

DOYLESTOWN TOWNSHIP BOARD OF SUPERVISORS

REGULAR MEETING

October 7, 2008

The Regular Meeting of the Doylestown Township Board of Supervisors was held at 7:00 p.m. on Tuesday, October 7, 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; Jeffrey Bennett, Cynthia Philo and Barbara Eisenhardt. Others in attendance included Jeffrey Garton, Township Solicitor; Stephen White, Chief of Police; Mario Canales, Township Engineer; and Stephanie Mason, Township Manager.

PLEDGE OF ALLEGIANCE

VISITOR/PUBLIC COMMENTS:

Ernie Gash, 15 Wilkshire Road, commented that CB South had two cross country meets at Central Park. At the meet held on September 24th, CB South defeated Hatboro and Pennridge, and today, CB South Boys & Girls defeated Quakertown and did an outstanding job.

ANNOUNCEMENTS:

Ms. Lyons announced that this meeting is being televised and recorded. The next meeting of the Board of Supervisors is scheduled for Tuesday, October 21, 2008 and the Doylestown Township Administrative Offices will be closed on Monday, October 13, 2008, in observance of Columbus Day.

MINUTES APPROVAL:

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to approve the minutes of the September 16, 2008 Board of Supervisors Meeting.

Ms. Eisenhardt asked that Paragraph 7 of Page 5 be removed from the minutes.

MOTION to approve the minutes as submitted - PASSED 3-1-1. Ms. Philo abstained and Ms. Eisenhardt opposed.

CORRESPONDENCE:

Community Service & Memorial Committee:

Ms. Lyons noted that the Community Service and Veterans Memorial Committee held its last meeting this September.

REPORTS:

Solicitor: No report.

Police Chief: No report.

Township Engineer: No report.

Manager: No report.

Supervisors:

Ms. Eisenhardt commented that the Board of Supervisors meetings are now being televised and it is televised on Channel 22 on Comcast and Channel 31 on Verizon. The County of Bucks will be holding a flu pandemic drill on October 18th and flu shots are available to everyone nine years and older. They are free through the County and the Department of Health will be sponsoring pandemic flu studies throughout the county and the local site will be at Holicong Middle School, 2900 Holicong Road, Doylestown.

Mr. Scarborough commented that the Oktoberfest was this past weekend, and he thanked everyone who worked on it.

Ms. Philo announced that we will have a Howl-O-Ween Event – Dog Costume Contest on October 25th.

Mr. Bennett thanked all the volunteers who worked on the Oktoberfest.

Ms. Lyons announced that we had a vast turnout at the Planning Commission meeting of October 2nd regarding the development at the 263/313 intersection. There is a ZHB meeting scheduled for October 20th to be held at the Lenape Middle School and the October 27th Planning Commission meeting will also be held at the Lenape Middle School.

Ms. Lyons commented that she met with several concerned residents in her office regarding proposed development in the Rt. 313/Rd. 263 area.

Ms. Eisenhardt announced that the Board of Supervisors held a budget work session that was open to the public this evening and another one is scheduled for October 14th at 7:00 p.m. that is also open to the public.

PUBLIC HEARING:

Amendment to permit use C-17 in the C-17 Commercial District:

Solicitor Garton noted that in August, the Board of Supervisors authorized the advertisement of an ordinance by the Township, which if adopted would permit use C-17, which is assisted living within the C-2 zoning district. The ordinance was duly advertised in the Intelligencer and provided to the Bucks County Law Library. Copies were provided to the Bucks County Planning Commission and the Doylestown Township Planning Commission for comments.

Ed Murphy, attorney representing the applicant, Sunrise Senior Living, asked the Board to reconsider their request to add the C-17 use to the C-2 zoning district. We have a fully engineered site plan and did extensive stormwater analysis calculations to identify the impacts. Joe Zadlow, Project Planner is present along with Tom Hanna, Project Engineer to present the site plan to the Board.

Mr. Zadlow explained that this is a five acre site and our engineer mapped out the watershed that contributes to the area of the Township where there is flooding. Additional measures are proposed to modify the existing detention basin in order to reduce the rate of stormwater flow leaving the site. Basin modifications include: raising existing top of berm; constructing a new control outlet structure; and re-grading emergency spillway. He presented a chart showing flow reductions for 1, 2, 5, 10, 25, 50, and 100 year storms to the Board.

Ms. Philo made a MOTION, seconded by Mr. Scarborough to amend the ordinance to permit the C-17 use in the C-2 zoning district for the Sunrise Senior Living facility.

Ms. Lyons asked for any public comments.

Bill Long, Bunkerhollow Road, commented that since the stipulation is still in effect, how does that get dissolved? If it is dissolved, the total property comes under the current ordinances and do both property owners understand that?

Solicitor Garton replied if the applicant that is a party to the court order chose to proceed with a development consistent with the court order then the parameters were set forth in that court order. However, if the property owner chooses to sell a portion of the property to Sunrise, the court order is then null and void because the development as envisioned by the stipulation will not proceed. If Sunrise proceeds to secure approvals and create two different lots, the other lot not being developed by Sunrise is subject to all current zoning ordinances and subdivision and land development ordinances in place. It is as if the stipulation and court order never existed.

Eugene Ott, Country Club Drive, asked what criteria were used for stormwater calculations.

Mr. Canales replied he reviewed the calculations and he is confident that the numbers are valid and, if this is approved, there is still the land development process where he will review it again.

MOTION was ADOPTED 5-0.

UNFINISHED BUSINESS:

Heritage Building Group:

Pursuant to an order from the Honorable Diane Gibbons, Judge of the Court of Common Pleas of Bucks County, the Board of Supervisors conducted a hearing related to traffic safety issues associated with the development of the Gross Tract located on Old Dublin Pike. Representing Heritage Building Group was Anthony Maras, Esquire, and representing the Township was Andrew Bellwoar, Esquire. Testifying on behalf of the Township was Stephen White, Chief of Police and Phil Wursta, the Township's Traffic Engineer with Pennoni & Associates. Testifying on behalf of Heritage Building Group was David Horner; Traffic Engineer associated with Horner & Canter Associates. Following the testimony Solicitor Garton requested that the parties submit any Briefs or Memorandums of Law they would want the Board to consider by Friday, October 17, 2008. The testimony was recorded by a Court Reporter and following Mr. Carton's request that Briefs be submitted, the hearing concluded.

NEW BUSINESS:

CB Family YMCA – Nockamixon-Bucks Industrial and Commercial Development Authority Project Approval:

Solicitor Garton noted that in order to secure status in the Internal Revenue Code that the YMCA interest payments are tax exempt they need to secure from the governing body of the community where the project is located and conformation that it isn't public interest. The Township is not assuming any responsibility or liability.

Mr. Scarborough made a MOTION, seconded by Ms. Philo to approve the project and authorize Barbara Lyons, Chairman to execute the certificate to enable the CB YMCA to conclude their finance.

MOTION was ADOPTED 5-0.

Modification of Chief White and Lt. Logan's Contracts to conform to PBA Contract:

Chief White explained there was a mistake in the contract about the amount of life insurance as it was increased by the bargaining unit, and the amount listed was the same as in the prior contract. We request that we have the same amount of life insurance as the bargaining unit bargained for including: killed in the line of duty and double indemnity provisions in the contract.

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to change Chief White and Lt. Logan's contracts to conform to the PBA Contract.

MOTION was ADOPTED 5-0.

Government Access Channel – Use Policy:

Solicitor Garton noted that he prepared a draft resolution which adopts the government access channel use policy.

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to adopt the resolution for the government access channel use policy.

Ms. Eisenhardt expressed concern about discontinuing providing copying services if the amount of requests becomes burdensome on personnel because we are required by the Sunshine Law and the Pennsylvania Right to Know Law to make copies of minutes and charge for them.

After discussion about that concern, the consensus of the Board was to remove it from the resolution.

Ms. Philo clarified that department programs are not considered to be committee meetings. Is that correct?

Solicitor Garton replied it is not any of the enumerated Township advisory committees, boards or commissions.

MOTION was ADOPTED 5-0.

2008-2009 Snow Removal Bid:

Ms. Philo made a MOTION, seconded by Ms. Eisenhardt to award the snow removal bid to Cicero Construction, Hartman Landscape Nursery Inc., Visual Technology Service, and Passerini Construction Inc. as needed for the 2008-2009 snow removal seasons per rates listed in Mr. John 's letter dated September 23, 2008.

Mr. Bennett asked that these companies be required to provide insurance certificates.

Mr. John replied they have been received.

MOTION was ADOPTED 5-0.

Tree Pruning/Take Down Bid 2008-2009:

Ms. Eisenhardt made a MOTION, seconded by Ms. Philo to award bid to Davey Tree & Lawn Care for tree pruning or take down of trees at various locations in the Township in an amount not to exceed \$17,531.00.

MOTION was ADOPTED 5-0.

Zoning Hearing Board:

Henry Friedberger & Dorothy Weiss, 481 Pebble Hill Road Request a Variance:

The consensus of the Board was to leave the matter to the Zoning Hearing Board.

Penn Color, 400 Old Dublin Pike – Request a Variance:

The consensus of the Board was to leave the matter to the Zoning Hearing Board.

ANNOUNCEMENTS:

Ms. Lyons announced that the next meeting of the Board of Supervisors is scheduled for Tuesday, October 21, 2008 and there will be a Budget Session Workshop on October 14, 2008 at 7 p.m. There will be a ZHB meeting held at Lenape Middle School on October 20th and the Planning Commission will hold their meeting at Lenape Middle School on October 27th. The Doylestown Township Administrative Offices will be closed on Monday, October 13, 2008 in observance of Columbus Day.

ADJOURNMENT: 9:07 p.m.

Respectfully submitted,

Stephanie Mason, Township Manager

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