



# Board of Supervisors

## Regular Meeting

~ Minutes ~

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

Stephanie Mason  
215-348-9915

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Tuesday, May 1, 2012

7:00 PM

Public Meeting Room

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### I. 7:00 PM REGULAR MEETING

In attendance: Chairman Barbara N. Lyons, Vice Chairman E. Thomas Scarborough, Member Richard F. Colello, Member Shawn Touhill, Member Ryan Manion, Solicitor Jeffrey Garton, Township Engineer Mario Canales, Police Chief Dean Logan, Dir. of Operations Richard John, and Township Manager Stephanie J. Mason.

A. Pledge to the flag

B. Presentation - Historic Trees – K. Peters

Environmental Advisory Council Chairman; Keith Peters requested the Board's guidance on whether the Historic Trees program should be protected under a proposed ordinance or under a organized program that would recognize historic plantings.

Mrs. Lyons questioned if there is a penalty for anyone who removes a legacy tree. Mr. Peters answered; currently there is no law in place which will penalize anyone from removing a legacy tree.

Mr. Colello commented it will not be punitive to have an ordinance in place. Although he does not see any problem with designing a celebratory program, Mr. Colello also does not see any benefits.

Mr. Scarborough explained the purpose of the Historic Tree Program and noted many trees have been preserved to include some which have been around since William Penn.

Mr. Garton added when a tree is registered they may be protected if a proposed Sub Division Land Development application is submitted, so identifying will make a lot of sense.

The Board will review the proposed Historic Tree Program for consideration. Consensus was to make the program positive.

C. Visitors/Public Comments

None

### II. ANNOUNCEMENTS

A. The next meeting of the Doylestown Township Board of Supervisors will be held on Tuesday, May 15, 2012.

B. Touch – A- Truck – Saturday, May 5, 2012, 10:00 AM – 1:00 PM at Central Park. Admission is Free

C. Shred Event – for Doylestown Twp. Residents – Saturday, May 12, 2012, 9:00 AM – 12:00 Noon at the Township Administration Building.

- D. Annual Doylestown Township Golf Outing – Monday, June 4, 2012 at Doylestown County Club. Registration deadline is May 18th.

**III. MINUTES APPROVAL: April 17, 2012**

Mr. Scarborough made a MOTION; seconded by Mr. Touhill the April 17, 2012 Doylestown Township Board of Supervisors Regular meeting minutes were approved with the following corrections..

Page 3; Under Police Chief Report - Change the word Rationalization to the correct spelling of Regionalization.

MOTION was ADOPTED 5 to 0.

**IV. CORRESPONDENCES**

No Report

**V. REPORTS**

- A. Solicitor

No Report

- B. Police Chief

Acting Chief Logan reported the newly created Bike Patrol received a bike donation from Doylestown Bike Works. All equipment is currently available and training will begin next week.

- C. Township Engineer

No Report

- D. Manager

Upon a recent email from Montgomery Township Manager; Lawrence J. Gregan requesting to have the Montgomery Township section of the Route 202 Parkway considered a scenic byway to prevent the installation of billboards, Ms. Mason requested Board approval to send a similar letter to the Pennsylvania State Representative office.

Mr. Garton suggested a letter also be forwarded to the State Senator's office.

Mrs. Lyons made a MOTION; seconded by Ms. Manion the Doylestown Township Board of Supervisors approve a letter be forwarded to the State Representative and State Senator Offices requesting the Doylestown Township portion of the Route 202 Parkway be designated as a scenic byway to prohibit the installation of billboards.

MOTION was ADOPTED 5 to 0.

- E. Supervisors

Ms. Manion thanked the community for their support during her mother's passing. She and her family were deeply touched and will miss her deeply.

Mr. Colello reported of a letter recently received from the Municipal Authority thanking Township employees, Paul Garr and Dan Markloff for their assistance with a water leak at Doylestown Station.

Mr. Scarborough reported he and Mrs. Lyons attended the Peco Green Education Trail dedication. He was very impressed with students who sang and participated from Kutz Elementary school.

Mr. Scarborough also attended a tree planting at the Friends of Doylestown Dog Park. Many residents were in attendance to see the planting of 8 trees and 75 shrubs for the new dog park. With the plantings, Doylestown Township became Tree City USA for the 14th year in a row. A state forester from DCNR presented the township with a flag. This was a great honor since very few municipalities can achieved this goal.

Mr. Touhill reported the Fund Development Committee will not be holding a meeting until June.

Mrs. Lyons requested the Board reconsider their previous decision not to allow the Doylestown Bicentennial Committee use of the township's snowmobile for the 100th Anniversary of Doylestown Township as county seat celebration. Upon further research, Mrs. Lyons found the township will only be charging the committee a rental fee and all other costs will be reimbursed. Such as the township staff will be paid for their services and a deposit will be paid in the event of any damaged caused to the snowmobile.

Mrs. Lyons made a MOTION; seconded by Mr. Scarborough the Doylestown Township Board of Supervisors waive the rental fee and authorize the Doylestown Township Bicentennial Committee use of a snowmobile during the 100th year Celebration of Doylestown Township as County Seat.

MOTION was ADOPTED 5 to 0.

Mrs. Lyons requested the Board review the attached Pebble Ridge/ Woodbridge information from the Public Water & Sewer Advisory Committee and feasibility study from the Bucks County Sewer & Water Authority prior to the May 15, 2012 Board of Supervisors Regular meeting. Any questions should be forwarded to Assistant Township Manager; Sandra Zadell for preparation of the scheduled presentation.

## VI. PUBLIC HEARING

### A. Act 167 Stormwater Management Ordinance Revisions

Mr. Garton reported last year the Board approved an ordinance required by the Pennsylvania Department of Environmental Protection Act and Bucks County, where a requirement of all municipalities within the Neshaminy Watershed redo their stormwater management regulations to have all property (home) owners include volume control shown in their stormwater management if less than 1000 feet is disturbed. Upon discussion between the Department of Environmental Protection (DEP) and Bucks County, the ordinance was recently amended to show if a property has less than 1000 square feet of disturbance, a require permit is no longer needed unless activity contributes to a significant amount of pollution that may affect the Neshaminy Creek.

Mr. Garton prepared an amended ordinance reflecting the recent change from the DEP, which was advertised in the Intelligencer and Bucks County Law Library. A public meeting is allowed to be conducted so the Board may take actions as deemed appropriate.

Public Comments: None

Mr. Scarborough made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisors adopt the amended Act 167 Stormwater Management Ordinance to show if a property has less than 1000 square feet of disturbance, a permit is no longer needed unless activity contributes to a significant amount of pollution that may affect the Neshaminy Creek.

MOTION was ADOPTED 5 to 0.

**VII. UNFINISHED BUSINESS****A. Open Space – 925 Sandy Ridge Road**

Ms. Mason reported the Township has been working with this property owner for consideration of a conservation easement since the January 2010. Board approval of appraisals be completed at 925 Sandy Ridge Road for consideration of the Open Space Preservation program, there have been some questions regarding eased and un-eased portions. Ms. Mason presented the Board with a plan of the property that shows an outline of the 2.9 acres to be retained by the owner and the remainder will be in an easement. The plan also shows 7.2 acres to be included under the conservation easement.

Ms. Mason continued by stating Mr. Colello requested the property's full frontage be considered as the conservation easement on the 2.9 acres. However, this is where the property owner would like to place a farm stand along Sandy Ridge Road. Upon presenting the concept to Bucks County Open Space committee that shows the building located along an eased area, it was determined any building as proposed by the property owner would need to be outside a conservation easement area. In addition, a portion is deducted from the ultimate right of way. The Committee also indicated they would like to see a bike path be placed along the property for better view.

Ms. Mason then requested direction from the Board on how to move forward to make the full application to Bucks County Open Space Committee to achieve a conservation easement on the property. Doylestown Township's Open Space Committee member; Harold Johns was present to answer questions.

Resident; Lee Schwarz of 189 Sunset View Drive questioned other than one owned by a Board of Supervisor, if other properties were considered for the Open Space Preservation program. Harold Johns answered; six or seven properties were considered. Many of them did not fit the requirements of the program because they were located on flood plains. Since no developments can be constructed in flood plains, it did not make sense to pursue with an application for land preservation. The Touhill property fit within the criteria because of the 1000 feet of frontage along an existing bike path, a pond, woodlands and it integrates with an existing cemetery. Other properties considered either the property owner refused to sell or there was no visibility from the road.

Mr. Johns further explained upon sending letters to several property owners with more than 10 acres considered for the Open Space program, only two responses were received. These properties did not qualify, because they were derestricted. The committee then went door to door asking homeowners if they would like to participant. This is when the committee was introduced to the Touhill property. Mr. Schwarz then questioned if there is an alternative to utilize the program. Mr. Johns answered; because of too many restrictions, it would be difficult to build more bike trails.

Mr. Scarborough made a MOTION; seconded by Mrs. Lyons the Doylestown Township Board of Supervisors approve the township send a formal application to the Bucks County Open Space Committee regarding the property located on 925 Sandy Ridge Road for consideration of the Open Space Land Preservation program.

Ms. Manion commented she believes it's not the right time to have the Touhill's application considered and believes it does not set a good example to the community. Ms. Manion is also not comfortable with the plans since none of her suggestions were taken into consideration when first presented two weeks ago. Mr. Touhill responded; Mr. Canales prepared three different concepts to reflect Mr. Colello's suggestion that the entire frontage be part of the easement. At the Bucks County Open Space committee's direction the plan cannot be considered because the program prohibits a farm stand be placed on a conservation easement.

Mr. Colello indicated he does like the frontage of the property. However, clarifying he would like to see the frontage along Sandy Ridge Road stay non-developed and not see the township use County an

easement on the back of the property because it cannot be seen.

Resident: Gerlyn Touhill addressed Mr. Colello's concerns by stating some residents will benefit from the back of the land being preserved because of the development adjacent to their property. She then noted five points that apply to the entire property from the Bucks County Open Space website. The first two points references the back parcel, quoting "water quality, wetlands and flood plains filter contaminates for water". Second; "flood control protected stream corridors absorbs storm water run-off". Adding the property is a wildlife buffer and backs up to the bypass. If the property gets developed there is a possibility animals will be pushed onto the bypass. Mrs. Touhill also noted the property offers sustainable agricultural, recreation, parks, trails, natural areas for public enjoyment and lower taxes as per the committee's requirements. Finally, the Touhills cannot guarantee what future owners of the property will plan. She feels this is a window of opportunity for the township to preserve land in perpetuity.

Resident; Dave Camiello commented if the township has an opportunity to preserve land they should jump on it. He stated the amount of money possibly spent will not be that much.

Chairman of the Board at Heritage Conservancy; Marvin L. Woodhall is in favor of the application and feels it would be a wonderful opportunity to preserve land in perpetuity to prevent future over development. He is impressed with the Touhill's for not developing the land where instead, created farmland.

Resident; Peter McClaughlin commented on American sensibility to preserve land and is concerned with ownership of a property use and marketing of a property when regarding government. He feels public ownership of property should be carefully scrutinized and public use of a property should be returned to the owner.

Resident; Laurie Roach, who lives adjacent to the Touhill property for 15 years stated she loves being near a farm and feels it's a great asset. The application creates an opportunity to preserve land and a treasure to keep.

Mrs. Lyons explained as the Board of Supervisor Liaison to the Open Space Committee she does not have a vote or tells the residents what to do. Her job is to guide and bring concerns to the Board. Since receiving the monies from the second Bucks County Open Space Initiative in 2008, dozens of properties were considered but nothing worked as well as the Touhill property. Mrs. Lyons then assured the public Mr. Touhill's application was prepared several years prior to his appointment as member of the Board of Supervisors. Even after receiving his application, the committee continued to search for other properties but decided the Touhill property had the best to offer.

Resident; Joe Nappi of Southwind Drive agreed with Peter McClaughlin's comments, but supports the preservation because it will be good for the township. He suggested a tax deduction be considered.

Mr. Napie then requested to speak regarding the proposed Aldie Counseling Center later in the agenda.

MOTION FAILED with Ms. Manion and Mr. Colello voting nay. Mr. Touhill abstained due to his connection with the property.

Mrs. Lyons stated the application can be review again at a later time.

## VIII. NEW BUSINESS

### A. Neshaminy Creek Greenway – Phase I Agreement

Mr. Touhill made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors

approve the agreement between Delaware Valley Regional Planning Commission (DVRPC) and the Township in connection with Neshaminy Creek Greenway Phase 1 Project No. 11-47-457 in the amount of \$130,148.00.

MOTION was ADOPTED 5 to 0.

B. New Hire Policy for Full Time Non-Uniformed Employees

Mr. Colello made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisors adopt Resolution #1625 for the Township and County of Bucks, Pennsylvania setting forth new regulations for New Employees hired after January 1, 2012.

Resident: Peter McClaughlin commented the township is eliminating a huge labor market with their decision not to consider smokers as a new hire. Mrs. Lyons responded; the decision will save a great deal of money on the township's health policy and will be a taxpayer benefit.

MOTION was ADOPTED 5 to 0.

C. Declaration to follow the PA. Municipal Records Schedule

Mr. Scarborough made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors approve Resolution #1626 declaring the Township's intent to follow the schedules and procedures for Disposition of Records as set forth in the Municipal Records Manual approved on December 16, 2008 and Amended on July 23, 2009.

MOTION was ADOPTED 5 to 0.

D. Records Retention and Disposition

Mr. Colello made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisors approve Resolution #1627 declaring the Township's intent to follow the schedules and procedures for Disposition of Records as set forth in the Municipal Records Manual approved on December 16, 2008 and Amended on July 23, 2009.

MOTION was ADOPTED 5 to 0.

E. Eagle Scout Proclamation – Mitchell Alexander Buttala – Troop 6

Mr. Scarborough made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors approve Troop 6 Boy Scout Member; Mitchell Alexander Buttala be awarded rank of Eagle Scout at the June 3, 2012 Eagle Scout Court of Honor Ceremony.

MOTION was ADOPTED 5 to 0.

**F. Land Developments/Subdivisions**

Mr. Garton reported applicants; Thompson Organization are seeking Preliminary / Final Land Development Plan approval to demolish and expand the existing Thompson Toyota automotive facilities. Storm water basin facilities are proposed and the site will be served by public water and sewer. The plans were prepared by Bohler Engineers dated November 7, 2011, revised March 6, 2012.

The plans were recommended by the Doylestown Township Planning Commission on both January 23, 2012 and March 26, 2012 with conditions.

Upon approval of applicant's; Thompson Organization Preliminary / Final Land Development Plan, John A. VanLuvanee, Esquire agreed to comply with the following conditions and requests of waivers as set forth by Township Solicitor; Jeffrey P. Garton.

1. Compliance with any and all variances granted by the Doylestown Township Zoning Hearing Board;
2. Compliance with the Pickering, Corts & Summerson report dated March 13, 2012;
3. Compliance with Boucher & James Inc., report dated March 13, 2012;
4. Lighting on the roof top parking facility shall be extinguished on or before 10:00pm each evening and the Board of Supervisors did grant a waiver from the provisions of Section 153.36.C(1)(a) so as to permit the Applicant to place light standards that are 17' high from the base of the parking facilities when the provision of this section dictate that no light standards may be higher than 25' from the ground level;

The Township shall further review and approve the vegetated buffer to exist between the facilities, which are the subject of the application and adjoining properties on Campbell Avenue which shall be resolved prior the execution of Development and Security Agreements;

Applicants agrees in concert with the Pennsylvania Department of Transportation and the Township to install a pedestrian crossing at the intersection so as to provide access to the shopping center across the street with the understanding that securing the Department of Transportation Signal Light Permit shall be deferred until such time as the Applicant and the Township have the opportunity to coordinate the installation of same with Plumstead Township. The Applicant will escrow the value of said improvements as part of the financial security and development agreements;

Subject to receipt of any and all permits and approvals from any and all agencies having jurisdiction over such matters including and not limited to the Pennsylvania Department of Transportation, Bucks County Conservation District, Department of Environmental Protection, etc.;

The Applicants are also seeking Board of Supervisors approval to waivers from the following provisions of the Subdivision Land Development Ordinance:

- a. Section 153-12 so that the plan can be considered preliminary/final;
- b. Section 153-20.C(10) so as to not require the location of existing water courses, wells, on-site septic systems, storm management so as other similar features within 400 feet of the plans knowing that an aerial has been provided;
- c. Section 153-20.E. so as not be required to conduct a traffic impact study but instead provide a trip generation study that has been provided. Applicants proposes to pay a fee in lieu of the traffic study;
- d. Sections 153-27.A(2) and Section 153-27.A(5) so as to not demonstrate a grade not exceeding 4 percent for a distance of 20 feet behind the right of way this due to the difficulty of accomplishing same to Swamp Road and Campbell Avenue, but Applicants is not worsening the existing conditions but maintaining the same grade and slope;
- e. Section 153-27.A.(5) so as not be required to construct driveway and/or driveways along Campbell Avenue as greater than 8% slope. The existing driveway along Campbell Avenue does not meet this requirement as it has a slope exceeding 10% and a proposed driveway will not worsen the condition but will reduce it to approximately 9.2%;
- f. Section 153-28.H to be relieved of the responsibility of the requirement that states no entrance shall be located closer than 300 feet from Swamp Road but the access to Campbell Avenue has

been moved as far as it can go;

g. Section 153-34.B(3)(A) so as to be granted relief with respect to the spacing of street trees because of driveway openings;

h. Section 153-34.B(3)(B) so as to be relieved of the responsibility of planting street trees within 5 feet of the right of way line due to the construction of the bike and hike path and other utilities;

i. Section 153-34.C(2) so as to grant the waivers noted in the correspondence received from Bohler Engineering on March 19, 2012 at Item 9;

j. Section 153-39.C(5) so as to be relieved of the requirement that the edge of slopes be 5 feet from the property line. Grading will be required across the property line along Swamp Road and Campbell Avenue in order to build the bike and hike path. Also the grading along the 611 Bypass will be within 5 feet of the Applicant's property line from the Penn Dot right of way so as to tie in the existing grade; and

k. Section 153-39.D(1) which states that no excavation or fill shall be made with a face or surface slope steeper than 4 to 1 unless a retaining wall constructed in accordance with approval standards. Slopes are at 3 to 1 along the property line which is satisfactory.

9. The Board of Supervisors agreed to accept the additional right of way along Campbell Avenue as per the recommendation of Township Engineer; Mario Canales;

10. Compliance with the Pennoni report dated December 18, 2011, except as it relates to the traffic study;

11. Compliance with the review letter from the Doylestown Township Fire Marshall to the extent not satisfied;

12. Applicants to comply with the request of the Township Engineer with respect to the construction sequence so as to satisfy the Engineer's concerns concerning the proposed storm water management basin functions and operations as a detention/sediment basin;

13. The funding and execution of financial security agreements in a form satisfactory to the Township Solicitor with the understanding that the applicant shall reimburse the Township for all expenses incurred with respect to the applications including but not limited to, engineering, legal and other professional fees; and

14. The execution of an Operational and Maintenance Agreement related to the privately owned storm water facilities and BMPs in accordance with new Township Stormwater Management Regulations.

Mr. Scarborough made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors approve the Thompson Organization Preliminary / Final Land Development Plan to demolish and expand the Thompson Toyota Car Dealerships and to construct a parking garage.

MOTION was ADOPTED 5 to 0.

1. Thompson Toyota – Preliminary/Final Land Development

G. Bills List – May 1, 2012

Mr. Scarborough made a MOTION; seconded by Mr. Colello the Doylestown Township Board of



Supervisors approve the May 1, 2012 Bill's List in the amount of \$83,678.40.

MOTION was ADOPTED 5 to 0.

Public Comment:

Resident; Joseph Nappi of 208 Southwind Drive was recently informed the Aldie Counseling Center will be relocated from Doylestown Borough to a location near his home off Pine Run Road and Welden Drive. Although his heart goes out with great compassion to individuals seeking assistance to fight an addiction, he is concerned with the proposed location being adjacent to a residential community. Upon questions from the Board, Ms. Mason clarified the proposed building on Welden Road is zoned LI District, which permits medical office use and the rehabilitation center was previously located in the Borough for thirty years.

Mrs. Lyons asked if Mr. Nappi knew of any incidents that occurred when the facility was located in the Borough. Mr. De Napie noted one incident pertaining to a robbery taking place at a tanning salon, 150 feet away from the facility. He spoke with a sixteen year old girl employee who identified one of the burglars as a patient. Mrs. Lyons then questioned how would he like to Board of proceed. Mr. Nappi requested the building lease not be renewed or a stronger security service be hired.

To prove his statement, Mr. Nappi read from a 1997 through 2004 provisional data indicating drugs equal crime such as, the highest percentages of individuals arrested in connection with possession, sale of drugs and driving under the influence came from illicit drug users. It also noted illicit drug users are 14 times more likely to be arrested for felonies than non-users.

A discussion ensued amongst the Board and Mr. Nappi reviewing all points of having a counseling center located to Welden Drive. Mr. Nappi requested his concerns be placed on record should something happen.

Mr. Garton clarified the township completed all the necessary steps by stating, the property has been purchased by Aldie Rehabilitation Center and is not leased, the zoning ordinance permits the use, Ms. Mason confirmed with John Davis there were no issues when the center was located in Doylestown Borough, a notice was advertised in the newspaper when the facility applied for use and met all requirements pertaining to the Zoning Ordinance. He added at one time a provision in the municipalities planning code noted prohibitions about these facilities in certain zoning districts, but the Third Circuit indicated these prohibitions were unconstitutional. This gives the township no legal choice to deny an application. However, Mr. Garton reassured the public Police Chief Logan will be vigilant with issues that may arise and will not ignore any concerns. Ms. Mason added upon a discussion with Aldie Counseling's attorney; Tom Smith who indicated the center is more than happy to meet with any residents to address their concerns and/or provide a tour of the facility. Mr. Nappi did not welcome the offer and will not speak to anyone unless safety measures are addressed. He then thanked the Board for taking the time to listen. Mrs. Lyons welcomed Mr. De Napie to return and speak with the Board regarding specific incidents pertaining to the center.

Resident; David Camiello is concerned whether the patients will be driving to the facility and agrees the residents should meet with the representatives from the center.

Resident: Peter McClaughlin responded to Mr. Nappi's comments by stating residents should trust the intervention centers because there is a lot of love involved with treatment and society should practice lawfulness and mercy. He then suggested anyone concerned should get involved with assisting the patients to inspire them and meet with the people involved. He also noted the court house never recorded a problem with individuals who are arrested.

Open Space Committee Member; Harold Johns commented on his disappointment with the Sandy Ridge Open Space decision and indicated the Touhill property is the only site unanimously agreed upon and would have made a wonderful property for the Open Space Program. It's extremely difficult to have a resident agree to preserve their land because of the financial impact and the site only receiving 75% of fair market value. If the township continues to dictate what portion of a property should be preserved, the committee will never be able to receive another applicant. Mr. Johns concluded by inviting anyone interested to attend the Open Space Committee meetings which are held the first Monday of the month to view all of the land preserve in the past four years and how they benefit the community. Also, if anyone has a property they would like preserve to please contact the committee.

**IX. ANNOUNCEMENTS**

- A. The next meeting of the Doylestown Township Board of Supervisors will be held on Tuesday, May 15, 2012.
- B. Touch – A- Truck – Saturday, May 5, 2012, 10:00 AM – 1:00 PM at Central Park. Admission is Free
- C. Shred Event – for Doylestown Twp. Residents – Saturday, May 12, 2012, 9:00 AM – 12:00 Noon at the Township Administration Building.
- D. Annual Doylestown Township Golf Outing – Monday, June 4, 2012 at Doylestown County Club. Registration deadline is May 18th.

**X. ADJOURNMENT**

8:14pm

Respectfully submitted by

Stephanie J. Mason, Secretary