



Board of Supervisors

Regular Meeting

~ Minutes ~

425 Wells Road
Doylestown, PA 18901
<http://doylestownpa.org/>

Stephanie Mason
215-348-9915

Tuesday, June 19, 2012

7:00 PM

Public Meeting Room

I. 7:00 PM REGULAR MEETING

In attendance: Chairman Barbara N. Lyons, Vice Chairman E. Thomas Scarborough, Jr., Member Richard F. Colello, Member Shawn Touhill, Solicitor Jeffrey Garton, Assistant Township Manager Sandra Zadell, Township Engineer Mario Canales, Director of Operations Richard John, Doylestown Township Police Chief Dean Logan.

Absent: Member Ryan Manion

On behalf of the Supervisors, residents and everyone in Bucks County, Mrs. Lyons thanked the Doylestown Township Police Department and Emergency Responders for their excellent work on Sunday, June 17, 2012. Due to their quick response and good sense of judgment they were able to contain the danger and save many lives.

Mrs. Lyons then referenced a statement made by Acting Chief of Police Logan indicating even with the offender being an excellent marksman the Swat Team showed professionalism with their patience and restraint by saving the life of this individual. She continued to thank the displaced residents for their patience, Reporter; Sarah Larson of Doylestown PATCH, who provided detailed accounts of the incident, Penn Taproom and Highland Farm for providing food and lodging to the residents and her daughter, Alexandra for preparing food.

Chief Logan thanked the countless police departments and emergency responders who assisted from Bucks, Montgomery counties and the Pennsylvania State Police. He also thanked North Penn Goodwill and Campbell Insurance for providing food and a main control area for the police for almost 12 hours. Chief Logan concluded by stating in the coming weeks he and staff will be evaluating the situation to provide feedback on handling future emergencies.

Mrs. Lyons announced and congratulated Chief Logan on his upcoming marriage. She then announced with sadness the passing of Ms. Mason's aunt and Assistant Township Manager, Sandra Zadell is present at tonight's meeting on her behalf.

A. Pledge to the flag

B. Presentation - Shelbourne

On behalf of the applicants; Shelborne Healthcare Development Group, Joseph Zadlow explained the modified plans to construct an assisted living facility previously submitted in 2008 as the Sunrise Development sketch plans. The applicants will be purchasing more land with a separate parcel belonging to AAA. The applicants have also met with neighboring residents to discuss any concerns.

Mrs. Lyons questioned who will be the operator. Gilmore & Associates' Engineer; Mr. Thomas Hanna answered; the facility will have two operators who have not been identified yet, but the plans are scheduled to move forward.

Mr. Hanna provided a brief overview of the plans to include the proposed facility to be located on Route 611 in between the car dealership and Sears Hardware store along the Doylestown Shopping

Center. The existing lot configuration will be utilized with no subdivision or changes in the lot line. The original driveway access will be maintained and shared with an adjacent office building. Parking is available along the perimeter and back of the building facing the car dealerships. The existing retention basin will also be utilized with modifications and additional stormwater management will be included as part of the preliminary plan submission. The assisted living facility will be a multi-story building with 58 parking spaces. The plans also includes outdoor facilities and walking trail.

Mr. Garton questioned if Preliminary Plan approval was granted. Mr. Hanna answered; preliminary plan approval and zoning review was granted.

Mr. Zadow added in meeting with neighbors, the applicants agreed to relocate the dumpster behind the facility to obstruct view. The applicants agreed to possibly create a buffer along the boundary line connecting the community with no development near the rear portion of the tract. Mrs. Lyons suggested that area be considered for open space. Mr. Zadow agreed to consider.

Mr. Colello commented the applicants made more improvements than what was shown and was impressed how the applicants were receptive to meeting residents concerns.

C. Visitors/Public Comments

Resident: Morris Ashinsky of 159 Hart Avenue informed the Board of a change in the slope along Hart Avenue caused by Septa trucks placing stones from a recent construction. The slope caused a 30 foot by 15 foot pond that fills with water after a rainfall. He left several messages with the township with no response.

Mrs. Lyons reported she has visited the site and been in ongoing communications with Debra Krause of Hart Avenue. Also, Mr. John has evaluated the site and is currently working on a solution to remediate the situation. Mrs. Lyons suggested Mr. Ashinsky leave his contact information so Mr. John may send him a letter upon a decision.

Resident; James Dibble of 218 Windsor Way apologized to Mrs. Lyons for his tone when speaking to her during the situation that occurred on June 17th. However did not apologize for his level of frustration. Although Mr. Dibble was very satisfied with the police's professionalism and performance in handling the matter, he felt it necessary to note several problems that occurred during the course of the day, especially from 2:00pm until 10:00pm.

- 1) He felt there was conflicting communication provided to the residents in that some were told to stay in their home and others were told to leave.
- 2) No command center was provided for the residents. No clear message was provided to the residents.
- 3) Township should have accounted for all residents or taken names, addresses and phone numbers.
- 4) No food was provided
- 5) No "All Clear" message sent

Mrs. Lyons responded that the township performed the best they could given the circumstances. She was told by the Police Chief to stay in her home until a police escort could be provided, because police radio scans needed to be silent. Upon her arrival, Mrs. Lyons immediately attended to residents who needed food and water. She continued to explain that she will do everything she can to have the Board involved, however respect was needed towards the police during such a dangerous time. Mrs. Lyons concluded the Chief Logan will conduct a debriefing with the Board of the events that occurred on June 17th and use the

information to improve their response procedures for the future.

Chief Logan added initial responding police abided by standard protocol to remove all residents as soon as possible. Once the situation became contained with a known barricade armed subject, a conscious decision was made to leave some residents in place to not put any additional personnel in danger of being shot considering the number of rounds that were already exposed. The Doylestown Township Police Department personally made phone contact with every person possible via cell, home or relatives off Windsor Way and Bittersweet Drive. Each phone call was documented and each person contacted was told to stay in the lowest level of their home, such as the basement. The township building was designated as a safe house for residents once leaving their home. Chief Logan then apologized to Mr. Dibble if he was not contacted; however confirmed everyone in the danger zone was safe. Mr. Dibble accepted Chief Logan's apology, but disagreed with his explanation by indicating he was able to retrieve his wife from their home on Windsor Way by driving through the danger zone without incident around 5:00pm.

Resident Lee Schwarz of 189 Sunset View Drive asked Mr. Dibble why he didn't volunteer his services to assist in collecting names and/or information. Mrs. Lyons indicated when she arrived onto the scene; a list of residents was in the process of being created. Mr. Dibble indicated he was never called. Mr. Dibble concluded though he appreciated Mrs. Lyons informing him of tonight's scheduled meeting, he would have preferred the Board of Supervisor's attendance during the events on June 17th. He also hopes the Board will take his comments seriously. Mrs. Lyons responded; his comments were duly noted and on record.

Resident: Stephen J. Bizon of 10 Sauerman Road informed Chief Logan speeding continues on Sauerman Road after several studies conducted by the Traffic Advisory Board. The speed violators are trying to avoid the traffic light along Route 611 and Edison Furlong Road and it's becoming increasingly dangerous for residents who live on Sauerman Road. Also, the newly installed no left turn sign placed near the daycare is being ignored. Chief Logan answered; Sauerman and Turk Road have been a major part of the Traffic Advisory committee's agenda for more than two years. The speed limit was reduced on both roads and heavy enforcement was placed. The enforcement was removed to see if travelers adjusted and followed the new limits. If the speeding has returned the police will now need to re-evaluate other means of traffic calming. In the beginning of July, the police will return the use of study speed boards to provide true statistics. Chief Logan asked Mr. Bizon to please be patient until then.

II. ANNOUNCEMENTS

- A. The next meeting of the Doylestown Township Board of Supervisors will be held on Tuesday, July 17, 2012.
- B. The Doylestown Township Administration Offices will be closed on Wednesday, July 4, 2012 in observance of Independence Day.

C. **Sounds of Summer Concert Series 2012**

Almost Fab is scheduled to perform on June 27, 2012 beginning at 7:00pm in Chapman Park

Philly Horn Band & Firework is scheduled to perform on July 1, 2012 at 7:30pm in Central Park. Event parking is \$5.00 per car.

Doylestown Heat is scheduled to perform on July 11, 2012 at 7:00pm in Chapman Park.

Robert Eric is scheduled to perform on July 18, 2012 at 7:00pm in Central Park.

Rave On! Band is scheduled to perform on July 25, 2012 at 7:00pm in Chapman Park.

Beach Bumz is scheduled to perform on August 1, 2012 at 7:00pm in Central Park

- D. The next Leaf and Yard Waste Recycling will be held on Saturday, July 21, 2012. Doylestown Township residents can bring yard waste to our Central Park entrance located off of New Britain Road from 9 AM – Noon.

*Please check out our website for the updated Summer and Fall dates for the Leaf and Yard Waste Recycling program.

III. MINUTES APPROVAL: June 5, 2012

Mr. Scarborough made a MOTION; seconded by Mr. Colello the June 5, 2012 Doylestown Township Board of Supervisor Regular meeting minutes be approved.

Mrs. Lyons informed the Board a letter has been forwarded to Bucks County Commissioner Loughery regarding comments from his attendance at the June 5, 2012 Doylestown Township Board of Supervisor Regular meeting.

MOTION was ADOPTED 4 to 0.

IV. CORRESPONDENCES

- A. Draft Buckingham Township Comprehensive Plan, 2012

The Board agreed by consensus to review the 2012 draft Buckingham Township Comprehensive Plan and also forward to the Doylestown Township Planning Commission and administrative staff for their comments.

- B. Notice of Resignation – A. Hopkin, EAC

Mr. Scarborough made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors accept with regrets, Mr. Alfred Hopkin's resignation from the Environmental Advisory Council (EAC) effective immediately.

MOTION was ADOPTED 4 to 0.

Mrs. Lyons suggested advertising the alternate position with other advertisements available and have the Township Manager first consider previous applicants who have applied for a position with the EAC.

V. REPORTS

- A. Solicitor - Information on Distributed Antenna System

Mr. Garton provided for Board review, a proposal for a distributed antenna system between American Tower Outdoor DAS, LLC and Northampton Township. He explained an issue with American Tower expanding services product into neighborhoods with underground utilities along the right of way. In general principal; if a telephone company is not regulated by the Public Utility Commission (PUC), they don't have absolute use for a right of way. However, if a certificate of public convenience can be established from the Public Utility Commission, they will have the right without limitation to be in public rights of way. Most cell phone companies cannot raise rates without PUC approval. American Tower has building structures but is not

regulated with regards to cost, but gives them a right to encroach.

Mr. Garton recently met with the Northampton Township Solicitor who will provide draft ordinance. Upon receipt, Mr. Garton will monitor the situation. He will report back when it appears to be a consensus on how to proceed in the future.

Digital Bill Board

Mr. Garton reported the Bucks County Court decision denying the request to install a digital bill board along the Route 611.

B. Police Chief -Regional Police Study

Mrs. Lyons reported the township is currently in discussions with five municipalities regarding the Police Regionalization to include Doylestown Township & Borough, New Britain Township & Borough and Plumstead Township. Chief Logan will make a presentation at the July 17, 2012 Board of Supervisors Regular meeting to discuss the progress. Assuming the townships will move forward, a larger public meeting to include all five municipalities will be held on July 24, 2012.

Resident; Lee Schwarz questioned if the documents will be available for public view. Chief Logan reported on June 8, 2012 the Police Regional Steering Committee received a written report along with a power point presentation from the Pennsylvania Department of Community and Economic Development (DCED) in which a copy was obtained. Upon Board approval, Chief Logan will include the report at his presentation on July 17th. The following public meeting on July 24th will be possibly held at Lenape Middle School in Doylestown and presented by the DCED. At this point, Chief Logan doesn't see a reason why the Board should not consider reviewing the report. Mrs. Lyons added that all municipalities, managers and elected officials represented on the committee feel the same way. Each municipality will be making their own presentation to their boards or councils. Also, each municipality will have an opportunity to provide a vote to either move forward or continue studying the materials. Mrs. Lyons concluded by stating the township received a letter from the Police Benevolent Association who are interested in cooperating in the regionalization in a positive way.

C. Township Engineer

No Report

D. Manager

Mr. Scarborough made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors approve the Township's Hiring Process Related to Smoking and Tobacco Use and insert the policy's verification and affidavit into the Township's manual.

Mr. Scarborough commented on the considerable amount of insurance, tax and health savings the township will have once the smoking and tobacco use policy is enforced.

Resident Lee Schwarz questioned will the township consider a policy on obesity within the health policy. Mrs. Lyons responded the township is only planning on implementing the Smoking and Tobacco Use policy that will be otherwise protected by the constitution.

Resident James Dibble questioned if the township considered charging a special premium for smokers and non-smokers. Mr. Garton responded the township receives their insurance policy from Delaware Valley Regional Trust who have not provided that option. However, the new policy will save the township over \$40,000.00 per year.

MOTION was ADOPTED 4 to 0.

Certificate of Appreciation

Ms. Zadell reported the Chalfont Chemical Fire Engine Company presented a Certificate of Appreciation to Doylestown Township for their support and assistance in the construction of a fire house on 301 North Main Street in Chalfont.

International City / County Management Association

Ms. Lyons acknowledged Mr. Richard John in attributing the award for his lead role on the project.

Ms. Zadell reported Doylestown Township has been presented with the Community Health and Safety reward in conjunction with Buckingham and Plumstead Township for communities of 10,000 to 49,999 and their participation with the Cross Keys water project. The award will be presented at the Annual ICMA conference on October 7th through 10th of 2012 in Phoenix, Arizona.

E. Supervisors

Mr. Touhill commended Chief Logan, Doylestown Police and Fire Departments for their excellent work containing and escorting resident safely from a fire at the Stonington Farm Apartments. He reported there were no injuries or fatalities.

Mr. Touhill reported the Fund Development Sub-Committee have narrowed down their suggestions to three or four recommendations, which they hope to present at the July 17, 2012 Board of Supervisors meeting.

Lastly, Mr. Touhill thanked Mrs. Lyons and Ms. Mason for their hard work and representation during the June 17th occurrence.

Mr. Scarborough added Mr. Touhill was present to assist the Police and Fire Departments during the fire at Stonington Farm Apartments. He then reported 8 families were displaced.

Mr. Colello reported on another letter received from a resident thanking Mr. John for his assistance with providing a privacy fence along a property to shelter them from the proposed bike path.

Lastly, Mr. Colello reported the June 7th Pebble Ridge meeting was well attended. The meeting is currently available for viewing on the township's website at www.doylestownpa.org.

Mrs. Lyons reminded the public of the Public and Water Committee meeting to be held on Friday, June 22nd at 5:00pm to review comments from the June 7th Pebble Ridge meeting. The Public and Water committee may possibly present their comments at the July 17th Board of Supervisors meeting and request the Board host a public meeting after. Mrs. Lyons suggested a public meeting be held in September to ensure it's well attended, especially by residents of Pebble Ridge.

VI. UNFINISHED BUSINESS**A. ACT 13 – Local Control**

The Board agreed by consensus to forward a letter of support to Robinson Township Board of Supervisors' Chairman; Brian Coppola with regards to Act 13. The letter states although the township is not directly impacted, they agree zoning is and should remain a power of local government.

Mrs. Lyons then presented resident Madeline Rawley a copy.

Resident Kenneth Snyder of 50 Fox Croft Drive questioned the status of the Buckingham Comprehensive

Plan. Mr. Garton answered; the draft will be forwarded to the Planning Commission and administrative staff for review and submittal of their comments. Ms. Zadel added the plan is also listed on the township's website under the announcements section.

VII. NEW BUSINESS

A. 2012 Recycling Performance Grant Review

Mr. Scarborough made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors approve Hough Associates Management Consultants to review the township's 2011 Recycling Performance Grant in order to possibly increase the grant award.

MOTION was ADOPTED 4 to 0

Fireworks Contract

Mr. Scarborough made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors approve the fireworks contract between Shaffer Pyrotechnics and the township in the amount of \$5,000.00

Director of Parks & Recreation; Karen Sweeney stated the contract is exactly the same as in year's past with corrected dates. She then noted annual memo changes where the township will make payment at conclusion and later call in time in the event of rain. Ms. Sweeney corrected the previous statement that all concert series are free by stating the Philly Horn Band event of July 1st will have a \$5.00 per car parking fee.

MOTION was ADOPTED 4 to 0

B. Treasurers Report – June 19, 2012

Mr. Scarborough made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors approve the June 19, 2012 Treasurer's Report.

MOTION was ADOPTED 4 to 0.

C. Bills List – June 19, 2012

Mr. Scarborough made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors approve the June 19, 2012 Bill's List in the amount of \$213,895.59.

MOTION was ADOPTED 4 to 0.

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IX. ADJOURNMENT
8:04 p.m.

Respectfully submitted by:

Sandra Zadell
Secretary, Pro Temp