

**DOYLESTOWN TOWNSHIP BOARD OF SUPERVISORS**

**REGULAR MEETING**

*September 16, 2008*

The Regular Meeting of the Doylestown Township Board of Supervisors was held at 7:00 p.m. on Tuesday, September 16, 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 and Barbara Eisenhardt. Absent: Cynthia Philo. 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**

Ms. Lyons announced that this meeting is being recorded for the purpose of being televised and minute taking.

**VISITOR/PUBLIC COMMENTS:**

Ernie Gash, 15 Wilkshire Road, announced that September 24<sup>th</sup> and October 7<sup>th</sup> at 3:30 p.m., CB South Cross Country will have two cross country meets in Central Park.

John Everett, 2111 Turk Road, commented that he drove by the property on Rogers Road where trees were removed and asked if anyone has followed up with the Conservation District.

Ms. Mason replied the Conservation District has sent the owner of the property notification and the applicant filed a ZHB application appealing our notice.

Mr. Everett asked about silt fences being installed.

Mr. Canales replied according to the Conservation District, there are not enough disturbances that warrant a silt fence. Two notices were issued to the land owner and they are waiting for a response.

Rick Gaver congratulated Chief White and his personnel for their traffic enforcement operation.

**ANNOUNCEMENTS:**

Ms. Lyons announced the next meeting of the Board of Supervisors is scheduled for Tuesday, October 7, 2008. On October 2, 2008, the Doylestown Township Planning Commission will hold a public meeting at Lenape Middle School at 7 p.m. to discuss the intersection of Rt. 313/263.

A resident asked whether Buckingham Township officials will attend that meeting.

Ms. Lyons replied they were notified.

**PRESENTATION:**

Park and Recreation Committee:

John Bray, Chairman of the Parks & Recreation Committee provided a memo to the Board consisting of their statement of purpose and a list of projects to be implemented as time, funding and opportunity allowed. (See attached to memo).

Ms. Lyons noted the projects that can be done as soon as possible are revising the ordinance to reflect the statement of purpose; assemble the playground in storage; renegotiate the Turk Park lease; and resurface and lighting of the basketball and tennis courts.

A resident commented they would like to see an amphitheater in Central Park.

The Board suggested the Park and Recreation Board prioritize this recommendation.

Ms. Lyons announced that the 15<sup>th</sup> Annual Doylestown Township Oktoberfest will be held on: Friday, October 3, 2008 from 6-10 p.m., Saturday, October 4, 2008 from 12-10 p.m. and Sunday, October 5, 2008 from 12-6 p.m.

Kathleen Saunders, 47 Avalon Court, asked will the memo of the Park & Recreation Committee be available online.

Ms. Lyons replied the memo will be attached to the minutes.

Ms. Eisenhardt suggested posting this memo on the Township's website under the Parks & Recreation section.

**MINUTES APPROVAL:**

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve the minutes of the Board of Supervisors meeting of August 19, 2008.

Ms. Eisenhardt noted that her name was not listed as present in the minutes.

Minutes were approved as amended 4-0.

**CORRESPONDENCE:** None.

**REPORTS:**

**Solicitor:** Solicitor Garton announced that the Board held an Executive Session for 30 minutes prior to this meeting to discuss a personnel issue and no action was taken.

**Police Chief:** No report.

**Township Engineer:** No report.

**Manager:** No report.

**Supervisors:**

Mr. Bennett noted that the Township received the Pennsylvania Horticultural Society Greening Award for Triangle Park.

Ms. Lyons announced there will be a Visual sponsored by A Women's Place on October 2, 2008 at 6 p.m. at Rolling Hill United Methodist Church. We have a joint Comprehensive Park & Recreation Plan with Doylestown Borough and they are doing fundraising for Burpee Park.

**PUBLIC HEARING:**

Proposed Amendment to the Uniformed Employee Pension Plan:

Solicitor Garton explained the Board authorized a preparation to the amendment to the Uniformed Pension Ordinance, which incorporates change to the plan required by Act 600 related to surviving spouses of members of the police department that have not vested yet. In addition, there is a modification to the Drop Program by eliminating minimum notice in the event of an officer chooses to resign and leave during the drop period. The ordinance has been advertised in the Intelligencer and a copy has been sent to the Bucks County Law Library.

Ms. Lyons asked for any comments from Supervisors. There were none.

Ms. Lyons asked for any public comments. There were none.

Ms. Eisenhardt made a MOTION, seconded by Mr. Scarborough to adopt the amendment to the Uniformed Employee Pension Plan.

MOTION was ADOPTED 4-0.

**NEW BUSINESS:****Amendments to the Township's Comprehensive Plan:**

Ms. Lyons noted the Planning Commission has been working on this to provide a comprehensive outline to our present plan that incorporates all planning documents over the last 20 years so that Doylestown Township Comprehensive Plan is amended in 2008. Notice was given to the surrounding municipalities as required. The documents included are listed under Paragraph 2 and asked that the Doylestown Community Joint Comprehensive Pedestrian Bike and Transportation Plan of 1994 be moved to the end of Paragraph 1 to defer that it is already part of our plan, and make this proposal more consistent with what the Bucks County Planning Commission recommended.

Solicitor Garton added that in addition to this being sent to surrounding municipalities, a copy was sent to the School District, the Bucks County Planning Commission and the Doylestown Township Planning Commission. Notice of consideration of this resolution was advertised in the Intelligencer and a copy was sent to the Bucks County Law Library as required by the MPC.

Ms. Eisenhardt commented that the surrounding municipalities were notified in July of this year; however, the residents of Doylestown Township should have seen a display ad in the newspaper or there should have been multiple meetings for public input. She has been an advocate of updating our Comprehensive Plan, but we do not need to include outdated documents. She would like to see a plan that expresses the wishes and desires of the community moving forward, and she is not in favor of adding old documents to the Comprehensive Plan.

Mr. Bennett commented that the documents express the condition of the respective issues throughout a period of time and there is nothing wrong with incorporating them in our Comprehensive Plan. At various times since 1989, the public had opportunity to comment and, by amending the Plan tonight, will reflect what has taken place since 1989.

Judith Stern Goldstein, Director of Landscape Architecture/Planning Services, Boucher & James, Inc., explained the 1989 Comprehensive Plan was done by Lynn Bush, who is now the Director of the Bucks County Planning Commission. A lot of goals and objectives incorporated in that plan are still appropriate today. She referenced to each document listed in the Bucks County Planning Commission's memo, dated September 3, 2008, and indicated those documents are relevant as most of what is referenced has been implemented.

Ms. Lyons asked when these plans were put into effect; was there opportunity for public comment?

Ms. Goldstein replied each plan was presented at public meetings and there was opportunity for public input and they were reviewed by the Doylestown Planning Commission and the Board of Supervisors.

Ms. Lyons asked would the Township benefit by redoing the Comprehensive Plan?

Ms. Goldstein replied no. The Township has been proactive in progressive planning.

Ms. Eisenhardt commented all other Townships were notified, but our residents weren't. We should have several meetings with the residents and include them in our wish list on how we would like to proceed in the future.

Mr. Scarborough commented that the Comprehensive Plan is an ongoing document, and we send a copy to other municipalities as a courtesy. The Planning Commission has done a lot of hard work putting this together and their meetings are open to the public. It is time to get it done.

Ms. Lyons asked for any public comments.

Doris Clegg, EAC Chairman and resident of the Township, commented that she finds it incomprehensible that Ms. Eisenhardt wants to toss out 15 years of work and she cannot imagine the amount of money it has cost to create this document. If it is tossed out now, what would it cost to start over?

Ms. Eisenhardt explained that she never said anything about tossing this document out and starting over.

Karen Goeckler, Warden Road, commented that we elect you to help us form a plan to run our Township and there should be a headline in the newspaper.

Susan Bingler commented that communication is key.

John Everett, 2111 Turk Road, asked for an explanation of the Comprehensive Plan.

Solicitor Garton explained that the MPC says that the Township must adopt a Comprehensive Plan, which is a document of a broad overview of how we would design our Township from a zoning perspective and the zoning ordinance implements the plans. It is required by law to send a copy of the Comprehensive Plan to surrounding municipalities.

Ms. Goldstein clarified that the Comprehensive Plan is for land use and, from that, the zoning ordinance deals with zoning.

Mr. Everett commented we have a fluid document that has been developed over the years; is there a time when it is an over-mature document?

Solicitor Garton replied it is a community-by-community decision that is made by the governing bodies and Planning Commission.

Ms. Goldstein added the goals and objectives included in this Comprehensive Plan are relevant today as determined by the Planning Commission and it has been discussed at their public meetings consistently.

Joe O'Malley, Rogers Road, asked what made it appropriate in 2007-2008 to drop a synagogue in the middle of a residential area and why did the Planning Commission think the residents would be happy about it.

Solicitor Garton replied it was a use permitted by special exception.

James Bingler asked when was the last time the zoning districts have been looked at?

Ms. Goldstein replied the Planning Commission looks at areas within the Township and zoning is not part of the Comprehensive Plan.

A resident commented that zoning and land use intertwine.

Ms. Lyons clarified that it was recommended by the BCPC, the DTTC and our Planner to incorporate these documents and update our Comprehensive Plan to reflect that the Doylestown Township Comprehensive Plan as amended 2008 by resolution, and it does not affect zoning and no land use patterns have been changed.

Alan Victor, Rogers Road, commented that all of the existing documents will now be in one place.

John Everett asked that the resolution include inviting the public to the Planning Commission meetings.

Dave Gould, Valley Drive, asked how he can learn about the documents included in the Plan.

Ms. Lyons replied to call the Township Manager or attend a Planning Commission meeting.

Kathleen Saunders, Avalon Court, asked for a summary of the Comprehensive Plan and she would like to hear input from those who worked on this plan and would like to hear input from other residents at a public meeting.

Ms. Lyons asked Mr. Colello, Chairman of the Doylestown Planning Commission if he would hold occasional public meetings on the Comprehensive Plan process and garner input from the community.

Mr. Colello agreed.

A resident asked for maps of areas included in the Comprehensive Plan to be displayed in the Township building.

Doris Clegg asked is it possible to post some of these documents onto the Township website.

Ms. Mason replied yes.

Ms. Lyons proposed the following additions to the resolution: Paragraph 2, Item E be added to the end of Paragraph 1; add a provision to Paragraph 4 that the Doylestown Township Comprehensive Plan will hereafter to be referred to as the Doylestown Township Comprehensive Plan as amended 2008; add a provision that says, "The Comprehensive Planning in Doylestown Township will continue to respect municipal land use and land use policies of neighboring municipalities;" add a provision that planning instruments adopted by Doylestown Township following this amendment be included in the amended Comp Plan by resolution; any planning documents that are adopted after this amendment that conflict with any current planning documents that the latest planning documents be adopted with control; and that the comprehensive planning would go forward and be a continuing process and will include that the Doylestown Township Planning Commission holds periodic meetings with the community to garner input and provide education.

Ms. Eisenhardt suggested that with the additions to the resolution; that the vote be tabled until we can re-advertise the changes to the resolution. Then we can do a public display ad.

Ms. Lyons replied we did not change the substance of the resolution.

Mr. Bennett commented that we welcome public input in the planning of the Township and the resolution does not conflict with any of that as amended.

Laura Greeley, Kuhn Drive, asked that the advertisement of the meetings should be done in a way that supersedes the limits of the law.

Solicitor Garton suggested that any discussion about the Comprehensive Plan will be advertised in a block ad.

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to adopt the Resolution of the Doylestown Township Comprehensive Plan as amended 2008 to include the additions/changes as proposed by Ms. Lyons.

MOTION was ADOPTED 3-1. Ms. Eisenhardt opposed.

**Planning Commission – Request Authorization to Advertise Ordinances:**

**Wind Energy Ordinance:**

Ms. Goldstein indicated she reviewed model ordinances from other communities and this area is probably not conducive to a wind farm but that individual homeowners may be interested in having a windmill on their property. The memo of August 6, 2008 incorporates all recommendations by the Planning Commission into the Wind Energy Ordinance.

Mr. Scarborough added that the ordinance includes a two-acre minimum which precludes most residents of this Township from ever having a windmill.

Ms. Lyons asked for any public comments.

Dave Gould, resident, asked is this for residential and commercial properties?

Ms. Lyons replied it would be a permitted use in both zones.

Mr. Everett asked about the number of turbines.

Ms. Lyons replied it is one device per single parcel.

Vince Volpe, resident, commented that he read an article about possible health issues associated with low frequency vibrations from wind turbines and the recommendation was to live a mile or two away from commercial turbines.

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to authorize the advertisement of the Wind Energy Ordinance for Public Hearing.

MOTION was ADOPTED 4-0.

**Adult Uses:**

Ms. Goldstein provided a memo dated August 6, 2008 that adds new sections to the ordinance regarding Adult Uses along with proposed maps showing areas and how the restrictions would be imposed in the Township. There are five parcels in the Township that would comply with the 400 ft. buffer in a non-residential district for an Adult Use. The Planning Commission recommended the 400 ft. setback distance.



Ms. Lyons asked for any public comments.

Joe O'Malley asked for the locations of the parcels.

Ms. Goldstein replied most of them are along N. Main Street and in the Rt. 263/313 area.

John Everett commented there are one or two parcels that when the 400' buffer is applied then the use is impeded.

James Bingler asked for the tax parcels that the use would be permitted.

Ms. Goldstein replied C1 District.

Mr. Bingler asked does the C1 District allow billboards.

Ms. Lyons replied yes.

Dave Gould and John Cassidy expressed concerns about the open parcel at Rt. 262/313.

Ms. Eisenhardt commented the Planning Commission shows another viable option of a 300 ft. buffer as it opens up the Rt. 611 corridor and that should be looked at.

Ms. Lyons sent the Adult Use Ordinance back to the Planning Commission for further consideration and additional public input. This matter will be placed on a future meeting's agenda.

### **Home Based Businesses:**

Ms. Goldstein explained that a No-Impact Home Based Business is a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The MPC requires that the Township permits no impact home based businesses in all residential districts.

Ms. Lyons asked for any public comments. There were none.

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to authorize the advertisement of the Home Based Business Ordinance for Public Hearing.

MOTION was ADOPTED 4-0.

### **All Other Uses:**

Ms. Goldstein explained that our All Other Use clause says that any other lawful use that is not regulated would be permitted by conditional use. Her memo dated August 6, 2008

includes research, samples and recommendations for minor language changes to the ordinance.

Ms. Eisenhardt asked it is possible to put the Adult Use under G-16 Lawful Use Not Otherwise Permitted of the ordinance.

Ms. Goldstein replied the problem with that is a conditional use is considered a use by-right and the applicant is entitled to have that use unless they do not meet conditions set forth in the ordinance.

Ms. Lyons asked for any public comments.

Doris Clegg asked will these ordinances be advertised for the same evening?

Ms Lyons replied yes, except for the Adult Use Ordinance.

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to authorize the advertisement of the All Other Uses Ordinance for Public Hearing.

MOTION was ADOPTED 4-0.

Land Developments:

**Development Agreement – Touhill:**

Solicitor Garton noted that the Board approved the final land development and subdivision plan for the Touhill East Road Subdivision Plan and he prepared the development agreement and recommends approval.

Ms. Eisenhardt made a MOTION, seconded by Mr. Bennett to approve the Development Agreement for the Touhill East Road Subdivision Plan as prepared by Township Solicitor.

MOTION was ADOPTED 4-0.

**Doylestown Fire Co. – Building Permit – Waiver Request:**

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to grant the waiver request for the building permit fee of \$3,193 for the Warden Road Station.

MOTION was ADOPTED 4-0.

**Government Access Channel – Use Policy:**

Ms. Lyons noted that TAB prepared a Use Policy for televising the Doylestown Township Board of Supervisors' meetings.

Solicitor Garton added that he sent a letter to the Board consisting of his comments as follows: instead of the words "legislative body;" he suggested saying, "To disseminate information on the activities of the Board of Supervisors and other administrative and advisory bodies of the Township;" also, the fee for a copy of the video tape should not be included in the policy, he would do that by resolution; and to deal with a "bad actor" or if someone is out of order; the chairman should recess the meeting.

Ms. Lyons asked if the chairman recesses a meeting because someone is out of order; does that stop the video?

Mr. Scarborough replied no.

Ms. Eisenhardt commented that other municipalities televise their meetings and all of them are gavel-to-gavel coverage. She is against editing anything that is televised.

Ed Ebenbach, TAB, agreed there will be no editing.

Ms. Eisenhardt read from the policy that says, "The system we have deployed has the ability for the Chairperson to push a button to suppress the audio from "bad actors" once the offending audio is observed." She is against that.

Mr. Ebenbach replied the taping system continues at all times.

Mr. Bennett clarified that the memo attached to the Use Policy says what Ms. Eisenhardt just read. The policy says, "Any Township meeting cablecast shall not be edited nor subjected to editorial comment." The proposed policy by TAB does not include any editing.

Solicitor Garton asked if there is a recess in the meeting; is the recess taped or is it stopped?

Mr. Ebenbach replied there are no plans to stop the tape.

Ms. Lyons asked for any public comments.

John Everett asked will there be a time delay?

Ms. Lyons replied no.

Mr. Bennett suggested adding language that the cablecast shall not be edited nor be subjected to editorial comment except to allow the chairman to control the orderly operation of Township business.

Dave Goddard, resident, commented to let the tape roll.

Mr. Scarborough thanked TAB for their hard work in putting this system together with volunteers.

Ms. Lyons asked that the Use Policy be revised to reflect comments made by Solicitor Garton and Mr. Bennett, and the Board will review it at the next meeting.

### **2008 Oktoberfest – Schaefer Pyrotechnics**

Ms. Eisenhardt made a MOTION, seconded by Mr. Bennett to accept the proposal from Schaefer Pyrotechnics for fireworks display at our Oktoberfest event on October 3, 2008 in the amount of \$6,000.

MOTION was ADOPTED 4-0.

### **Zoning Hearing Board Application:**

#### York & Swamp Assoc. Rt. 263 & Swamp Roads:

Solicitor Garton noted there are two applications. The first is an appeal filed by the owner of that tract for tree removal and the second is in regards to variances. One variance is to permit a retail shop in the LI District and a variance to increase the retail shop beyond 10,000 sq. ft. He asked the Board if he should participate in those proceedings before the ZHB.

Ms. Eisenhardt made a MOTION, seconded by Mr. Bennett to send the Township Solicitor to the ZHB representing the Board of Supervisors in opposition of the matter of York & Swamp Assoc. Rt.263 & Swamp Roads.

David Shakowitz, Attorney representing the applicant, noted that in regards to the appeal, we have a meeting with staff to try to work out those issues. He asked the Board to delay the vote to send the Solicitor to the ZHB until October 7<sup>th</sup> since there is a meeting with residents on October 2<sup>nd</sup>.

James Bingler, resident, asked if it is a by-right plan, what does that mean if they are asking for a variance?

Solicitor Garton replied the use is by-right, but the dimensional elements may not be.

MOTION was ADOPTED 4-0.

Metro PSC Pennsylvania, LLC – 425 Wells Road:

The consensus of the Board was to leave this matter to the ZHB.

Doylestown Hospital – 595 W. State Street – Requests a variance:

The consensus of the Board was to leave this matter to the ZHB, but to direct Township Manager to send two letters regarding appropriate signage for the public informing them of the smaller parking spaces as a condition of approval and a letter of support for the Bike/Hike Trail in the easement.

**Treasurer's List:**

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve the Treasurer's List of September 16, 2008.

MOTION was ADOPTED 4-0.

**Bills List:**

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to approve the Bills List of September 16, 2008.

MOTION was ADOPTED 3-1. Ms. Eisenhardt opposed.

Mr. Bennett asked Ms. Eisenhardt about her objection to the bills list.

Ms. Eisenhardt replied there is an issue unresolved, which is the Township vehicle use by Township staff as there has not been a public meeting to set that policy and, until that is resolved, she is not willing to sign a blank check for unleaded fuel for vehicles.

**ANNOUNCEMENTS:**

Ms. Lyons announced that the next meeting of the Board of Supervisors is scheduled for Tuesday, October 7, 2008. The Planning Commission is holding a special meeting to discuss the 263/313 intersection on October 2, 2008 at 7 p.m. at Lenape Middle School. The 15<sup>th</sup> Annual Doylestown Township Oktoberfest will be held on: Friday, October 3, 2008 from 6-10 p.m., Saturday, October 4, 2008 from 12-10 p.m., and Sunday, October 5, 2008 12-6 p.m.

Joe Paternostro, resident, asked for a definition of an emergency response vehicle and is the emergency response people trained in first aid, CPR, oxygen administration and ADD.

Chief White replied all of our officers are trained and certified to that level.

Ms. Mason added that our Public Works employees as well as our non-uniformed employees had CPR training and assists the police department with emergencies when called upon.

Chief White continued that road crew does not respond, under any circumstances, in an emergency response vehicle.

Another resident asked for a time limit to be placed on speakers at the meeting of October 2, 2008.

**ADJOURNMENT:** 9:15 P.M.

Respectfully submitted,

Stephanie Mason, Township Manager

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