

# **DOYLESTOWN TOWNSHIP BOARD OF SUPERVISORS**

## **REGULAR MEETING**

**May 20, 2008**

The Regular Meeting of the Doylestown Township Board of Supervisors was held at 7:00 P.M. on Tuesday, May 20, 2008 at the Doylestown Township Municipal Building, 425 Wells Road, Doylestown, PA. Members of the Board of Supervisors in attendance included Barbara N. Lyons, Chairman, E. Thomas Scarborough, Jr., Vice Chairman, Barbara Eisenhardt, Cynthia Philo, and Jeffrey Bennett. Others in attendance included Tim Duffy, Township Solicitor; Stephen J. White, Chief of Police; Mario Canales, Township Engineer; and Stephanie Mason, Township Manager.

### **PLEDGE OF ALLEGIANCE**

Ms. Lyons announced that this meeting is being tape recorded.

### **APPOINTMENT OF POLICE CORPORAL – Donald Lawson:**

Ms. Philo made a MOTION, seconded by Mr. Bennett to appoint Officer Donald Lawson, Jr., to Corporal of Police.

MOTION was ADOPTED 5-0.

Corporal Donald Lawson Jr., took the oath of office and was sworn in by District Judge Philip Daly.

### **COMMENDATIONS:**

Chief of Police, Stephen White announced that cardiac care specialists at Doylestown Hospital credited the prompt actions of Police Officer Christopher Power, Township residents, Cory Smith and Dominique Oldre with saving the life of Robert Isett at the Doylestown Tennis Club, 10 Weldon Way.

The Doylestown Township Board of Supervisors and the members of the Doylestown Township Police Department presented Officer Christopher Power with a commendation for his outstanding work and to acknowledge that it is an honor to be associated with him as a member of the Doylestown Township Police Department.

The Doylestown Township Board of Supervisors and the members of the Doylestown Township Police Department presented Cory Smith and Dominique Oldre with commendations to acknowledge that it is an honor to be associated with them as citizens of the Doylestown Township community.

The Board of Supervisors recessed the meeting at 7:10 P.M. until 7:14 P.M.

**ANNOUNCEMENTS:**

Ms. Lyons announced that there is not enough business to conduct a meeting on June 3, 2008.

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to cancel the Board of Supervisors meeting for June 3, 2008 due to lack of business, and to hold the next Board of Supervisors meeting on Tuesday, June 17, 2008 at 7:00 P.M.

MOTION was ADOPTED 5-0.

Ms. Lyons announced that the Doylestown Township Administration Offices will be closed on Monday, May 26, 2008 due to Memorial Day.

**VISITOR/PUBLIC COMMENTS:**

Ernie Gash, 15 Wilkshire Road, indicated that he has the dates for the cross-country event and will give those to the Township Manager.

William Lahr, resident, thanked the Board, Chief White and Township Manager, for taking care of the traffic light problem at Almshouse and Rt. 611. On Friday, May 9<sup>th</sup>, we planted 25-30 trees along the unnamed tributary, and the residents in this area thank the road crew for their assistance and the Township for sending them.

Robert Gundlach indicated that he is an attorney representing Tom Deignan and he is also a resident of the Township residing at 23 Morgan Hill Drive. We appeared before the Board of Supervisors on May 6<sup>th</sup> concerning the Blueberry Hill application and gave a brief overview of the project. We have filed an application to the ZHB and, on May 6<sup>th</sup>, this Board decided to send the Solicitor to the ZHB in opposition of the application. Regarding the two memos prepared by Phil Wursta, P.E. dated, May 5, 2008 and Judy Goldstein, dated, June 2, 2008; he expressed his concerns about those memos to Ms. Mason in a letter dated, May 14, 2008. His request to appear on this evening's agenda was denied so he is speaking under the "Public Comment" section of the agenda.

He feels his client did not receive a fair review by the Board of Supervisors at the May 6<sup>th</sup> meeting because he did not have copies of the those memos, and he asked the Board to reconsider their prior decision to send the Solicitor to the ZHB in opposition of his client's request for a use variance.

Ms. Lyons replied it was not until May 6<sup>th</sup> that the information about how many children this daycare would occupy was given to the Board, and she asked Ms. Mason to get that information from our experts. She is not inclined to reconsider this matter.

Ms. Eisenhardt commented that one Board member does not have the authority to have our experts do a study that was not authorized by the Board.

Ms. Lyons explained that she asked Ms. Mason to get the information from our experts for the Board of Supervisors, which is done routinely.

Ms. Eisenhardt expressed concern that the applicant's request to be placed on this evening's agenda was denied. She feels it is not in the job description of the Chairman of the Board of Supervisors to make that decision outside of a public meeting.

Ms. Lyons explained that she did not make that decision independently and this matter has already been on the agenda twice as it is her decision to make.

Ms. Eisenhardt disagreed. She has a copy of the rules that were passed unanimously by this Board as to what the rules and guidelines are for the Chairman of the Board of Supervisors. She made a MOTION to send the Blueberry Hill application to the Zoning Hearing Board without the Township Solicitor's presence to oppose it, seconded by Ms. Philo.

Ms. Lyons asked for any public comments.

Kathy Claire, 202 Egan Lane, expressed concerns about the traffic impact in the area and asked that the ascetic impact to her property be at a minimum.

Mr. Gundlach replied the applicant will be happy to meet with the citizens to provide that information and address their concerns.

Doris Clegg said speaking as the EAC Chairperson and Township resident, she requested the Board to send the Solicitor to the ZHB as it is important that the point of view of everyone in the Township is represented.

Mr. Scarborough commented that he is in favor of the motion on the floor because this is an historical area and gateway to Doylestown. He expressed concern that this property be used as a viable piece of property within the Township.

Mr. Bennett expressed that it is important that this site succeed and flourish as it is a gateway to the community; however, there are three historic buildings in need of tenants. The trip generation reports for a daycare facility demonstrate increased traffic over a retail use for that site. Our zoning ordinance makes a distinction between a daycare facility and school and a daycare facility is not permitted in this zone.

Joe Paternostro, 39 Houk Road, commented that he is against a change of zoning, and he is in favor of the Board sending the Solicitor to the ZHB.

Ms. Philo commented that she would like to have had the information from our experts and the applicant's counter proposal before deciding whether to send the Solicitor to the ZHB. When there is a change in zoning; regardless of the traffic issues; there are impervious surface issues as well and she withdrew her second to the motion on the floor.

Mr. Scarborough seconded the MOTION on the floor.

MOTION FAILED 2-3. Ms. Lyons, Ms. Philo and Mr. Bennett opposed.

**APPROVAL OF MINUTES – May 6, 2008:**

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve the minutes of the May 6, 2008.

Mr. Canales, Township Engineer clarified that on Page 1, Paragraph 4 should read as follows: The *applicant's engineer* ran the calculations to confirm that it complies with relief granted by the ZHB, and it does not exceed additional woodland disturbance and the impervious surface is under what is permitted by code.

MOTION was ADOPTED 5-0.

**CORRESPONDENCE:**

Heritage Conservancy – Amended and Restated By-Laws:

Ms. Lyons noted that this correspondence requires a signature by the Chairman of the Board of Supervisors to represent our membership in the Heritage Conservancy as amended and reinstated in their By-Laws. The consensus was to have the Chairman execute the form.

**REPORTS:**

**Solicitor:** No report.

**Police Chief:** No report.

**Township Engineer:** No report.

**Manager:** Ms. Mason noted that regarding refunding two prior Bond Issues (Series of 1998 & 2002); the Delaware Valley Regional Finance Authority is moving forward, but the interest rates have dropped. Previously, the Board established a minimum level of savings of 4.0%, which would generate \$185,000 so we are about \$35,000 short of the

target. She asked the Board if they want to hold and wait and proceed with the previous recommendation or pursue refinancing at this time at the lower rate.

The consensus of the Board of Supervisors was to hold and wait and proceed with their previous recommendation.

**Supervisors:**

Ms. Eisenhardt announced that she attended the Doylestown Hospital groundbreaking for their new emergency room that will have 40 beds and this is a state-of-the art facility.

Mr. Scarborough announced that last Saturday, was the dedication of the Memorial at Triangle Park with about 300 people in attendance along with his fellow Board members. He thanked the members of the Memorial Committee, who spent eight years working on this project and raised about \$200,000 to complete it without using any taxpayers' money.

Ms. Philo announced that she attended the Police Memorial Service at St. Andrews Church in Newtown on May 8<sup>th</sup>. May is Law Enforcement Appreciation Month and this event honored the 10 law enforcement officers in Bucks County that have given their lives while in service. It is run by our Chief of Police, Chief White and she thanked him.

The Pennsylvania Association of Township Supervisors Conference was held in Hershey, PA., and she is the voting delegate each year. There were 73 resolutions that were voted on by about 1,000 people, and we requested that our lobbying organization move forward with countywide tax collecting, supporting local tax reform and to make sure the State will pickup diseased and dead animals off of the side of the road.

Ms. Lyons said regarding the Blueberry Hill application; she takes this job very seriously and would never overstep her position as Chairman or try to control an agenda. When Mr. Gundlach asked to be placed on tonight's agenda; he also provided attachments by his experts. The Board's last vote on May 6<sup>th</sup> was 3-2 to send the Solicitor to the ZHB in opposition to the application. She knew her position was not going to change and she asked Mr. Bennett if his position would change after he reviewed Mr. Gundlach's materials and she sent those same materials to Ms. Philo, but Ms. Philo indicated that she did not get her email. After which, she consulted with the Manager and Solicitor, and it was our decision not to place Mr. Gundlach's application back on the agenda. She assured her fellow Board members that she is not controlling the agenda to the detriment of anything that is important to this community.

Doris Clegg asked if the Board had already taken a vote at the last meeting to send the Solicitor to the ZHB; wouldn't allowing Mr. Gundlach's application to be placed back on the agenda be paramount to reversing your own decision.

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Solicitor Duffy replied no, not just by placing him on the agenda.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

Eagle Scout – Michael Patrick Burke – Troop 71:

Ms. Mason announced that Michael Patrick Burke will be awarded the rank of Eagle Scout at his Eagle Scout Court of Honor on June 15, 2008 for his project of construction of a gaga pit for Tabor Services, Inc. in Doylestown.

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve the Eagle Scout Proclamation to Michael Patrick Burke for his project of construction a gaga pit for Tabor Services, Inc. in Doylestown.

MOTION was ADOPTED 5-0.

Treasurer's Report – May 20, 2008:

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve the Treasurer's Report for May 20, 2008.

MOTION was ADOPTED 5-0.

Bills List – May 20, 2008:

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve the Bills List of May 20, 2008 in the amount of \$839,394.96.

MOTION was ADOPTED 5-0.

**ANNOUNCEMENTS:**

Ms. Lyons announced that the next meeting of the Board of Supervisors is scheduled for Tuesday, June 17, 2008 and the Doylestown Township Administration Offices will be closed on Monday, May 26, 2008 due to Memorial Day.

**ADJOURNMENT:** 8:04 P.M.

Respectfully submitted,

Stephanie Mason, Township Manager

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