



Board of Supervisors

Regular Meeting

425 Wells Road
Doylestown, PA 18901
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215-348-9915

~ Minutes ~

Tuesday, July 19, 2016

7:00 PM

Public Meeting Room

I. 7:00 PM REGULAR MEETING

Members of the Board of Supervisors in attendance included Chairperson; Barbara N. Lyons, Vice Chairman; Richard F. Colello and Supervisors; Ken L. Snyder, Shawn Touhill and Ryan Manion.

Township Staff in attendance included Township Manager; Stephanie J. Mason, Director of Operations; Richard E. John, Township Solicitor; Jeffrey P. Garton and Chief of Police; A. Dean Logan.

Absent: Township Engineer; Mario Canales

A. Pledge to the flag

B. Visitors/Public Comments

Mr. Touhill made a MOTION; seconded by Ms. Manion the Doylestown Township Board of Supervisors appointing Vijay Balaji as the Youth Member to the Park and Recreation Board.

MOTION CARRIED by a vote of 5 to 0.

The Board met in Executive Session, prior to the meeting to discuss litigation matters.

II. ANNOUNCEMENTS

A. The next meeting of the Doylestown Township Board of Supervisors will be held on Tuesday, August 16, 2016 at 7:00pm

B. Thompson Performing Arts Series/Covenant Bank Amphitheater – Free Admission –

1. Real Diamond– July 20th - Neil Diamond Tribute
2. Quakertown Band – July 27th - BC's oldest community band
3. Doylestown Heat – July 29th - Jazz, swing, ragtime, funk and rock
4. Jimmy and the Parrots – Aug. 3rd - Jimmy Buffett Tribute
5. The Boy Band Project – Aug. 10th - Sounds of "boy bands"

C. Leaf and Yard Waste Recycling - Doylestown Township residents only. The Drop off Site is open every third Saturday of the month, March-December from 9 am to 11 am. Location: New Britain Road access to the back part of CENTRAL PARK.

- D. Reminder: You can purchase Discount Movie Tickets and Discount Theme Park Tickets from our Administration Offices.

III. MINUTES APPROVAL: June 21, 2016

Mr. Snyder made a MOTION; seconded by Mr. Colello the June 21, 2016 Doylestown Township Board of Supervisors Regular meeting minutes be approved.

MOTION was ADOPTED 4 to 1 with Ms. Manion abstaining due to her absence.

IV. CORRESPONDENCES

- A. Tabor Property, New Britain and Easton Roads – Plan Withdrawal

Mr. Touhill made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors acknowledged receipt and accept Robert W. Gundlach; Esquire of Fox Rothschild, LLP request to withdraw Tabor Property's petition to re-zone a 14-acre portion of their property located between New Britain and Easton Road.

MOTION CARRIED 5 to 0.

- B. Dog Park Member Resignation – L. Wegfahrt

Mr. Touhill made a MOTION; seconded by Mr. Snyder the Doylestown Township Board of Supervisors accept Ms. Lois Wegfahrt's resignation as a member of the Friends of Doylestown Dog Park Board.

MOTION CARRIED 5 to 0.

- C. New Britain Twp. Updated 2005 Comprehensive Plan

Ms. Mason reported; the New Britain Township 2005 Comprehensive Plan is in its final draft and offered to incorporate any Board comments into a letter for submission.

Upon hearing no comments from the Board, Ms. Mason will submit a letter indicating the same and thank New Britain Township for submitting prior Board comments.

- D. Park and Recreation Board Resignation – Youth Member – E. Rehmet

Mr. Touhill made a MOTION; seconded by Ms. Manion the Doylestown Township Board of Supervisors accept Emily Rehmet resignation as the Youth Member of the Park and Recreation Board.

MOTION CARRIED 5 to 0.

V. REPORTS

- A. Solicitor

No Report

- B. Police Chief

No Report

C. Township Engineer

No Report

D. Manager

Ms. Mason reported on her attendance at the July 18th Zoning Hearing Board meeting regarding the Neil Drive property, formerly the Jarin Property. The meeting pertained to a zoning application to construct a drug and alcohol rehabilitation center, where the operator was not present. Instead, a land planner addressed the Board who identified the outline of special exception and how the property currently meets all requirements under our zoning.

Mr. Colello commented on his concerns and would like to receive more information on the identity of the operator. Mr. Snyder added; he was also in attendance at last night's meeting and indicated the neighbors have the same concerns. Additionally, repeated requests have gone unanswered.

Mrs. Lyons stated the Board has been very proactive with drug education and prevention. They are in support of the rehabilitation process, but need to know details of the plan, operators and their credentials. Mrs. Lyons suggested the Board change their position from neutral to opposition of the application.

Mr. Touhill made a MOTION; seconded by Ms. Manion the Doylestown Township Board of Supervisors change their position as the opposition of the Township with regards the Neil Drive property's Zoning Hearing Board application to construct/ operate a drug and alcohol center.

MOTION CARRIED 5 to 0.

E. Supervisors

Mr. Snyder reported on the recent audit of the Township's year ending 2015 records, where the results were very good. He congratulated Director of Finance; Ken Wallace and staff on a job well done. It's a statement on the Township's strong work process.

Mr. Colello announced and congratulated Mrs. Lyons on her appointment to the Lenape Valley Foundation Board of Directors.

The Department of Environmental Protection (DEP) spoke at a recent meeting of the Public Water and Sewer Advisory Board and indicated Doylestown Township procedures are superior in septage management. They also stated, when other municipalities needs guidance, they are referred to Ms. Mason. Mr. Colello then congratulated Ms. Mason on a job well done. DEP was also impressed with the collected data, reports and maps regarding the proposed sewer needs. It was recommended the township update their 537 Sewage Plan. As per DEP, Mr. Colello commented septic systems are finite and over time will need to be repaired, upgraded and replaced at a significant cost to residents. DEP suggested the Township provide several options, because in many areas there are no sewer pipes available for public sewer connection. In the future, on-lot septic systems will not be desirable to younger, new home buyers.

The Pennsylvania State Association of Township Supervisors (PSATS) magazine published an article on managing energy. One important point of the article was if a project is completed

correctly, it will save on future maintenance. Mr. Colello then commented; spending \$200,000 on construction of the new municipal building has possible saving of \$20,000 annually in repairs. Mr. Colello concluded by encouraging the building committee to read the article and consider his suggestion.

As per Mrs. Lyons suggestion, Mr. Touhill made a MOTION; seconded by Mr Snyder the Doylestown Township Board of Supervisors award Boy Scout Troop 71 member; William Andrew Girman the rank of Eagle Scout at the August 14, 2015 Honor ceremony.

MOTION was ADOPTED 5 to 0.

1. Bucks County Association of Township Officials UPDATE – B. Lyons

Mrs. Lyons reported; the Bucks County Association of Township Officials (BCATO) will now oversee the recapturing of paid taxes to Philadelphia and redirected to the surrounding municipalities and counties as part of the Sterling ACT. State Representative; Scott Petri filed an amendment to the Sterling ACT that will officially have the request submitted. Once the amendment is adopted, it will save each municipality 1 mil per year of tax returns. Bensalem will save over one million dollars' worth of taxes.

Mr. Colello questioned if State Representative; Marguerite Quinn and Senator Charles McIlhinney submitted their support for the amendment. Mrs. Lyons indicated yes. Mrs. Lyons continued; Executive Director of Bucks County Drug and Alcohol Commission (BCDAC); Diane W. Rosati is undertaking a new campaign as PASTop.org. The aggressive campaign will begin with flyers, billboards and television commercials on the prevention and education of drug addiction. Mrs. Lyons requested Board consideration to assist the BCDAC by advertising Public Service Announcements on DTV and host a Naloxone (Narcan) Community Information Event with neighboring municipalities. The Board agreed.

2. Thompson Performing Arts Series – Additional Concert – B. Lyons

Mrs. Lyons reported on the successful Thompson Performing Art Series, and the July 10th fireworks display. Mrs. Lyons suggested having the fireworks be created as the Township's signature event for the 2017 series. Additional planning will be needed and should begin in May to have additional staff to assist with parking and other duties.

3. 2017 "July 4th" Celebration – B. Lyons

The Fabulous Grease Band has agreed to return to perform for the Township. Mrs. Lyons requested Board permission to add a concert in September at an additional cost of \$2,500.00. Additionally, the Thompson Performing Arts Series would like to extend series into the fall. The Board agreed.

VI. UNFINISHED BUSINESS – NA

VII. NEW BUSINESS

A. Hammerstein Property – Presentation of Proposed Project

Mr. Garton reported; upon several hearings, The Hammerstein Property was denied their request for variances by the Doylestown Township Zoning Hearing Board. Appeals were recorded and in the interim the Hammerstein representatives were in discussions with neighbors. As a result,

certain ideas were presented to the township regarding modification to the project plans. As per direction from the Board, the applicants are present to provide an overview of the revised plans.

John VanLuvanee, Esquire of Eastburn & Gray, P.C. clarified; the Zoning Hearing Board denied request variances over a year ago, where an appeal was filed. The dialogue began with Doylestown Country Club and Mr. Nicholas S. Molloy who intervened with the case along with the Township. The revised plan will have less impact on the township and neighbors, where it will be presented mainly as a museum. The plan also includes an outline of a stipulation and if ultimately approved by everyone, settlement will move forward with the land development process. Basic issues will also be resolved, such as use, impervious surface and parking requirements.

The Settlement Plan will be an exhibit to the stipulation and as two buildings, the existing home and barn. An addition to the back of barn is proposed for repair and updating. The addition will not impose on additional impervious. Only slight improvements to the driveway and additional parking lots will add to the impervious. At the request of Mr. Molloy and the Board of Supervisors, the plan reduced the parking spaces to 35. The reduced spaces are adequate for the museum use, where additional spaces will be needed for special events. Special events will be limited to fund raisers only and scheduled as no more than eight per year to include four outside. The facility will be restricted to never lease to third parties. Special events will include valet parking, only if there is a need.

The plan will require trip circulation to provide enough space for school buses to circle the site safely. The parking lot cannot be viewed by the Route 611 Bypass. The Country Club requested a berm behind the parking facility between three and five feet in height. The Molloy's requested the existing landscaping along their boundary line remain with as few existing trees removed. Overall the plan will have less impact on the community as the four lot subdivision previously approved.

In comparison with the four lot subdivision, the revised plan will have 24% impervious surface. The museum use is not permitted in the R1 District and the community use is permitted by special exception. The museum use is also permitted in the R2, R2B and R4 residential zoning district. The Zoning Hearing Board concluded the plan is proposing a museum use with the home and the barn. The applicants are able to limit the impervious surface to 24%. This will provide enough flexibility for additional improvements and \or changes requested by the township. However, the applicants are requesting the ability to have the impervious raised to 26.8%. A variance for minimum required lot size from 5 acres to 4.68 acres will be requested. To conclude, Mr. VanLuvanee indicated the plan is clean, where the neighbors are protected and concerns of an over run neighborhood will be eliminated. Fine tuning of the stipulation remains to be completed with Mr. Garton.

Mr. Snyder questioned; if 35 parking spaces are normal for museum use. Mr. VanLuvanee indicated yes. Mr. Snyder questioned with special events, will valet parking be required. Mr. VanLuvanee answered; the applicants agreed they will have to provide valet parking during special events. Mr. Snyder then questioned; how will pedestrian be protected walking to and from the museum. Mr. VanLuvanee indicated the matter has not been discussed, but can be included as part of the stipulation. He then welcomed the Board to add any comments. Mrs. Lyons stated fire police will be needed for crossing. Mr. VanLuvanee agreed and indicated it will not be an issue.

Mr. Colello clarified; the current plan is essentially what was presented on December 2, 2014 and initially suggested by the Board of Supervisors. Mr. Colello noted a deed restriction was requested as part of the stipulation and requested an answer if the applicants will agree to move forward. Mr. VanLuvanee stated the request may be an issue during financing. The applicants are expected to agree, but further discussions are needed. Residents funds were expended over \$40,000 as indicated on a June 17th letter. Mr. VanLuvanee was unclear of the details. Mr. Colello suggested to first address the major issues before moving forward. Mr. VanLuvanee indicated a conference call is scheduled tomorrow afternoon and all major issues to include tax exemption will be discussed along with a review of the entire stipulation.

Resident; Joe Pasternostro of Houk Road commented he a several residents of the community do not agree with the plan. Mainly, because the residents were never invited to a discussion or involved with the planning. Although, the residents are in favor of the museum, they disagree with the proposal of any use that will generate noise or additional traffic. Mr. VanLuvanee responded; only a museum is proposed. All events will last approximately one day. Mr. Pasternostro requested the residents be kept up to date on all scheduled meetings and decisions regarding the plan.

Resident: John Arnold of Houk Road questioned; when will the events occur. Mrs. Lyons answered; the organization will host and schedule all events. Under the agreement, which has yet been executed, the applicants will be allowed at a maximum to hold four events inside and four outside. The number of events may not exceed eight. Mr. Arnold questioned; how many buildings will the museum be composed of. Mr. VanLuvanee answered; the museum will consist of the barn and the house. The bed and breakfast use will be abandoned.

B. Land Developments

1. 651 N. Shady Retreat Road – Preliminary L/D - Extension

Ms. Manion made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisors approve an extension until October 1, 2016 to submit a Preliminary Land Development plan regarding 651 N Shady Retreat Road.

MOTION CARRIED 5 to 0.

2. Enclave at Town's Edge – Preliminary L/D

Mr. Garton reported; the Enclave at Town's Edge Preliminary Land Development plan pertains to tax parcel 9-9-58, where the applicant proposes to remove the existing residential dwelling and barn to a recreational structure. The new structure will be a 12 unit, 2 story residential building with garage facilities located on the basement level of each unit. Plans were prepared by Gilmore & Associates and dated May 23, 2015, last revised April 22, 2016. The Doylestown Township Planning Commission provided comments for submittal of the plan at their June 27, 2016 meeting.

Richard Zaveta of Zaveta Custom Homes presented the Board with an overview of the final version of the Enclave at Town's Edge Preliminary Land Development plan as a 12 unit residential building. Twenty four parking spaces are proposed at the front of the building and garage facilities located in the rear. The design of the structure will include real stone refurbished from the original home and barn. The new plan also imposes less impervious

surface and the barn will be re-purposed. The barn will be lowered to the walkout in the rear with additional stone reclaimed from the upper portion to create a community pavilion. Natural walking paths will be added, the old spring house will be restored and community gardens are planned.

A discussion and review of plans with neighbors towards the south portion of the property were conducted. The results were positive with no complaints, concerns or any dialogue with other neighbors regarding the proposed plan. Lastly, Mr. Zaveta reported; he will comply with all township consultant's review letters, including the fee schedule.

Prior to the approval of the Doylestown Township Board of Supervisors, the following conditions were set forth by Township Solicitor; Jeffrey P. Garton ...

- 1) *Compliance with the Boucher & James, Inc letter dated June 22, 2016*
- 2) *Applicant will pay a fee in lieu of recreation in accordance with the Township's fee schedule*
- 3) *Compliance with Director of Codes; Sinclair Salisbury report dated May 31, 2016*
- 4) *Compliance with the Pickering, Corts and Summerson review letter dated June 1, 2016*
- 5) *Applicant to receive the eleven (11) separate waivers noted in the Pickering, Corts and Summerson's review letter on Page 2.*
- 6) *Compliance with the Michael Baker International report letter dated May 13, 2016*
- 7) *Compliance with the Pennoni & Associates review letter dated June 20, 2016, aside from the recommendation regarding no parking signs and stripping at the entrance road. The first thirty (30) feet of the roadway shall have center stripping to better lineate the lanes, but not the entire road parking signs.*
- 8) *Applicant to explore between now and final plan of any options that may exist for traffic calming along Lower State Road placement of a pedestrian cross walk to access regional trail on the other side of Lower State Road.*
- 9) *Applicant to pay an offsite and permit fee in the amount of \$1,000.00 for each of the twelve (12) units. To be paid at the time of the building permit are requested.*
- 10) *Funding and execution of a financial security agreement and receipt of all permit from any agencies having jurisdiction.*
- 11) *Applicant to pay any expenses occurred by the Township*
- 12) *Plan shall be ADA compliant.*

Mr. Zaveta agreed with all conditions.

Ms. Manion made a MOTION, seconded by Mr. Colello the Doylestown Township Board of Supervisor approve Enclave at Town's Edge Preliminary Land Development plan.

MOTION was ADOPTED 5 to 0.

3. Doylestown Greene / Gross Tract – Assignment of Ownership

Mr. Garton reported; several years ago the Board approved the Doylestown Greene / Gross Tract development plan owned by K. Hovnanian Enterprises who recently sold the property to Toll Brothers. Mr. Garton presented an Assignment of Ownership signed by Tolls Brothers who also posted the escrow funds.

Mr. Snyder made a MOTION; seconded by Ms. Manion the Doylestown Township Board of Supervisors approve the Assignment of Ownership Agreement between K. Hovnanian Enterprises and Toll Brothers pertaining to the Doylestown Greene \ Gross Tract property. MOTION was ADOPTED 5 to 0.

C. Bucks County Planning Commission – Household Hazardous Waste Collection Program Commitment 2017 – 2020

Ms. Mason reported; the Township has been participating in the Household Hazardous Waste Collection program with Bucks County since the year 2000. The program is proposing the same pricing from 2013 and requesting a renewed commitment to the 2017 and 2020 program. The price will remain the same throughout the renewed commitment.

Ms. Manion made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisors approve the Household Hazardous Waste Collection Program commitment from 2017 to 2020, as per the recommendation from Township Manager; Stephanie J. Mason with comments.

Mr. Colello is in support of the program, and questioned; if all municipalities will be participating. Ms. Mason offered to double check the records. Mr. Snyder questioned if the \$2,500.00 fee is what was paid in the past. Ms. Mason indicated yes and the price has not changed since 2013. Mr. Snyder then questioned if additional fees are applied for electronics. Ms. Mason indicated no and in 2013, fees included electronics collection. Mr. Colello clarified; the fee is divided by participating municipalities.

Resident; Joe Paternostro questioned; if the hazardous waste included televisions and CRTs. Ms. Mason answered; the Township's website has information on electronic recycling. The Household Hazardous Waste program pertains to items, such as paint cleaners and pesticides.

MOTION was ADOPTED 5 to 0.

D. DEP Municipal Recycling Program Grant - Tub Grinder

Mr. Touhill made a MOTION; seconded by Ms. Manion the Doylestown Township Board of Supervisors TABLE the matter of the Department of Environmental Protection (DEP) ACT 101, Section 902 Recycling Development and Implementation Grant for Doylestown Township until August.

MOTION CARRIED 5 to 0.

E. Bike/Hike Trail Easement/Fordhook Farms – Authorization to Execute Agreement

Bike and Hike Committee member; Tom Kelso commented; the agreement is successful to avoid condemnation for the easement needed for the trail.

Mr. Touhill made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors authorize execution of the Easement Agreement between Doylestown Township and FH Farms, LLC for the construction of a Bike \ Hike Trail in the vicinity of Lower State Road and New Britain Road.

MOTION was ADOPTED 5 to 0.

F. SEPTA – Reimbursement Agreement – Lower State Road Trail

Bike and Hike Committee Chairman; Tom Kelso reported; SEPTA has agreed to build a pedestrian crossing on Lower State Road. Upon Mrs. Lyons' question, Mr. Kelso indicated the entire project, including the \$299,398 fee will be funded by the TAP Grant.

Mr. Touhill made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors approved the Reimbursement Agreement between the Southeastern Pennsylvania Transportation Authority (SEPTA) and Doylestown Township regarding the alterations of a Grade Crossing at Lower State Road.

MOTION was ADOPTED 5 to 0.

G. Fuel Bid 2016/17

Mr. Snyder made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisors award the 2016 \ 2017 Bucks County Consortium Fuel Bid to Riggins, Inc for supply of diesel and gasoline fuel at the market fluctuating price for supply and a fixed pricing set at \$0.1350 and \$0.1450 respectively for delivery of on road ultra sulfur diesel fuel and unleaded regular gasoline during the 2016\2017 contract year.

MOTION was ADOPTED 5 to 0.

Mr. John reported; the first portion of the bid, pertaining to the gas and diesel fuel is accurate. A second motion is needed to approve with Suburban Propane, Inc.

Mr. Touhill made a MOTION; seconded by Ms. Manion the Doylestown Township Board of Supervisors award the 2016 \ 2017 Bucks County Consortium Fuel Bid to Suburban Propane, Inc at \$0.4912 for supply and delivery of propane purchased at market fluctuating during the 2016\2017 contract year.

MOTION was ADOPTED 5 to 0.

H. Treasurers Report – July 19, 2016

Mr. Snyder made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisors approve the July 19, 2016 Treasurer's Report.

MOTION was ADOPTED 5 to 0.

I. Bills List – July 19, 2016

Ms. Manion made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisors approve the July 19, 2016 Bill's List in the amount of \$1,444,984.62.

MOTION was ADOPTED 5 to 0.

VIII. ANNOUNCEMENTS

- A. The next meeting of the Doylestown Township Board of Supervisors will be held on Tuesday, August 16, 2016 at 7:00pm

- B. Thompson Performing Arts Series/Covenant Bank Amphitheater – Free Admission –
 - 1. Real Diamond– July 20th - Neil Diamond Tribute
 - 2. Quakertown Band – July 27th - BC’s oldest community band
 - 3. Doylestown Heat – July 29th - Jazz, swing, ragtime, funk and rock
 - 4. Jimmy and the Parrots – Aug. 3rd - Jimmy Buffett Tribute
 - 5. The Boy Band Project – Aug. 10th - Sounds of “boy bands”

- C. Leaf and Yard Waste Recycling - Doylestown Township residents only. The Drop off Site is open every third Saturday of the month, March-December from 9 am to 11 am. Location: New Britain Road access to the back part of CENTRAL PARK.

- D. Reminder: You can purchase Discount Movie Tickets and Discount Theme Park Tickets from our Administration Offices.

IX. SWEARING IN OF POLICE SERGEANT – J. Notarfrancesco

Upon recognizing past sergeants and other Township officers, Police Chief Logan commented on Justin Notarfrancesco's accomplishments during his ten year career that earned him the title of Sergeant. Chief Logan stated; the hard part of his position will begin now as he becomes a leader for the township and citizens. He concluded by stating he is confident Officer Notarfrancesco will transition into his new position with success.

District Court Judge; Mark D. Douple swore in Justin Notarfrancesco as Sergeant of Doylestown Township as his wife, Kathleen looked on.

Sergeant Notarfrancesco introduced his family and thanked the Board, Police Chief Logan for the opportunity and confidence in his abilities. He then thanked his family and all present officers for taking the time in being present at the ceremony. He continued; the job is about team work that contributed to his promotion.

X. ADJOURNMENT

Hearing no further business, the July 19, 2016 Doylestown Township Board of Supervisors Regular meeting was adjourned at 8:05pm.

Respectfully submitted by

Stephanie J. Mason