

Board of Supervisors

Regular Meeting

425 Wells Road Doylestown, PA 18901

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215-348-9915

~ Minutes ~

Tuesday, March 7, 2017

4:00 PM

Public Meeting Room

I. 4:00 PM REGULAR MEETING

Members of the Board of Supervisors in attendance included Chairperson; Barbara N. Lyons, Vice Chairman; Richard F. Colello with Supervisors; Ken L. Snyder and Shawn Touhill.

Township Staff in attendance included Township Manager; Stephanie J. Mason, Director of Operations; Richard E. John and Dave Tomko, Township Solicitor; Jeffrey P. Garton, Chief of Police; A. Dean Logan and Township Engineer; Mario Canales.

Absent: Supervisor; Ryan Manion

A. Pledge to the flag

The Board met in Executive Session, prior to the meeting to discuss matters of litigation regarding a homeowner, the Township's sewer project and how to proceed with funding. The Board also had a discussion regarding the analyst position that will be advertised.

B. Visitors/Public Comment

II. ANNOUNCEMENTS

- A. The next meeting of the Board of Supervisors is scheduled for Tuesday, March 21, 2017 at 7:00pm
- B. The Bicentennial Committee will meet on Tuesday, March 21, 2017 at 4:00 PM
- C. Daylight Savings Time begins on Sunday, March 12th. Remember to set clocks AHEAD 1 hour. It's a good time to replace the batteries in your Smoke Detectors.
- D. Washington DC Cherry Blossom Trip -4/1/17- \$50 per person. To sign up for this trip go to our website www.doylestownpa.org
- E. The Environmental Advisory Council is holding a Magnet Fundraiser. Magnets are being sold in the Administration office for \$5.00.
- F. Movie and Ski Tickets are available. Please contact the Administration Offices for prices and availability at the Administrative Building.
- G. Today is the deadline for nominating someone for the Unsung Hero Award. You still have time to email in your nomination to: info@doylestownpa.org

III. MINUTES APPROVAL: February 21, 2017

Mr. Snyder made a MOTION; seconded by Mr. Touhill the February 21, 2017 Doylestown Township Board of Supervisors meeting be approved.

MOTION was ADOPTED 3 to 1 with Mr. Colello abstaining due to his absence.

IV. CORRESPONDENCES

Mrs. Lyons reported; Supervisor Ms. Manion is absent from today's meeting due to a meeting with the President of the United States regarding her relationship with the Travis Manion Foundation.

A. Dog Park Committee Resignations/Appointment

Mrs. Lyons made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors accept Janet Stavrides resignation as a member of the Dog Park Advisory Board.

MOTION CARRIED 4 to 0.

Mr. Snyder made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors accept Joseph Hebert resignation as a member of the Dog Park Advisory Board.

MOTION CARRIED 4 to 0.

Mr. Snyder made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisors appoint Margie Adamsky as a member of the Dog Park Advisory Board.

MOTION CARRIED 4 to 0.

Mr. Snyder made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisors appoint Christie Lefebvre as a Doylestown Borough appointee of the Dog Park Advisory Board. Appointment is conditional pending anticipated receipt of Doylestown Borough's endorsement.

MOTION CARRIED 4 to 0.

B. Hammerstein – Notification of Grant Application

Ms. Mason reported; as part of the RCAP State matching grant application process for the proposed Oscar Hammerstein Museum, William Hammerstein requested to identify Doylestown Township as the host municipality location for the facility. Mrs. Lyons directed to have the Township assist in any way they can.

V. PUBLIC HEARINGS

A. Doylestown Twp/Change of Zoning of Municipal Parcels/Lot Consolidation Plan

Mr. Garton reported; The Township is preparing to conduct improvements, to include the Municipal Building and recreation center. The improvements required some adjustments to have the property zoned as institutional. The Administration considered having all of the properties owned by the Township zoned as institutional, because of the institutional uses. The proposal was advertised, but some unintended consequences arose.

Based upon Mr. Garton's conversation with attorney Terry Clemons and Township's administration, the Board is prepared to reject the ordinance, so no rezoning of large parcels of land is completed.

However, another hearing will be scheduled in the future with another advertisement. The new ordinance will cover the basics elements of the structure in the complex. The future ordinance will limit the area, so the impervious surface ratio is provided for reconstruction of this building and other facilities. Additionally, it will be accomplished without meeting with the Zoning Hearing Board.

Mr. Touhill made a MOTION; seconded by Mr. Snyder the Doylestown Township Board of Supervisors reject the Township's Change of Zoning of Municipal Parcels \ Lot Consolidation ordinance and concluded, without change in the zoning and effected parcels.

MOTION was ADOPTED 4 to 0.

Mrs. Lyons reported; the Township will proceed with the rebuilding of the Municipal Complex. However, for impervious reasons, additional area in the I zoning district is needed. It will not affect the park land and adjacent homes.

Resident: Lisa Curren questioned; can the area be preserved as open space to prevent any future construction. Mr. Garton answered; certain elements are already restricted, because they were acquired by the township as part of a subdivision process. However, the Board will be addressing the matter in the future. They will also be considering developing an alternate classification, such as park land for a better fit.

A resident questioned; if there is a map available to view what areas affected by the proposed expansion. Mr. Garton directed the resident to have Ms. Mason provide one.

Resident: Elaine Carlson questioned; will access roads be considered off of Turk Road. Ms. Mason answered; no access roads will be constructed. However, a grant was recently received for a trail path coming through from the open space.

B. Proposed Amendment to Floodplain Ordinance

Mr. Garton reported; approximately two years prior, the Board adopted a flood plain ordinance as per the directions by Federal Emergency Management Agency (FEMA). The Township adopted the appropriate ordinance. However, FEMA decided to implement changes to their model ordinance for adoptions. Additionally, at a prior meeting, the Board approved advertisement to reflect FEMA's changes, which has been accomplished. Copies were forwarded to the Doylestown Planning Commission, Bucks County Planning Commission and advertised with the Law Library and The Intelligencer.

Township Planning Consultant; Judy Stern Goldstein reported; the changes to the draft ordinance are mostly administrative as, a permit cannot be obtain without a flood plain administrator and some language change required by FEMA. Other changes noted is a change in phrase from repetitive lost to cumulative substantial damage. Accessory building in the flood plain area for an accessory structure in a flood plain cannot exceed 600 square feet. The final change states; if a structure was built prior to the date of enactment, the flood plain ordinance regulations will still need to be followed at the time built and permanent.

Upon Mrs. Lyon opening the floor to public comment, Mr. Canales noted; the draft ordinance does change the flood plain maps. The main watershed that will change is Cooks Run. FEMA re-studied certain streams within the Neshaminy Creek, where in certain areas it will expand the flood plain reach. However, in other areas, the flood plain will be narrowed. Ms. Stern Goldstein added; notification was received during the same time the prior ordinance was adopted. FEMA augmented the ordinance with additional information.

Mrs. Lyons questioned; will the changes impact any existing structures. Ms. Stern Goldstein answered; there maybe some impact and the structure have a right to remain. They will also become non-conformities.

Hearing no further comments, Mr. Snyder made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisors adopted the Proposed Amendment to the Flood Plain Ordinance.

MOTION was ADOPTED 4 to 0.

VI. REPORTS

A. Solicitor

No Report

B. Township Engineer

No Report

C. Police Chief

No Report

D. Dir. of Operations

Dave Tomko presented for Board approval, three proposals for the construction of the municipal complex. Mrs. Lyons questioned; who makes up the Building Committee that reviewed the proposals Mr. Tomko answered; Mrs. Lyons, Mr. Snyder, Rick Schea, Stephanie Mason, himself, and Richard John.

The Building Committee received five proposals from interior designers, conducted interviews and recommends awarding the Interior Design agreement for the Police and Park & Recreation Activity Center to Interior Space & Design of Bedminister, PA in the amount of \$20,275.00.

Ms. Snyder made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors award the Interior Design bid to Interior Space & Design of Bedminister, PA in the amount of \$20,275.00, as per the Building Committee recommendations.

MOTION was ADOPTED 4 to 0.

Mrs. Lyons noted; the Construction Management Agreement is not considered construction management, but as an owner's representative. The Committee recommends not hiring a construction manager. The position will be better served by an on-site representative. It will also be less costly with the same results for the township. Mrs. Lyons was very impressed with JD Bravo Company, Inc and recommends they be approved as the Township's Owners Representative.

Mr. Snyder made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors approve the Owner Representative Service contract to JD Bravo Company, Inc in the amount of \$187,640.00, as per the recommendation of the Township's Building Committee.

MOTION was ADOPTED 4 to 0.

Mrs. Lyons reported; if the Township awarded a Construction Management contract, the cost would be an additional \$100,000.

Mr. Tomko presented the Board with Pine Run Construction's Fuel Tank and Remediation \ Removal and New Installation bid in the amount of \$164,400.00. The proposal is to excavate, clean and remove the existing underground fuel tank and replace with a new one. The proposal also covers obtaining the proper permits. Pine Run Construction is a Co-Star approved company and the Township currently uses their services to maintain the existing tanks.

Mr. Touhill made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors authorize the excavation and construction services to remove and replace the Township's existing fuel tank to Pine Run Construction in the amount of \$164,400.00 with comments.

Mr. Colello questioned; the township does not have a need or desire to bid the project. Mr. Tomko indicated yes.

MOTION was ADOPTED 4 to 0.

E. Township Manager

Ms. Mason reported; Finance Director; Ken Wallace is present to discuss the December 31, 2016 Actual Report. The Township is currently undergoing an audit. As preparation, the Township has also been working with the Ways & Means Committee.

While referencing power-point slides, Mr. Wallace reported: the actual to budget variance as far as the results for 2016 and has an overall picture of a \$4 million positive movement.

The real estate transfer tax is up \$252,000. It was a very strong year in Doylestown Township for transfer taxes, where it finished up with \$700,000 for the total year. A un-presented transfer tax was received as \$70,000 in December from Bucks County.

Building permits were flat for the entire year, where \$140,000 was forecasted. A movement in December, where a developer on Lower State Road sent building permits to the township totaling \$180,000.00. This enabled the Township to double in the building permits throughout the year.

Insurance and storm reimbursements totaled \$182,000, where the Commonwealth of Pennsylvania reimbursed the Township \$82,000 for storm damage in January of 2016. Insurance reimbursements were also received in the amount of \$61,000 for damages of a traffic signal.

The LST and EIT taxes for the year was also strong, where the Township finished with \$600,000 for the local services tax. It was the first time the Township finished up with \$4 million in earned income tax for the year. This also provided a strong fourth quarter.

Expenses under Capital Projects came in under budget as far as the Sensory Trail,. The bridge design, the ARLE Grant and Neshaminy Greenway came in under budget. In addition, the Township had a warm winter. The result correlated into less salt and materials used and labor cost down. The costs translated throughout the liquid fuels budget and snow removal contracts were down as well.

The township experienced short staffing in the water and police departments. For the police department, there was a retirement on December 31, 2015. A new hire began shortly after. An additional officer was not hired until late in the year. As a result, savings was correlated. To add to the expenses, Mr. Wallace noted; fuel costs were down due to the mild winter.

In the beginning of the year, Mr. Wallace along with Ed Ebenbach viewed the expenses as of December 31, 2015. A \$2 million movement was noted under the beginning balance. The \$2 million include some assets, but mostly a cash movement.

Mr. Snyder questioned; the variances reported for revenue and expenses are comparing the year end 2016 to the 2016 budget that was approved in December of 2015. Mr. Wallace indicated yes. Mr. Snyder commented; throughout the year, the budget is revised with the accumulation of all changes. Mr. Wallace agreed.

Revenues shows difference between the adopted budget versus the preliminary final as taking in approximately \$13 million under revenues. For Expenses, the adopted budget is approximately \$13.2 million and the Township came in \$1 million less at \$12.2 million. The explanation being short staff, professional fees and light snow removal costs.

The Township began the year with \$6.2 million, revenues were taken in at \$13 million, expenses were \$12.2 million, net income at \$800,000 resulted in an ending fund balance of over \$7 million. Which is approximately \$1 million up from October of 2016. At this time, the fund balance was projected to come in at over \$6 million.

For 2016, the preliminary final budget is at \$13 million. The 2017 adopted budget of \$23 million includes bond expenses and proceeds. All calculations will be vetted out during the Budget Work Sessions scheduled in April, May and June. The 2016 Preliminary Final budget \$12.2 million was expended in the adopted budget for 2017 at \$24 million. This also includes bond proceeds and expenses for the new building.

The Financial Report balance shows a \$7 million fund balance, which is the beginning fund balance for 2017. With revenues and expenditures, the Township will be consuming approximately \$452,000 in the upcoming budget year.

The Township had a very good 2016, but there are challenges ahead. Currently, there is no direction for stormwater as far as unfunded mandate. There is also a contract to negotiate in 2018 for the police department.

Mr. Snyder commented; In 2016, the Township's revenue was greater than expenses. He then congratulated the Township staff on a job well done in making the reductions to stabilize the revenue. Mrs. Lyons informed the next Budget Work Session is scheduled for April 18, 2017 at 4:00pm

Chairperson of the Ways & Means Committee; Brenda Bray commented on how the Committee works so well with the Board. 2016 was a good year for the Township with hitting the \$4 million mark on EIT is a benchmark. While looking ahead and assuming some of the fund balance, the hope to have another positive year. Ms. Bray then thanked, Ms. Mason and the Board of Supervisors.

F. Supervisors

Mrs. Lyons reported; in 2007, the prior Board created and passed resolution #1363 for adopting the Township's naming policy for park amenities and facilities. As the Township develops its plan for Administrative buildings, Recreation centers and naming of the Amphitheater, the naming policy has become inconsistent.

Mrs. Lyons made a MOTION; seconded by Mr. Snyder the Doylestown Township Board of Supervisors remove current policy found on page three, bullet item second from the last of Resolution #1363, which states, "No parks or recreation facility shall memorialize a living person"

MOTION was ADOPTED 4 to 1.

Mr. Colello reported; the recent Doylestown Township Municipal Authority (DTMA) meeting was very productive and have many projects in the works. The New Britain Knoll property was

demolished to make room for a new development. The DTMA is heavily involved and was given the opportunity to expand to New Britain.

At the recent Planning Commission meeting, the Bucks County Planning Commission conducted the Cross Keys Study presentation. The presentation was very impressive where different avenues were presented to elevate the traffic. However, the focus was turned to the traffic signal at Route 313 and Old Easton Road. Residents from the Township and Borough asked numerous questions and presented facts supporting the traffic issues, not disputed by the BCPC. The Commission will work with BCPC to have the residents issues brought to the right person at the Pennsylvania Department of Transportation (Penn Dot). Another issue addressed was the timing of the current traffic lights. Mr. Colello suggested to have Dave Tomko, along with Ms. Mason meet with Buckingham Township and Doylestown Borough to review, because the BCPC will not include in their plans. Ms. Mason responded; the Township holds the permit for the traffic light and will take the lead. The Board agreed by consensus.

VII. UNFINISHED BUSINESS – N/A

VIII. NEW BUSINESS

A. Pine Run Development Agreement

Mr. Garton reported; approximately one month prior, the Board approved the Pine Run Development final plan. The plan is to demolish the existing community hub building and replace with a new building. The applicants have met all conditions of the approval and submitted a development agreement for Board approval. Mr. Garton suggested, prior to the Board Chairperson signing the agreement, provide him with the opportunity to view and confirm the agreement was drawn to reflect the terms and conditions of the approval.

Mr. Colello made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisors approve execution of the Development Agreement between the Township and Doylestown Hospital (Pine Run Facility).

MOTION was ADOPTED 4 to 0.

Mrs. Lyons announced; Mr. Colello will be attending the Pine Run Community Ground breaking ceremony on March 14, 2017.

B. Tabor – Sketch Plan

Mr. Garton informed; the Tabor Sketch plan is a request from the developer to present an overview of the proposed sketch plan. The Board will not be conducting a vote or approval on the matter. Comments of the plan will only be provided.

Penn's Grant Corporation, Chief Executive Officer; Christopher Chandor provided a brief history of the approximate 20 acre property purchased in 2000. Upon constructing the Commerce Center, there is 19 acres remaining for development. Of the 19 acres, 17 are usable. The property has three existing residential homes as the Fretz Carriage House, built in 1886, Strecker Hall, built in 1940 and Miller House. Previously, the site was occupied by a daycare center that recently closed. Only the administrative staff remains.

The sketch plan proposes an adaptive use for all three, existing homes. Upon entering into an agreement with Tabor in December, 2016 the developers created a plan to re-purpose the three existing homes into ten individual units on a condominium basis. The main mansion will be divided

into two, Strecker Hall will be divided into six and Miller Hagan Hall will be divided into approximately three units. All limited number of units will be offered at the high end and provide one floor living with no step down and allocated area for elevators. The site is currently zoned under the B15 District and explicable to only the R1 and RA Districts. Additionally, the developers met with the Administrative staff and Planning Commission, who advised to have the sketch plan viewed by the Board.

Gilmore & Associates Planner; Christopher D. Burkett reported; the two primary attributes are the historical buildings and mature wooden area. Although the site is zoned commercial, Mr. Burkett commented; the site will work better as residential. Commercial footprints in a 15,000 to 25,000 square feet creates difficulties on the site, because of the woodlands and topography. The site currently has good access and will serve as future access, due to the good site distance. A new access will be created across from the Commerce Center. The existing signalized intersection will also be used with a new access, as per Penn Dot's requirements. The view shed will be preserved in to the site on either side of Route 611.

A curvilinear road is proposed around the project and into contours to minimize the amount of grading for both the roadway and housing units located around the roadway. The central idea is to preserve the woodland area located behind the properties. However, there is limited clearing proposed with the large oak trees maintained. The soils are good for infiltration and will be considered with permeable paving driveways to minimize run off.

Mr. Colello suggested the Zoning issue be addressed prior to completing an entire presentation. The zoning issue is germane to the subject before the development can be considered. Mr. Chandor agreed and wanted to first set the tone of the project for the Board. The current zoning is C3 and in order to proceed with the proposed plan, a request to re-zone to R1 District is needed. The remaining lands behind the Tabor property are zoned R1 and will not be spot zoning. The second issue is the B15 use requires the units be attached. The proposed plans show the homes as detached. The rezoning will be essential in selling the units at a desired price point.

Mrs. Lyons questioned; how many units will be proposed. Mr. Chandor answered; the minimum proposed are twenty new units in addition to the ten in the existing buildings, totaling a maximum of 30 units. The B15 use provides for a maximum of two units per acre in the R1 District. The property will not support any more than what is shown and subject to the floor plans. Mr. Colello responded; the Board is not in favor of changing the zoning and hasn't received a response of a need. He then requested Mr. Chandor to provide data supporting the rezoning request. Mr. Chandor answered; the current plan bears no resemblance to the previous plans submitted. Additionally, the residential use will be the only option to protect the historic standing of the existing homes. Mr. Colello noted; the Board did not rule on the existing homes previously and the issue concerned is for the additional 15 homes.

Mr. Snyder requested definition of high end. Mr. Chandor answered; the units within the adaptive use building will be priced at \$900,000 and below. Mrs. Lyons questioned; how many acres will the homes be built on. Mr. Chandor answered; the total acreage of the site is 19 acres. The woodlands proposed to be retained is 1.25 acres. As a result, 20 units will be constructed on approximately 15 acres. Upon Mrs. Lyons comment the site will be intense, Mr. Chandor responded; the B15 use will support the plan. Township Planning Consultant; Judy Stern Goldstein indicated: the plan will not be permitted in a single family use, because they will be smaller lots and detached homes.

Upon a discussion regarding the different uses proposed for the site, Mr. Chandor informed; Tabor's administrative staff will stay on-site during construction and pending approval of re-zoning.

Referencing several high end community having difficulties selling homes, Mr. Snyder requested a clearer definition of how the proposed site will be different from the others. Mr. Chandor answered; prior to any units being built, an agreement will be in place. Upon several discussions and studies, there is a ready market for the adaptive reuse of the existing homes. However, he cannot guaranty the price of the homes will be desirable. The market for new, large office buildings is no longer strong.

Mrs. Lyons questioned; has the Planning Commission reviewed the plans. Mr. Chandor answered; the Commission recommended the sketch plan be presented to the Board for their review. Ms. Mason added; the Commission was interested, but concerned the plans will take a large portion out of commercial from the Township. Mr. Colello commented; the Comprehensive plan cannot be constantly changed and the site is an ideal area for commercial. He then requested data to support the claim, commercial zoning is no longer a strong market. Mr. Colello concluded by indicating he has no interest in placing anything other than commercial on the site. Mr. Chandor responded; the issue will then be what commercial can be built on the site. If the issue is concerning the tax base, because the commercial never produces any students in school. The site is to be aimed towards buyers without children at home. Mrs. Lyons responded; it isn't that residential produces children, but commercial produces income tax payers. Commercial will also offer a balance between residential, industrial and retail.

Mrs. Lyons continued; The Board takes measure from the Planning Commission because of their expertise. Upon Mrs. Lyons's question, Mr. Colello indicated; upon reviewing a previous developer's plan, the Planning Commission expressed the Comprehensive plan or commercial zoning was not to change. Mr. Colello once again requested new data for the Board and Commission's review.

Mr. Touhill commented; he appreciates the developer will to work with the contours of the site and to maintain the woodlands.

Resident: Chris Sussenguth questioned; will the historic building be demolished, if the plan is denied and remains zoned commercial. Mrs. Lyons indicated it will depend upon the presented plan. He then questioned; will the Township considered building another commercial property when other properties do not have full occupancy. Mr. Chandor answered; he owns the Commerce Center and is fully occupied. Although, the Heritage Center is not full occupied, both buildings are making money. As for demolishing the existing buildings, one of the mansions is listed on the historical register. Mr. Sussenguth concluded; he prefers to pay more in taxes and see an appealing residential property than another commercial one.

Mr. Snyder commented; he prefers to reference the Comprehensive plan and have the site remain commercial zoning.

Mr. Touhill commented; although the intent is not to change the comprehensive plan, demand and community may deem changes. However, the Board will need to consider if these demands should substantiate a change in zoning.

Mrs. Lyons commented; the concept is appealing, but unsure if it warrants a change. Mr. Chandor indicated if the plans are approved, he will purchase one of the units. Mr. Colello added; the plans are beautifully done and is amenable to hear plans on the three historic building, but not to include additional units. Mr. Chandor questioned; if the Board would consider the possibility of allowing a B15 use and changing the improve portion of the land to R1 with the understanding an adaptive reuse will be included. The remainder of the land will be utilized as commercial office. Mrs. Lyons

responded; the site should be either commercial or residential, but not a mix-use. Ms. Stern Goldstein added; with commercial versus residential, unless there is a mix-use permitted, which adaptive reuse is of the existing buildings for residential in conjunction with the mixed-use on the whole site, the plan will not work. Zoning a portion of the site into a residential district to permit the B15 use and leave the rest in commercial will not work. It will have to be one or the other. However, if the plans stay in the residential district, there is a potential mix-use with an adaptive reuse of existing structures for residential with some other non-residential use. It's not just office permitted, but other types of use can be accepted. For example; nursing homes and medical offices. The township can also consider what else can be placed and something to think about.

Mrs. Lyons suggested Mr. Colello discuss the matter with the Planning Commission. Mr. Colello suggested; Mr. Chandor discuss the matter with his consultants and schedule another presentation with the Planning Commission. Mr. Chandor agreed with Mr. Colello's suggestions, but disagreed with Ms. Stern Goldstein's indicating it will not be economically feasible. Residential is the only option, so the properties can be sold. He concluded; if there is no sentiment in allowing an adaptive reuse that is economically feasible for the three building, he will withdraw from his agreement.

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X. ADJOURNMENT

Hearing no further business, the March 7, 2017 the Doylestown Township Board of Supervisors Regular meeting was adjourned at 5:23pm.

Respectfully submitted by

Stephanie J. Mason