

April 16, 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, Vice President Noni West, and Council Members Ben Bell, Don Berk, Tim Brennan, Joe Flood, Joe Frederick, 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, Central Bucks Regional Police Department Chief Karl Knott, Planning/Public Works Director/Deputy Borough Manager Phil Ehlinger, Finance Director Caroline Brinker, and Director of Building & Zoning Karyn Hyland, and Water Director Chris Norris. Councilwoman Sue Gordon was absent.

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATIONS: None.

APPROVAL OF MINUTES

Mr. O'Brien called for a motion to approve the **March 19, 2018 Council Meeting minutes**. (West-Margolis) With no comments, the vote was called, and the minutes were unanimously approved.

MAYOR'S REPORT

Mayor Strouse gave a "shout out" and thank you to the Doylestown Fire Company and Auxiliary for their annual pancake breakfast on March 17, serving 1,800 people. He said this event is way beyond what we expect our Fire Company to provide and accomplish in the community, and it was done flawlessly. He congratulated and thanked them for a great event.

PUBLIC SAFETY - Ms. Gordon

In Ms. Gordon's absence, Ms. Margolis reported the Committee did not meet.

Mr. O'Brien gave the **Doylestown Fire Co. No. 1 Report**, which indicated that there were 34 incidents requiring their response.

PUBLIC WORKS AND ADMINISTRATION - Mr. Frederick

1. **2018 Landscape Maintenance Bid.** Mr. Frederick reported that on March 30, 2018, bids were opened and publicly read for landscape maintenance for the 2018 season: Biase Landscaping, LLC at \$11,625 and GoreCon, Inc. at \$11,670. He said that if Council wished to award the bid to the low bidder, Biase Landscaping, LLC at a price of \$11,625, conditioned upon receipt of a properly executed performance bond and compliance with the bid specifications, it could do so by motion. (Frederick-Flood) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. Mr. Frederick stated that the Public Works Department monthly report had been provided.

COMMUNITY AND GOVERNMENTAL AFFAIRS - Mr. Berk

1. Hanging Flower Basket Program Memorandum of Understanding (MOU).

Mr. Berk stated this MOU establishes a new home for the hanging flower basket program at Delaware Valley University (DVU), the place where the program began over 25 years ago. He said the Committee recommends that Council approve the MOU, which has already been approved by Discover Doylestown and DVU, and if Council wished to follow the recommendation, it could do so by motion. (Berk-Margolis)

Mr. Berk commented that they are delighted that we will be continuing our partnership with Discover Doylestown and that DVU is joining us. He gave a special shout out to President Maria Gallo, who not only brought DVU into this, but was also there planting flowers.

Mr. Davis recognized Mr. Ehlinger, who took a hold of this when the program lost its location at Geerlings Garden Center and there was no "Plan B." He said the Mayor was also instrumental in reaching out to DVU. Mr. Davis said they initially thought DVU would probably be a 2019 solution and we would have to find a short-term solution, but DVU came on board early and, as a result, the program was taken back to the place where it started. He said we not only tidied ourselves over for the year, but created a long-term solution. Mr. Davis thanked the Mayor and Phil Ehlinger for making this happen.

Mr. Frederick asked if we saved money on the way we're doing this. Mr. Davis replied that so far, it looks like the materials being purchased are coming in a bit cheaper. He also noted that we had to pay \$3,000 a year as a subsidy towards the space at Geerlings which is not necessary now, so right off the bat we save \$3,000 a year with this agreement.

Ms. Margolis commented she was there to help plant the flowers and there were so many volunteers there, it was just great. She said the day she was there, they did 200 baskets and it was took only maybe 45 minutes. Ms. Margolis noted that Mr. Ehlinger and Parks Foreman Dave Burger were also there and it was really a nice group effort.

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. 2018-7, Gun Violence and Gun Safety.

Mr. Berk stated that this resolution calls upon representatives in Harrisburg to hold public hearings and adopt legislation to address gun safety. He said the Committee is recommending that Council adopt Resolution No. 2018-7. Mr. Berk read the Resolution in its entirety and then motioned for its adoption, seconded by Ms. West.

Mr. Berk commented that its very been inspiring to watch the youngsters taking a step forward and leading us in this. He said it fills him with a renewed sense of hope that we will get something accomplished because of their steadfastness and eagerness to champion this issue. Mr. Berk said they led 3,000 people through the streets of Doylestown and there were 800 similar marches with millions of people, and it was all created and led by children, who are most at risk. He said "bravo to them" and we owe it to them and ourselves to do everything we can about this.

Mr. Brennan said he has a friend who lost a sister in Las Vegas. He said this is happening everywhere, it's something that's happening in our schools and theaters, and it can happen to anyone's sons or daughters. Mr. Brennan said our first duty as elected officials is always the health, safety, and welfare of our citizens. He said we can't militarize every aspect of our

society and we can't have our kids living in fear. Mr. Brennan thought this resolution asks for common sense action from our legislators and that's why he supports it.

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

Lastly, Mr. Berk commented that the 10th Annual **Ride of Silence** is the third Wednesday in May, as always, leaving from the Central Bucks West teachers' parking lot. He said the police are incredible, closing down streets so the ride doesn't have to stop. He noted it is a very slow six-mile ride through the Borough. Before the ride begins, there are remarks regarding bike safety and how to share the road effectively and safely. Mr. Berk invited everyone to attend the free ride and said the only thing required is a helmet.

ZONING AND PLANNING - Mr. Brennan

1. **War Memorial Field Sewer Connection Agreement.** Mr. Brennan reported that as part of the ongoing improvements at War Memorial Field, Central Bucks School District (CBSD) is installing a new sewer connection along Memorial Drive. He said that Bucks County Water and Sewer Authority has a policy requiring a Sewer Connection Agreement for all new connections to their system. Mr. Brennan said that the agreement states that CBSD will pay for all construction, connection, and service costs. He said the Borough, as the property owner, would also be a party to the agreement.

Mr. Brennan said the Committee is recommending approval of the Sewer Connection Agreement, and if Council wished to follow the recommendation, it could do so by motion. (Brennan-Berk) With no further comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. **Authorization to Advertise Ordinance Regulating the Location of Consumer Fireworks Sales.** Mr. Brennan said that on October 30, 2017, Pennsylvania passed Act 43 amending the Commonwealth's tax code, which also allows for the sale of consumer fireworks and provides state licensing requirements for permanent and temporary sales facilities. Mr. Brennan said the ordinance provided amends the Table of Use Regulations in the Borough's Zoning Ordinance to include temporary and permanent facilities by special exception in the CI and PI zoning districts and permits temporary facilities in the RC district.

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

3. **Zoning Hearing Board Report.** Mr. Brennan said he would defer to Ms. Hyland for this report. Ms. Hyland reported that the Board met on April 12 and heard the applications of 1) Kyle and Joan Given, 383 West Oakland Avenue, requesting dimensional variances to allow an addition to the existing detached garage; and, 2) Karen Grimes, 98 Harvey Avenue, requesting a variance to permit a one-story addition to the rear of the existing semi-detached single-family dwelling. Ms. Hyland further reported that the Zoning Hearing Board will meet again on April 18, to hear the applications of 1) 120 Athens Avenue Associates, LLC, 168 East Oakland Avenue, Lot 2, which requests a modification to the Board's August 16, 2017 Decision and Order so as to permit the removal of the large oak tree at Church and East Oakland Avenue. Ms. Hyland said they have

received a letter asking for a continuance for this application and that they be put on the May 16 Zoning Hearing Board agenda; and, 2) Daniel and Marcie Carchedi, 228 East Court Street, requesting dimensional variances to construct a two-story addition to the rear of the existing dwelling.

Mr. Brennan stated that with regard to 168 East Oakland Avenue application, the Zoning and Planning Committee recommends that the Borough Solicitor attend the hearing to represent the interests of the Borough. He said if Council is in agreement with that recommendation, it may authorize the Solicitor by motion. (Brennan-Berk)

Julie Kimmel, Ward 1, said when she and her husband moved here many years ago, they identified with this town because of the character of the town, the mature trees, and the walkability. She said that removing that tree substantially changes that area. She said it is a very large, mature, and healthy tree that shades Burpee Park and the surrounding area.

Nancy Dales agreed with Ms. Kimmel. She said when asked what makes Doylestown special, it's the architecture and the people, but she thought it's the trees as well. She said a lot of trees have been lost to disease, and the snow and ice storms brought down so many more. She said the ones that are this big and have survived to this point deserve to be protected. She said this tree is special and she asked Council to consider this.

Diane Alexanderson, Lafayette Street, said she drives by that tree every day. She said we do such a good job of preserving our buildings, but it takes a lot longer to grow a tree than it does to renovate a building, so we need to preserve and protect the big trees that we have.

Anna Shantz, 193 East Oakland Avenue, stated that they have lived in the shadow of that tree for 45 years. She said during those years, a lot of trees in the area have been lost, which is a loss of shade and fresh air for children at the playground and the whole community. She said she hoped the new resident in that house would do everything possible to preserve that tree because it shades their property and provides healthier air for them as well. Ms. Shantz urged Council to continue its saving of healthy trees, their maintenance, and the replacement of trees that need to be taken down.

Kathy Pelley, 160 East Oakland Avenue, stated the tree has been there a lot longer than any of us and it'll probably be there a lot longer than any of the buildings in this town, as Red Oak trees can live to be 500 years old. She said we need to be stewards of these important pieces of our town.

Interpreter Jennifer Breisch spoke on behalf of resident Philip Wismer, 30 West State Street, who said he has lived there three years, but that he also grew up in Doylestown. He said it's very important that we keep the trees because if they are taken down, we're going to have a higher risk of wind damage to property and homes and more power lines down since trees help block the wind.

With no further comments from Council, Staff, or the public, the vote was called for asking the Borough Solicitor to attend the hearing to represent the interests of the Borough. All were in favor and the motion passed unanimously.

2. **Historic & Architectural Review Board (HARB) Report.** Mr. Brennan said the HARB, at their March 22, 2018 meeting, recommended the issuance of Certificates of Appropriateness for the following applications: Sign Application: 15 West Oakland Avenue, Colloquia Partners; and, Building Application: Daniel and Marcie Carchedi, 228 East Court Street,

amended application to reconfigure garage and include window, for a change in plans for the garage as presented. The applicants will restore and repair the four third-floor windows or replace them in kind, using wood.

Mr. Brennan said the Committee recommended that Council approve the applications in accordance with HARB's recommendations, and if Council wished to follow the Committee's recommendations, it could do so by motion. (Brennan-Berk) 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 Monthly Activity Report.** Mr. Brennan reported there were 58 residential and two non-residential use and occupancy inspections, 14 complaints were investigated, one building inspection, one recycling inspection, seven sidewalk/paving inspections, 16 sidewalk/snow inspections, five litter enforcement, no graffiti, no fire company issues, and five tree removal permits/issues.

4. **Building Inspection Monthly Report.** Mr. Brennan reported there were 133 total permits and a total cost of permit fees of \$23,624.50.

ENVIRONMENT AND RECREATION - Ms. Margolis

1. **Public Vehicle Charging Stations.** Ms. Margolis reported that the Borough is in receipt of two vehicle charging stations donated by Zygmunt Motors, Inc. and is proposing that they be installed in the Plaza West and Pine Street parking lots for use by the public. A sketch of the proposed locations was provided. She said the installations are a pilot program and will be monitored with a view to possibly adding more in the future.

Ms. Margolis said that the Committee is recommending the installation of the charging stations and if Council wished to follow the recommendation, it could make a motion to do so and to authorize the drafting and advertising of an ordinance restricting the two spaces to vehicles that require electrical charging. (Margolis-Frederick)

Mr. O'Brien publicly thanked Zygmunt Muzykowski from Zygmunt Motors, who was present in the audience, for making this generous donation to the Borough. Mr. O'Brien said there has been a lot of interest in many communities about providing this in hopes that it will encourage people to make the transition to electric vehicles. Council thanked Mr. Muzykowski.

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

2. **North Harvey Avenue Community Garden.** Ms. Margolis stated that in light of the success of the Borough's community garden on South Church Street, the Environment and Recreation Committee is recommending the creation of a second such garden on the Borough-owned property just outside the gate to the Public Works Facility. A sketch was provided. She said that in its startup phase, the garden would consist of 12 raised beds, a short gravel driveway, and a small gravel parking area created by the Public Works Department using donated materials. A now unused "Santa's House" would be repurposed as a tool and storage shed. Ms. Margolis said that a public meeting would be held to identify interested resident gardeners willing to form a group to oversee the garden's operations, as is the case with the current garden. A copy of that group's rules and regulations was provided.

Ms. Margolis said that the Committee is recommending that Council authorize the use of the stated Borough property for the creation of a new community garden, and if Council wished to follow the recommendation, it could do so by motion. (Margolis-West)

Mr. Frederick commented that this community garden is on a fast track because we would like to get this done so people can get in there and plant their vegetables before it gets too late to do it. He said it was quite a feat to get this going, but we had a lot of donations, some of which were from Jim Dougherty here tonight from Gilmore & Associates, Jarrett Vaughan Builders, Zaveta Custom Builders, and Jeffrey Sparks. Mr. Frederick said those guys really just stepped up to the plate and made this happen. He said our great Public Works Department will get this put together and then the 12 people who will be gardening will be able to do the work they have to do. He again thanked those who made the donations and made this happen.

Ms. Margolis also thanked Mayor Strouse as he's been very active in the current community garden and he really helped move this one forward too.

Mr. Flood commented he'll be doing his part in spite of the proximity to his house, "I won't touch the garden as it will instantly die because I have a brown thumb."

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

Mr. Davis then commented that now this has been officially approved, there will be a public meeting, which will be publicized through social media and D-Mail, on May 2, 2018, at 7:30 p.m., in Borough Hall, anyone interested in obtaining a plot should come out and learn a little more about how the existing garden works and the expectations for this garden. He said it's hopeful that the 12 lucky gardeners will come together the same way they did on Church Street and form a group that works together for the common good of the garden. He said there may be an opportunity to expand the garden in the future and this is the start-up phase.

Ms. Margolis reported that **Arbor Day** is the April 27 and the tree giveaway at the Farmers' Market will be April 28. She said the Environmental Advisory Council, the Shade Tree Commission, and Council all come together for this and she hoped to see everyone there. Mr. Frederick asked if we know what the type of trees are and Ms. Margolis responded that we did not.

WATER UTILITY - Mr. Flood

Mr. Flood stated that the Committee did not meet and then called on Mr. Norris for the Water Department Report. Mr. Norris reported that there was one insert valve, 19 meter repairs, 21 SCADA System Alarms, seven well house repairs, 12 final readings, 11 house calls, three power outages, two emergency shutoffs, two bulk chemical deliveries, and one non-payment shutoff. He said two of the three power outages in March were system-wide and the backup generators performed well. Mr. Norris said a first quarter wheeling invoice was delivered to the township for \$6,200. He also reported that a preview of the upcoming Consumer Confidence was provided to Council and it will be delivered to the residents in April.

FINANCE/PENSION - Ms. West

Ms. West reported the Committee did not meet.

Ms. West then called attention to an upcoming Doylestown community meeting on May 8, 7:00 to 8:30 p.m., in the Life Sciences Building at Delaware Valley University. She said the meeting is about the opioid crisis and it is being called "Building Community Resilience." She said the goal of the forum is to provide people with experts in the field that cover the continuing care of the disease of addiction and to help people understand what is happening, but also what can be done now and what is going on in the future. Ms. West noted that the following will be there: the Assistant Medical Director of the Emergency Department Doylestown Hospital, the Bucks County Director of Housing & Human Services, the Bucks County District Attorney, and experts in Recovery Support Services and Prevention, as well as our own Chief Knott.

Mr. Flood asked if this was part of the "Blitz." He said he attended that at the Justice Center on Thursday with a number of our elected officials. Ms. West replied that this is not part of the Blitz as there wasn't enough time to get in on that. This is an extension of the Blitz.

Ms. West then called upon Ms. Brinker for the monthly **Finance Report**. Ms. Brinker reported that the total of all funds expended was \$774,360.46. Motion to approve the Finance Report. (West-Margolis)

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

Anna Shantz asked if the merchants shouldn't be urged to be involved in this. She also said she would take it back to the Central Bucks Chamber of Commerce. Ms. West stated that everyone is welcome and that she had some extra flyers on the meeting if anyone wanted them.

Mr. O'Brien said he assumed that meeting would be promoted on social media and D-Mail. Mr. Davis replied it will be. Mr. O'Brien encouraged anyone not doing D-Mail to do so because it is a very convenient way for the Borough to reach out to people with things/events going on.

PERSONNEL - Mr. O'Brien: None.

PROFESSIONALS' REPORTS

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

Solicitor's Report - Mr. Yeager stated there will be an Executive Session.

Central Bucks Regional Police Department (CBRPD) Activities Report. Chief Knott stated the Police Activity Report was provided, showing 1197 incidents in the Borough in March and they spent \$1,324,343.76.

Chief Knott further reported that back on February 13, 2018, the Wells Fargo Bank on Court Street was robbed. He said they have now made an arrest on that and all the information about it is on Crime Watch on social media.

PRESIDENT'S REPORT: None.

OLD BUSINESS: None.

NEW BUSINESS

Mr. Flood, as stated earlier, said he attended the Blitz at the Justice Center on Thursday. He asked Chief Knott if we have the "Push Out the Pusher" signs available. Chief Knott replied that

we do, they're downstairs along with the stands. Mr. Flood said Representative Galloway was giving those out.

Mr. Flood then said a number of Bucks County municipalities, he thought like Bensalem and the County of Bucks, are joining in a lawsuit against the drug manufacturers who marketed opioids. He asked whether we have considered joining in that. Mr. Yeager said it hasn't been discussed. Mr. Flood asked his colleagues if this is something we would want to look into. Several Council members said they thought it was a good idea. Ms. West said they are also discussing this on the federal level as well and they may be more effective than on a local level. She thought Council should look at it on the local level, but also understand what is happening on the federal level. Mr. Yeager replied there is class action litigation so if there is interest in us contacting the class council that is handling it, that would be the most efficient way to do it. Mr. Davis added that he thought Morrisville Borough had just joined that. Mr. Flood said he thought more municipalities are anticipating joining it. He said it's sort of a multi-faceted problem and on a more hopeful note, there are a lot of people who are very committed to addressing it. He said he was glad to see we are doing this. Mr. Flood noted there is also a large event on April 26 in Newtown, so if people can't make our event, perhaps they can make it to that one.

With regard to joining the litigation, Mr. Berk asked if that was something for the Community and Governmental Affairs Committee. Mr. O'Brien thought the Public Safety Committee is the more appropriate place and he asked that Committee to take it up.

Mr. Bell said this past Saturday was the first Farmers' Market with the new hours. He said his observation was that there was overwhelming support for the new hours, with no complaints that it didn't start at 7. Mr. O'Brien said that is what they proposed to us when they did their survey.

OPEN PUBLIC COMMENT: None.

EXECUTIVE SESSION:

At 7:45 p.m., Mr. O'Brien said they would be going into Executive Session to discuss some possible and pending litigation. He said they did not anticipate any action at this point.

Upon their return from Executive Session, no action was taken.

ADJOURNMENT

At 8:33 p.m., Mr. Berk moved to adjourn, seconded by Ms. Margolis. The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis
Borough Manager

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