

Minutes from

August 17, 2010

Board of Supervisors Meeting

The Regular Meeting of the Doylestown Township Board of Supervisors was held at 7:00 p.m. on Tuesday, August 17, 2010 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 M. Philo and Richard F. Colello. Others in attendance included Township Manager; Stephanie J. Mason, Director of Operations; Richard E. John, Township Solicitor; Jeffery P. Garton, Chief of Police; Stephen J. White and Township Engineer; Mario Canales

PLEDGE OF ALLEGIANCE

EXECUTIVE SESSION:

Ms. Lyons announced the Board met in Execution Session, prior to the meeting, to discuss matters of litigation, contract and labor relations.

VISITORS / PUBLIC COMMENTS:

Attorney for Colonial Heritage Park and resident of 700 Pebble Hill Road; Mr. Peter Harrison approached the Board with his response to comments made at the July 20, 2010 Board of Supervisor meeting pertaining to Colonial Heritage Park, such as atrocious billing practices, possible class action suit and tenants having no recourse. Mr. Harrison first stated tenant / landlord actions are private and civil contract issues in which a Township has no business becoming involved and are a waste of resources should a class action suit occur.

Mr. Harrison then address Ms. Mason's letter of July 26, 2010. Upon speaking with the Department of Health, Department of Environmental Protection, Code Enforcement of Doylestown Township and New Britain Boro, Department of Consumer Protection and Chief of Police; Mr. Stephen White it has been confirmed there were no violations of any laws that were unresolved. After several attempts in his letters dated August 2nd, 4th and 6th, no response was made to his request for a detailed list of charges against Colonial Heritage Park's management company, since the letter of July 26th did not constitute any violations that were true. As a result, Mr. Harrison feels his clients needed not to attend the August 9, 2010 meeting as per Mrs. Lyons request.

Mr. Harrison pointed a conflict of interest between the second attorney for Colonial Heritage Park; Mr. Timothy Duffy and Township Solicitor; Jeffery P. Garton. Mr. Harrison indicated both worked at Begley Carlin & Mandio, LLP when the mobile home was purchased in March of 2004 and through 2008, when Mr. Duffy remove himself from the case. Mr. Garton stated Mr. Duffy left the firm prior to the letter being written.

Mr. Harrison then announced an illegal search and seizure was conducted when a township staff member performed a water sampling on the Park's property without consent or a search warrant. According to a conversation with Director of Operations; Mr. Richard John, the sample was to test for benzene, which is a byproduct of fuel oil. Mr. Harrison disagreed with the performance of the test by stating benzene is a byproduct of unleaded gasoline, in which the property does not provide. Also, according to a private test conducted, no benzene was found in the property's water. Mr. Harrison informed the Board that a result to this action will be addressed in the future.

Mr. Harrison's final comment was to the participation of Mrs. Lyons in the case. He feels Mrs. Lyons actions with respect to several correspondence using business stationary is a result of an

advocate to the case and she should be disqualified from resuming any participation with respect to Colonial Heritage.

Mr. Harrison concluded by stating his client objects to the actions of the Board of Supervisors and argues they are violating Colonial Heritage's constitutional and civil rights with false accusations made pertaining to the operations of the park. As a consequence the following releases are requested...

A. The participation of the Doylestown Township Board of Supervisors is to be removed immediately from the Colonial Heritage matters that do not violate Township regulations, laws or ordinances.

B. Township Solicitor; Jeffrey P. Garton not be permitted to advise the township with respect to Colonial Heritage.

C. There is no additional seizure of property from the Colonial Heritage Park without the permission of Mr. Peter Harrison, Esq. or without a search warrant.

D. Mrs. Barbara Lyons be disqualified, due to her comments at the July 20, 2010 Board of Supervisors meeting towards the management company of Colonial Heritage and actions towards the case.

Ms. Philo questioned how many lawyers are representing Colonial Heritage. Mr. Harrison answered both Mr. Duffy and himself is representing the client.

Mrs. Lyons asked Mr. John to respond to the water sampling matter. Mr. John indicated the township received several complaints about the water at the property and contrary to Mr. Harrison's statement, benzene is a byproduct of fuel oil at a rate of 15 to 20 percent and the tests included other volatiles. Mr. John continues by stating it is not an uncommon practice to perform water sampling at the request of concerned residents. He then noted the township representative did receive permission from an employee of Colonial Heritage Park prior to performing water sampling test, which was taken from the office's sink.

Since no other person was carbon copied on his letters regarding this matter, Mrs. Eisenhardt asked if Mr. Harrison represents himself or Colonial Heritage Park. Mr. Harrison answered; the letter indicates he represents Colonial Heritage and others were carbon copied, but did not wish to disclose the names at this time.

Resident: Lee Schwartz commented that since Mr. Harrison is disparaging the township, Colonial Heritage should provide some method to readdress any issues presented.

Resident: Mr. Joseph Paternostro of Houk Road commented he prefers the Board of Supervisors representing residences as advocates.

Mrs. Lyons conveyed that after a recent meeting, District 10 Senator; Charles T. McIlhinney Jr. offered to meet with Colonial Heritage residents at their convenience with the Department of Environmental Protection.

Resident: Ernest Gash of Wilkshire Road informed the public that cross country races will not be held this year in Central Park. They will be held at Central Bucks South High School.

ANNOUNCEMENTS:

The Board of Supervisors will NOT hold a meeting on Tuesday, September 7, 2010

Doylestown Township Administrative Offices will be closed on Monday, September 6, 2010 on observance of Labor Day.

The next Board of Supervisors meeting is scheduled for Tuesday, September 21, 2010, 7:00 p.m. at the Doylestown Township Municipal Building.

The Township is hosting a bus trip to Ellis Island/Statue of Liberty, New York on Saturday, September 11, 2010. Cost is \$48.00 per person and contact township offices for availability.

No Child Left Inside World Wide Day of Play Event will be held on Saturday, September 25, 2010 from 11:00 a.m. to 1:00 p.m.

MINUTES APPROVAL:

Mrs. Lyons made a MOTION to accept the July 20, 2010, Board of Supervisors meeting minutes, seconded by Mr. Scarborough.

MOTION was ADOPTED 4 to 0, with Mrs. Eisenhardt abstaining due to her absence.

CORRESPONDENCE: Visiting Nurse Association Community Services – Donation Request

The Board agreed by consensus the township is unable to provide a donation at this time.

REPORTS:

SOLICITOR: No Report

CHIEF OF POLICE: DEA Drug Drop Off

Mr. Scarborough made a MOTION to have the Environmental Advisory Committee (EAC) on behalf of the Police Department hold a drug drop off at the Township's Municipal Building on Saturday, September 25, 2010 in order to collect old prescriptions from residents to avoid violation of the Clean Water Act to be funded by the Drug Enforcement Administration, seconded by Ms. Philo.

MOTION was ADOPTED 5 to 0.

Mrs. Lyons added that on November 13, 2010 the Drug Free Community Coalition is sponsoring an American Medicine Chest Event, more details to follow. Mrs. Lyons also alerted the public of a synthetic marijuana being distributed in Doylestown Township. The substance is a derivative from incense that is legal, but hazardous with a narcotic affect. Mrs. Lyons urged all residents alert their friends and neighbors to this substance, due to a recent death of a child. A representative from State Representative; Marguerite C. Quinn's office is co-sponsoring a law to outlaw this substance. A resident questioned if over the counter drugs can be dropped off. Chief White answered; all prescription and non-prescription medication can be dropped off to avoid placing in sewers and all information regarding the event will be advertised in the police department's website.

TOWNSHIP ENGINEER: No Report

TOWNSHIP MANAGER: No Report

SUPERVISORS:

Mr. Colello informed the public of several pending items to include...

1) The Planning Commission will recoup over \$1,000.00 a year from advertisement costs, due to only posting meeting agendas through the township's website.

2) Mr. Colello attended the Environmental Advisory Council (EAC) Energy Seminar on July 27, 2010 and found it to be very informative. One in particular project was PECO Energy Smart Idea plan giving any resident \$35.00 to allow them to discard any non-producing appliance, such as, a refrigerator or air-conditioner.

Ms. Philo thanked Central Bucks Ambulance and the Red Cross for their recent blood drive and encouraged residents to give blood during the summer, due to low blood supply.

Mr. Scarborough also attended the EAC Energy Seminar and indicated many of the programs were in-depth to include the proper way to use solar power, save electricity and several options on generating power to residential homes. Mr. Scarborough also informed the public of the Doylestown Borough Council meeting in which he, Mr. Colello, Mrs. Lyons and Ms Mason attended to discuss residences that are adjacent to Shady Retreat Road, where a cell tower is proposed to be installed. A suggestion was presented to instead, place the cell tower near a water tower in Doylestown, due to its higher elevation, but was rejected. Mrs. Lyons added an overlay and district was created and headway may have been considered to position the cell tower further away from the adjacent properties and closer to the Harvey Avenue site.

With sincerity, Mr. Colello commended on Township Manager; Stephanie Mason's commitment to the township by attending all events and meetings and thanked her for all of her hard work.

Mrs. Eisenhardt provided the Board a draft resolution relative to building permit fee waivers to non-profit organizations for their consideration to be discussed at the September 21, 2010 Board of Supervisors meeting. Mrs. Eisenhardt then informed the public that Bucks County Water & Sewer Authority will move forward with a feasibility study for Pebble Ridge. Carroll Engineering was awarded the bid in the amount of \$2,500.00. Finally, Mrs. Eisenhardt thanked Mr. John for his time and hard work regarding the Cross Keys water project. 40 Doylestown and 5 Buckingham residential homes have been connected to the public water system. Mrs. Lyons added the connection was completed ahead of schedule in all areas, which Harrisburg found unheard of.

Mrs. Lyons informed the public that PECO Energy representative; Mr. Ted Dorand provided his comments upon the recent Colonial Heritage Park meeting of August 9, 2010. Mrs. Lyons also secured a copy of House Bill 2212 from State Representative; Marguerite Quinn's office, which is an act providing for the rights and duties for mobile home owners and residents. House Bill 2212 has been passed by the House of Representatives and is currently being reviewed by the Senate. Mrs. Lyons made a MOTION to propose the Doylestown Township Board of Supervisors resolve to endorse House Bill 2212 and also asked the Pennsylvania Association of Township Supervisors (PSATS) to endorse the passage of House Bill 2212.

Ms. Philo requested time to first review House Bill 2212 and see what position the bill is currently in and have the opportunity to consider the motion at the September 21, 2010 Board of Supervisors meeting.

MOTION WITHDRAWN

PUBLIC HEARING:

Proposed Brush, Grass & Weed Ordinance Amendment

Mr. Garton provided the Board with a brief history of the ongoing progress of the ordinances to include recorded advertisement of each ordinance in The Intelligencer, a copy has been provided to the Bucks County Law Library and The Intelligencer, copies of the Sub-Division Land Development and Zoning Ordinance proposal has been sent for comment to the Bucks County and Doylestown Township Planning Commission.

Mr. Scarborough requested clarification regarding the Environmental Advisory Committee (EAC) request to postpone the ordinance until the September 21, 2010 Board of Supervisors meeting, until their amendments were added to the ordinance. Ms. Mason indicated a memo from the EAC

indicating their request to postpone.

Mrs. Eisenhardt made a MOTION to table the proposed Brush, Grass & Weed, Woodland Protection/Invasive Species SLDO and Woodland Protection/Invasive Species Zoning Ordinance Amendments until the September 21, 2010 Board of Supervisors meeting, subject to changes and/or additions recommended by the Environmental Advisory Committee (EAC), seconded by Mr. Scarborough.

Ms. Mason questioned if the EAC's amendments are only to the Brush, Grass & Weed Ordinance. Mr. Scarborough answered; the EAC have recommended changes to all ordinances. MOTION was ADOPTED 5 to 0.

UNFINISHED BUSINESS:

Solar Energy Ordinance – Request to Advertise

Ms. Philo made a MOTION to approve advertisement of the Solar Energy Ordinance, seconded by Mr. Scarborough.

MOTION was ADOPTED 5 to 0.

New Apostolic Church Sketch Plan – Request to Waive Land Development process

Mr. Garton provided a brief history of the ongoing parking lot expansion and sewer issue process of the church to include an endorsement from the Doylestown Township Planning Commission and is now requesting a waiver from land development process. Attorney for the New Apostolic Church; Mr. Herbert Sudfeld added variances were granted from the Zoning Hearing Board related to the proposed parking area and provisions of islands as well. Upon several meetings with neighboring residents and township staff Mr. Sudfeld provided a sketch plan to include the addition of 55 trees, plus shrubbery and the church has agreed to donate and plant an additional 40 trees along the township parks system. Finally, Mr. Eric Clase of Gilmore and Associates met with Township Engineer; Mario Canales to develop an acceptable stormwater management solution for the property. Mr. Sudfeld then requested the Board approve a Land Development Waiver for the parking lot expansion of 12 additional lots.

Mr. Garton stated if the Board was inclined to approved the waiver of land development, in addition it would be waiving certain requirements of the Sub-Division Land Development Ordinance, identified in the Doylestown Township Planning Commission minutes of July 26, 2010. In addition, the approval of land development would be condition to the following...

1. Compliance with the decision of the Doylestown Township Zoning Hearing Board;
2. Applicant to execute a Waiver of Land Development Agreement in a form approved by the Township;
3. Applicant to install the trees as shown on the plan submitted to the Township and shown to the Board of Supervisors at their meeting held on August 17, 2010;
4. In lieu of providing all of the additional trees in addition to those shown on the plan referred to in the preceding paragraph of this letter due to the applicant's prior removal of trees, the applicant agrees to contribute and plant forty (40) trees measuring at least three (3") inches in caliper at a location to be determined by the Township but generally in the area of the game grove in the Central Park;
5. Applicant to install stormwater facilities consistent with the Agreement reached with the Township Engineer;
6. Applicant to pay any and all expenses incurred by the Township in connection with the application including engineering, planning and legal fees; and
7. By granting the waiver of land development, the Board of Supervisors also waived certain provisions of the Subdivision and Land Development Ordinance as follows:
 - (a) Section 153-20 and 153.21 - from the requirements to make a full Land Development submission to the Township;
 - (b) Section 153-25, 153-26, 153-33.H - from providing sidewalks and curbing along Pine Run Road and Rickerts Road;
 - (c) Section 153-28.D - from providing a 24' wide access driveway, the existing driveway is 20';
 - (d) Section 153-28.F - from providing a planting buffer around the proposed parking area;
 - (e) Section 153-34 - from providing landscaping, buffer plantings and street trees as required by

the Ordinance;

(f) Section 153-34.B.2(c) - A partial waiver was granted to park within a side buffer yard as this is an existing non-conformity that is being slightly increased;

(g) Section 153-34.C - A partial waiver was granted from woodlands and tree preservation;

(h) Section 153-36 - from providing any additional site lighting and/or street lighting;

(i) Section 153-38 - from providing stormwater management except as set forth in this letter as noted above; and

(j) Section 153-43 - from providing monuments;

8. In addition, the Board of Supervisors granted a waiver from the Neshaminy Creek Watershed Stormwater Management ordinance to the extent that the provisions of Section 148 22 would require that the applicant to provide groundwater recharge as the applicant will be providing stormwater BMP devices which maximize cleansing the stormwater runoff prior to entering the adjoining farm. The Board of Supervisors agreed that infiltration testing is not necessary.

Mr. Sudfeld indicated the New Apostolic Church as agreed to all conditions.

Mr. Scarborough made a MOTION to approve waiver of Land Development for the New Apostolic Church as per the conditions set forth by Township Solicitor; Mr. Jeffrey P. Garton, seconded by Mrs. Eisenhardt with comments.

Mrs. Eisenhardt made a MOTION to request the applicants consider planting the 40 donated trees to the new Game Grove developed in Central Park. Mr. Garton indicated it was the consensus to do so and recommended Mrs. Eisenhardt places the request in a form of a motion.

Mr. Colello commented how he believes in the motion to approve land development because it's a perfect example of a community and township working together.

MOTION was ADOPTED 5 to 0.

Mrs. Eisenhardt made a MOTION to have 40 additional trees donated by the New Apostolic Church directed to be planted as part of the Game Grove Project, seconded by Mr. Colello.

MOTION was ADOPTED 5 to 0.

NEW BUSINESS:

152 Swamp Road – Public Sewer Hook-up (Grinder Pump)

Mr. Scarborough made a MOTION to approve public sewer connection 152 Swamp Road, seconded by Mrs. Eisenhardt.

Ms. Philo requested clarification if a grinder pump will be used to connect. Ms. Mason answered yes.

MOTION was ADOPTED 5 to 0.

Proposed Property Maintenance Ordinance – Request to Advertise

Ms. Philo made a MOTION to authorize advertisement of the Proposed Property Maintenance Ordinance as part of the rules and regulations of Doylestown Township, seconded by Mr. Colello.

Mr. Garton informed the Board at least three copies of the book should be available for the Law Library, The Intelligencer and at the Township building. Ms. Philo questioned if the ordinance will address grandfathering rules. Mr. Garton answered it would not. Mrs. Eisenhardt provided a phone number to order a copy, (800) 786-4452.

MOTION was ADOPTED 5 to 0.

Request for RFP for Acquiring a Loan

Ms. Mason reminded the Board the 2010 Township Budget anticipated a loan in the amount of \$410,000.00 for a number of items. The Ways and Means Committee recommends seeking a loan to move forward with capital projects. Ms. Mason then noted the Debt Services account has sufficient amount to cover the pay back of the loan over a five year period.

Mr. Scarborough made a MOTION to authorize Request for Proposals (RFP) to acquire a loan in the amount of \$410,000.00, seconded by Mrs. Eisenhardt.

MOTION was ADOPTED 5 to 0.

Township Bids – Asphalt Shingle Roof Replacement / Township Building

Mr. Scarborough made a MOTION to approve an Asphalt Shingle Roof Replacement in the amount of \$20,215.00 to KPI#2 Inc. for the Township Municipal Building upon the receipt of the \$410,000.00 Loan, seconded by Mrs. Eisenhardt.
MOTION was ADOPTED 5 to 0.

Township Bids – Baseball Backstops / Turk Park

Ms. Philo made a MOTION to REJECT bids submitted for the Baseball Backstops at Turk Park and resubmit Request for Proposals, due to a misunderstanding with specifications as per the request of Director of Operations; Mr. Richard John, seconded by Mrs. Eisenhardt.
MOTION was ADOPTED 5 to 0.

TREASURER'S REPORT

Mr. Scarborough made a MOTION to approve the August 13, 2010 Treasurer's Report, seconded by Mrs. Eisenhardt.
MOTION was ADOPTED 5 to 0.

BILL'S LIST

Mr. Scarborough made a MOTION to approve the August 12, 2010, Bill's List in the amount of \$674,385.53, seconded by Mrs. Eisenhardt.
MOTION was ADOPTED 5 to 0.

ANNOUNCEMENTS:

The Board of Supervisors will NOT hold a meeting on Tuesday, September 7, 2010
Doylestown Township Administrative Offices will be closed on Monday, September 6, 2010 on observance of Labor Day.

The next Board of Supervisors meeting is scheduled for Tuesday, September 21, 2010, 7:00 p.m. at the Doylestown Township Municipal Building.

The Township is hosting a bus trip to Ellis Island/Statue of Liberty, New York on Saturday, September 11, 2010. Cost is \$48.00 per person and contact township offices for availability.

No Child Left Inside World Wide Day of Play Event will be held on Saturday, September 25, 2010 from 11:00 a.m. to 1:00 p.m.

Prescription and Non-Prescription Drug Disposal will be available on Saturday, September 25, 2010. Please view Doylestown Township Police Department website for details.

ADJOURNMENT: 7:58 p.m.

Respectfully submitted by;

Stephanie J. Mason, Secretary