college and college student’s would still work there as part of an educational program.

His comments of the draft agreement include that it is understood that it is a management agreement only and it is not creating a non-conforming use and that a declaration of restriction of this will be recorded as record. If the Board approves, the Farmer’s Market will be reopened in the spring.

Donald Feldscher, Special Assistant to the President of Delaware Valley College, commented that we opened a farmers market and we were not successful in running it so we hired a consultant to help us find someone to manage it. He introduced David Sr. and Paul Fleming, owners of the Shady Brook Farm, to the Board. Our plan, with the Board’s permission, is to have the Flemings get the market ready in January/February and have a grand opening in March and we will coordinate with the Bike & Hike Trail and Bridge.

Ms. Lyons asked will Shady Brook Farm use Delaware Valley College’s products?

Mr. Feldscher replied yes.

Ms. Lyons asked for any public comments.

James Bingler commented that the farmer’s market is required to grow 50% of everything that is sold there. Is that correct?

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Mr. Feldscher replied yes, that is a state regulation.

The consensus of the Board was to approve the management agreement for the Farmer's Market between Delaware Valley College and Shady Brook Farm.

2009 DTMA Budget:

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to acknowledge receipt of the 2009 Doylestown Township Municipal Authority Budget.

MOTION was ADOPTED 5-0.

2009 Doylestown Township Final Budget:

Ms. Mason noted that in November, the Board approved the Preliminary 2009 Budget and, tonight, we are looking for final adoption for the 2009 budget with anticipated revenues of \$13,862,076; expenditures of \$11,171,119; transfers is \$501,324; with fund balances at \$2,189,633. Mark Glassman, of the Ways & Means Committee and Bill Wightman, Finance Officer are present this evening.

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to approve the 2009 Doylestown Township Final Budget.

Ms. Eisenhardt commented that she did not vote to approve the preliminary budget because these are extraordinary financial times, which calls for extraordinary measures. While it is difficult to ask employees to give anything up that they are accustomed to getting; it is even more difficult to ask struggling taxpayers to incur costs for employees perks when the taxpayers are losing jobs, benefits, etc., and she does not feel any employee should take it as a sign that they are not doing a wonderful job. She asked that the following items be discontinued until there is a change in the economy: the discontinuation of all seminars and conferences that are not mandated by law for job certification; all employee cars that are not First Responders or entitlement to a vehicle per their employment contract; and all bonuses.

Ms. Philo commented that it is important for Township employees to have their certifications. She is concerned about the \$1,500 amount listed in the budget for the Tax Collector. She made a MOTION to AMEND the MOTION to remove the \$1,500 from the 2009 budget for the Tax Collector, seconded by Ms. Eisenhardt.

Ms. Eisenhardt clarified that she is not voting to approve the budget, but agrees with removing the \$1,500 for the Tax Collector.

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Solicitor Garton explained that the Board needs to vote on the amendment first then vote whether to approve the budget.

Mr. Bennett commented that regarding the amendment; it would be in the best interest to have a unanimous vote to approve the budget, but he does not feel that is realistic based on what he has heard this evening. If the budget is approved, it is not necessarily a spending plan. Any expenses submitted will need to be approved as an ongoing process through the year.

After further discussion about removing the \$1,500 line item for seminars for the Tax Collector from the budget with the exclusion of the BCATO meetings that are required by law and capital projects being removed from the budget; Ms. Lyons called for a vote on the amendment to the original motion.

MOTION as AMENDED FAILED 2-2-1. Supervisors Philo and Eisenhardt voted yes; Supervisors Bennett and Lyons voted no; and Supervisor Scarborough abstained.

Referring to the original MOTION to adopt the 2009 Final Budget; Ms. Lyons asked for any further comments.

Ms. Eisenhardt commented that a few years ago, our capital reserve fund was about \$5 million dollars and we are now down to \$1 million dollars. In economic hard times, it is scary that our Township has only 10% of our budget in capital reserve. In order to protect our taxpayers; we need to err on the side of being conservative.

Mr. Glassman replied that 10% is not unusual and, a few years ago, we had a \$5 million dollar reserve, and the Township elected to use some of that money for capital improvements. The Board will need to review any capital expenditures that come up throughout next year.

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

MOTION to approve the 2009 Doylestown Township Final Budget PASSED 4-1. Ms Eisenhardt opposed.

Resolution No. 1438 – Fixing the Tax Rate for the Fiscal Year Ending December 31, 2009:

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to adopt Resolution No. 1438 – Fixing the Tax Rate for the Fiscal Year Ending December 31, 2009.

Ms. Eisenhardt asked about the ambulance tax be listed as a separate line item.

Ms. Mason replied it is included in the general fund.

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Solicitor Garton noted that the ambulance tax should not be included in the general fund because it is a separate voter approved tax and we cannot mix those funds with general funds. He suggested an amendment to the resolution to include a separate line item for the ambulance tax.

Ms. Philo made a MOTION to AMEND the MOTION amending the resolution to include a separate line item for the ambulance tax.

MOTION as AMENDED PASSED 5-0.

Open Records Act

Solicitor Garton noted that pursuant to the statute that was adopted by the legislature and signed by the Governor; he prepared a resolution related to the Township's implementation of that new law. This format has been reviewed by the State Office of Open Records and has been approved.

Ms. Philo made a MOTION, seconded by Ms. Eisenhardt to adopt Resolution establishing the Township's Open Records Policy under Act 3 of 2008.

MOTION was ADOPTED 5-0.

Treasurer's Report:

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve the December 16, 2008 Treasurer's Report.

MOTION was ADOPTED 5-0.

Bills List:

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to approve the December 16, 2008 Bills List in the amount of \$1,446,615.10.

MOTION was ADOPTED 5-0.

ANNOUNCEMENTS:

Ms. Lyons announced that the next meeting of the Board of Supervisors is scheduled for Monday, January 5, 2009 – Reorganization Meeting at 4:00 P.M. The Board of Auditors Reorganization Meeting will be held on January 6, 2008 at 7:00 P.M. The Township Building will be closed on December 25, 2008 due to Christmas and January 1, 2009 due to New Years Day.

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ADJOURNMENT: 8:15 P.M.

Respectfully submitted,

Stephanie Mason, Township Manager

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