



# Board of Supervisors

## Regular Meeting

### Minutes

425 Wells Road  
Doylestown, PA 18901  
215-348-9915  
<http://doylestownpa.org>

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Tuesday June 18, 2024

7:00 PM

Community Meeting Room

**Board Members in attendance:** Jennifer V. Herring, Chairman; Barbara N. Lyons, Vice Chairman; Nancy Santacecilia; Dan Wood; Judy Dixon.

**Township Staff in attendance:** Stephanie J. Mason, Township Manager; Dave Tomko, Director of Operations; Andrea Susten, Assistant Township Manager; Chief Dean Logan; Sean Torpey, Township Engineer and Michael Clarke, Solicitor.

#### 7:00 PM REGULAR MEETING

Ms. Herring announced to the audience that there is a sign-up sheet at the back, if you have a public comment please sign up, please do so now. We will collect the sheet at the time of public comment.

#### Pledge to the flag

Ms. Herring stated that prior to this meeting the Board of Supervisors held a Budget Work Session and an Executive Session.

#### Public Comment Agenda Items Only

No Comments

#### ANNOUNCEMENTS

- A. The next regular meeting of the Board of Supervisors will be held on Tuesday, July 16, 2024 at 7:00 PM.
- B. The Doylestown Township Municipal Building will be closed on Thursday, July 4, 2024 for Independence Day.
- C. Join in the celebration of the 10<sup>th</sup> anniversary of the Native Plant Garden in Central Park by attending a Garden Party hosted by the Environmental Advisory Council. The event will be held on Saturday, June 22, from 10 – 1 pm. Enjoy hands on educational opportunities, environmental crafts, live music, and botanical refreshments all while surrounded by the garden! We hope to see you there! Parking will be available at Kutz Elementary School.
- D. Thompson Performing Arts Series at the C&N Amphitheater in Central Park. The series continues bringing music to Central Park throughout the summer! Sign up for E-News at [www.doylestownpa.org](http://www.doylestownpa.org) for lineup of weekly performers and parking information.
- E. National Night Out – Tuesday, August 6, 2024, 4 – 8PM - Central Park – Free Community Event! – Mark your calendar, you don't want to miss this Family Fun Event!
- F. Keep up to date with Township News / Events – sign up for E-news at [www.doylestownpa.org](http://www.doylestownpa.org). E-News is sent out every Friday at 4:00PM.

#### MINUTES APPROVAL

On motion of Ms. Lyons, seconded by Ms. Dixon, the minutes of the **May 21, 2024 Regular Meeting** were approved with the following change. Mr. Wood stated that on page 7, third paragraph change Ms. Clarke to Mr. Clarke. The motion carried 5 – 0.

#### CORRESPONDENCES

The Board accepted the resignation of Ms. Woodbury from the EAC with regrets.

Ms. Mason stated that the Township received a letter from Heritage Conservancy regarding the Fonthill Conservation Easement, and a Federal Highlands Conservation Act Grant Program. They are asking the Township to partner with them as a municipal partner. Heritage Conservancy will take care of all paperwork and costs involved.

On motion of Ms. Lyons to partner with Heritage Conservancy as a municipal partner, seconded by Mr. Wood the motion carried 5 – 0.

### **REPORTS**

#### Solicitor

None

#### Township Engineer

None

#### Police Chief

None

#### Dir. of Operations

##### Public Works Building Fit-Out – Electrical Design Proposal

Mr. Tomko asked the Board to accept the proposal from Pennoni in the amount of \$5,900.00 to provide Electrical Design for the Public Works Building.

On motion of Ms. Lyons, seconded by Ms. Dixon, the Board approved the proposal in the amount of \$5,900.00 from Pennoni. The motion carried 5 - 0

##### Emergency Management Radio Purchase and Repeater Equipment Installation

Mr. Tomko stated that in 2022 Emergency Management Radios, since that time it has been discovered that there are areas within the Township that are dead zones. Mr. Schea has worked with Bucks County, and they have given permission for an antenna on the roof of the Bucks County Court House. He is asking the Board to approve the purchase of a Motorola repeater, antenna system, FCC License Modification and additional Motorola Hand Held Radios totaling \$20,437.22 from Wireless Communications & Electronics.

On motion of Ms. Lyons, seconded by Ms. Dixon, the motion to approve the purchase was approved. The motion carried 5 – 0.

##### 2024 Bike Trail Maintenance – Bid Results - Award

Mr. Tomko stated that the Bid Results for the 2024 Bike Trail Maintenance were opened. He is requesting the Board award this project to A. H. Cornell & Sons, Inc. in the amount of \$124,309.01 contingent upon their execution of the contract and supply of the required Bonds and Insurance. The bid amount reflects the total Base Bid and Alternate – Rolling Hills Boulevard.

On motion of Ms. Lyons, seconded by Ms. Dixon, the Board awarded the 2024 Bike Trail Maintenance contract upon execution of contract and the supply of required Bonds & Insurance. The motion carried 5 – 0.

#### Township Manager

None

#### Supervisors

Ms. Lyons – as chair of the Capital Campaign Committee stated that the Capital Campaign is still going on collecting funds for the Community Recreation Center & Park Improvements. This month the focus is on fundraising for the Comfort Cottage providing more bathrooms for the park, stop by the Capital Campaign table at the concerts and add to the “potty”, the cost will be approximately \$600 - \$700,000, if you would like to sponsor you can do so for \$300,000. The summer concert series is continuing this summer payment for any food purchase and contributions can now be completed using Venmo, all proceeds will go to the Capital Campaign. On June 5<sup>th</sup> Penn Community Bank had a day of service at Central Park along with the Special Olympics, she was there along with Ms. Mason. and Ms. Dixon helping the Special Olympics team make scoreboards for the Bocce Courts. The athletes were on their way to Penn State for the State Games. The Penn Community Bank Day of service was a great success, she would also like to thank them for sponsoring the Bocce Ball Courts for the new

improvements in the park. Ms. Lyons asked the supervisors to download the Virtual Capital Campaign to their cell phones, so they can share the information with their friends, family and associates to help us raise the funds.

Ms. Santacecilia – Thanked the Township for recognizing the 80<sup>th</sup> Anniversary of D-Day with laying of the wreaths. She wanted to recognize Women’s Veterans Day on June 12<sup>th</sup> and Flag Day on June 14. She would like to see every committee person complete a conflict of interest and disclosure to identify if they are representing multiple association or if they find a conflict when making decisions on spending money, we trust our committees this would be to protect the Township. There was an email sent to all the Board members by Ed Sheppard regarding the Single Use Plastics Ordinance, he asked that it be read at the meeting. Ms. Herring stated typically the Board does not read full emails at meetings. Ms. Lyons recommended that the letter be made part of the minutes, giving people the opportunity to read it on their own. Ms. Santacecilia wants the residents to know that the supervisors read the communications that are sent to them, they are not being ignored. Email from Mr. Sheppard (Exhibit A)

Ms. Dixon – stated that the EAC is getting great feedback from the community regarding the Plastic Bag Ordinance, most of those who know the ordinance was passed are thrilled. The EAC is having their Garden Party this Saturday 10am to 1pm, at the Native Plant Garden there will be activities for kids, and resources for all interested in native plants. Next month Dr. Baldassarre, Chair of the EAC will share a report from our shared energy manager, we received a grant on how we can reduce our electricity and reliance on fossil fuels. The Bike/Hike Committee last month PennDOT wrote a letter that they want to remove the bike insignia on the 202 Parkway, through all the municipalities. They wanted to make us aware and asked our Bike/Hike Committee for comments. The Bike/Hike Committee would like to organize a meeting with the other municipalities and PennDOT to address safety improvements that can be made to the road for the safety of those using the trails. Mr. Wood inquired if this meeting includes their recommendation to remove the markings on the road or as a separate item. Ms. Dixon stated that PennDOT can do it whether or not the municipalities agree, we want to bring safety concerns and to make sure the safety promises made when the roadway was built are remembered to ensure the safety of the people. Lastly, the Shady Retreat Road Trail is expected to be completed in November. This will be a great trail for kids to walk to school and for those who enjoy using the trails along Shady Retreat Road.

Mr. Wood – encouraged everyone to go to the Native Plant Garden and the Garden Party on Saturday. Thanked the Veterans Advisory Committee especially Mr. Suessenguth, Chairman, as he organized the Memorial Day Parade in Doylestown Borough, the Township had a truck in the Parade with the Veterans Advisory Committee Banner, it was nice to see the Township represented. He attended the kick off meeting for Turk Road Traffic Improvements Study, invitations were sent out to residents in both Doylestown Township and Warrington Township impacted along Turk Road. The meeting explained what the point of the study is and what we are trying to accomplish, possible solutions working with Warrington Township. There will be additional meetings specifically looking for community feedback. We joined the Neshaminy Consortium a couple of months ago, taking care of Neshaminy Creek. They have not had their first meeting, but they are doing some fact finding asking what municipalities are doing and what they would like to see done. Nice opportunity to work with our neighbors up and down the creek keeping the waterway safe and improving it. Most of what the Planning Commission discussed is on the agenda tonight, you will hear all about it shortly.

Ms. Herring – The Board had the interviews earlier this evening for volunteer positions on Board and Commissions, they are passing on any action tonight, possibly action at the next meeting. She wanted to say Happy Pride to all who celebrate, Juneteenth, if you don’t know about it, this is a great opportunity to learn what it is about and why it is important to the Township. She also attended the Turk Road Traffic meeting where there were supervisors from Warrington, the acting manager and a Police Department representative present.

### **UNFINISHED BUSINESS**

**Public Hearings - Chapter 153 Electric Vehicles and Chapter 175 Backyard Poultry (Tabled from May 21<sup>st</sup> Board of Supervisors Meeting)**

**Chapter 153 - Electric Vehicles Ordinance Amendment**

Mr. Clarke opened up the public hearing for Ordinance for Chapter 153 Electric Vehicles and Chapter 175 Backyard Poultry, these ordinances were prepared by Ms. Goldstein from Gilmore & Associates for the Township, and she will be presenting this evening.

Ms. Goldstein stated that this is the addition of one paragraph, *“In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles applicants of a subdivision or land development permit for any use with a parking area of 25 or more spaces shall address the sighting of electric vehicle charging stations and or electric vehicle ready infrastructure as part of the proposed project.”* This is the companion paragraph to the amendment that is already in the subdivision land development ordinance from about 1 ½ to 2 years ago. When the Subdivision Land Development Amendment went in it was to encourage the sighting and provision for EV but not specific regulations regarding the different types of chargers as they change constantly. Be ready for not only EV but other alternative fuel vehicles.

Bucks County Planning Commission’s (BCPC) review letter asked for terms to be defined, these are all defined in the SDLDO, this paragraph is more general and didn’t need definitions. BCPC wanted stronger language in the zoning ordinance, as she mentioned in the SALDO Ordinance the Township chose to encourage not require as the alternative fuel vehicles are still evolving. There is no absolute need for you to make any changes unless you feel otherwise.

There were no public comments or questions.

On motion of Ms. Dixon, seconded by Mr. Wood, Chapter 153 – Electric Vehicles Ordinance Amendment passed as written. The motion carried 5 – 0.

**Chapter 175 – Backyard Poultry Ordinance Amendment**

Ms. Goldstein stated that the Township does have regulations regarding as an accessory residential use, not farming. There was a group of residents who wanted the Township to amend it. The Board heard their issues and sent them to the Planning Commission, the Planning Commission prepared the amendment that is before you now. The amendment defines chicken run or pen, hen house or chicken coop and provides some additional regulatory requirements, one of which is dealing with the number of chickens. Five chickens are permitted for the first 40,000 sq. ft. with one additional chicken permitted for each additional 10,000 sq. ft. There were additional area and dimensional requirements. BCPC had comments regarding roosters, they recommended that this provision only apply to roosters over the age of six months. Response: Our response is the Township regulation is no roosters, due to the noise and annoyance. is that it is unnecessary and problematic to have a cut off for the age of roosters, prohibiting roosters is simple and enforceable. BCPC recommended that a use regulation be added that requires all feed be kept in a vermin proof air tight container. Response: We have no objection, but let’s wait and see if the ordinance needs to be amended, we don’t require dog food to be kept in an airtight container. BCPC recommend the township officials consider setting a maximum limit on the number of chickens per lot regardless of size. Response: We feel the sliding scale is fair and equitable. BCPC recommended referencing chickens by their specific species. Response: We note that this is limiting and difficult to enforce, she doesn’t believe we have an expert who is able to determine the species of a chicken by looking at it. BCPC wanted to get into defining the habitable space size and duration for the chicken run or hen house or chicken coop. Response: The property owner who owns the chickens would be responsible to comply with the general regulations’ guidelines set forth if they want to maintain a healthy happy chicken community. Their rule when writing ordinances is, if you can’t enforce something it doesn’t make sense to enact it.

There were no questions or comments.

On motion of Ms. Lyons, seconded by Ms. Dixon, Chapter 175 Backyard Poultry Ordinance Amendment passed as written. The motion carried 5 – 0.

**NEW BUSINESS****Public Hearings – Ordinance Establishing Chapter 103 Human Relations Committee**

Mr. Clarke opened the public hearing for Establishing Chapter 103 Human Relations Committee Ordinance. This ordinance was discussed at the Board’s May 21<sup>st</sup> meeting, it has been advertised. He stated that since March 2024

at 74 local and county governments across Pennsylvania have adopted a non-discrimination ordinance, Pennsylvania has yet to adopt a statewide law, one of the issue indicated at the last meeting. Mr. Clarke presented a power point presentation showing the Nondiscrimination Ordinances Across PA and information regarding the proposed Doylestown Township Ordinance. The Board of Supervisors desire to establish and adopt an official policy of non-discrimination in Doylestown Township, in all matters involving employment, housing, commercial property and public accommodations. It wishes to ensure all persons enjoy the full benefits of full citizenship and have fair and equal treatment under the law. The ordinance will establish a Human Relations Commission (HRC), consisting of four members with overlapping four-year terms, one Board of Supervisor member as liaison (non-voting), the Commission may elect up to three non-voting members, a minimum of three members should be residents of Doylestown Township. The Board of Supervisors will designate one member to receive the complaint and conduct an intake meeting, he/she will not participate in any mediations or vote on complaints. One member of the HRC will elect one member to be chairperson and report the activities of the HRC to the Board of Supervisors Chairman no less than every six month. HRC members shall attend training and education seminars to acquaint themselves with the functioning of the Doylestown Township HRC, in addition to review the PA Human Relations Act and the PA HRC. Complaints can be in person or by mail and received within 180 days of occurrence. Complaint will then be sent to the person charged with the offence, both parties are given the opportunity to proceed to voluntary mediation, the respondent must reply within 30 days of receiving complaint. Both parties shall jointly select a mediator, mediation shall be the responsibility of the parties.

Ms. Herring asked for any public comments, there were no comments. Board comments follow.

Ms. Lyons stated that she is not going to vote against Human Relations, she agrees with all the preamble, it is important that the Township take this position. However, she has to reiterate her objection to the Commission is not for the purpose but the inability to achieve the purpose. Anyone who comes to the Commission with a legitimate complaint will not get relief because there's no way to compel the respondent to respond or participate. Mediators do not find facts or state conclusions of law, mediation is completely voluntary. Confidentiality could be breached, and the Township would be subject to the consequences. If the respondent doesn't participate, that is the end of the process, there can be no fact finding or communication. This Commission cannot provide an aggrieved person with what they want provided. We cannot create laws, the Pennsylvania HRC says local governments can create a commission. Pennsylvania did not give local governments the ability to enforce it. She feels it is an unnecessary expense of Township Staff and time, the solicitor read the timeline, of how events occur. As Ms. Goldstein stated, there is no use having an ordinance that can't be enforced. She feels the Township can present to our community a process, a forum we've done it in the past. We had forums in our community regarding Opioids, school violence – what needs to be done, what can be done, what are our roles – having full conversations with residents. This Board of Supervisors has been and can continue to be a place where anyone can be heard at any time. She will not vote against Human Relations, she cannot vote for this process.

Ms. Herring stated that she has been in touch with municipalities with HRC's she inquired about cost of the process, it is nominal. From discussions with the municipalities, if there is a complaint, the respondent doesn't want to participate in mediation, the complainant can be informed of other opportunities in order to move forward with the complaint outside of the Township. This is important because these processes are complicated, when someone asks the Township for help, we can have an educated group of people that can help them work through the process. Like everything in our Township, it is a tool for the community. We need to have a mechanism in place if rights have been violated.

Ms. Lyons stated this ordinance that can't function, she agrees we should be able to tell residents where they can go to get help, we don't need an administrative system, the same result can be achieved without an ordinance that we are now and administrative body.

Ms. Dixon amplified the message that there is a recourse on a local level if someone's discriminated against. An invaluable tool to go to someone locally where the discrimination may be happening and could be investigated, get guidance on what you can and can't do, allowing people to be heard.

Ms. Santacecilia stated that she has thought a lot about this, as supervisors we take an oath to protect our citizens of Doylestown. She understands Ms. Herring desire to bring an HRC, she believes this Board believes in protecting our community and not tolerating any type of discrimination. She is wondering where this ordinance came from. Part of this HRC is to expand the genetic information definition beyond employment, housing, commercial property and public accommodations. What are the ramifications, would this supersede policies at hospitals, schools, churches, private businesses etc. Mr. Clarke stated that the purpose of the ordinance is to not allow discrimination in employment, housing or public accommodations. If someone from a protected group feels they have been discriminated against in these areas, they would have some recourse. As discussed last month, hospitals and school districts probably have policies and procedures beyond this. Ms. Santacecilia inquired about public accommodations, specifically bathrooms, is that an area where people can come in a lodge a complaint if they are denied use of a bathroom. Mr. Clarke stated if they are being denied the opportunity to use a bathroom, this is set by the policy of the school district, set by the policies of the United States Supreme Court regarding access to bathrooms. Ms. Santacecilia asked can they come in and file a complaint against a business. Mr. Clarke answered yes. Ms. Santacecilia also had questions regarding the number of individuals on the commission, seven, but only three have to be Township residents, what is the reason for this. If you don't live here or work here, why would we want someone from Philadelphia or elsewhere making decisions and recommendations to people who live here. Ms. Dixon pointed out that you can have seven residents, it just state that a minimum of three have to be residents. Mr. Clarke reiterated that the commission has four members, three of whom must be Township residents, the fourth could be as well. The other three are ex officio members who can participate but they don't participate in the complaint process, it is an opportunity to bring in a more diverse point of view or particular skill set.

Ms. Santacecilia has questions on the training of the commission members, who will pay for it, is there travel? Ms. Herring stated training offered through the Pennsylvania Human Relations Commission to municipalities, is online and there is no cost. Ms. Santacecilia asked will this be an added responsibility for the Township manager, additional responsibilities to our staff. Ms. Herring stated that in other communities with the HRC there has been very little impact on their staff.

Ms. Santacecilia has some concerns with the way parts of the ordinance are written, if the complaint turns out to be criminal misconduct, commission has no subpoena power and could cause a delay putting the complainant at risk. Commission members are trained but are not experts. Will this cause harm to the community and not help the community. Could this open the Township up to lawsuits? Ms. Santacecilia stated that she understands the intention but feels the way this is written now falls short. She feels that the technicalities that Ms. Lyons pointed out are very important and that it would behoove the Board to vote this down and work together to write it so that we serve the community in the best way possible.

Ms. Lyons inquired of Mr. Clarke - in C. Mediation, Section 3 to the point of the paragraph that says, *"In the event the complaint is not resolved through mediation, then the Chairman, within 30 days, shall prepare findings of fact and a conclusion as to whether the Commission finds probable cause that an unlawful practice has occurred."*

Her question is under what authority does this commission have the ability

#1 to find probable cause

#2 if the responding party did not participate in the mediation how can you have findings of facts and probable cause if the respondent did not participate

Mr. Clarke answered #2 first – if the respondent chooses not to participate the commission will be taking their information based solely on what they received from the person who made the complaint. Admittedly they will only be getting one side of the story. In regard to #1 the Pennsylvania HRC allows the commission to be established and allows them to do these findings of facts reach these conclusions based on the information that they've received.

Ms. Lyons but not following a mediation ever. Mr. Clarke stated that he thinks what they're talking about in this section is when the respondent doesn't participate or if the mediation is not successful. Ms. Lyons stated if it's unsuccessful that means both parties have participated but if the respondent hasn't answered anything then you're making a determination against a party who was not compelled to participate. You're making a finding conclusion

for what purpose? Is it a confidential finding? Probably not. Then the Township is subject to a potentially abusive process, because you do not have authority to make those findings since the respondent did not participate. That is her biggest problem with this. Mr. Clarke understands her concern, he thinks there's not a tremendous amount of case law on this because there have not been that many disputes involving HRC's, in everything they have researched, the Township is protected from a liability standpoint, as long as the procedures are being followed.

Ms. Lyons stated she has been a Civil Law Mediator and Civil Law Arbitrator for over 30 years. Pennsylvania General Assembly Title 42: Confidential Mediation Communications and Documents General Rule – all mediation communications and mediation documents are privileged. Disclosure of mediation communications and mediation documents may not be required or compelled through discovery or any other process. Everything that happens in mediation, mediation communication including the identity of the parties and the results of the mediation, the facts of the mediation cannot be disclosed. You have too many opportunities in the process for that accident to occur. Mediation is the deliberate and knowing use of a third person by disputing parties to help them reach a resolution of their dispute. She totally believes in mediation, once you start offering a mediation process as a Township Authority then you're setting yourself up for a violation in this very important law. Opening yourself up to liability for violating that rule of law.

Mr. Wood with regards to the mediation though, the Township isn't conducting the mediation we're recommending mediators unless I'm misunderstanding. Ms. Herring stated that we have the ability to mediate. Ms. Lyons stated you have the ability to mediate, and you've opened a mediation for the resolution of the complaint, that's mediation, that is subject to Title 42. We are a governmental body, we have to comply with the rules, these rules go beyond what we are trying to do here. We have to be respectful of people who don't participate for whatever reason, then there is some kind of communication, finding that's out there about them being a lousy at what they do, that is not good.

Ms. Herring inquired about Executive Sessions held by the Board, private conversations would it be similar to that? Ms. Lyons stated no. This ordinance creates a mediation process, all the rules for mediation have to be followed. She feels confidentiality cannot be achieved.

Ms. Santacecilia inquired of Mr. Clarke if the Township is liable, the way this is currently written. Mr. Clarke stated he did not believe so, he believes this ordinance is legal, that the provisions as they are laid out are within the police powers of the Township and he believes when you are acting reasonably and the scope of what you are permitted to do, you are basically protected.

Ms. Santacecilia asked Mr. Clarke for a definition in Section 2 referencing source of income and status of returning citizen. Mr. Clarke stated you can't discriminate against someone based on their source of income, nor if they are returning from incarcerations or commitment.

Ms. Lyons stated she would like to work to make this ordinance work legally, not adopt this one tonight and bring it back to a future meeting. Make it work so that it can actually work and still be within the confines of the law.

On motion of Ms. Lyons, seconded by Ms. Santacecilia, to table this Ordinance to a future meeting. The motion failed 2 – 3, with Ms. Herring, Ms. Dixon and Mr. Wood voting Nay.

On motion of Mr. Wood, seconded by Ms. Dixon the Board approved the Ordinance as written. The motion carried 3 – 1 – 1, with Ms. Santacecilia voting Nay and Ms. Lyons Abstaining.

#### Public Comment

Ms. Jacqueline Kennedy, Water Crest Dr, Doylestown is her hometown, she is uncomfortable with some of the things she has heard tonight. She is grateful for the acknowledgement of Juneteenth, there are many people who are not aware of the history. She is a skilled woman of color, involved, she sat on the board of Planned Parenthood during the approving of the Rainbow Room. She was involved with the Pennsylvania Human Relations Committee in 1976 after an attack. She stated that for the most part growing up and living here has been easy for her but as a person of color, there have been difficult times. She is disappointed by some of the things she

has heard regarding time and money being important. Her time and cost as a human being is as valuable as all of yours is. For those of us who are different, grown up different it is important to know we are not alone, to know there are people who stand with you, the resources available, tell me what my options are. She wants to know she counts if she has an issue. People who look like her count, they pay taxes. This is her hometown, she needs to know that she counts, we all count.

### **Land Development**

#### **1796 S Easton Road (Car Wash) – Preliminary / Final Land Development Approval**

Nate Fox, Obermeyer along with Kristen Holmes of Holmes, Cunningham LLP were present to discuss 1796 S. Easton Road which is the subject of a stipulated settlement agreement for Preliminary/Final Land Development based on a Zoning Hearing Board appeal. Mr. Fox gave a brief summary of the project, consisting of 4.93 acres, this will include the demolition of an existing building 12,000 sq. ft. building and the construction of a new 5,400 sq. ft. car wash along with parking, ingress and egress. The settlement stipulation resolved zoning and granted waivers; one additional waiver was needed. The Planning Commission recommended approval of the subdivision land development waivers in April. Regarding water & sewer we are providing an easement through the property as part of the conditions for approval, will allow for future utility connection for water & sewer as well as a water service extension main extension along Route 611. We received good feedback from PennDOT, we expect to get the HOP application within the month. Ms. Holmes stated that they have received review letters with minimal comments, they are working on the last few remaining items. Mr. Fox stated that all review letters are a will comply. They expect to enter into a typical subdivision land development financial security agreement, stormwater operations maintenance, etc.

Mr. Clarke stated that Ms. McGowan received a copy of the draft approval letter, you have no issues with anything in the approval letter? Mr. Fox stated that the approval letter is acceptable in all respects.

Mr. Clarke then asked the Board if they are inclined to approve the application this evening, there are multiple conditions in the letter. The first 22 are standard conditions in all approval letters. He pointed out the waivers to be considered and the additional waiver because the use as a car wash:

1. Section 153-20 C10 requiring the plan identify the location of water courses, wells and on lot septic systems etc.
2. Section 153-25 b2 requiring at 4' wide planting strip between the sidewalk and curb
3. Section 153-39 c5 prohibiting grading within 5' of property lines or street right-of-way
4. Section 153-39 ca requiring a lot of slope of at least 2% in paving areas
5. Section 153-34 b3 and 153-34 e requiring street trees to be planted outside of the right-of-way, the applicant has requested a partial waiver in order to plant the street trees within the right-of-way as well as how shown on the plan

All of those waivers are subject to the following conditions, that the applicant provide the Township with sufficient information to demonstrate that the car wash use will not result in water freezing on any road particularly Route 611 from the cars exiting the car wash.

Mr. Fox stated that these all will comply.

On motion of Ms. Lyons, seconded by Ms. Dixon, the Board approved the Preliminary/Final Land Development Plan for 1796 S. Easton Road. The motion carried 5 – 0.

#### **1796 S Easton Road (Car Wash) – Sewage Facilities Planning Module**

On motion of Ms. Lyons, seconded by Ms. Dixon, the Board of Supervisors approved the Planning Module for 1796 S. Easton Road Redevelopment (Car Wash). The motion carried 5 – 0.

#### **Barn Plaza Redevelopment – Preliminary / Final Land Development Approval**

Brian Conlon, Langan Engineering, Project Engineer for the Barn Plaza Redevelopment along with Bill Grimel, Brixmore Property Group and Rob Lewis, Kaplan Stewart. Mr. Conlon stated that the Barn Plaza is currently undergoing some construction, not part of this project but Whole Foods, coming soon and the whole shopping centers façade is being renovated. The project tonight is the Preliminary/Final Land Development for a new out



parcel building where Applebee's was located. This project will demolish the building, in its place a three-tenet building, three restaurants with a drive-thru on one restaurant. There is a small increase in the square footage of about 253 sq. ft., parking improvements, drainage, sewer, utilities, landscaping and lighting. There are a few waivers that the Planning Commission recommended at their May meeting.

Mr. Clarke stated that the Board has a copy of the approval letter which has all of the conditions. The first 22 are standard conditions in all approval letters. The waives are as follows:

1. Section 153 attachment 2 requiring a multi-use trail that is 12' wide – the applicant is requesting a waiver from this section
2. Section 153-25 b1 requiring a 6' sidewalk
3. Section 153-25 b2 requiring a sidewalk between the curb and the right-of-way with at 4' wide planting strip between the sidewalk and curb
4. Section 153-28 d2 requiring a minimum 5' radius of curvature in all parking areas
5. Section 153-31 a5 prohibiting planting or construction within rights-or way or easement
6. Section 153-54 b6b requiring a landscape conservation plan to show the preservation requirements as set forth in Section 153-34c

He asked Mr. Lewis and Mr. Conlon if they had received a copy of the letter, they did and agreed with the letter.

On motion of Ms. Lyons, seconded by Mr. Wood, the Board approved the Barn Plaza Redevelopment Preliminary/Final Land Development Plan. The motion carried 5 – 0.

#### Holiday House – Indemnification and Hold Harmless Agreement

Doylestown Veterinary & Holiday House is requesting to do some preliminary site work prior to the start of their land development plan. They received an offer to purchase the existing pole barn on the property that is used as a training facility. There will need to be some wording change in the Indemnification and Hold Harmless Agreement at the size of the concrete pad has changed in size. Other than that, it remains the same.

On motion of Ms. Lyons, seconded by Ms. Dixon, the Board approved the preliminary site work. The motion carried 5 – 0.

#### Central Bucks School District – Kutz Elementary School – Waiver of Land Development Approval

Ms. Mason stated that at the last meeting the Board approved the request for Waiver of Land Development for the Kutz Elementary School playground project. She is asking them to approve the resolution stating such.

On motion of Ms. Lyons, seconded by Ms. Dixon, the motion was carried 5 – 0.

#### Stone Barn Manor Landscaping Agreement and Release of Escrow

Ms. Mason stated that she and Mr. Torpey have been in contact with Stone Barn Manor and the time has come to close out the Landscaping Agreement with Stone Barn Manor and release the remaining money in escrow to the Homeowner Association. She is seeking the Boards approval to do so.

On motion of Ms. Lyons, seconded by Ms. Santacecilia, the motion to release the remaining Stone Barn Manor Landscaping Agreement Escrow funds was approved. The motion carried 5 – 0.

#### Zoning Hearing Board

##### Harper – 90 W Shady Ridge Rd – TP 09-001-009-024 – Special Exception Accessory Family Apartment

The application was sent to the Zoning Hearing Board without opposition by the Township.

Treasurers Report – June 18, 2024 – On motion of Ms. Lyons, seconded by Mr. Wood the Treasurers Report was approved. The motion carried 5 – 0.

Bills List – June 18, 2024 – On motion of Mr. Wood, seconded by Ms. Lyons the Bills List in the amount of \$1,164,124.54 was approved. The motion carried 5 – 0.

**Public Comment – All Items**

None

**ADJOURNMENT**

On motion of Ms. Lyons, seconded by Ms. Dixon, the meeting adjourned at 8:39PM.

**Respectfully submitted,**

A handwritten signature in cursive script that reads "Stephanie J. Mason".

**Stephanie J. Mason, Secretary**

6/18/24

## An Open Letter to the Doylestown Township Supervisors: Repeal the Bag Ban NOW!

I write this open letter to the Doylestown Supervisors to ask them immediately repeal the plastic bag ban it recently passed for a plethora of reasons:

- Studies show it will INCREASE the amount of plastic waste generated by the township
- Studies show it will kill people
- Studies show it will make people ill
- The township was not honest with the public about businesses it surveyed
- The township has withheld information from the public regarding negative impacts from such a ban
- This ban is economically regressive, hurting those who are struggling to make ends meet
- This ban is not ADA compliant

Let's look at each point. A 2022 study of American bag bans, which the Supervisors have had in its possession, shows that these bans cause an extra 1200 pounds of plastic waste PER GROCERY STORE! That's over half a ton. How? By no longer being able to recycle single use bags as trash bags, consumers shift to purchasing 4 or 8 gallon trash bags. These bags are made of exponentially heavier plastic than single use bags. They are much worse for the environment. The main goal of this ban, less plastic waste, will not be achieved; we will actually be hurting the environment more! And this American study, which the Supervisors already have in their possession, is in line with a multitude of studies in Europe which show the SAME RESULT! And the Supervisors kept this information from the public!

It will kill people. It will make people sick. The very first bag ban was in 2008 in San Francisco. Studies of the bag ban, which the supervisor have had in their possession, which spread within the year to the counties surrounding San Francisco, show a 100% jump, ie DOUBLING, of deaths from food poisoning. It showed a DOUBLING of hospitalizations due to food poisoning. Mostly children. This is due to bacterial infection from infected reusable bags, and spreading infection by cleaning them in the same machine you clean your clothes in. This has been known SINCE THE VERY FIRST BAN! When confronted with this data at a Council meeting, the head of the committee pushing the ban, AN INFECTIOUS DISEASE DOCTOR, made the absurd claim "if it looks clean, then it's probably clean." I wonder if he was saying the same during COVID? Killing people, making children sick, is unacceptable, and these facts were kept from the public so it could be passed.

The township claimed to have reached out to every business in the township to get their input, and that businesses were on board. Records request show this was a lie! There are roughly 400 businesses in Doylestown Township, but the Township only reached out to 14! And when businesses called you all out on your lies, you doubled down, telling businesses you never contacted that the day you went into the business was a day the owner wasn't there! The public was lied to about both the level of support from the business community AND the townships efforts to get input.

As I previously mentioned, the supervisors were aware about the data showing rise in deaths, rise in illnesses, and the data concerning the vast amount of increased plastic waste. They kept it from the public in order to ram this ordinance through! Lying to the public because they think they know

best! If you have to lie to people to get support to pass an ordinance, then that ordinance has no businesses being passed.

The ban is also economically regressive. An amendment was added to spare food deliveries to one's door, from services like Doordash and Uber. Food delivery services add a hefty surcharge to the cost of food; people who work paycheck to paycheck can't afford an extra 20% for delivery, especially since Biden's inflation already boosted the cost of food by 20%! The people who will have to spend extra money on paper bags AND see an increase in their risk of death & illness are the people who can least afford the cost for bags, let alone the increase in medical bills. Why do you want to charge a single mom working two jobs extra for getting her kids food at a locally owned small businesses, but give a break to rich people and big corporations like Uber?

Finally, this ban is not ADA compliant. The township will get sued and lose. There are no exceptions for those with conditions covered by the ADA, as required by law. At the meeting where it passed, I pointed this out, using the specific example of not being able to lift the larger, handleless paper bags or cloth bags, due to complications from end-stage renal failure, an ADA protected condition. The township solicitor's response was to say he never heard of any ADA issues; I had to point out to him that I literally just described one to him. His response on the record was for me to figure it out and bear 100% of the cost of compliance. ADA precedent is clear, such a stance is highly illegal and discriminatory. The township will lose in court thanks to the solicitor's asinine comments, which I will make him eat in court. Another example is immune-compromised people. The reusable bags DOUBLE chances of infection for standard immune systems. I am on track to receive a kidney transplant later this year, which will involve making me immune-compromised right around the time this ban goes into effect. There are loads of others in the same boat as me. Why does the township insist on needlessly increasing the chances of us getting a fatal infection, in violation of the ADA?

You had to lie and withhold information from the public to ram this down the public's throat. All for what, Supervisor's Herring hubris, more dead people, more sick people, and over a half ton MORE of plastic waste?

Time for Supervisor Herring to swallow her pride and repeal this mess of an ordinance, and actually study the issue instead of lying to us about studying it.

Ed Sheppard

Doylestown Township