

DOYLESTOWN TOWNSHIP BOARD OF SUPERVISORS

REGULAR MEETING

December 1, 2009

The Regular Meeting of the Doylestown Township Board of Supervisors was held at 7:00 p.m. on Tuesday, December 1, 2009 at the Doylestown Township Municipal Building, 425 Wells Road, Doylestown, PA. Members of the Board of Supervisors in attendance included Chairman: Barbara N. Lyons, Vice Chairman: E. Thomas Scarborough, Jr., Supervisors: Barbara Eisenhardt, Cynthia Philo and Jeffrey Bennett. Others in attendance included Township Engineer: Mario Canales, Township Solicitor: Jeffery P. Garton; Director of Operations: Richard E. John; Township Manager: Stephanie J. Mason

Absent: Chief of Police: Stephen J. White; in his absence Lt. Dean Logan.

PLEDGE OF ALLEGIANCE

EXECUTIVE SESSION:

The Board met in Executive Session to discuss matters of litigation.

PRESENTATION:

WREN GRANT

Sandra Zadell, Special Projects Manager, introduced Professor Michael Fleishacher, Delaware Valley College and WREN recipient, design award winner, Gio Thomas.

Mr. Thomas presented his design and was presented with a certificate by Chairman Lyons on behalf of the Township.

RECOGNITION OF WILLIAM WIGHTMAN'S RETIREMENT

The Board presented Mr. Wightman with Resolution No. 1496, recognizing his 20 years of service to the community as its finance officer along with a plaque and photo montage.

PUBLIC COMMENTS:

Mr. Joe O'Malley, Rogers Road, made a presentation along with pictures to the Board regarding concerns for the impending development of properties along Rogers Road and the impact of traffic and stormwater on Rogers Road.

Ed Neff, Rogers Road, indicated that he was in agreement with Mr. O'Malley's presentation but had greater concern for traffic from the Grasso Tract than from the proposed Temple Judea Tract.

Mrs. Streznewski, Brook Drive, indicated that she had comments and questions concerning the proposed Temple Judea property and believes traffic would be helped if stop signs were installed, similar to East

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Street in Doylestown Borough. She will save further comments for the presentation later in the evening.

Cecil Balitet, Foxcroft Road, indicated that she was concerned about feeder roads being impacted from traffic from Rogers Road.

ANNOUCEMENTS:

The next Board of Supervisors meeting will be held on Tuesday, December 15, 2009 at 7:00pm.

Leaf and Yard Waste Drop-Off Day, December 12, 2009 at Delaware Valley College from 9:00 am – 11:00 am.

MINUTES APPROVAL:

Mr. Scarborough made a MOTION to approve the November 17, 2009 regular meeting minutes, seconded by Ms. Philo with the following correction.

*On page 5, 5th paragraph, indicating that reauthorization to re-advertise Wind Energy Ordinance, also page 6, 3rd paragraph, Mrs. Eisenhardt indicated that voting to hang the budget did not indicate approval of the budget.

MOTION was ADOPTED 5-0

Mrs. Scarborough made a MOTION to approve the November 4, 2009 Budget Work Session minutes, seconded by Mrs. Eisenhardt.

MOTION was ADOPTED 3-0-2, with Ms. Philo and Mr. Bennett abstaining due to their absence at the meeting.

CORRESPONDANCE - None

TOWNSHIP SOLICITOR: No Report

POLICE CHIEF: No Report

TOWNSHIP ENGINEER: No Report

TOWNSHIP MANAGER: No Report

SUPERVISORS:

Ms. Eisenhardt:

1. QUESTION DID DISBURSEMENT TO THE WARRINGTON AMBULANCE OCCUR YET – Staff indicated that they would need to review that.

2. SCHEDULING OF INTERVIEWS FOR BOARDS AND COMMISSIONS WHO'S TERMS EXPIRE 12/3/09 – After discussion, Mrs. Lyons indicated that interviews will take place in the beginning of January as December is quite busy for people.
3. LETTER TO DEP – Mr. John explained the letter had to be sent because we were not able to approve the project by November 1, 2009, which was DEP's deadline. Buckingham could not provide the water to the area and therefore we had to indicate that we could not accept the grant that was being offered at this time. Mrs. Eisenhardt suggested that a letter be sent to the effected property owners by the Township
4. RELATIVE TO THE 2010 BUDGET – Mrs. Eisenhardt indicated that there was no money allocated for an RFP for a comprehensive traffic study for Rt. 263 Area and that no raises should be provided. She also provided a comparison chart comparing municipal employees and their salaries, longevity, bonuses, healthcare and uniforms to doctors and nurses, indicating that doctors and nurses are no longer be provided these benefits. And although the employees do a wonderful job they too should no longer receive these benefits.

A resident from the audience indicated why he paid health benefits for the supervisors when he's self employed and doesn't have benefits.

Ms. Philo

Ms. Philo indicated that she too had had an opportunity to review the budget and had a number of proposals.

1. The \$60,000 for the parking lot expansion for the Activity Room be removed.
2. The conferences for non-certification should be eliminated for Supervisors, Tax Collectors and employees.
3. The 3.5% Cost of Living increase not be provided. It's not justified.
4. That health insurance benefits for Supervisors be eliminated.

Ms. Philo made this in the form of a MOTION, as there was no second, the MOTION FAILED.

Mrs. Lyons

Ms. Lyons indicated that the Park and Recreation Winter Spring Guide is out and the Township is now accepting credit cards.

NEW BUSINESS:

Temple Judea – Final Land Development

Jeffrey Garton, Township Solicitor, indicated that this applicant is before the Board for final land

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development review. The site will be served by an on-lot septic system and private water. This matter was the subject of prior Zoning Hearing Board approvals and appeal and preliminary land development approval was granted by the Board of Supervisors on May 5, 2009. That it appears that most of the issues and conditions of preliminary approval have been met to date. The outstanding issue that seems to be paramount is that of traffic.

At this time Mr. Garton invited Dave Shafkowitz, attorney for the Grasso Tract, to make a presentation to the Board.

Mr. Shafkowitz indicated that he along with the Temple and area residents have been meeting to address traffic issues and believe that they have progressed to a resolution that would benefit all parties. He further indicated that his clients intend to provide a one-way cut through street from Rogers Road to Rt. 263 and that his client would be willing to install a traffic light at Rt. 263. They would agree to allow Temple traffic to utilize that access point.

Mr. VanLuvanee, representing Temple Judea, indicated that they have no objection and appreciate the opportunity to work with the neighbors and the Grasso Tract. He believes this is a satisfactory way to address traffic.

Ken Snyder, a resident, raised concerns about Temple congregants accessing Rogers Road, if it is not closed.

Mr. Shafkowitz indicated that at the September 30, 2009 meeting the Township Traffic Engineer suggested an alignment of the Temple with an access point meeting the Grasso Tract and the light at the Grasso parcel to access Rt. 263. This would be in lieu of a light at the end of Rogers. Although there was no plan pending, this mechanism could be put in place and would not be conditioned on any approvals by the Township.

A resident of Valley Drive indicated that there needs to be a restriction leaving the Temple site and that they don't want more traffic down Rogers Road.

Mr. Stram indicated that he would like to see a pork chop come in off of York and this would allow for less traffic.

Mr. Neff indicated that a pork chop is not a complete insurance and that Grasso and the Temple need to work to discourage most people from going on Rogers. He also indicated that money for traffic calming measures should be included. Left hand turn should be limited as well.

Mr. VanLuvanee indicated that the pork chop is not acceptable and that those who live in the area will benefit from the light at York Road.

Ms. Lyons had a question regarding traffic going down Rogers to Grasso.

Mr. Shafkowitz indicated that the condition that he believes would satisfy everyone is to go across the road to get to Rt. 263 and get into Grasso site and that his client is willing to contribute to traffic calming

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and this would help with no left turn from the Temple on to Rogers.

Mr. VanLuvanee indicated that with the traffic light you could make the move, why restrict congregants from not making a left.

Ms. Eisenhardt indicated that no-left turn from the Temple is needed. She also indicated that the idea of gates up along Rogers and fire gates that would open only to EMS and residents like at Poets Walk would be beneficial. They could be closed only during high traffic volume.

Mr. Garton indicated that you can't gate a public street.

Mr. O'Malley indicated that restricting the Temple from making a left hand turn from their driveway onto Rogers is a deal breaker.

Mrs. Bingler indicated that the use of a traffic light is an excellent idea but is concerned with traffic backups.

Lindsay Knight indicated that restricting a few congregants that live in the area from making a left is better than allowing the left hand turn traffic from the site. It may be an inconvenience but it shouldn't inconvenience the majority of residents who live in the area more than just a few congregants being able to make a left. They should utilize the Grasso cut through.

Mr. Neff commented that in and out of Old York Road and Rt. 313 will be helpful, but he is concerned about Swamp Road and Spring Valley.

Mrs. Streznewski indicated that the use of stop signs on East Street in Doylestown Borough is very helpful to eliminate traffic in the Cross Keys area and believes implementing a series of stop signs on Rogers Road will provide the same benefits in addition to traffic calming measures.

Mr. Miller, Turkey Lane, indicated that it is a small lane and busses have difficulty and sometimes drive on peoples lawns.

Mr. Shafkowitz indicated that it is inevitable that traffic is a problem, but restricting it and making Rogers Road safer with a variety of methods suggested will make it more bearable.

Mrs. Bingler asked that certain notes be included on the record plans to include numbers 32, 33, 34, 35, & 36 and also the full Zoning Hearing Board Decisions from both Zoning Hearing Board be included and that the eight additional trees offered at the October 13th Planning Commission meeting be included not only on the landscape plan but also on the record plan. She also believes that a comprehensive impact study should be provided and concerns about traffic were addressed in the initial Zoning Hearing Board testimony. She is also concerned that the traffic permits granted by PennDOT with previous developments will need to be obtained and whether those can be obtained as conditions of approval and that final decisions shouldn't be made until they are.

Mr. Garton indicated that was not how the preliminary approvals were written. They indicate that the

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Temple had agreed to the cost of design and installation of the traffic light but the decision to plan the traffic signal was up to the Township.

Mr. Garton indicated an open issue is whether or not the Board wants to take the right-of-way where the widening in front of the Temple property only occurs.

Mr. VanLuvanee indicated that his client is complying with the Ordinance and is willing to continue to comply, however it is up to the Board of Supervisors.

Mrs. Eisenhardt indicated that she believes the comprehensive traffic study is needed.

Mrs. Bingler commented that she appreciates the ability to ask questions. She is disappointed that she does not always getting an immediate answer. She would like to have a more open line of communication. She also agrees that the Traffic Engineer's comments of monitoring and feedback on traffic as well as 25 mph speed limit will be helpful.

Mr. O'Malley asked if it's the police function to enforce speeding or can anyone do it?

Mr. Garton indicated it's a police function.

Ms. Philo questioned the comments from Bucks County Planning Commission's 10/22/09 report. Mr. VanLuvanee commented that the 10/28/09 letter is the one that indicates no traffic related issues after conversation he had with Lynn Bush, Executive Director for the Bucks County Planning Commission.

Again, Mr. Shafkowitz commented that erecting one light with one-way cut through the Grasso property provides the access to Rt. 263 along with traffic calming measures should provide the best solutions. He also indicated that the Temple has indicated that it's willing to cooperate with Grasso but not be held up if this does not come to fruition.

Mr. VanLuvanee indicated that he believes this will work. He indicated that the Temple would like to begin construction in six month, but that might be optimistic. The Temple does not want to be delayed nor should it be delayed waiting for a solution but providing a year to 12/31/2010 for the Township and Grasso to reach conclusion would be beneficial and if things are not addressed at that time the Temple would pursue the light at Rogers Road and Rt. 263, but in 13 months, he believes that we'll have a better understanding of what's happening with the Grasso project.

A resident asked who would maintain the easement area and that it was indicated that it would be Mr. Grasso.

Mary Dodsworth, resident, wanted to know how people would access across Rogers Road and not have accidents. It was indicated that a 4-way stop would be installed.

Mr. Shafkowitz confirmed that the timing outlined by Mr. VanLuvanee sounds good and he has no objection.

Mrs. Eisenhardt inquired as to what happens if PennDOT does not approve either location for a light. Mr. VanLuvanee indicated that he believes that PennDOT will approve at least one of the locations and his traffic engineer and the Township's engineer as to the Grasso location seems beneficial but if neither were to be approved then the conditions remain as is.

At this time Mr. Garton outlined the conditions of approval. The plans approved were prepared by Gilmore & Associates, were dated August 30, 2009 and were last revised October 27, 2009. The approved plans also included landscaping plans prepared by Wells Appel dated October 30, 2008 and last revised October 14, 2009. It should be noted that Mr. Bennett recused himself and did not participate in discussion or vote on the application. The approval was subject to the following conditions:

1. Compliance with the conditions of Preliminary Land Development approval to the extent not modified by the Final Land Development approval, which said conditions were noted in a letter from the Township Solicitor to Gia Raffaelli, Esquire dated May 11, 2009;
2. Compliance with the Pickering, Corts & Summerson, Inc. review letter dated November 5, 2009 with the understanding that the Board of Supervisors will accept the dedication of the random width ultimate right-of-way along Rogers Road;
3. Compliance with items 2 and 3 as set forth on the report received from the Bucks County Planning Commission dated October 28, 2009;
4. Compliance with the Memorandum received from the Environmental Advisory Council dated October 26, 2009;
5. Compliance with the correspondence received from the Doylestown Township Municipal Authority dated October 13, 2009;
6. Compliance with the report received from Sinclair Salisbury dated October 13, 2009;
7. Compliance with the Pennoni Associates report dated October 7, 2009;
8. Receipt of all permits and approvals required from any and all agencies having jurisdiction including, but not limited to, the Pennsylvania Department of Transportation, Department of Environmental Protection, Board of Health and the like;

9. Funding and execution of Development and Financial Security Agreements in a form satisfactory to the Township Solicitor and Township Manager;
10. Notes 32, 33, 34, 35 and 36 shall be placed on the record plans such that the notes are recorded of record with the Recorder of Deeds of Bucks County;
11. The two (2) Decisions rendered by the Doylestown Township Zoning Hearing Board as it relates to this Application shall be reduced and noted of record on the plans to be recorded with the Bucks County Recorder of Deeds Office;
12. Eight (8) additional trees will be made available by the Applicant at its sole cost and expense to be used to fill in gaps in the buffer between the project and the adjoining neighbors with the understanding that the trees shall be placed at such locations as are determined to be appropriate among representatives of the Township, the Applicant and neighbors;
13. The Applicant agrees to modify its plans to reduce and/or eliminate widening along Rogers Road should the Township direct the Applicant to do so provided said direction is received prior to the commencement of any construction activities on site with the understanding that any monies saved by the Applicant by not installing all or a part of the frontage improvements shall be donated to the Township to be used for the design and construction of traffic calming measures on Rogers Road and other roads in the vicinity;
14. Applicant to contribute the cost of designing and installing one (1) traffic calming device on Rogers Road assuming the Applicant is not required to pay for the design and installation of a traffic signal at the intersection of Rogers Road and Route 263;
15. In lieu of designing and installing a traffic light at the intersection of Rogers Road and Route 263, as referenced in the Preliminary Plan approval, the Applicant agrees that the Applicant's congregants will make use of a private road to be constructed by the owner of the project across the street (Grasso) from the Applicant's site which said roadway will have direct access to Route 263 at a lighted intersection with the understanding that the cost of constructing the roadway and designing and installing the traffic light shall be borne by the owner of the property across Rogers Road from the Applicant's site;
16. The owner of the property across from the Applicant's site shall grant an easement to the Applicant to permit the Applicant's congregants to make use of the private road referenced previously in this approval;

17. In the event the property owner across Rogers Road from the Applicant's site does not complete the construction of the private road and the design and installation of the traffic light by the later of December 31, 2010 or six (6) months after the commencement of construction, then the Applicant may proceed with the design and installation of the traffic signal at Rogers Road and 263, which said design and installation shall be at the sole cost and expense of the Applicant;
18. The private road referenced previously in this approval shall be one-way with traffic permitted only to travel from the direction of Rogers Road to Route 263 through the site.

Mr. Strom wanted confirmation of the proposed widening in front of the Temple along with a bike trail.

Mrs. Eisenhardt recommended that we delay any decisions.

Mr. VanLuvanee commented that the Township ordinance makes no reference on restricting left turns.

Mr. O'Malley commented that if the Temple wants to help get this done this is a requirement, no left turns.

Mr. Neff continued, the no left turn signs can be installed but doesn't necessarily mean it's justified as part of the traffic study.

Mrs. Knight commented that without DEP approval and with the allowable increase in impervious surface from the Zoning Hearing Board and not understanding the difference between the percentage and the acreage question why final plan can be received.

Mr. Garton and Mr. Canales responded indicating that DEP approval is a condition of the preliminary plan and the impervious surface ratio per Zoning Hearing Board decision has been met

Ms. Philo asked further clarification on the Bucks County Planning Commission.

Mr. VanLuvanee again explained his conversation with Bucks County Planning Commission. Ms. Mason confirmed that she to spoke with the Bucks County Planning Commission as asked by Mrs. Lyons and was informed why the two letters were issued.

Ms. Eisenhardt commented that there is not enough traffic and traffic calming information. Even if it's a small number of people, restricting the left is obviously very important and a need for a comprehensive traffic study is also needed. The information doesn't make sense with hours and number of cars.

Rabbi Pokrus responded indicating that the drops off time vs. the pick up times are different depending on ages of children. Therefore the numbers do add up.

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Mr. Scarborough made a MOTION to approve the Final Land Development Plan with the conditions of as outlined by Mr. Garton.

Mrs. Lyons seconded the MOTION.

Mr. Bennett indicated that he would abstain from the vote. The MOTION failed with at 2-2 with Mrs. Eisenhardt and Ms. Philo voting nay.

Mrs. Lyons asked for the record that the nay votes be clarified.

Ms. Philo indicated that another MOTION could be made which would restrict a left turn out of the Temple with the same conditions as set forth by Mr. Garton.

Mrs. Eisenhardt indicated that she would not second such a motion.

At that point Ms. Philo made a MOTION to approve the final plan with the conditions outlined by Mr. Garton. The plans approved were prepared by Gilmore & Associates, were dated August 30, 2009 and were last revised October 27, 2009. The approved plans also included landscaping plans prepared by Wells Appel dated October 30, 2008 and last revised October 14, 2009. It should be noted that Mr. Bennett recused himself and did not participate in discussion or vote on the application. The approval was subject to the following conditions:

1. Compliance with the conditions of Preliminary Land Development approval to the extent not modified by the Final Land Development approval, which said conditions were noted in a letter from the Township Solicitor to Gia Raffaelli, Esquire dated May 11, 2009;
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3. Compliance with items 2 and 3 as set forth on the report received from the Bucks County Planning Commission dated October 28, 2009;
4. Compliance with the Memorandum received from the Environmental Advisory Council dated October 26, 2009;
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6. Compliance with the report received from Sinclair Salisbury dated October 13, 2009;

7. Compliance with the Pennoni Associates report dated October 7, 2009;
8. Receipt of all permits and approvals required from any and all agencies having jurisdiction including, but not limited to, the Pennsylvania Department of Transportation, Department of Environmental Protection, Board of Health and the like;
9. Funding and execution of Development and Financial Security Agreements in a form satisfactory to the Township Solicitor and Township Manager;
10. Notes 32, 33, 34, 35 and 36 shall be placed on the record plans such that the notes are recorded of record with the Recorder of Deeds of Bucks County;
11. The two (2) Decisions rendered by the Doylestown Township Zoning Hearing Board as it relates to this Application shall be reduced and noted of record on the plans to be recorded with the Bucks County Recorder of Deeds Office;
12. Eight (8) additional trees will be made available by the Applicant at its sole cost and expense to be used to fill in gaps in the buffer between the project and the adjoining neighbors with the understanding that the trees shall be placed at such locations as are determined to be appropriate among representatives of the Township, the Applicant and neighbors;
13. The Applicant agrees to modify its plans to reduce and/or eliminate widening along Rogers Road should the Township direct the Applicant to do so provided said direction is received prior to the commencement of any construction activities on site with the understanding that any monies saved by the Applicant by not installing all or a part of the frontage improvements shall be donated to the Township to be used for the design and construction of traffic calming measures on Rogers Road and other roads in the vicinity;
14. Applicant to contribute the cost of designing and installing one (1) traffic calming device on Rogers Road assuming the Applicant is not required to pay for the design and installation of a traffic signal at the intersection of Rogers Road and Route 263;
15. In lieu of designing and installing a traffic light at the intersection of Rogers Road and Route 263, as referenced in the Preliminary Plan approval, the Applicant agrees that the Applicant's congregants will make use of a private road to be constructed by the owner of the project across the street (Grasso) from the

Applicant's site which said roadway will have direct access to Route 263 at a lighted intersection with the understanding that the cost of constructing the roadway and designing and installing the traffic light shall be borne by the owner of the property across Rogers Road from the Applicant's site;

16. The owner of the property across from the Applicant's site shall grant an easement to the Applicant to permit the Applicant's congregants to make use of the private road referenced previously in this approval;
17. In the event the property owner across Rogers Road from the Applicant's site does not complete the construction of the private road and the design and installation of the traffic light by the later of December 31, 2010 or six (6) months after the commencement of construction, then the Applicant may proceed with the design and installation of the traffic signal at Rogers Road and 263, which said design and installation shall be at the sole cost and expense of the Applicant;
18. The private road referenced previously in this approval shall be one-way with traffic permitted only to travel from the direction of Rogers Road to Route 263 through the site; and
19. The exits from the Applicant's site shall include the appropriate signage, etc. so as to instruct the Applicant's congregants that no left turns out of the Applicant's site are permitted, it being understood that the exit from the Applicant's site must be conducive to traffic leaving the Applicant's site and entering directly across Rogers Road to the private road to be constructed by the owner of the property across Rogers Road from the Applicant's site.

The aforementioned conditions were approved by John VanLuvanee, Esq. on behalf of the Applicant.

Mr. VanLuvanee indicated that he conferred with his client and that if a second would be given to the motion, his client would accept the no left turn restriction from the driveway.

Mr. Scarborough seconded Ms. Philo's MOTION

Mrs. Lyons called the question and the MOTION carried 3-1-1, Mrs. Eisenhardt voted nay, Mr. Bennett abstained.

ANNOUCEMENTS:

The next Board of Supervisors meeting will be held on Tuesday, December 15, 2009 at 7:00pm.

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Leaf and Yard Waste Drop-Off Day, December 12, 2009 at Delaware Valley College from 9:00 am – 11:00 am.

ADJOURNMENT: 9:18 p.m.

Respectfully submitted by,

Stephanie J. Mason, Secretary