

February 26, 2018
7:00 p.m.

The regular meeting of Doylestown Borough Council commenced in Council Chambers, with the following members present: President Jack O'Brien and Council Members Ben Bell, Don Berk, Tim Brennan, Joe Flood, Sue Gordon, and Wendy Margolis. Also present were Mayor Ron Strouse, Junior Councilperson Josie Hall, Borough Solicitor Jordan Yeager, Borough Engineer Jim Dougherty, Borough Manager John Davis, Planning/Public Works Director/Deputy Borough Manager Phil Ehlinger, Water Director Chris Norris, Central Bucks Regional Police Department Chief Karl Knott, and Director of Building & Zoning Karyn Hyland. Council Vice President Noni West and Councilperson Joe Frederick were absent. Finance Director Caroline Brinker was absent due to her attendance at the Fanny Chapman Pool Board Meeting.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mr. O'Brien called for a moment of silence in memory of the 14 students and three faculty members who perished in the shooting tragedy in Parkland, Florida.

SPECIAL PRESENTATIONS

Members of the Central Bucks West Girls Cross Country and coaches, and Councilperson Flood joined Mayor Strouse on the floor. The Mayor read a **Proclamation Honoring the Work and Success of the Central Bucks West Girls Cross Country Team**. He said that they are the Suburban One League Continental Conference Champions and the first in the history of the school district to become Pennsylvania District One Champions. The Mayor called upon our community to honor and thank Central Bucks West Girls Cross Country and their coaching staff for work well done and commitment to future success.

APPROVAL OF MINUTES

January 22, 2018 Council Meeting Minutes. Mr. O'Brien noted that a revised page one of the minutes had been distributed which adds Mr. Bell as being in attendance and deletes Ms. West's name, which appeared twice. Motion to accept the revised page and approve the January 22, 2018 Council Meeting Minutes. (Berk-Gordon) With no comments, the vote was called, and the minutes were unanimously approved.

MAYOR'S REPORT

Mayor Strouse said everyone elected to local office realizes their first and foremost responsibility is to public safety, which includes everything from filling pot holes, making sure the sidewalks are in good condition and our playgrounds are safe, to making sure our Police Department is funded appropriately and they are trained and equipped as it should be. He said in light of the events of the last couple weeks, there is a renewed focus on what public safety really means in the community.

The Mayor said we can take pride that we were just ranked twelfth among the 50 safest school districts in Pennsylvania, but we can never take satisfaction in the assurance of the safety of our school children. He said locally elected officials understand too well that federal and state laws prevent them from taking gun safety measures that would enhance, though not guarantee, safety in our schools and community. Mayor Strouse said he belongs to organizations which have a mission of ending gun violence and building safer communities. He said that while the reasons for gun violence are complex, focus needs to be on what we can and cannot do under the strictures of current law and he, members of Council, Staff, Chief of Police, and our Solicitor need to work on creative efforts to provide our community with greater safety. Beyond that, the Mayor said we need to engage our elected representatives in Harrisburg and Washington and let them know where we stand on these issues and ask them where they stand and what their plans of action are.

Mayor Strouse said these concerns are not partisan. "We need to take action because providing for public safety is the core responsibility we accepted when we were elected."

PUBLIC SAFETY - Ms. Gordon

1. Authorization to Advertise Ordinance Extending No Parking Zone on Stacey Drive, east side, at Sandy Ridge Drive and Adjusting the Parking Restrictions on West Ashland Street at Lafayette Street. Ms. Gordon stated that this ordinance would make two changes to existing no-parking zones. She said the first change, in response to a request from the Sandy Ridge Twins Association would extend the no-parking zone at the residents' mailboxes on Stacey Drive from 65 feet to 80 feet. The second change would make an adjustment to the recently created no-parking zone on the north side of West Ashland Street between Lafayette and Washington Streets by returning 90 feet of the new no-parking zone at 198 Lafayette Street to the previous two-hour parking designation. She said that this change was requested by Lynn Cooney Family Hair Care, 232 West Ashland Street, in order to restore parking needed for their elderly and infirm customers. Ms. Gordon noted that the resident of 198 Lafayette Street does not object to the change.

Ms. Gordon stated that the Committee reviewed the ordinance and is recommending that Council authorize its advertisement, and if Council wished to follow the recommendation, it could do so by motion. (Gordon-Flood)

Ms. Gordon commented that Mr. Davis spoke to the residents on Ashland Street and everyone was on board with this. She said the prior change did hurt the business.

Mr. Flood questioned why the motion is for two separate changes. Mr. Davis replied that doing so saves advertising money. Solicitor Yeager noted that its done in other context too, for example when the zoning ordinance changes, there are often multiple changes that are packed into one.

With no further comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. Resolution No. 2018-4, Adoption of Emergency Operations Plan. Ms. Gordon stated that Pennsylvania Title 35 states that each municipality shall prepare and maintain an Emergency Management Plan (EOP) for the prevention and minimization of injury of damage caused by disaster, and to provide prompt response and emergency recovery. She said the EOP provided to Council is designed to this standard and will satisfy the requirements of the law.

Ms. Gordon stated that the Committee has reviewed the EOP and is recommending that Council adopt Resolution No. 2018-4. She said if Council wished to follow the recommendation, it could do so by motion. (Gordon-Margolis)

Mr. Davis commented that what was provided to Council Members in their packet is the only the first section of the plan, which is distinct to the Borough. He showed a five-inch thick notebook which contained the full plan, including state and county plans, and appendices. Mr. O'Brien asked when was the last time this was updated, to which Mr. Davis replied it was when Kelli Scarlett worked on it, probably 2015.

Mr. Bell inquired about Memorandums of Understanding (MOUs) with local volunteer search and rescue, and other aid organizations. He asked if they are part of this or are they just added by addendum as they arise. Mr. Davis answered that he didn't think we have would a MOU with any of the local fire or ambulance companies, and he wasn't aware of any. He said Appendix C would include specific plans for various facilities in town, including the schools, nursing homes, etc. He said that this is always a work in progress as the latest plans become available and they'll be working on that over the next six months to a year. Mr. Davis said there is also the possibility of incident specific plans if there is a particular anticipated type of incident. He said we haven't had those in the past, but he would defer to the Emergency Management Coordinator, Scott Fleischer, on whether we'll be doing something in that regard.

With no further comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

3. **Doylestown Fire Co. No. 1 Report.** Ms. Gordon reported that for the month of January, there were 33 incidents requiring their response.

PUBLIC WORKS AND ADMINISTRATION - Mr. Frederick

As Mr. Frederick was absent, Mr. O'Brien asked Mr. Ehlinger for the **Public Works Department Monthly Report**. Mr. Ehlinger noted the monthly Work Order Report and the Fleet Services Report were provided.

Mr. Ehlinger then related an incident that occurred in the middle of the last snowfighting event. He said they received a call from Dave Cell, the Borough's current Fire Marshal, a former employee who is now head of security at the Philadelphia Zoo, who advised that their 37-year-old bear, Coldilocks, the oldest bear in the country, was having health issues and they needed to quickly drain the bear's swimming pool, so they were looking for pumps and hoses. Mr. Ehlinger said they loaded pumps and hoses in the truck and they went to the zoo to help drain the pool. He said the bear actually ended up laying down which resolved the issue, so they didn't need the pumps. He noted that, sadly, they did have to put the bear down, but the Borough did play a little part in trying to help prolong the bear's life.

COMMUNITY AND GOVERNMENTAL AFFAIRS - Mr. Berk

1. **2018 Farmers' Market License Agreement.** Mr. Berk stated this agreement provides for the Saturday morning Farmers' Market on Hamilton Street by the Bucks County Foodshed Alliance. He said that during the 2017 season, the Alliance conducted a customer attendance study, which demonstrated a desire for a change in the hours of operation from the current 7:00

a.m. to 12:00 noon, to 8:00 a.m. to 1:00 p.m. He noted that all remaining provisions of the agreement are unchanged from previous years.

Mr. Berk said the Committee reviewed the agreement and is recommending its approval with the requested change in the hours of operation. He said if Council wished to follow the recommendation, it could do so by motion. (Berk-Margolis) Ms. Margolis said this was a good idea.

Kelly Unger from the Farmers' Market was present and she thanked the Borough for all they do for them and their support of the Farmers' Market. She said the support is appreciated. Mr. Berk commented that it goes both ways, "We love our Farmers' Market."

With no further comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. Consideration of Resolution No. 2018-3, County Theater RACP Grant Application.

Mr. Berk stated that this requests approval of the County Theater's Pennsylvania Redevelopment Assistance Capital Program (RACP) grant application. The program requires that Doylestown Borough act as the Grantee on behalf of the theater. He said the application requests \$1,000,000 in redevelopment assistance funds for the theater's expansion project, matched by \$2,375,000 in private funds and the \$825,000 assessed value of the theater property. No funds are being committed by the Borough.

Mr. Berk stated that the Committee is recommending that Council adopt Resolution No. 2018-3, and if Council wished to follow the recommendation, it could do so by motion. (Berk-Brennan)

Jim Sanders from the County Theater was present and he thanked Council, the Mayor, and especially John Davis and Council President O'Brien who will have to sign off on the document. He said these are funds that will be matched to go specifically into the construction of the expansion of the theater. Mr. Sanders said this is the largest fundraising activity they've done as the theater in 25 years and one of the largest non-hospital wide projects that this Borough has seen. He said the Borough's support is appreciated. Mr. Sanders commented this is just the beginning of a long project and the filing has to occur by midnight tonight.

With no further comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

ZONING AND PLANNING - Mr. Brennan

1. **Zoning Hearing Board Report.** Mr. Brennan deferred to Ms. Hyland, who reported that the Board met on February 21, 2018, and heard two applications: 1) 228 East Court Street, Daniel and Marie Carchedi, was once again continued and is now scheduled for a March hearing. She said it is dimensional in nature and they're trying to work out some neighbor concerns, which is good to see; and 2) 160 Lafayette Street, Philip and Patricia Biaesch, who were granted zoning relief of dimensional requirements.

2. **Historic & Architectural Review Board (HARB) Report.** Mr. Brennan said the HARB, at their January 25, 2018 meeting, recommended approval and issuance of Certificates of Appropriateness for the following applications: Sign Applications: none; Building Applications: 1) Josh Skolnick, 95 North Broad Street, for front porch, windows, siding, and shutters, conditional that the windows be replaced with Anderson to match, except back sunporch, with the divided light

with spacer, the side to be installed with scale shingles in cedar or, if it cannot be found, cementitious material, and the shutters to be provided at the owner's discretion. If installed, the shutters shall have working hardware and be sized to cover the full window; and 2) Ellen Happ, AIA, applicant, 106 East State Street, for replacement windows and siding - the replacement windows in the front bay to be Anderson 400 Series, one-over-one, white clad double hung windows, and the siding on the front vestibule will be painted Benjamin Moore # HC-108.

Mr. Brennan said that the Zoning & Planning Committee recommends that Council approve the applications in accordance with HARB's recommendations, and if Council wished to follow the Committee's recommendation, it could do so by motion. (Brennan-Gordon) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

3. **Code Enforcement Month Activity Report.** Mr. Brennan reported there were 82 residential and three non-residential use and occupancy inspections, 14 complaints were investigated, four building inspections, four recycling inspections, one sidewalk/paving inspection, seven sidewalk/snow inspections, three litter enforcement, no graffiti inspections, eight fire company issues, and no tree removal permits/issues.

4. **Building Inspection Monthly Report.** Mr. Brennan reported there were 98 total permits and a total cost of permit fees of \$7,137.50.

ENVIRONMENT AND RECREATION - Ms. Margolis

1. **Authorization to Advertise Shade Tree Ordinance.** Ms. Margolis stated that this ordinance consolidates and updates the Borough's current Tree and Tree Removal Permit ordinances. She said currently found in two different chapters, these ordinances would now be consolidated under Chapter 25: Trees. Ms. Margolis said the ordinance also refines the definition of "Street Tree," clarifies responsibilities when sidewalks and street trees come into conflict, and lays out an improved process for dealing with emergency and hazard trees.

Ms. Margolis said the Environment and Recreation Committee is recommending that Council authorize the advertisement of the ordinance, and if Council wished to follow the recommendation, it could do so by motion. (Margolis-Gordon) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

Ms. Margolis next reported on two items not requiring any action. The first item was that they are working on expansion of Community Garden plots. She said they expect to have more details about that soon so that they can hopefully get in touch with people who have been on the waiting list for years and maybe add more people. She said they are very excited about this and the Mayor is working with them as well.

Ms. Margolis said the second item was that they are exploring electronic car charging stations in the Borough, and more about that is to come.

WATER UTILITY - Mr. Flood

Mr. Flood called on Mr. Norris for the Water Department monthly report. Mr. Norris stated that for January 2018, there was one water main repair, one water service repair, 43 water meters were repaired, 13 SCADA system alarms, seven house calls, four emergency shutoffs, and two bulk chemical deliveries. He noted that the well pump at the Sandy Ridge well house was replaced

and they are pursuing a prorated warranty credit from the manufacturer. He added that the 2018 Monitoring Schedule was submitted to QC Labs, the 2018 Hydrant and Valve Replacement Requests were submitted to Public Works, and the 2017 Chapter 110 filings were submitted to DEP.

Mr. Flood asked how old the pump was. Mr. Norris said that it was not very old. He said that because of the warranty, we paid almost nothing for the pumps, but still had the labor. Mr. Flood confirmed with Mr. Norris that the issue is now resolved, having been reimbursed for the parts, not labor.

FINANCE/PENSION - Ms. West

In Ms. West's absence, Mr. Bell gave the following report:

1. **Consideration of Resolution No. 2018-5, Authorizing Prepayment of Certain Invoices.** Mr. Bell stated that this resolution authorizes prepayment of certain invoices prior to the regularly scheduled approval at each monthly Council meeting. He said this is a housekeeping item and will update Resolution No. 2014-1. Mr. Bell explained that during the course of the month there is often a need to pay an invoice outside of those approved at the Council meeting, such as a vendor with an early due date or a refund. He said limits are set on that maximum amount that the Borough Manager can approve; anything above the limits would be reviewed and approved by the Council President. Mr. Bell said the Committee recommends adoption of Resolution No. 2018-5. Motion to adopt. (Bell-Gordon) Mr. Flood asked if Council sees them. Mr. Davis replied yes, at the next regular Council meeting. With no further comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. **Motor Vehicle Operations Policy.** Mr. Bell stated that this draft policy was reviewed by the Borough Solicitor, Delaware Valley Trusts, AFSCME Union representatives, and Staff. He said this will update the current policy in our Personnel Manual and put us in compliance with insurance and state and federal guidelines. He noted that once this policy is approved, updated Personnel Manuals will be distributed to all employees and Council. Mr. Bell said the Committee is recommending adoption of the updated Motor Vehicle Operations Policy. Motion to adopt. (Bell-Margolis)

Mr. Brennan asked if this is a standalone policy or is it attached to other policies. Mr. Davis explained this is just a chapter in the Personnel Manual. Mr. Brennan asked if in there somewhere is about if a violation of a policy could be grounds for discipline. Mr. Davis said there is a progressive discipline chapter that applies to all chapters. He said once the manual is fully updated with other changes that have been made, it will be recodified and distributed to Council and the employees.

With no further comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

3. **2017 Act 205 Actuarial Valuation Report.** Mr. Bell stated that this report was filed with the Office of the Auditor General prior to the March 31, 2018 deadline. He said the biennial valuation report contains data and cost components that are used to determine the annual financial requirements of the plan, plus the data is used to calculate state pension aid for cities, boroughs, towns, and townships. For the January 1, 2017 filing, Council previously approved actuarial

assumption changes for the projected investment income from 7.5% to 7.25% and salary scale from 4.5% to 4.25%. Mr. Bell noted that filing of these reports should be reflected in the minutes.

4. In Ms. Brinker's absence, Mr. Bell deferred to Mr. Davis for the monthly **Finance Report**. Mr. Davis reported that the total of all funds expended was \$672,624.27. Motion to approve the Finance Report. (Margolis-O'Brien) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

PERSONNEL - Mr. O'Brien

Mr. O'Brien reported that the Personnel Committee met on February 20, 2018, to interview candidates to fill vacancies on various boards. He said that as a result of the interviews, the Committee is recommending the following appointments:

<u>Board</u>	<u>Applicant</u>	<u>Term</u>	
Environmental Advisory Council	Adam Howell	02/2018 - 12/31/2020	
Environmental Advisory Council	Larry Browne	02/2018 - 12/31/2018	
Fanny Chapman Pool Board	Bob Shaffer	02/2018 - 12/31/2020	
Fanny Chapman Pool Board	Emily Heaps	02/2018 - 12/31/2020	

Mr. O'Brien added that the Committee is also recommending that Josie Hall be reappointed as Junior Councilperson for a second term, from September 2018 through May 2019.

Mr. O'Brien stated that if Council wished to follow the Personnel Committee's recommendations as stated above, it could do so by motion. (O'Brien-Gordon)

Mr. Flood commented that there were more applicants than there were available positions and they applicants were all excellent. He encouraged anyone not appointed this time, to please come back because they would love to see them on one of the boards or commissions.

With no further comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

PROFESSIONALS' REPORTS

Engineer's Report - Mr. Dougherty: No report.

Solicitor's Report - Mr. Yeager gave a public updated on the Crown Castle hearing process. He said the Zoning Hearing Board, as part of its meeting last week, voted on the various items relating to Crown Castle's validity challenge, request for special exception, and variance requests. He said the Zoning Hearing Board denied the substantive validity challenges and upheld the validity of the Borough's ordinances. Mr. Yeager said there were 37 individual nodes that were the subject of variance requests and the Zoning Hearing Board denied those variances with regard to 24 of the applications and granted the variances with regard to 13. He said by and large, those 13 were part of the initial batch that had been filed in the fall of 2016, where there were no new poles and it was working from existing PECO or Verizon poles. Mr. Yeager said this will be a subject that will be discussed with Council in Executive Session, concerning the possibility of an appeal by Crown and the possibility of appeal by the Borough.

Central Bucks Regional Police Department (CBRPD) Activities Report. Chief Knott stated the Police Activity Report was provided, showing 1349 incidents in the Borough in January. As to the financial report, the Chief stated in January, they spent \$426,934.52, which was 7.88% of the budget.

Chief Knott noted that on the night that Eagles won the Super Bowl, they had 13 officers detailed in the Borough. He said they had to shut down Main Street for about two hours between State and Court, and he was happy to say there were no incidents other than two very minor arrests – one young man thought it was a good idea to come down through the crowd with a Patriots jersey. The Chief said four days later, they had to put 2400 fans on the train at Doylestown Train Station, which process started at 11:30 p.m. and went on through the night until the first train pulled out at 5:30 a.m.

PRESIDENT’S REPORT: None.

OLD BUSINESS: None.

NEW BUSINESS:

Ms. Gordon commented that on January 26 and 27, she and Mr. Bell attended a seminar for newly elected officials and it was provided by the Delaware Valley P&L Trust, through a scholarship. She wanted to publicly thank them. Ms. Gordon said it was informative and they also got to sit with about 40 other local borough council people and some managers, and she just wanted to thank everyone here on Council and our Staff because we definitely have the best people to work with. She said that was very evident there.

Mr. Brennan asked with regard to the paving season, is there a possibility for people who are putting in gas lines and those kinds of things to do it while the road is ripped up. Mr. Ehlinger said they try. He said they send out notices and when we get inquiries, we encourage them to get their services in, but inevitably, it gets scheduled the week after the road is paved. Mr. Brennan asked if this was because of PECO. Mr. Ehlinger explained it is an independent process from us. He said awhile back when gas prices went down and there was a large rush to put the gas lines in, the Borough experienced a real problem with the quality of PECO’s contractor backfill. He said they were not backfilling the trenches properly, were not using the right fill, and not following the specifications from PECO. He commented that PECO has no inspection process. Mr. Ehlinger said we had Code Enforcement kind of revamp our entire process because now we have to police these gas trenches as they’re awful and they’re not coming back in a timely fashion to properly restore them even after they put cold patch in them. He said he thought the new gas services have slowed down now, but when we do, they seem to be at the worse possible time. Mr. Brennan asked if the advice to give residents is try and call PECO and the Borough to try and coordinate it to some extent. Mr. Ehlinger said PECO is giant and immovable, and they operate in their own world. He said we do coordinate remarkably well on many issues, but they’re just not capable of doing that kind of fine customer service coordination that we do. Mr. Davis added that what PECO is looking at when they receive our paving schedule is do they have something in the near term of some of their long range plans, like big projects they are looking to schedule and they will kind of act accordingly. He said where we get hit are these little ones like someone wants gas service, or there’s a leak, or things they can’t control.

OPEN PUBLIC COMMENT: None.

EXECUTIVE SESSION

At 7:45 p.m., the meeting broke for an Executive Session. Mr. O'Brien stated there may be a vote upon their return.

Upon return from the Executive Session, Council voted on two items: (1) motion to authorize Curtin & Heefner as Borough Solicitor to take necessary action in defense of the Borough's position for any litigation resulting from the Zoning Hearing Board's decision on the Crown Castle applications; and, (2) motion to authorize Curtin & Heefner as Borough Solicitor to take necessary action in defense of the Borough's position for any litigation resulting from the appeal of the recent zoning change of 425 South Main Street. Both motions passes unanimously.

ADJOURNMENT

At 8:30 p.m., Ms. Margolis moved to adjourn, seconded by Mr. Flood. The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis
Borough Manager

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