

DOYLESTOWN TOWNSHIP BOARD OF SUPERVISORS

REGULAR MEETING

September 21, 2010

The Regular Meeting of the Doylestown Township Board of Supervisors was held at 7:06 p.m. on Tuesday, September 21, 2010 at the Doylestown Township Municipal Building, 425 Wells Road, Doylestown, PA. Members of the Board of Supervisors in attendance included Chairman; Barbara N. Lyons, Vice Chairman; E. Thomas Scarborough, Jr., Supervisors: Barbara Eisenhardt, Cynthia M. Philo and Richard F. Colello. Others in attendance included Township Manager; Stephanie J. Mason, Director of Operations; Richard E. John, Township Solicitor; Jeffery P. Garton and Township Engineer; Mario Canales

Absent: Chief of Police; Stephen J. White, Lieutenant Dean Logan was present

PLEDGE OF ALLEGIANCE

EXECUTIVE SESSION:

Ms. Lyons announced the Board met in Executive Session, prior to the meeting, to discuss matters of personnel.

VISITORS / PUBLIC COMMENTS: None

ANNOUNCEMENTS:

The next meeting of the Board of Supervisors is scheduled for Tuesday, October 5, 2010 at Doylestown Township Administrative Offices.

World Wide Day of Play event will be held on Saturday, September 25, 2010 from 11:00 a.m. to 3:00 p.m. at Central Park

"Got Drugs?" National Take – Back Initiative Event, hosted by the Doylestown Township Police Department will be held off site (public meeting room) on Saturday, September 25, 2010, from 10:00 a.m. to 2:00 p.m.

Community Yard Sale will be held on Saturday, October 2, 2010, from 8:30 a.m. to 2:00 p.m., at Central Park.

Howl-O-Ween, event will be held on Saturday, October 23, 2010, from 10:00 a.m. to 12:30 p.m., at Central Park.

MINUTES APPROVAL:

Mr. Scarborough made a MOTION to accept the August 17, 2010, Regular Meeting of the Board of Supervisors minutes, seconded by Mrs. Eisenhardt.

MOTION was ADOPTED 5 to 0.

Mrs. Eisenhardt made a MOTION to accept the August 9, 2010, Special Meeting of the Board of Supervisors minutes, seconded by Ms. Philo.

MOTION was ADOPTED 5 to 0.

CORRESPONDENCE: Resignation of Mr. Christopher J. Serpico, Esq.

Mrs. Eisenhardt made a MOTION to accept, with regrets the resignation of Mr. Christopher J. Serpico as a member of the Environmental Advisory Council, seconded by Mr. Scarborough.

MOTION was ADOPTED 5 to 0.

REPORTS:

SOLICITOR: No Report

CHIEF OF POLICE: No Report

TOWNSHIP ENGINEER: Shady Retreat Road Bike Path

Mr. Mario Canales informed the Board that permitting has been submitted to the Department of Environmental Protection (DEP) and Conservation District. Comments were received from both agencies and permit application will be resubmitted this week. Mr. Canales added responses from the agencies are expected in a few months.

TOWNSHIP MANAGER:

Township Road Inspections & Budget Work Session – Dates Needed

The Board agreed by consensus to conduct the annual Road Inspections on Tuesday, October 5, 2010 at 4:00 p.m. and schedule the Budget Work Session on Thursday, October 7, 2010 with the Ways and Means Committee at 4:00 p.m.

Boards and Commission Application Deadline – New Date needed

The Board agreed by consensus to extend the Boards and Commission vacancies applications to October 1, 2010 prior to interviews on October 5, 2010 due to lack of response.

Mr. Scarborough made a MOTION to appoint **Mr. Richard Gaver** as Chairman of the Vacancy Board, seconded by Mr. Colello. Mr. Scarborough commented on Mr. Gaver's past and present contributions to the township.

Ms. Philo suggested the Board first interview Mr. Gaver prior to his nomination. Mrs. Eisenhardt agreed stating in fairness, the Board should wait until all applications are viewed prior to the October 1, 2010 deadline.

Mr. Colello commented the Vacancy Board position would only be temporary, until a permanent position is filled in January of 2011. Mrs. Eisenhardt indicated the policy of the Board is commission members are first offered a reappointment and vacancies are only available if that member does not wish to continue. Mr. Garton clarified by stating the Vacancy Board Chairman is a one year position. If something happened to a Board of Supervisor member

the remaining Board cannot appoint a candidate, then it's the responsibility of the Courts of Common Pleas to do so.

Ms. Philo then suggested Mr. Scarborough changes his MOTION to add the provision that Mr. Gaver only serves as Chairman of the Vacancy Board until December 2010 and not reapply in January of 2011, Mr. Scarborough denied the amendment.

MOTION CARRIED - 3 to 2, with Ms. Philo and Mrs. Eisenhardt voting nay.

SUPERVISORS:

Mrs. Eisenhardt requests the Board address her Draft Resolution for Permit Wavers of Building Permit Fees. Ms. Mason informed Ms. Eisenhardt the resolution is noted on tonight's agenda under Unfinished Business.

Mrs. Eisenhardt then informed the public that representatives from The Hometown Press will not be conducting a presentation this evening, and will reschedule at a later date.

Mr. Scarborough commended Director of Operations; Mr. Richard John's article in the September 2010 The Pennsylvania Associates of Township Officials Magazine, which noted his contributions with the successful Cross Keys Water Contamination project.

Mr. Colello noted in the same magazine issue, indicating Newtown Township has developed a Composting Port a Potty and encouraged the township to have Bio-systems provide this cost effective system to Doylestown Township. Mr. Colello then informed the public of several pending items such as....

- 1) Traffic Advisory Council addressed the Almshouse and Militia Roads concerns and the Pennsylvania Department of Transportation (Penn Dot) has recommended a 25 mile per hour speed limit be enforced. Left hand signage is being considered on Dwayne Road and Route 611.
- 2) Bike and Hike Committee's Destination Peace Valley project is still going strong. A feasibility study is being developed for the Board's review. A grant is also hopeful for the Board's review in the spring.
- 3) Mr. Colello indicated a need to have all townships' information focus on the website to save on paper resources and walk in traffic into the building.

Ms. Philo added the request for a speed limit reduction from Penn Dot was granted upon a denied request for a stop sign. The reduction will assist with pedestrian and deer crossings. Ms. Philo then indicated the Traffic Advisory Committee is also hoping a recent speed reduction along Pebble Hill and Sugar Bottom Road will be beneficial.

Ms. Philo requests the Board consider the possible introduction of a new committee to receive complaints for and work with a Police Affairs Committee. Residents from eight voting zones will relay these complaints or compliments to the Police Affairs Committee in order to work on issues and engage residents with the Police Department on a frequent basis. Ms. Philo then offered her services to research similar committees in the neighboring municipalities.

The Board agreed.

Mrs. Lyons informed the public of several items, such as...

- 1) The recent use of K2 synthetic marijuana that has been affecting the lives of several children in the area. It is currently being sold at a cigar store in Doylestown Boro and encouraged residents who live in the area ask the owner remove this product. The substance is legal but, there is possible legislation in the Commonwealth to outlaw this product. Ms. Philo confirmed Representative Jennifer Mann has submitted a bill to outlaw the K2 substance. Mrs. Lyons then indicated at a meeting in Doylestown Boro Hall, Mayor Libby White suggested CB Cares, Doylestown Township and Boro coordinate an event to alert all residents of the substance and its dangers for a proactive stand.
- 2) Mrs. Lyons and Ms. Mason attended the Boro Council Meeting where they were informed a cell tower has been approved by Tower One. Mrs. Lyons respectfully requested the Boro keep the Board informed of any developments and/ or zoning changes that might affect the township's continuous land and neighboring municipalities.
- 3) The next meeting of the proposed Dog Park in Turk Park III is scheduled for October 5, 2010. Mrs. Lyons, Ms. Mason, Mr. John and Director of Parks & Recreation; Ms. Karen Sweeney created 12 point areas the Dog Park Committee should consider prior to beginning the planning process. The goal is to guide the Dog Park Committee as they devise a plan to consider the responsibility of their committee and of the Board.

Ms. Philo questioned clarification on Line number 8 of the 12 point plan with regards to the Boards fiscal responsibility. Mrs. Lyons answered; all monies will be handled through Doylestown Township. Mr. Garton clarified; The Township should be involved with the Committee's commitment and ensure there are sufficient monies to cover costs and no tax payer monies will be involved. A discussion ensued amongst the Board regarding the benefits of the township's fiscal responsibility with the Dog Park Committee (DPC).

Mr. Colello commented on Line Number 5 with regards to DPC responsibility to pay engineering costs. Mr. Colello pointed out that DPC may owe township money for these costs. Ms. Mason indicated DPC is aware.

PUBLIC HEARING:

Proposed Brush, Grass & Weed Ordinance Amendment

Mr. Garton provided the Board a brief history of the ongoing progress of the ordinances to include at the August 17, 2010 Board of Supervisors meeting, the ordinances were table pending the Environmental Advisory Committee's (EAC) review. Mr. Garton informed the public in a memorandum the EAC are in support of all three ordinances and Township Planning Consultant; Ms. Judy Stern Goldstein was present to answer any questions.

Mrs. Eisenhardt questioned why Burning Bushes are not included on the list of identified noxious weeds.

Referencing Page 2; Section 4 of the Woodland Invasive Species Ordinance, Ms. Stern Goldstein answered; the Burning Bush is listed as shrubs not permitted to be planted as part of required Landscaping for Subdivision Land Development Ordinance (SALDO) and not recommended by the Township to meet Subdivision Land Developments requirements. However no resident will be required to remove an existing Burning Bush.

Mr. Scarborough introduced EAC Chairman; Keith Peters who confirmed the committee supports all three ordinances and only comments were that previously, the EAC were not receiving the ordinances in a timely manner, however since the issue has been resolved.

Ms. Philo made a MOTION to approve the proposed Brush, Grass & Weed, Woodland Protection/Invasive Species SLDO and Woodland Protection/Invasive Species Zoning Ordinance Amendments supported by the Environmental Advisory Committee (EAC), seconded by Mr. Scarborough.

PUBLIC COMMENTS: None

MOTION was ADOPTED 5 to 0.

UNFINISHED BUSINESS:

Mobile Home Parks – House Bill No. 2212

Ms. Philo made a MOTION Doylestown Township Board of Supervisors send a resolution of support for House Bill No. 2212 and its acts, proposals and provisions obtained therein, seconded by Mrs. Eisenhardt.

MOTION was ADOPTED 5 to 0.

Limiting Waivers of Building Permit Fee – Draft Resolution

Mrs. Eisenhardt presented the Board with a draft resolution limiting waivers for building permit fees to only include life saving groups, such as hospitals, ambulance squads and fire departments to concentrate on maintaining the safety and welfare of residents. Mrs. Eisenhardt then asked for the Board's thoughts for fair and reasonable resolutions in the interest of residents and other nonprofit organizations.

Mrs. Lyons suggested adopting a policy that will only consider waivers for applicants who have entities in the best interest of the health, welfare and safety of the township residents. However, placing an amount or listing entities will be difficult and misleading.

Mr. Garton advised the Board to first identify the entities to consider if they are supported by tax dollars and list these applicants as providing emergency services or care. Mr. Garton then offered his services to draft a resolution indicating so.

Mr. Scarborough believes the draft resolution is a waste of time and the Board should consider waivers of building permit fees on a case to case basis if the township is financially sound. A discussion ensued amongst the Board

regarding the best policy to provide waivers of building permit fees.

Mrs. Eisenhardt made a MOTION to have Township Solicitor; Mr. Jeffrey P. Garton draft a resolution for waivers of building permit fee which is limited only to emergency services as he sees fit, such as fire, ambulance departments and hospitals, seconded by Mr. Colello with comments.

Mr. Colello suggested a maximum amount be included in the draft resolutions, so the Board may consider other entities, such as Boy or Girl Scouts clubs. Ms. Philo agrees. Her concern is payments are given out as a benefit at the taxpayers' expense and if needed some waiver requests should be denied.

MOTION AMENDED

Mrs. Eisenhardt made a MOTION to have Township Solicitor; Mr. Jeffrey P. Garton draft a resolution that will limit the amount of building permit fee waivers to nonprofit organization to \$1,000.00, to include emergency services as he sees fit, such as fire, ambulance departments and hospitals.

Mrs. Lyons asked to include a second amendment that refers to entities that are responsible for the health, safety and welfare of Doylestown Township residents. A discussion ensued amongst the Board regarding the best language use for the draft resolution.

Resident; Kenneth Snyder of 50 Fox Croft Drive questioned the amount of building permit fee waivers was issued in 2009. Ms. Philo answered; \$10,000 was issued in 2009 for Central Bucks Family YMCA.

MOTION AMENDED

Mrs. Eisenhardt made a MOTION to have Township Solicitor; Mr. Jeffrey P. Garton draft a resolution that will only entertain applications for building permit fee waivers from nonprofit organization with the understanding that any waiver granted of the Board's choosing will be capped at \$1,000.00, to include emergency services as he sees fit, such as fire, ambulance departments and hospitals, seconded by Ms. Philo.

MOTION was ADOPTED 4 to 1, with Mr. Scarborough voting nay.

NEW BUSINESS:

2011 Financial Requirement and Minimum Municipal Obligation

The Board agreed by consensus to acknowledge and receipt notice regarding the July 26, 2010 memorandum by Thomas J. Anderson indicating the 2011 Financial Requirement and Minimum Municipal Obligation (MMO) pertaining to Police Pension Plan at \$552,155.00 and Non Uniformed Pension Plan at \$447,662.00.

Baseball Backstops & Line Fencing – Turk Park I Bid

Mrs. Eisenhardt made a MOTION to award a bid project for supply, delivery and installation of two Baseball Backstops along with four Baseline Fences to Abel Fence, LLC in the amount of \$24,800.00, seconded by Mr.

Colello.

MOTION was ADOPTED 5 to 0.

Mr. Colello questioned Mr. John if now is the best, optimum time to spend township monies on projects. Mr. John answered yes, based upon bids recently received.

Authorization to Terminate Contract with EIT/LST Collector, Berkheimer & Associates

Mr. Scarborough made a MOTION to authorize notice be forwarded to Berkheimer & Associates indicating their contract to collect earn income and local service tax will be terminated effective January 1, 2011, seconded by Ms. Philo.

MOTION was ADOPTED 5 to 0.

Terminate Lease with Delaware Valley College

Mr. Garton provided background on Doylestown Township's lease with Delaware Valley College and the opportunity presented by J D Morrissey (JDM) with the construction of the parkway.

Mrs. Eisenhardt made a MOTION the Doylestown Township Board of Supervisors terminate a 25 year lease between the Township and Delaware Valley College along a section of Central Park. The Township will pay Delaware Valley College the sum of 23,000.00, that will be provided through JDM , and use of labor and equipment on hand up to and not to exceed \$25,000.00 for the creation of a parking lot for the college, seconded by Mr. Scarborough.

MOTION was ADOPTED 5 to 0.

Mr. Scarborough made a MOTION the Doylestown Township Board of Supervisors approves a contract with Penn Dot Contractor; James D. Morrissey (JDM) and permit them to deposit uncontaminated materials along a portion of Central Park to construct two athletic fields in accordance with a plan prepared by Taylor; Wiseman & Taylor Engineering Firm dated July 1, 2010, and construct any items requiring a functioning field, such as parking lot and drainage. In addition, JDM agrees to pay the Township \$23,000.00, bear any expense with respect to engineering, post a maintenance bond upon completion of these athletic fields of \$25,000.00, pay inspections up to \$5,000.00 and provide necessary insurance up to \$2,000,000.00 to be completed by Fall of 2011 as it pertains to the Route 202 Parkway Project, seconded by Mrs. Eisenhardt

Mr. Garton commented that this is an opportunity for the Township and a wonderful thing for the future of the community.

MOTION was ADOPTED 5 to 0.

BILL'S LIST

Mr. Scarborough made a MOTION to approve the September 21, 2010 Bill's List, in the amount of \$461, 594.24

seconded by Mrs. Eisenhardt.

MOTION was ADOPTED 5 to 0.

TREASURER'S REPORT

Mr. Scarborough made a MOTION to approve the September 17, 2010 Treasurer's Report, seconded by Mrs. Eisenhardt.

MOTION was ADOPTED 5 to 0.

ANNOUNCEMENTS:

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ADJOURNMENT: 8:12 p.m.

Respectfully submitted by;

Stephanie J. Mason, Secretary