

DOYLESTOWN TOWNSHIP BOARD OF SUPERVISORS

REGULAR MEETING

June 16, 2009

The Regular Meeting of the Doylestown Township Board of Supervisors was held at 7:00 p.m. on Tuesday, June 16, 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; Barbara Eisenhardt, and Cynthia Philo. Absent: Jeffrey Bennett. Others in attendance included Jeffrey Garton, Township Solicitor; Mario Canales, Township Engineer, Stephen White, Chief of Police; and Stephanie Mason, Township Manager.

PLEDGE OF ALLEGIANCE

PRESENTATION

Recognition of Stephen Walther, Director of Code Enforcement, upon his retirement

The Board of Supervisors presented Mr. Walther with a resolution no. 1470 and plaque recognizing his 18 years of service to the Township as Director of Code Enforcement and wished him well upon his retirement.

Taylor Oughton Painting Raffle Winner Announcement

Elaine Carlson, from the Doylestown Community Performing Arts Committee, was present to announce the winner of the Taylor Oughton Painting Raffle. Proceeds are being shared with the Doylestown Art League and the Doylestown Community Performing Arts Committee.

Betty Brennan was the raffle recipient.

VISITOR/PUBLIC COMMENTS:

York & Swamp Associates

David Shafkowitz, attorney representing York & Swamp Associates, was present. He indicated that his client owns approximately 17 acres site along Rt. 313 & Rt. 263 with a split zoning of C1 and LI. He thanked the Board of Supervisors for the time. He indicated that this property was the subject of a zoning application, seeking relief to permit a stand alone pharmacy in C1 greater than 10,000 square feet which is prohibited and parking in the front yard which is also prohibited. The relief was reviewed in several hearings with the Zoning Hearing Board and the Zoning Hearing Board declined the request of the applicant.

Mr. Shafkowitz indicated that the balance of the LI portion of the property is being reserved for future development and that at this point nothing has been presented. He indicated that he and his client have met with the neighbors and that they are accepting of the idea of having a larger building greater than 10,000 square feet in addition to parking in the front yard as long as certain other items that have been discussed with the neighbors and were presented to the Zoning Hearing Board are incorporated. These include:

1. Any non-residential use proposed to the property will be prohibited from operating during the hours of 11:00 PM and 7:00 AM
2. Access to and from the property from Rogers Road shall be prohibited as long as the owner is capable of maintaining the traffic light and ingress and egress points on Old York Road
3. The property owner shall maintain a 75 foot undisturbed natural buffer along the R1 zoning line and Rogers Road boundary (which shall be measured from the ultimate right of way of Rogers Road, where applicable), followed by a man made berm and/or fence to be constructed in a manner acceptable to the Township and the residents along Nursery Way
4. No sale of liquor by a tenant or user of any portion of the property shall occur with the conduction of another principal use thereon.

Mr. Shafkowitz indicated that he understands the Board won't discuss any issues tonight as there is pending litigation, but he is hopeful that his client and the Township will be able to settle the litigation and that he appreciates the support of Ms. Philo's coordination with the residents. He realizes that the appeal is still pending but hopes the Board will hear the residents' views and look to settle with the applicant.

Mr. O'Malley, Rogers Road, indicated that the applicant has had many meetings with the residents. The developer has listened and is willing to work with the residents. The residents strongly suggest that the Board go along with the developer and eliminate access at Rogers Road and have the developer's property be used to exit onto Rt. 263.

Mr. Compus, Valley Drive, commented that traffic ingress and egress on York Road and turning into the site is better than verses a light at Rogers.

Mr. Ed Neff, Brook Drive, commented that he's looked into Rogers Road and does not want the road shut. He believes there needs to be a light at Old York. If the synagogue is going to dump cars along with this developer, access to the Grasso Tract and the Temple need to be addressed. He questioned what would prohibit traffic from the Temple using Rogers Road or for that matter York and Swamp from using Rogers. Mr. Neff also indicated that it is difficult to turn left from Rogers and recommended a pork chop at the Temple drive.

Ms. Eisenhardt commented that traffic pork chops are not effective. The Commerce Center has one and people go around it all the time even though there are signs that say "No Left".

Mr. Neff commented that for the pork chop to be effective enforcement needs to be done.

Mr. Arnold, Valley Drive, is concerned that the York and Swamp project could make left or right access to Rogers.

Mr. Gould, Valley Drive, questioned where the septic system would be. Mr. Shafkowitz indicated that it is not designed yet. He also suggested that there needs to be proactive plan going into effect for the synagogue and the York and Swamp Road Associates.

Mr. Neff commented that shutting down the road is a mistake. It's a safety hazard. He is adamantly opposed. A solution needs to be found.

Mr. Gould indicated that he agrees with Mr. Neff and that the traffic committee should be working on it.

Ms. Philo indicated that when the Temple presented the plan to the Board it was agreed to hold a public meeting to accommodate discussions regarding Rogers Road.

Mrs. Bingler asked a question to Mr. John, Executive Director of the DTMA. When DEP was here they said they'd monitor the project not upgrade at this time. Mrs. Bingler requested that DEP provide in writing. Mr. Patel said that future homeowners will be hooked up. DEP wasn't going anywhere in the future. If the plume of contamination were to move and others would be impacted.

It was suggested to write to Mr. Patel asking DEP to put something in writing.

Ms. Philo made a MOTION, seconded by Mr. Scarborough to send letter to DEP asking that DEP back up future problems.

MOTION was ADOPTED 4 – 0

Mr. Paternostro commented regarding alternative energy. He wanted to know if anyone had attended the energy conference in Philadelphia. It was indicated that several had been to various ones not necessarily the one recently held in Philadelphia. Besides solar panels there are a number of others such as wind turbines and geo thermal energy sources available as well. He indicated that he hopes the Township moves forward to allow residents to use these new energy sources.

Mr. Gash, Wilkshire Road, a member of the Summit on Aging, said they provide informational seminars to seniors. Also participate in the official Senior Games. He indicated that the race at CB West was outstanding. They had 30% increase in participants. One of the races was completed in 5.47 minutes. It was a great time.

Denise Glick, Sandy Ridge Road, questioned why the road was being paved. Mr. John indicated that the road had experienced a break up, deterioration after some bad blow

outs and freeze thaw cycle and it had been oil and chipped a few years ago and needed to be paved because of its high usage.

Mr. Gould indicated that he had utilized the weekend composting site at Del Val and wanted to comment how helpful the Township staff on site were, especially helping seniors. He appreciated the service provided.

ANNOUNCEMENTS:

Ms. Lyons announced that the Board of Supervisors is not scheduled to meet on July 7, 2009. The next meeting of the Board will be on Tuesday, July 21, 2009. The Doylestown Township Administration offices will be closed on Friday, July 3, 2009 in observance of Independence Day. DEP will hold a public meeting regarding the Cross Keys Contamination will be held on July 30, 2009, at 7:00 PM. This meeting will be held at the Doylestown Township Administration.

MINUTES APPROVAL:

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve the minutes of the June 2, 2009 Board of Supervisors meeting.

MOTION was ADOPTED 4-0.

Mr. Scarborough made a MOTION, seconded by Ms. Philo to approve the minutes of the May 5, 2009 Board of Supervisors meeting with amendments regarding Temple Judea agreeing to participate in a public meeting regarding Rogers Road.

MOTION was ADOPTED 4-0.

CORRESPONDENCE:

Schiefer – Land Development Fees Appeal

Ms. Mason reviewed the letter from Mr. & Mrs. Schiefer regarding the excesses on the fees associated with the land development process. The Schiefers specific complaint is the fees associated with one of the Township's consultants. It was indicated that there were several problems associated with the plan when submitted. The consultant tried to reach the engineer who prepared the plan ahead of time. Before submitting initial comments, the engineer was asked to make adjustments. He indicated to the consultant, go ahead and issue said review letters. There continued to be problems associated with the plan. The applicant does need to seek zoning relief as well regarding the plan at this point. The cost incurred by the property owner is to benefit their own property and does not benefit any other properties within the Township.

Being no further discussion the consensus of the Board was to leave this matter as is.

REPORTS:

Solicitor: No report.

Township Engineer: No report.

Police Chief:

Ambulance Service to Cedarcrest Development

Chief White provided a memo indicating that Central Bucks Ambulance does have a basic life support ambulance posted at Pine Run Community seven days a week for 12 hours. In ambulance service, which would include basic and advanced life support, the requirement is from the closest 24 hour full service ambulance corp. That would be the Chalfont Ambulance Corp.

The Board requested further information on responses from the Chief.

Model “No Knock” Ordinance

Chief White provided a memo to the Board on the proposed “No Knock” Ordinance indicating that the Boroughs Association is reviewing this at the moment and does have concerns regarding constitutionality. It was suggested that we wait and see if anything else comes from it.

Township Manager: No report.

Supervisors:

Ms. Eisenhardt indicated that the Summit on Aging does presentations from time to time and would like the ability to have the staff video tape and make copies of the presentation for the other member municipalities to use. It was suggested to speak with the TAB Board and see what could be arranged.

Ms. Eisenhardt wanted to recognize a Township resident who has participated locally and in state organizations with victims of recovery. It was a great pleasure that the Pennsylvania Recovery Organization – Achieving Community Together (PRO-ACT) has been recognized nationally and will be receiving recognition in Washington, D.C. and accepting the award is Alan McQuarrie, who has been an active member for eleven years.

Ms. Eisenhardt is recommending that the Board issue a proclamation to Mr. McQuarrie at the Board’s next meeting.

Mr. Scarborough made a MOTION, seconded by Ms. Philo to prepare a proclamation for Mr. McQuarrie for the next agenda.

MOTION was ADOPTED 4-0.

Mr. Scarborough commented that June 8, 2009 was a fine at Doylestown County Club for the Township's Golf Outing benefiting the Park & Recreation Department. He thanked Barbara Lyons for chairing the event and hoped everyone had a good day.

Ms. Lyons commented that she is hopeful that the Parks Departments has raised almost \$15,000 from this event.

Ms. Philo indicated that she has two requests for the next agenda. One, would be a request to discuss requiring RFPs for all service proposals and two, upcoming vacancies on Boards and Commissions.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Tax Collection Committee (Act 32) – Delegate Appointment

Ms. Lyons indicated that she and Ms. Mason attended a presentation at PSATS regarding this topic.

Mr. Garton explained that it was a study done by the State to make sure that independent tax collection would be provided throughout the state.

It was agreed that the representatives to the Committee on behalf of the Board would be William Wightman, Finance Officer; Alternate Stephanie Mason, Township Manager; and Second Alternate Cynthia Philo, Supervisor.

Obviously, the representatives cannot vote on matters unless they are brought back before the Board of Supervisors.

Land Developments - Thompson Organization – Review Extension

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve the preliminary land development plan extension for Thompson Organization to July 31, 2009.

MOTION was ADOPTED 4-0.

Proposed Ordinance Amendment – Brush, Grass, Week and Woodland

Ms. Goldstein, Township Planning Consultant, was present to discuss the proposed amendment to the two sections of the ordinance and the conflicts between the two. She believes that working with the Planning Commission is the best way to address the conflict and creating through the definition of Woodlands in the amendment that allows

for that. In addition, the list of invasive species such as the Wild Grape, Burning Bush, and Oriental Bittersweet were added. The root system needing to be destroyed was also discussed.

Mrs. Bingler had questions concerning the proposed Woodland section and raised concerns that her husband had regarding removal of vines etc and the impact on trees as part of the development plan.

Ms. Goldstein indicated that was addressed in the proposed ordinance as well.

Ms. Philo made a MOTION, seconded by Ms. Eisenhardt to advertize the proposed Ordinance Amendment for Brush, Grass, Weed and Woodland.

MOTION was ADOPTED 4-0.

Keystone Municipal Services Agreement – Code Enforcement

With the retirement of the staff in Code Enforcement, further assistance from Keystone Municipal Services will be needed. Anything above 20 hours per week needs to be approved by the Manager.

Mr. Scarborough made a MOTION, seconded by Ms. Philo to approve the Keystone Municipal Services Agreement.

MOTION was ADOPTED 4-0.

Destination Peace Valley Trail Feasibility Study

Ms. Philo made a MOTION, seconded by Ms. Eisenhardt to approve the contract with Baker Engineering in the amount of \$24,500. Over \$10,500 is being donated in-kind services and professional services from the committee. The balance in the grant in the amount of \$17,500. We are also seeking commitments from the other participating municipalities as well to share in that cost of \$7,000. If everyone participates it will be \$1,400 a piece.

MOTION was ADOPTED 4-0

Bills List:

Mr. Scarborough made a MOTION, seconded by Ms. Philo to approve the June 16, 2009 Bills List in the amount of \$453,521.48.

MOTION was ADOPTED 4-0.

Treasurer's Report:

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve the June 16, 2009 Treasurer's Report.

MOTION was ADOPT 4-0

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ADJOURNMENT: 8:15 p.m.

Respectfully submitted,

Stephanie Mason, Township Manager

jmr