

DOYLESTOWN TOWNSHIP BOARD OF SUPERVISORS

REGULAR MEETING

February 17, 2009

The Regular meeting of the Doylestown Township Board of Supervisors was held at 7:00 p.m. on Tuesday, February 17, 2009, 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, Cynthia Philo, and Jeffrey Bennett. Absent: Barbara Eisenhardt. Others in attendance included Jeffrey Garton, Township Solicitor, Police Lieutenant Dean Logan, Mario L. Canales, Township Engineer, and Stephanie Mason, Township Manager.

Pledge to the Flag: The meeting opened with a pledge to the flag.

Ms. Lyons indicated that this evening the Board of Supervisors interviewed several residents for various boards and commissions positions. In addition, there was an Executive Session on a legal matter.

PRESENTATIONS:

Conestoga Rover –Annual Report on Stormwater and Illicit Water Discharge by Russ Mehalick and Rich Burns

Mr. Mehalick and Mr. Burns presented their findings related to the illicit discharge detection and elimination program for 2008/09. This year's efforts have included televising storm pipes in areas where it is believed contaminants are being discharged. Please see attached presentation.

Mr. Mehalick indicated that fifteen letters have gone out to residents where we are looking at some specific properties that are in need of having a dye test of their sanitary systems because of the high levels of fecal coliform that appears to be coming from their property. All of this is being done through NPDES permit that the township has with the state.

Mr. Everett asked what illicit discharge is? Mr. Mehalick addressed what the illicit discharge detection and elimination program means.

Ms. Philo asked how many residents had responded so far. Mr. John responded, three. She indicated that perhaps the township would need to talk to the property owner if they don't respond.

Mr. Lloyd had a question about dry seasons when some pumps continuously run all year long. Mr. Mehalick explained what should be going into the sump pumps. He also

explained about Area 2 on the map shows the problems. He indicated how they look for the flows in relatively dry times such as June, September and October in the outfalls and then you have to look for the other sources.

PUBLIC COMMENT:

There was none.

ANNOUNCEMENTS:

Ms. Lyons announced that the next meeting of the Board of Supervisors is scheduled for Tuesday, March 3, 2009 at 7:00 p.m.

The Planning Commission meeting is scheduled for February 23, 2009 at 7:00 PM will be held at Lenape Middle School.

APPROVAL OF MINUTES – February 3, 2009:

Ms. Philo made a MOTION, seconded by Mr. Scarborough to approve the minutes of the February 3, 2009 Board of Supervisors Meeting with amendment on page 5, “Motion was adopted 3, with Mr. Scarborough abstaining”.

MOTION to approve the minutes as amended PASSED 4-0.

CORRESPONDENCE:

There was none.

REPORTS:

Solicitor:

Zoning Hearing Board Status – Swamp & York Road Associates:

Mr. Garton provided status to the Board of Supervisors regarding the Swamp & York Road Associates application before the Zoning Hearing Board. He indicated that the Zoning Hearing Board had concluded the hearing and that all evidence has been submitted. He indicated that the applicant and the Township have to submit briefs to the Zoning Hearing Board.

There are two variances he’s sought, the size of the retail building and parking in the front of one of the buildings. Mr. Garton indicated that we are waiting for the Zoning Hearing Board decision.

Police Chief:

No report.

Township Engineer:

No report.

Manager:

No report.

Supervisors:

Ms. Philo indicated that volunteers for First Friday are needed and that they should contact Bob Kwan, 267-987-1615 for helping with set up, etc.

Mr. Scarborough wanted to recognize Troop 71. About 5 scouts were present working on their citizenship badge on their way toward Eagle Scout.

UNFINISHED BUSINESS:

No report.

NEW BUSINESS:

Ordinances for Consideration for Advertisement:

Proposed Grease Trap Ordinance:

Mr. Garton indicated that this ordinance is being recommended by the Bucks County Water & Sewer Authority as they operate the public sewer system. He said that grease accumulates a lot of times in restaurants and businesses that utilize large amounts of grease, there are traps installed as part of the plumbing system, but sometimes they do get blocked and there are problems. They end up creating problems in the sewer system.

This ordinance will enable the Township to, through the plumbing code, help the Bucks County Water & Sewer Authority with regards to this situation when and if it arises. It's a cooperative venture.

Mr. Scarborough made a MOTION, seconded by Ms. Philo, to authorize advertisement of the proposed Grease and Trap Ordinance.

MOTION was ADOPTED 4-0.

Proposed Wind Energy Ordinance:

Judy Stern Goldstein was present. She reviewed the red-lined ordinance. She indicated that further revisions from the last Board meeting and the Planning Commission and Environmental Advisory Council have been incorporated. She indicated that the colors were identified as cream and white and indicated that galvanized steel weathered is also recommended. It goes better with the various colors of the sky.

Discussed building mounted windmills. They tend to be somewhat small and compact and are being viewed as well. In addition, not advertizing on windmills was included. It was also suggested that a draft be sent to the Bucks County Planning Commission before advertising.

Mr. Joe Paternostro, Houk Road, asked if the two (2) acre had been dropped. Ms. Goldstein indicated that the draft still has in there that the two (2) acre minimum. Mr. Paternostro indicated he'd like it to be one (2) acre.

Calum Learn had concern on non-residential use of the ordinance. Ms. Goldstein indicated that this is not for a wind farm and the wind map of Pennsylvania indicates that this area is not sufficient to host a wind farm. It is being designed for individual homeowner use.

Mr. Garton indicated that the size of the propellers are always a concern and the height restrictions and that there is always recourse for the homeowner.

Ms. Philo commented that would apply for large pieces of equipment but if they can find smaller ones perhaps a smaller lot would work. She doesn't want to see us limit residents and have to pay fees to the zoning hearing board if we can address it.

Ms. Goldstein indicated that the maximum height is 35 feet, mounted on the house, with set backs and infringement the two (2) acre is recorded, but it is a question we can ask the Bucks County Planning Commission.

Mr. Scarborough made a MOTION, seconded by Mr. Bennett, the Board recommended that the draft ordinance be finalized and sent to the Bucks County Planning Commission for comment and that it return to the Board of Supervisors for further vetting.

MOTION was ADOPTED 4-0.

Land Development – Thompson Organization Preliminary Review Extension

Mr. Scarborough made a MOTION, seconded by Mr. Bennett, the Board granted a plan review extension to April 30, 2009.

MOTION was ADOPTED 4- 0

Shawn Touhill Subdivision – Final Major Subdivision

Mr. Mike Carr was present to represent the applicant and Shawn Touhill was also present.

Mr. Garton indicated that they have received Preliminary Plan approval previously and if the Board was so inclined the conditions would be as follows :

1. Compliance with the conditions of preliminary plan approval which occurred on February 19, 2008 to the extent not satisfied;
2. Compliance with the Pickering, Corts & Summerson review letter dated September 12, 2008 with the understanding that the Applicant requested and received an additional waiver from the Board of Supervisors. The waiver was from the provisions of Section 153-34.C(2) which requires 90% of the trees between 25 inches and 48 inches in caliper be preserved. The waiver was granted so as to accommodate removal of a pine tree located where the cul-de-sac will be constructed;
3. Compliance with the report received from Boucher & James, Inc. dated October 2, 2008;
4. Compliance with the report received from Pennoni & Associates dated October 8, 2008;
5. Compliance with the Bucks County Planning Commission letter dated November 19, 2008;
6. Receipt of all permits and approvals from any agencies have jurisdiction over such matters including, but not limited to, the Doylestown Township Municipal Authority, the Board of Health, the Department of Environmental Protection, the Bucks County Conservation District and the Fire Marshal;
7. Applicant to pay an off-site improvement fee in the amount of \$1,000 for each new lot which shall be paid as each building permit is drawn, with the understanding that the Applicant shall receive a credit for the costs incurred by the Applicant to construct an off-site portion of the bike path;
8. Payment of all expenses incurred by the Township in connection with the Application including engineering, legal and other review expenses;
9. Funding and execution of Development and Financial Security Agreements; and
10. Applicant to pay the sum of \$67,920 to the Township as a fee in lieu of improvements as noted in the conditions of preliminary plan approval,

which said payment shall be made at the time of the execution of the Development and Financial Security Agreements.

Ms. Philo had a question on the tree removal in the proposed cul-de-sac. Mr. Carr indicated it was a White Pine.

Mr. Scarborough made a MOTION, seconded by Mr. Bennett, the Board approved the final plans outlined above.
MOTION was ADOPTED 4 -0

Eagle Scout Proclamation – Colin Tait Baxter Troop 6

Mr. Scarborough made a MOTION, seconded by Ms. Philo, the Board approved the proclamation for Colin Tait Baxter Troop 6.

MOTION was ADOPTED 4 - 0

Treasurer's Report:

Mr. Scarborough made a MOTION, seconded by Ms. Philo to approve the Treasurer's Report of February 17, 2009.

MOTION was ADOPTED 4-0.

Bills List:

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to approve the Bills List of February 17, 2009 in the amount of \$927,912.00.

MOTION was ADOPTED 4-0.

ANNOUNCEMENTS:

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ADJOURNMENT: 7:55 p.m.

Respectfully submitted,

Stephanie Mason, Secretary

jmr