

**DOYLESTOWN TOWNSHIP BOARD OF SUPERVISORS**

**REGULAR MEETING**

*March 18, 2008*

The Regular Meeting of the Doylestown Township Board of Supervisors was held at 7:00 p.m. on Tuesday, March 18, 2008 at the Doylestown Township Municipal Building, 425 Wells Road, Doylestown, PA. Members of the Board of Supervisors in attendance included Barbara Lyons, Chairman, E. Thomas Scarborough, Jr., Vice Chairman, Barbara Eisenhardt, Cynthia Philo and Jeffrey Bennett. 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**

**PRESENTATIONS:**

Artifacts Realty:

Solicitor Garton said the applicant filed an application with the ZHB for a use variance to permit a daycare in the C-1 zoning district and other variances related to parking in the front yard and allowing the placement of a fence for play equipment on the side yard. The Board of Supervisors authorized his office to attend the ZHB to be in opposition of the application.

John VanLuvanee, Attorney representing the applicant, presented the plan to the Board, and indicated there are four tax parcels owned by Artifacts Realty Partnership, and the daycare use is on a 3.98 acre parcel with frontage on three roads. The proposed building is 8,000 sq. ft. with four parking spaces proposed. The variances we seek are for the use, parking in the front yard and for a fence in the play yard and it is not encroaching in the buffer yard. We had meetings with the adjacent neighbors and addressed their concerns. We feel we have a proposal that would best fit the Township.

Ms. Eisenhardt asked how many EDU's were allocated to the site?

Mr. VanLuvanee replied we have not asked for a permit for the system. We have done preliminary testing that determined four suitable sites.

Ms. Philo asked why a daycare in that location?

Mr. VanLuvanee replied Malvern School is our proposed operator and there are reps here this evening to answer any questions. His client responded to the market and feel it is a good location for a daycare.

Ms. Eisenhardt asked what differentiates the fact that it is called a school versus a daycare.

Mr. VanLuvanee replied it is licensed as a daycare center.

Diane Morgan, Director of Program and Professional Development of the Malvern School, replied it is a childcare center and private academic school.

Ms. Lyons asked for any public comments.

James Bingler commented he and the neighbors have discussed this with the developer and they were helpful to us with regards to the buffer in the back.

Mr. Knight commented our main concerns of line of sight were taken into consideration by the developer.

Ms. Lyons commented that Ms. Eisenhardt and Liz Vile, Recording Secretary are taping tonight's meeting.

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to amend their previous motion and leave this application to the discretion of the ZHB and rescind their decision to have Solicitor Garton appear before the ZHB in opposition to the application.

MOTION was ADOPTED 3-2. Ms. Philo and Ms. Lyons opposed.

Blueberry Hill:

Robert Gundlach, Jr., Attorney representing the applicant introduced Thomas Deignan, President of Carrollton Development Group for the Blueberry Hill application and Matt, Jarmel, Architect for the proposed tenant, The Learning Experience. He presented the revised version of the plan that received land development approval from this Board for the redevelopment. The property is zoned C-2 and has approval for use as E14 shopping center. The occupant is a daycare use called, The Learning Experience, which is not an allowable use in the E14 shopping center. Our options are to file an application to the ZHB or file an application to this Board for a text amendment to amend the E-15 shopping center use to allow the daycare use.

Mr. Jarmel, Architect for the Learning Experience, explained to the Board that The Learning Experience is a child development center that is licensed by the State and provides educational services to children from 6:30 a.m. to 6:30 p.m. He discussed traffic peak hours of pickup and drop off of the children and indicated that this is an ideal location for the childcare center.

Mr. Deignan explained that he has been successful in signing only two leases: Citicorp and The Learning Experience, which is an ideal use for the site. The architecture is indicative of the remaining buildings onsite, it is protected by a tree buffer on Almshouse Road and all children have direct access from inside the school to the outside play area.

Mr. Canales expressed concerns about the grading of the playground as it is on the side of a hill.

Mr. Gundlach replied we do not plan on making any radical deviations from the existing grade and the meets and bounds of this designated area do not encumber any of the woodlands.

Chief White noted the permanent housing for the Bucks County Work Release Program is within 2,500 feet of this establishment, and there are registered sex offenders in the prison system that lives there.

Mr. Gundlach replied this proposed facility will be a highly secure facility. We are asking for the Board's support for a text amendment to the E-14 or their non-opposition to the application to the ZHB.

The Board expressed concerns regarding the Township's Sex Offender Ordinance that is in place which prohibits sex offenders from living within 2,500 feet of a daycare center or school; the traffic being impacted in a negative way and that the ordinance prohibits the creation of a daycare center.

Mr. Gundlach asked the Board to not send the Solicitor to the ZHB in opposition of the application and let us present our case.

Doris Clegg, resident, commented that she prefers the Board is represented by Solicitor Garton at the ZHB.

Solicitor Garton suggested that the Board not make a decision until they see the application and how these concerns are addressed.

Ms. Eisenhardt asked the applicant if they would be willing to go before the Planning Commission.

Mr. Gundlach replied we would if we receive zoning relief and need amended land development. The applicant will file an application to the ZHB with the appropriate documentation to confirm compliance of the zoning requirements and submit that to the Board to review and come back to the next meeting.

Solicitor Garton indicated that the playground issue needs to be resolved.

Mr. Gundlach replied yes, that would be part of the application. We would submit a plan that shows the area and shows compliance with all of the previous plan approvals so that the only relief that would be requested would be the use. After review by this Board, we will ask the Board to agree to not send the Solicitor in opposition.

**VISITOR PUBLIC COMMENTS:**

There were none.

**ANNOUNCEMENTS:**

Ms. Lyons announced that the next meeting of the Board of Supervisors is scheduled for Tuesday, April 1, 2008 and the Doylestown Township Municipal Offices will be closed on Friday, March 21, 2008 in observance of Good Friday.

**APPROVAL OF MINUTES:**

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve the minutes of the Board of Supervisors Regular Meeting of March 4, 2008.

Mr. Bennett corrected Page 3, Paragraph 1 as follows: Mr. Bennett said the volunteers may not be as reliable as paid individuals and, that once the process starts; the failure to televise the meetings could compromise the integrity of the Board.

Ms. Eisenhardt corrected Page 2, Paragraph 8 as follows: Ms. Eisenhardt made a MOTION, seconded by Ms. Philo to not send the Township Solicitor to the ZHB conditioned upon the applicant put in writing that they will have additional parking in reserve on the land adjacent to Teversall.

MOTION as AMENDED PASSED 5-0.

**CORRESPONDENCE:**

Traffic Advisory Board:

Ms. Lyons noted receipt of the resignation letter from Frank Dunlap who is resigning from the Traffic Advisory Committee. The Board accepted the letter with regret.

Interest in Appointment District 4:

Mr. Scarborough made a MOTION, seconded by Ms. Philo to appoint Carol Shugars to the Traffic Advisory Committee.

MOTION was ADOPTED 5-0.

**REPORTS:**

Solicitor: No report.

Police Chief:

Chief White said the Fire Police Law requires the Fire Chief to nominate members to the Board of Supervisors to become authorized Fire Police Officers in our municipality. He asked the Board to appoint the following members who were nominated by the Doylestown Fire Company #1 as Fire Police Officers in Doylestown Township.

Ms. Philo made a MOTION, seconded by Ms. Eisenhardt to appoint Captain FP 19 Dennis Loux Sr., 1<sup>st</sup> Lieutenant FP 19-1 George Erb, 2<sup>nd</sup> Lieutenant FP 19-2 Dennis Michener, Sergeant FP19-3 Mark Hamilton, Officer FP19-5 Samuel Cramer Sr., Officer FP19-6 Andrew McPherson, and Officer FP19-7 Gian Luiso as Fire Police Officers in Doylestown Township.

MOTION was ADOPTED 5-0.

Ms. Lyons recognized, on behalf of the Chief of Police, Detective Frank Bochenek for a commendation for his investigative work.

Township Engineer: No report.

Manager:

**Rt. 611 & Almshouse Traffic Light –**

Dave Tomko, Pennoni Associates Inc., said as requested by a resident, we evaluated the intersection of Easton Road and Almshouse Road regarding the timing of the southbound left-turn phase from Easton to Almshouse Roads.

We observed the intersection during the a.m., mid-day, and p.m. weekday peak periods and determined that the intersection is operating in accordance with the current traffic signal permit plan. The light was functioning properly; however, the timings do not appear to coincide with the most recent permit plan for all peak periods. The a.m. peak times were correct, but the p.m. peak times were off by a few seconds.

We recommend that this intersection be continually monitored to insure that the traffic signal is at full optimization. We also recommend that the Township pursue engineering and construction to lengthen the southbound left-turn lane at Easton and Almshouse Roads. (See memo attached to minutes).

Ms. Lyons asked for any public comments.

Rick Gaver, resident, commented that it has only been 14 days since Mr. Lahr mentioned this problem, and most of the work was done within a week and thanked Pennoni Associates for it.

Doris Clegg, asked for the last time there were counts taken at the intersection of Rt. 611 and Almshouse.

Mr. Tomko replied counts were taken in March, 2006, and the average was 1,500 to 2,000 cars traveling in the peak hour.

Supervisors:

Ms. Eisenhardt noted at the last meeting, Mr. Bennett asked what is required for the Township's minutes, and he should have a copy of the Government Handbook. Referring to the Sunshine Law of that handbook, Section 706 – Minutes of Public Meetings and Records which states, "The date, time and place of the meeting; the names of the members present; the substance of all official actions and records by individual members; roll call votes taken; and the names of all citizens who appeared officially and the subject of their testimony."

Mr. Bennett agreed, and the revisions of the minutes of the February 19, 2008 meeting included all of the items listed in Section 706 of the handbook.

Ms. Lyons said that handbook is also consistent with Roberts' Rules that the Board adopts every January as the method of minute taking.

Ms. Eisenhardt argued that Roberts Rules is the method that is used to conduct the meeting, and the Sunshine Law determines what is required for the minutes.

Ms. Lyons agreed, and said they are consistent.

Ms. Philo announced that on July 19, 2008 the Middle Bucks Institute of Technology will have their Hazardous Household Waste Collection Day from 9 a.m. – 3 p.m. She spoke with Brian Jetter, Comcast regarding new equipment, but as per their agreement that we have with various other Townships for cable lines, they have spent all of their money for equipment.

Mr. Bennett said we interviewed candidates for the Parks & Recreation Advisory Board. He made a MOTION to nominate Susan Reichwein to fill the vacancy for the Parks & Recreation Advisory Board, seconded by Mr. Scarborough.

MOTION was ADOPTED 5-0.

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Mr. Bennett said we have a vacancy on the Performing Arts Committee and Susan Steinburg expressed interest. He made a MOTION to nominate Susan Steinburg to the Performing Arts Committee, seconded by Ms. Eisenhardt.

MOTION was ADOPTED 5-0.

**NEW BUSINESS:**

Land Development Extension – Central Bucks Family YMCA:

Ms. Eisenhardt made a MOTION, seconded by Mr. Bennett to approve the land development plan review extension for the Central Bucks Family YMCA to May 30, 2008.

MOTION was ADOPTED 5-0.

Eastburn Tract:

Ms. Eisenhardt made a MOTION, seconded by Mr. Bennett to approve the land development extension for the Eastburn Tract to May 13, 2008.

MOTION was ADOPTED 5-0.

PECO Green Region Grant:

Ms. Mason explained that this \$5,000 grant from PECO is to build an additional section in the Environmental Education Area. The EAC indicated that in order to complete the project, the Township will need to contribute \$9,800. \$3,000 was allocated from the 2008 budget and \$6,800 will be needed from the 2009 budget for the trail to be constructed and completed in 2009.

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to accept the PECO Green Region Grant in the amount of \$5,200.

Ms. Philo asked will the EAC committee continue looking for funds for this project?

Doris Clegg, EAC Chairman, replied we are looking for other grants now.

MOTION was ADOPTED 5-0.

Public Water & Sewer Advisory Committee:

David Blois, Chairman of the Public Sewer & Water Advisory Board, said he provided two memos to the Board dated, March 7<sup>th</sup> and March 18<sup>th</sup>. (See attached to minutes). He explained that in 1997, the committee mailed a survey to residences about on-lot-disposal-systems (OLDS). We had a 20% response to the mail survey in which no conclusions or recommendations were made from the information based on that mail survey.

We sent out a request for proposal to 13 firms and we had responses from 11 firms. The base prices quoted varied from \$129,342 to \$5,995 for the requested work. We recommend that the Board of Supervisors award the contract to Boucher & James to conduct a door-to-door visual survey of the Pebble Ridge area to assess the functioning of the on-lot-disposal systems in that area. The cost for this contract is \$6,975. \$5,995 is the base price plus \$980 for GIS mapping.

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to award the contract to Boucher & James to conduct a door-to-door visual survey of the Pebble Ridge area to assess the functioning of the on-lot-disposal systems in that area in amount of \$6,975. \$5,995 is the base price plus \$980 for GIS mapping.

Ms. Eisenhardt asked whether the Board of Health was asked to do this survey for the Township for free. They did the last inspection lot-by-lot.

Mr. Blois replied they did a lot-by-lot survey in 1996, but we did not ask them to do the survey for free.

Ms. Eisenhardt commented that Township staff could do the GIS mapping.

Mr. Blois replied our committee feels the money would be well spent to have it done by the engineers as opposed to staff.

Ms. Lyons asked for any public comments.

Ed Harvey, committee member, commented we included the GIS mapping as one whole package and Boucher & James gave us a good price on the project.

Mr. Joe Krumenacker, committee member, agreed that it should be done as one package.

Doris Clegg, commented that she does not feel staff is capable of doing the GIS mapping.

Mr. Bennett asked for the timing of this project.



Mr. Blois replied this will be done in the springtime and we will have the results by early May.

Ms. Lyons asked for the amount of respondents in the respective wards from the 1997 survey.

Mr. Blois replied the respondents were 1,280 in Ward 1, 783 in Ward 3 and 536 in Ward 4.

Ms. Philo asked whether the committee was concerned that Boucher & James' proposal was a lot lower than the other proposals.

Mr. Blois replied we assume because some of the work was already done in 1998.

Genevieve Querin, resident, commented that it is possible that some of these firms had to go outside for specific items so it would be more expensive and that could explain the wide range amounts of the proposals.

Ed Harvey, commented that some of the firms did not understand the scope of work for the project.

MOTION was ADOPTED 4-1. Ms. Philo opposed.

Ms. Eisenhardt asked that the letter to be sent to the residents should be from the Board of Supervisors collectively. Consensus was that it be from the Chairman.

2008 Road Materials Bid:

Ms. Philo made a MOTION, seconded by Ms. Eisenhardt to award of bid to the following firms for 2008 Road Materials:

Eureka Stone Quarry Inc.	\$21,260.00
Hanson Aggregates	\$ 3,847.00
H & K Materials	\$ 7,877.00
Plumstead Materials	\$8,006.16

MOTION was ADOPTED 5-0.

Bills List – March 18, 2008:

Ms. Eisenhardt made a MOTION to TABLE this item until the next meeting due to a question about a bill that should potentially be discussed in an executive session relative to an employee.

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Solicitor Garton suggested conducting an executive session now.

The Board held an Executive Session at 8:50 p.m. until 8:53 p.m.

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve the Bills List of March 18, 2008 in the amount of \$743,024.12.

MOTION was ADOPTED 5-0.

**ANNOUNCEMENTS:**

Ms. Lyons announced that the next meeting of the Board of Supervisors is scheduled for Tuesday, April 1, 2008 and that the Doylestown Township Municipal Offices will be closed on Friday, March 21, 2008 in observance of Good Friday.

**ADJOURNMENT:** 8:56 p.m.

Respectfully submitted,

Stephanie Mason, Township Manager

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