

**Minutes of the  
May 3, 2011  
Board of Supervisor's Regular Meeting**

The Regular Meeting of The Doylestown Township Board of Supervisors was held at 7:00 p.m., Tuesday, May 3, 2011 in 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; Richard F. Colello, Supervisors; E. Thomas Scarborough, Jr., Barbara Eisenhardt and Cynthia M. Philo. Others in attendance included Township Manager; Stephanie J. Mason, Director of Operations; Richard E. John, Township Solicitor; Jeffrey P. Garton, Chief of Police; Stephen J. White, Township Engineer; Mario Canales

**PLEDGE OF ALLEGIANCE**

**BOARDS & COMMISSION:**

The Board met prior to the meeting, to discuss interviews of Boards and Commissions.

**EXECUTIVE SESSION:**

The Board met in Execution Session, prior to the meeting, to discuss matters regarding status of Police negotiations and litigation.

**PRESENTATION:**

The Grasso Group – York & Swamp Association Proposed Land Development

Mr. Garton provided a brief history of the ongoing York & Swamp Associates Land Development plan to include a pending litigation involving an appeal of a denial from the Zoning Hearing Board for relief to have a commercial building larger than 10,000 square feet. York & Swamp Associates' Attorney; Marc B. Kaplin added the site is a total of 17 acres and currently split between six acres of frontage zoned C1 and an additional rear eleven acre zoned LI.

The C1 District regulations permit a wide variety of retail uses, however, limits the size of individual businesses that can be located in the buildings at 10,000 square feet. Although, the Grasso Group can construct a building up to 10,000 square feet, because of these regulations, it cannot be leased to a single tenant. This includes a pharmacy and/or restaurant. Therefore, Mr. Kaplin has advised his clients neither of the two provisions are legitimate exercises of governmental police power. With the LI District regulations, limited industrial use such as, kennels, daycare, auto body repair and shops and fuel storage with no limitation on size of individual buildings or businesses are allowed.

The applicants have submitted variance and rezoning applications, which were both denied. Currently the rezoning application to have a pharmacy in a 13,000 sq. ft. building is under appeal to the Court of Commons Pleas. In this economy, the Grasso Group can no longer afford providing the Board with different options for land development and zoning changes. In order to present their legal position with regards to zoning, Mr. Kaplin offered three alternate development plans for the Board's review.

- 1) The first sketch plan depicts the development of the frontage six acres under C1 District and rear eleven acres under existing LI District regulations. The total of 48,000 square feet of warehouse with an 8,400 square foot daycare center and a water and cell tower is under LI District are considered by-right with

permitted uses under the zoning ordinance and only approval of land development plans required.

Three buildings will be under C1 District along York Road are designed with a 13,000 square foot CVS pharmacy, 2,300 square foot bank and 7,000 square foot restaurant. Mr. Kaplin believes the restrictions under C1 District on uses more than 10,000 square feet or restaurants are arbitrary, irrational and therefore invalid. If needed, York and Swamp Road Associates, along with Mr. Grasso are prepared to challenge the ordinance on this basis. If this sketch plan was to proceed, the applicants have no alternative but to move forward under a by-right plan by filing a fully engineered land development plan in accordance with the LI District and challenge the district regulations in order to permit the pharmacy. Mr. Kaplin stated this plan is not the best alternative for the applicant or neighboring residents, but it is what the property is zoned.

- 2) This sketch plan depicts the land development plan for the entire site in accordance with C1 District use regulations. The plan includes a 13,000 square foot pharmacy, 4,300 square foot bank along York Road and 38,000 square foot of retail and restaurants on LI District. Again, the plan will assume invalidation of uses under the C1 District, which prohibits restaurants and the applicants that will be challenged on this basis.

Mr. Kaplin then asked York and Associates' Consultant; Dennis Glackin to explain the third land development plan alternative.

- 3) The mix-use plan will keep the C1 District use on the front of the property that introduces a retail store, bank and pharmacy. The LI District becomes a transitional use of 63 townhomes with a road through the site and stormwater management areas. The plan will also allow sanitary extension to the sewer lines through the west of the site. Mr. Kaplin added a traffic light will be provided from Rogers Road to nearby Temple Judea and access to York Road.

Mr. Kaplin emphasized that Mr. Grasso has to proceed with the development of the property. If there is an interest in the mix-use plan, he suggests finalizing the plan by using the existing zoning appeal and enters into a settlement agreement. Upon agreement the applicants will submit an engineered plan. If any of the plans are denied, the applicant will resubmit a new plan that will require a decision that is not discretionary.

Mr. Colello asked if any of the plans can be built as by-right. Mr. Kaplin answered; the industrial plan for the last eleven acres can be built as by-right limited to the C1 District 10,000 square feet use regulations. Mr. Colello then questioned if any variances will be required for the 13,000 square foot pharmacy as stated in the first plan alternative. Mr. Kaplin answered; waivers may be required under the Subdivision Land Development ordinance (SALDO) once an engineered plan is developed. Mr. Colello wondered what Mr. Kaplin believes would be a rational building size for the retail store. Mr. Kaplin believes within the mix-use plan, up to 15,000 square foot of retail store will be rational.

Mrs. Eisenhardt asked Mr. Garton for the status of the traffic light permit. Mr. Garton indicated currently there may only be a Pennsylvania Department of Transportation (Penn Dot) permit for the access road with a traffic light. He believes no permit for a traffic light on Rogers Road at Rt. 263 has been applied for yet. Mrs. Eisenhardt then questioned if there will be an access road from the Grasso property to Temple Judea. Mr. Kaplin indicated a road is shown in two of the three plans presented, but something can be worked out.

Mr. Kaplin then addressed several questions from the public.

Resident; Mary Compass of Valley Drive, Furlong questioned what are the regulations for cell towers in residential areas and the impact will they have. Answer; Cell towers are permitted under the LI District.

Resident; Dave Full of Furlong questioned what is the proposed sewerage connection. Answer; the plan will connect from Bucks County Water and Sewer, details were not provided.

Mrs. Eisenhardt asked how many equivalent dwelling units (EDU) will be designated to the property as per the 537 plan. Mr. Kaplin could not answer the question.

Resident; Sue Binger of Turkey Lane, Furlong questioned if a restaurant is allowed under C1 District. Answer; it was not allowed.

Resident; Lee Schwarz of 189 Sunset View Drive asked if the Grasso Group was aware of the C1 District regulations when the property was purchased and of the three alternate development plans, which offers the best tax situation for the township. Mr. Kaplin could not answer either question. Mr. Garton indicated it would depend upon the best assessment of each property completed by various taxing agencies.

Resident; Mark Fetter of Old Nursery Way questioned if public hearings will be scheduled. Mrs. Lyons indicated yes. Mr. Fetter then suggested the applicants consider developing a site that will be more in character with the neighborhood, such as large homes.

Resident; Phyllis Scarpill of Spring Valley Road questioned if tractor trailers be allowed to enter Rogers Road. Answer; currently the property is zoned to allow tractor trailers on Rogers Road.

Resident; Pierre Menard of 1 Old Nursery Way asked if the plans can be switched. Mr. Kaplin believes the plans will work as designed.

**VISITOR / PUBLIC COMMENTS:**

Resident: Ernie Gash of 15 Wilshire Road asked if the Bucks County Senior Games can be televised on Doylestown Television and/or posted on the website. Track events will begin Saturday, June 4, 2011.

Mrs. Lyons announced Delaware Valley College's eight year old thoroughbred Clydesdale, Maggie broke the Guinness Book of World records by correctly identifying twenty one numbers in one minute. The record was nineteen. The event was timed by Mr. Gash and witnessed by Mrs. Lyons.

Resident; Lee Schwarz asked if anything can be done to cut the foot high grass along a section of the new highway near his property. Ms. Mason will contact Penn Dot and have the grass cut.

Resident; Marylou Streznewski of 22 Book Drive in Furlong commented on the Grasso Group presentation by indicating the developer should not be allowed to get away with anything until all questions can be answered in detail, such as what sewer line will be utilized.

**ANNOUNCEMENTS:**

The next Regular meeting of the Doylestown Township Board of Supervisors is scheduled for Tuesday, June 7, 2011 in the Municipal Building.

A Dedication of the Environmental Education Center in memory of Edgar Putman will be held on Friday, May 13, 2011 at 10:00 a.m.

The Doylestown Township Administrative Offices will be closed on Tuesday, May 17, 2011 for Primary Election Day.

The Touch – a – Truck event is scheduled for Saturday, May 7, 2011 from 1:00 to 4:00 p.m., at Central Park (free)

Phillies' Home Run Derby will be held on Thursday, May 19, 2011 from 4:30 p.m. until Dusk at Turk Park. Pre-registration is required. Contact Township Administrative Office for details (free)

The Doylestown Township Administrative Offices will be closed on Monday, May 30, 2011 in observance of Memorial Day.

Annual Doylestown Township Golf Outing event is scheduled for Monday, June 6, 2011 at the Doylestown Country Club. (Foursomes are available)

**MINUTES APPROVAL:**

Mr. Scarborough made a MOTION; seconded by Mrs. Eisenhardt the April 5, 2011, Board of Supervisors regular meeting minutes.

MOTION was ADOPTED 5 to 0.

**CORRESPONDENCE:** None

**REPORTS:**

**SOLICITOR** No Report

**TOWNSHIP ENGINEER:** No Report

**POLICE CHIEF:**

Appointment of Fire Police

Mr. Scarborough made a MOTION; seconded by Mrs. Eisenhardt the Doylestown Township Board of Supervisors appoint FP 19-11, Nicholas Popchuk, Jr. as the additional Fire Police Officer for the Doylestown Fire Company #1, as recommended by Police Chief Stephen J. White.

MOTION was ADOPTED 5 to 0.

Bucks County Police Memorial Ceremony – May 16, 2011

Chief White urged the public to attend and spread the word of the Bucks County Police Memorial Ceremony honoring the officers who have paid the ultimate price while protecting our communities, to be held on Monday, May 16, 2011, beginning at 7:00pm at St. Andrew RC Church located on Swamp Road in Newtown PA.

**TOWNSHIP MANAGER:**

Request for Credit Card Processing

Mr. Scarborough made a MOTION; seconded by Mrs. Eisenhardt the Doylestown Township Board of Supervisors approve the option of credit card payment for Water Bills, Permits, Park & Recreation sales , and all other point of sale.

Ms. Philo questioned the yearly cost of \$364.00. Special Projects Manager; Sandra Zadell indicated the fee of \$364.00 includes set up, but each year will depend on volume at an average cost of \$1.34 per every \$100.00 transaction.

MOTION was ADOPTED 5 to 0.

Doylestown Township Photo Contest

Due to a lack of participants, the Doylestown Township "A Great Place to Live, Work and Play! Photo Contest will be postponed until 2012.

PA State Fair

President and Owner; Rick Reithoffer from the PA State Fair expressed an interest in holding the fair at Turk Park. For the Board's consideration Ms. Mason presented a preliminary proposal which outlines economic impact, carnival activities, education and net percentage from the fair of \$50,000.00 that will be paid to the township, plus expenses incurred. The Ways and Means committee and Park & Rec suggested the Township meet with representatives of the fair and township to discuss the proposal in detail. Recommendations could and then be presented to the Board at a later date.

A discussion ensued amongst the Board regarding how the township can take on this huge endeavor and the impact to the community, traffic, congestion and timing of the event.

Resident; Jackie Hayes of Oak Drive voiced her concern with Route 611 traffic and the impact the fair will cause on a already congested road.

Mrs. Lyons encouraged the public to contact the Administrative offices with their concerns and comments for the Board's review. Consensus was to have the staff meet with the representatives from Reithoffer.

DTMA – Naming of Public Works Building

Ms. Mason presented a copy of a plaque renaming the Doylestown Township Municipal Authority's public works building to Berry / Gilmour Building in memory of the township's long standing committee members, Walter C. Berry and C. Allan Gilmour

**SUPERVISORS:**

Mrs. Eisenhardt questioned if letters will be going out to neighboring residents near the water main off Turk Road, regarding possible interest in public water service connection. Mr. John clarified the letters going to nearby residents are regarding the water main, not side streets. Mrs. Eisenhardt then questioned if the residents of the side road are eligible for possible connection and what will the cost be. Mr. John responded; the side street residents will be eligible for connection if the water main is extended. The Authority normally doesn't run a water main unless there are 2/3 of signed-on residents on a whole or partial road. The average cost on a per lot basis would be approximately \$15,000.00.

Mrs. Eisenhardt's final comment was a suggestion the Board considers scheduling a separate meeting for public comments regarding the York & Swamp Associates Land Development Plan without the developer present. The Board agreed.

Resident; James Bingler of Turkey Lane, Furlong wondered the sense of talking will have when the developer is resistant to listening to the suggestions of the public. Mr. Bingler then asked Ms. Mason what discussion she had with the developer. Ms. Mason responded the developer was primarily interested in the 63 townhome plan, but the

township noted several issues. Mr. Binger then suggested the Board change the zoning to R1 and avoid spot zoning. Mr. Garton responded; there is currently pending litigation and the Board will discuss options in detail.

Resident; Marylou Streznewski asked how were the residents be notified of the meeting. Ms. Mason answered; 75 letters were sent to residents. For a larger attendance, a larger facility will need to be reserved. For better service, tonight's meeting will be televised twice a day until the next Board of Supervisors meeting.

Mr. Scarborough reported 40 trees were planted along the game grove during Arbor Day on Saturday, May 7, 2011 and congratulated the Park & Recreation Board and Environmental Advisory Council on a job well done. He then congratulated Ms. Mason on receiving the 22<sup>nd</sup> Leadership Award at the April 20, 2011 PSATS convention and thanked her for her hard work.

Ms. Philo made a MOTION; seconded by Mr. Scarborough the Doylestown Township Board of Supervisors appoint Kelly McGowan as member of the Environmental Advisory Committee.

MOTION was ADOPTED 5 to 0.

Ms. Philo made a MOTION; seconded by Mr. Scarborough the Doylestown Township Board of Supervisors appoint Edward Denton as a member of the Ways and Means Committee.

MOTION was ADOPTED 5 to 0.

Ms. Philo recently attended the Pennsylvania Recreation and Parks Society meeting where Doylestown Township was given two awards and congratulated the Parks & Recreation staff for a job well done. She then informed the public signage for the Friends of Doylestown Township Dog Park are currently posted at Turk Park III.

Mr. Colello reported the Environmental Advisory Committee will host the Summit on May 25, 2011 at 7:00pm on the campus of Delaware Valley College. Information will be posted on [www.doylestownpa.org](http://www.doylestownpa.org).

The Performing Arts Council is beginning the Sounds of Summer Concert Series on June 29, 2011 with performances by Almost Fab. Information will be posted on [www.doylestownpa.org](http://www.doylestownpa.org). The special fireworks display will be presented on July 3, 2011.

Upon receiving several phone calls regarding the Board declining bids from city sweepers, Mr. Colello explained the service is an unfunded mandate and asked Mr. John to provide a better explanation. Mr. John stated under the Clean Streams law townships are regulated to clean streets twice a year to lessen the impact of sedimentation of dirt into our streams. Since the price of this service roused from \$13,000.00 to \$25,000.00, the Township will look into additional bidders to find the best price.

Mrs. Lyons requests the assistance of Police Chief White to reduce the speed from 35 to 25 miles per hour on East Road. She also seeks the assistance of Mr. John to research how the area can become safer. As a resident of East Road, Mrs. Lyons witnessed several accidents, due to a culvert and speeding which makes the area very dangerous. Chief White will look into the matter and provide recommendations.

**PUBLIC HEARING:**

Proposed Ordinance Amending SALDO to comply with the Neshaminy Creek Watershed Act 167 Stormwater Management Requirement

Public Comment: None

Mr. Scarborough made a MOTION; seconded by Mrs. Eisenhardt the Doylestown Township Board of Supervisors approve the proposed ordinance amending the Subdivision of Land Development Plan (SALDO) to comply with the Neshaminy Creek Watershed Act 167 Stormwater Management Requirements as prepared by Township Engineer; Mario Canales and Township Solicitor; Jeffrey P. Garton including comments from the Environmental Advisory Committee and Planning Commission.

MOTION was ADOPTED 5 to 0.

**UNFINISHED BUSINESS:**

Land Development – Doylestown Executive Quarters / Silver Maple Farm Review Extension

Mr. Scarborough made a MOTION; seconded by Mrs. Eisenhardt the Doylestown Township Board of Supervisors approve the Doylestown Executive Quarters / Silver Maple Farm request for an extension of time to Doylestown Township until July 15, 2011.

Mrs. Eisenhardt questioned if the applicants are past the allotted extensions required. Ms. Mason answered; the Planning Commission approved the extension and applicants met with the Zoning Hearing Board and will be coming to the Board of Supervisors shortly.

MOTION was ADOPTED 5 to 0.

**NEW BUSINESS:**

CDBC Grant – Pedestrian Crossing Upgrade – Bid Results

Ms. Philo made a MOTION; seconded by Mrs. Eisenhardt the Doylestown Township Board of Supervisors reject the bids presented for the CDBG #10-31, Pedestrian Crossing Upgrade on Easton Road and Barn Plaza and re-advertise as per regulations, which require two bids be submitted.

As a member of the Community Block Grant Committee, Mr. Scarborough informed the public that monies for these projects need to be utilized within a certain amount of time and is concerned the township will risk losing it.

MOTION was ADOPTED 5 to 0.

Ms. Philo urged residents to contact their local Senator offices to keep funding, due to the U.S. House of Representatives passing the HR1 bill which cuts federal grants by 2.5 billion dollars.

North Branch Watershed Association – Request Appointment of S.Touhill as EAC Rep.

Mr. Scarborough made a MOTION; seconded by Mrs. Eisenhardt the Doylestown Township Board of Supervisors approve EAC member; Shawn Touhil be appointed as Doylestown Township Representative to the North Branch Watershed Association (NBWA) to educate and inform the public on the importance of protecting and preserving the watersheds along the township.

MOTION was ADOPTED 5 to 0.

2011 Fuels Bids

Mr. John explained with the high cost of fuel, bids are reflective to the fluctuating price of gasoline. For the 2011

Fuel Bids, only two companies provided fixed prices to some extent, such as, Mansfield Oil Company who provided a yearly price at \$9.99 per gallon. However, Ports Petroleum Co, Inc provided a fluctuating gas price of .16 cents per gallon as a daily Philadelphia OPUS delivery. Mr. John was not sure if the Board should lock in a bid since the price of gasoline fluctuates on a daily basis. Ms. Mason noted; the Board needs to make a decision by May 1, 2011 due to automatic delivery from the current contractor that is about to end. This will cause a stop in gasoline service.

A discussion ensued amongst the Board and Mr. John regarding costs and fuel bid options. Mr. John recommends the Board approves the floating pricing with included fees.

Mr. Scarborough made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors award 2011 Fuel Bid to Ports Petroleum Company, Inc's at the fluctuating daily gas delivery price of \$0.16. per gallon.

MOTION was ADOPTED 5 to 0.

Declaration of Obsolescence

Ms. Philo made a MOTION; seconded by Mr. Scarborough the Doylestown Township Board of Supervisors approve the following equipment be considered obsolete and sent to auction in May of 2011.

*John Deere 54" Walk Behind Mower – Serial# GX1330X010789*  
*John Deere 54" Walk Behind Mower – Serial# GX133040246*  
*John Deere 1445 Riding Mower – Serial# TC1445D012661*  
*Millcreek Spreader – Serial# 3738*

MOTION was ADOPTED 5 to 0.

Eagle Scout Proclamation – John Robert Shoffler – Troop 6

Mr. Scarborough made a MOTION; seconded by Mrs. Eisenhardt the Doylestown Township Board of Supervisors approve John Robert Shoffler of Boy Scout Troop 6 be awarded the rank of Eagle Scout at the Eagle Scout Court of Honor on June 4, 2011.

MOTION was ADOPTED 5 to 0.

**TREASURER'S REPORT:**

Mr. Scarborough made a MOTION; seconded by Mrs. Eisenhardt the Doylestown Township Board of Supervisors approve the May 3, 2011 Treasurer's Report.

MOTION was ADOPTED 5 to 0.

**BILL'S LIST:**

Mr. Scarborough made a MOTION; seconded by Mrs. Eisenhardt the Doylestown Township Board of Supervisors approve the May 3, 2011 Bill's List in the amount of \$162,603.37.

MOTION was ADOPTED 4 to 1 with Mrs. Lyons abstaining.

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**ADJOURNMENT:** 8:52 p.m.

Respectfully submitted by;

Stephanie J. Mason, Secretary