



Board of Supervisors

Regular Meeting

~ Minutes ~

425 Wells Road
Doylestown, PA 18901
<http://doylestownpa.org/>

215-348-9915

Tuesday, January 15, 2013

7:00 PM

Public Meeting Room

I. 7:00 PM REGULAR MEETING

Members of the Board of Supervisors - Chairman; Barbara N. Lyons, Vice Chairman; E. Thomas Scarborough, Supervisors; Richard F. Colello, Shawn Touhill and Ryan Manion.

Members of Township Staff - Township Manager; Stephanie J. Mason, Director of Operations; Richard E. John, Township Solicitor; Jeffrey P. Garton and Township Engineer; Mario Canales.

Absent: Chief of Police; Dean A. Logan. In his absence, Lt. Matthew O'Connor was present.

- A. Pledge to the flag
- B. Visitors/Public Comments
None

II. ANNOUNCEMENTS

- A. The next meeting of the Board of Supervisors is scheduled for Tuesday, February 5, 2013 at 7:00PM
- B. There will be a Pension Committee Meeting scheduled for Tuesday, February 5, 2013 at 4:00PM
- C. The Township Municipal offices will be closed on Monday, January 21, 2013 in observance of Martin Luther King, Jr. Day.
- D. Consider giving the gift of life - The American Red Cross will hold a Blood Drive at the Township Building on January 25, 2013 from 2:30pm – 7:30pm. Feel free to register by contacting the Township or the Red Cross directly. Drop-ins are also welcome.
- E. Citizens interested in getting Township News email alerts should join our Google group. You can do so by visiting our website doylestownpa.org and entering your email for the Google group.

III. MINUTES APPROVAL – Reorganization Meeting - January 7, 2013

Mr. Scarborough made a MOTION; seconded by Ms. Manion minutes of the January 7, 2013 Doylestown Township Board of Supervisors Regular meeting be approved.

MOTION was ADOPTED 5 to 0.

IV. CORRESPONDENCES

- A. Poole's Corner Bike and Walk – J. Paternostro

Ms. Mason noted Resident; Mr. Joseph Paternostro's January 6, 2013 letter recommending the Board coordinate with the Pennsylvania Department of Transportation (Penn Dot) to consider Poole's Corner intersection be connected to the Route 202 parkway's bike / hike trail or a path connecting to Fanny Chapman Community Pool.

Mrs. Lyons requested the letter first be reviewed by the Bike & Hike Committee and Director of Operations; Richard John for comment before Board action. Ms. Mason introduced both Bike & Hike Committee member; Thomas Kelso and Board of Supervisor; Richard Colello who read Mr. Paternostro's letter and recommend the retention of the park / ride lot due to class A cyclists usage for trips to Buckingham and New Hope. Also, as part of a new bike plan recently adopted by the county, the intersection will provide a through way to New Hope for cyclists.

Mrs. Lyons questioned if Buckingham and New Hope Township's recommendations were solicited. Ms. Mason answered, at the time of the presentation both townships were in favor of the park / ride lot. However, she offered to share Mr. Paternostro's letter with both townships for comment to contact Penn Dot for modifications or changes.

Mrs. Lyons suggested all reviews and comments be collected for consideration prior to the Board communicating with Penn Dot.

B. Doylestown Dog Park Advisory Committee Applicant – McComas

Mr. Scarborough made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisors appoint Deb McComas as a member of the Doylestown Township Dog Park Advisory Board.

MOTION was ADOPTED 5 to 0.

V. **REPORTS**

A. Solicitor

No Report

B. Police Chief - North Street Calming Project

Lieutenant O'Connor read a statement noting a December 17, 2012 letter received from Doylestown Borough Manager; John Davis regarding the proposed traffic calming project off North Street and Font Hill Drive. The statement referenced the Borough's plans to narrow travel lanes and construct dedicated parking spaces and a cross walk along North Street. As part of the project, the Borough is requesting Doylestown Township propose no parking restrictions along north bound lanes at North Street between East Street and Swamp Road. Upon several meetings between Township Staff and the Traffic Advisory Board, all concurred with Pennoni & Associates' review letter dated January 7, 2013 to Ms. Mason indicating there were no objections to the plan with recommendations provided.

Mr. Garton questioned if there were any speed humps included with the plan. Lt. O'Connor indicated there were none. Mr. Garton then suggested an indemnification agreement may be needed if there is potential liability involved with modifications. He then recommended it would be premature to address any comments until the plan is reviewed by the Traffic Committee.

C. Township Engineer

No report

D. Manager - Chem-Fab Update

Public Auction of Township Vehicles

The Board agreed by consensus to approve a former police car Tahoe 2919, Vin#1GNFK03077R368783, be removed from service due to poor condition and scheduled for public auction on January 26th at JJ Kane Public Auction in Plymouth Meeting, PA.

Mrs. Lyons questioned if there are plans to replace the vehicle. Ms. Mason answered; the township has

budgeted for the purchase of a new vehicle.

Chem-Fab Update

Ms. Mason reported on her and Mr. John attendance at the Doylestown Chem-Fab Community Advisory Group meeting. While providing the Board with record of decision copies, Ms. Mason explained the Group announced plans to remove contaminated soils along the Chem-Fab site and replace with clean soil. This information will be forwarded to the Environmental Protection Agency (EPA) National Priority Review Panel for their review. At the end of February in Washington DC, it's the hope funding will be granted for the project. Upon approval and receipt of funds, completion of the clean-up project should take approximately six months. The next phase is for EPA to address the ground water contamination. There is a concern with the plume that continues to flow in a westerly direction and may impact properties with private wells.

During the meeting, a representative from the State Board of Health compared cancer rates with Doylestown and the Commonwealth of Pennsylvania. The results showed Doylestown's rate is 16% less than that of the entire State. Specifically, looking at cancer that can result from exposure of VOCs and other contaminants found on the Chem-Fab site.

The next Chem-Fab Advisory Group meeting is scheduled for February 26, 2013.

E. Supervisors - Friends of Kids' Castle Revised Agreement – Shawn Touhill

Mr. Touhill requested if any member of the Board would like to submit comments and/or suggestions to the Kids Castle revised agreement.

Mrs. Lyons asked Mr. Garton to review paragraphs 3 and 7 for consistency.

Mr. Touhill then reported the agreement will be submitted for approval at the February 5, 2013 Board of Supervisors Regular meeting.

Ms. Manion questioned paragraph 11 by asking if members of the Friends of Kids' Castle are looking to become a 501 entity. Mr. Touhill answered yes.

Mr. Colello reported the Park & Recreation Board have many projects planned in 2013 to include the completion of a Sensory Trail, Kids Castle and the Game Grove. The Board has two openings for volunteers with no prior experience needed.

Traffic Advisory Committee is also seeking volunteers.

Mr. Colello encouraged the Board to support the Bike & Hike Committee with the Neshaminy Greenway project.

Volunteers are also needed with the Environmental Advisory Committee and their Bird town project working with the Park & Recreation Board. He encouraged anyone interested to contact the Township's Administration Office.

VI. UNFINISHED BUSINESS

A. Review of Revised Engineering Fees – Michael Baker Jr, Inc (Bike / Hike Engineer)

Mr. Scarborough made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors approved the Revised Engineering fees in the amount of \$52,500.00 as submitted by Michael Baker, Jr on January 3, 2013.

MOTION was ADOPTED

VII. NEW BUSINESS

A. Neshaminy Greenway Trail – Proposed Scope of Work –Michael Baker Jr.

Bike and Hike Committee Vice Chairman; Thomas Kelso updated the Board on the Neshaminy Greenway Trail and requested Board approval to approach Penn Dot in considering a similar "Adopt a Highway" program for litter control along the Route 202 Parkway specially, the Doylestown Township portion of the trail.

The Board agreed by consensus to approve the Bike & Hike Committee approach Penn Dot to consider a similar "Adopt a Highway" program from New Britain to Bristol Road along the Neshaminy Greenway Trail for litter control at no cost to the township.

Mr. Kelso then reported the intersection of the parkway and the Neshaminy Greenway Trail is critical regionally, where both trails are part of an initiative of the Bicycle Coalition of Greater Philadelphia called "Completing the Circuit". Mr. Kelso then requested Board approval to have the Bike & Hike Committee apply to become members of the Bicycle Coalition of Greater Philadelphia. Doylestown Township will become part of the Coalition along with Montgomery and Bucks counties with no fees involved. The benefit of the coalition may provide additional funding for the township and coordinating programs.

The Board agreed by consensus to approve the Bike & Hike Committee apply to become members of the Bicycle Coalition of Greater Philadelphia with no fees involved for the township.

Status:

Phase I - work began on the existing trail to be expanded through Neshaminy Creek up to Lower State Road through the Neamand Tract, which is now in escrow. The Wells Road Bridge was completed as well as the connecting path. The last component was connecting the Route 202 path to Destination Peace Valley and Delaware Valley College completed by Penn Dot. Remaining items are the installation of a Kiosk with maps and a small rest / picnic area.

Phase II - From the parkway trail through Neshaminy Creek towards Upper State Road near Delaware Valley College will need additional funding.

Phase III - From the Septa Train Station located in New Britain leading to Chalfont. Chalfont has taken the lead for this portion of the project. Phase III will be long term with multiple sections.

Funding:

The William Penn Grant where the township received \$76,000 out of \$130,148 that was applied to Phase I of the project. The balance will be applied to the construction of the proposed Kiosk and rest area at \$42,000. A device to count the number of pedestrians and cyclist utilizing the trail as well as signage is being considered. \$10,000 will be applied to complete the design of Phase II under a supplemental agreement at \$10,000 from Engineer; Michael Baker, Jr, which needs Board approval.

The Open Space and Bike & Hike Committees requested use of some county's open space funding for construction of the Neshaminy Greenway Trail. The grant is at 75/25%, which means the committee will have to come up with 25% of the cost. The 2013 Township Budget has \$200,000 allotted. The total cost for Phase II is at \$413,000.

Mr. Kelso then requested Board approval to permit Bike & Hike Committee has use of the Open Space

Committee funding towards the Neshaminy Greenway Trail project, plus \$103,000 out of the Township Budget. A large portion of the work will be completed in house in order count towards the match of 25%. Construction of Phase II is estimated to be completed by the end of 2013. This will create a trail from the Route 202 parkway to Upper State Road.

Mrs. Lyons questioned if the Open Space Committee requested their entire funding be applied to the trail project. Mr. Kelso answered, the Open Space Committee initially suggested \$200,000 for the Bucks County Advisory Board. The Open Space Committee suggested that this trail and the Sensory Trail and improvements within the park be applied for.

Mr. Kelso concluded, the next steps will be to complete Phase I and design permitting Phase II, finalize the easement with Chalfont New Britain Joint Sewer Authority and submit the formal request to Bucks County to use the Open Space fund.

Mr. Colello commented he is in support of the funding request and finds it reasonable due to what the township has completed so far. The county will be more incline to work with the township with developing the trails.

Mr. Touhill questioned if part of the 25% match can be obtained through time and service. Mr. Kelso answered; the Committee will have to review closer, because funds haven't been used for this purpose before. More discussions are needed, but he is under the impression it will be allowed. Ms. Mason added; during the budget process, it was agreed to allot money, assuming there will be grant to support the project. She requested the numbers be further refined down since the request is at the maximum level. The township will continue to search for additional grant opportunities and once Mr. John reviews the plan at a construction standpoint the amount may come down. Mr. Kelso answered; this is what the committee tried to present. The requested amount is above of the cost estimated asked from Michael Baker Engineering to design based upon Penn Dot's specifications. The committee believes the requested amount can be brought down with assistance from the wetland crossings. Other opportunities can present themselves, such as with Cedar Crest Farms but believes it's a reasonable budget for the project at \$300,204 to represent half of the Open Space funding. The total amount of the project is estimated at \$413,000. Ms. Mason added; \$200,000 was allocated in the Capital Fund.

Mr. Touhill made a MOTION; seconded by Ms. Manion the Doylestown Township Board of Supervisors approve Neshaminy Greenway Trial Engineer; Michael Baker Jr. Supplemental Agreement in the amount of \$10,000.

MOTION was ADOPTED 5 to 0.

Mr. Scarborough made a MOTION; seconded by Mr. Colello The Doylestown Township Board of Supervisors authorize Doylestown Township to formally request a discussion with Bucks County regarding authorizing use of up to \$310,204 of Open Space money towards the Neshaminy Greenway Trail project.

MOTION was ADOPTED 5 to 0.

B. PennDOT Shared Use Path Crossing Agreement

Mr. Colello made a MOTION; seconded by Mr. Touhill The Doylestown Township Board of Supervisors authorize the resolution to have a Chairman of the Municipality sign the Penn Dot Shared Use Path Crossing Agreement No. 1669 on it's behalf and the Secretary be authorized and directed to attest the same.

MOTION was ADOPTED 5 to 0.

C. 2013-2016 Regional Household Hazardous Waste Collection Program

Mr. Scarborough made a MOTION; seconded by Ms. Manion The Doylestown Township Board of Supervisors approve 2013 - 2016 Regional Household Hazardous Waste Collection Program at a cost of \$2,521.13 per year for four years.

MOTION was ADOPTED 5 to 0.

D. Emergency Operations Update

Mr. Touhill made a MOTION; seconded by Ms. Manion The Doylestown Township Board of Supervisors approve, adopt Resolution No. 1665 and place into effect the Emergency Operations Updated Plan of Doylestown Township and that is conforms with the requirements of the Bucks County Emergency Operations Plan.

MOTION was ADOPTED 5 to 0.

E. Energy Supplier

Mr. Scarborough made a MOTION; seconded by Ms. Manion The Doylestown Township Board of Supervisors approve the Electricity Supply Agreement between the Township and Constellation NewEnergy, Inc and have any member of the Board to execute the confirmation of rates the morning of January 16, 2013 on behalf of the Township, as per the recommendation of Township Manager; Stephanie J. Mason.

Mr. Colello questioned how much did the township saved in taking on the energy supplier initiative. Assistant Township Manager; Sandra Zadell answered; the township has saved approximately \$3,000 to \$4,000.

MOTION was ADOPTED 5 to 0.

F. 2013 Lawn Maintenance Bid

Mr. Scarborough made a MOTION; seconded by Ms. Manion The Doylestown Township Board of Supervisors extend the 2013 Lawn Maintenance Bid for one year to Biase Landscaping, LLC in the amount of \$34,000 during the law mowing season.

MOTION was ADOPTED 5 to 0.

G. 2013 Equipment w/Operators Rental Bid

Mr. Scarborough made a MOTION; seconded by Mr. Touhill The Doylestown Township Board of Supervisors to extend P.K. Moyer and Sons' 2013 Equipment with Operators Rental Bid to one year based upon the 2012 rate schedule.

MOTION was ADOPTED 5 to 0.

H. LAND DEVELOPMENTS

1. The Pavillion @ Furlong Preliminary Plan – Review Extension

Mr. Garton reported; attorneys for the Pavilion at Furlong will present new sketch plan for Board approval in late February or March.

Mr. Touhill made a MOTION; seconded by Ms. Manion The Doylestown Township Board of Supervisors grant applicants; Pavilion at Furlong an extension to June 1, 2013.

MOTION was ADOPTED 5 to 0.

2. Shelbourne Healthcare Development Group – Preliminary Land Development

Mr. Garton presented the Shelbourne Healthcare Development Group application for Preliminary/Final Land Development approval on tax parcel 9-14-30 for construction of a 79,300 square foot, three story assistant living facility with associated driveways, parking and stormwater facilities. The plan was prepared by Gilmore & Associates dated February 20, 2012, last revised on December 21, 2012. The Doylestown Township Planning Commission recommended the plan subject to conditions on November 26, 2012.

Joseph A. Zadlo of Shelbourne Healthcare Development Group explained the site is AAA for assisted living and proposed to be located off Route 611. A landscape plan has been designed and use of the existing driveway is in place. Mr. Zadlo concluded by noting, applicants are in receipt of the latest review letters and will comply to have plans revised with no issues. In addition, at a recent meeting with neighboring residents, where a site tour was completed to address all concerns. Three out of five signed agreements were forwarded to the township. Nine concerns were raised and Mr. Zadlo received the last two agreements this evening noting all were resolved.

Mr. Garton requested direction from the Board on how to proceed with a waiver request on the replacement of 68 trees. Mr. John requested a cost of the 68 trees. Mr. Zadlo indicated the amount of trees may decline due to additional planting of trees along neighboring properties to where the net amount will be provided to the township. The Board agreed.

Upon the Doylestown Township Board of Supervisors approval of Shelbourne Healthcare Development Group Final Land Development Plan, Township Solicitor; Jeffrey P. Garton set forth the following conditions...

1. Compliance with the Boucher & James report dated January 9, 2013, except the Board of Supervisors did grant waivers from the provisions of SALDO, §153-34.C(2), §153-34.C(5) and §153.34.C(5)(b)[4][a][iii], except, with respect to the waiver of the requirements from the replacement of lost trees, the Applicant will pay a fee in lieu of the value of the additional 68 trees that would be required, but the 68 trees shall be reduced by the number of additional trees installed by the Developer in accordance with the agreement between the Developer and the neighbors as noted hereafter;

2. Compliance with the Pickering, Corts & Summerson report dated January 4, 2013 with the further understanding that the Applicant was granted a waiver from the provisions of SALDO §153-20.C(10);

3. Compliance with the Pennoni Associates, Inc. report dated November 16, 2012;

4. Compliance with the S C Engineers, Inc. report dated November 16, 2012;

5. Compliance with the Michael Baker, Jr., Inc. review letter dated November 16, 2012;

6. Compliance with the Doylestown Township EAC report dated November 14, 2012;

7. Compliance with the Bucks County Planning report dated November 7, 2012;

8. Compliance with the review letter from the Director of Code Enforcement for the Township dated October 16, 2012;

9. The incorporation into the plans of the terms and conditions of the agreement reached between the Developer and the neighbors as set forth in correspondence dated January 10, 2013 from Joseph A. Zadlo to various neighbors to the project;

10. Applicant to install a bus shelter at a location on site after a determination is made by SEPTA, the Township and the Applicant as to the appropriate location and after a receipt of approval to do so by SEPTA;
11. Receipt of all permits and approvals from other agencies having jurisdiction over said project, including, but not limited to the Bucks County Water & Sewer Authority, the Doylestown Township Municipal Authority, the Bucks County Conservation District, PennDOT, etc.;
12. Applicant to contribute as an off-site traffic fee the sum of \$.25 per square foot of gross floor area, which said payment shall be made as of the receipt of the building permit for the construction of the assisted living facility; and
13. Execution of Development and Financial Security Agreements.

On behalf of the applicants, Joseph A. Zaldo agreed to comply with provision as set forth by Mr. Garton.

Mr. Scarborough made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors approve Shelbourne Healthcare Development Group Preliminary\ Final Land Development Plan to construct a 79,300 square foot assistant living facility on tax parcel 9-14-30 as per the conditions set forth by Township Solicitor; Jeffrey P. Garton.

Public Comment:

Resident; William Lahr, Bunker Hollow Drive commented on great it was to work with Shelbourne Healthcare Group during the last few months. He wished all developers were as accommodating. On behalf of the neighbors on Bunker Hollow Drive, he thanked Mr. Zaldo and Mr. David Eddis.

Mr. Colello agreed and appreciated the cooperation provided by the Shelbourne Healthcare Group.

MOTION was ADOPTED 5 to 0.

I. Shelbourne Healthcare Development Group – Planning Module

Mr. Scarborough made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors approve Shelbourne Healthcare Development Group Planning Module for Department of Environmental Protection (DEP) approval of the sewer facilities.

MOTION was ADOPTED 5 to 0.

J. Treasurer's Report – January 15, 2013

Ms. Mason reported the Treasurer's Report has a new look because it is now being processed through the new software system

Mr. Scarborough made a MOTION; seconded by Ms. Manion the Doylestown Township Board of Supervisors approve the January 15, 2013 Treasurer's Report.

MOTION was ADOPTED 5 to 0.

K. Bills Lists – December 26, 2012 and January 15, 2013

Mr. Scarborough made a MOTION; seconded by Ms. Manion the Doylestown Township Board of Supervisors approve the Bill's List for December 26, 2012 in the amount of \$65,623.08 and January 15, 2013 in the amount of \$41,325.70.

MOTION was ADOPTED 5 to 0.

VIII. ANNOUNCEMENTS

- A. The next meeting of the Board of Supervisors is scheduled for Tuesday, February 5, 2013 at 7:00PM
- B. There will be a Pension Committee Meeting scheduled for Tuesday, February 5, 2013 at 4:00PM
- C. The Township Municipal offices will be closed on Monday, January 21, 2013 in observance of Martin Luther King, Jr. Day.
- D. Consider giving the gift of life - The American Red Cross will hold a Blood Drive at the Township Building on January 25, 2013 from 2:30pm – 7:30pm. Feel free to register by contacting the Township or the Red Cross directly. Drop-ins are also welcome.
- E. Citizens interested in getting Township News email alerts should join our Google group. You can do so by visiting our website doylestownpa.org and entering your email for the Google group.

IX. ADJOURNMENT

The January 15, 2013, Doylestown Township Board of Supervisors Regular meeting was adjourned at 7:42 p.m.

Respectfully submitted by

Stephanie J. Mason