

The regular meeting of the Doylestown Borough Council was held on the above date and time in Council Chambers, with the following members present: President Det Ansinn, Vice President Dennis McCauley, and Council Members Don Berk, Joan Doyle, Kevin Kelly, David Laustsen, Marlene Pray, and Noni West. Also present were: Mayor Libby White, Borough Manager John Davis, Chief James C. Donnelly, Borough Solicitor David Conn, Borough Engineer Karyn Hyland, Finance Director Caroline Brinker, Assistant Borough Manager/Planning & Public Works Director Phil Ehlinger, Director of Building & Zoning/Fire Marshal Kelli Scarlett, and Junior Councilperson Hannah Borghi. Councilperson Susan Madian was absent.

PLEDGE OF ALLEGIANCE - Mayor White

Mr. Ansinn asked for a moment of silence.

SPECIAL PRESENTATIONS - Mayor White

A plaque was presented to the following for their dedicated service to the Borough's boards and commissions:

1. Karen Gallagher, 28 years, as a member and Chair of the Youth Aid Panel. Lt. Pat Penecale was present and commented on Ms. Gallagher's dedication, stating that the panel has been in existence for about 30 years and Karen has served for about 28 of them. He said the Youth Aid Panel has served so many people in this town and kept them out of trouble after going through the program, and said Ms. Gallagher has affected so many of those lives. Lt. Penecale thanked Ms. Gallagher for her service on the Panel all of these years and for serving as Chair for the past 10 years.

2. Nancy Huber, six years, as a member of The Board of Managers of the Fanny Chapman Swimming Pool.

3. Tom Kane, six years, as a member of The Board of Managers of the Fanny Chapman Swimming Pool.

4. Robert Hutchison, eight years, as a member of the Historical & Architectural Review Board.

5. Eric Marttila, two years, as a member of the Human Relations Commission. Chair of the HRC, Ron Strouse, was present and commented that although the HRC is new and they hope they never have to do anything here in the Borough, during these first two years it was very important to write rules, regulations, and by-laws so that if they are ever called upon to do anything, that they do it in a sound, legal, and proficient way, and he thanked Mr. Marttila for his input.

6. Karen Young, 18 years, as a member and Chair of the Revitalization Board. For her time and service to the entire community, Mr. Ansinn also presented to Ms. Young, on behalf of the Borough, a print of Kenny's -- knowing of her service with Ms. Dommel. Mr. Ansinn thanked Ms. Young for her service and said she will be greatly missed on the Revitalization Board.

Mr. Strouse, as Ms. Young's successor, commented that he has served with her the last four years on the Revitalization Board and that she has an extraordinary appreciation for the history and architectural and cultural institutions that we have here in the Borough. Mr. Strouse said what Ms. Young really brought to the Board was her leadership to bring businesses into the Borough to keep its business climate aggressive and alive, and to make sure that it worked well with the residential community as well. He said there is the old adage that no one is irreplaceable, but Ms. Young comes about as close to it in terms of the Revitalization Board as he can imagine.

Mr. Ansinn thanked all for their service to our community.

APPROVAL OF MINUTES - Mr. Ansinn

Motion to approve the minutes of the December 17, 2012 Council Meeting. (Kelly-West) Minutes were approved.

Mr. Ansinn noted that next, out of the Agenda order, would be Community and Governmental Affairs.

COMMUNITY AND GOVERNMENTAL AFFAIRS - Ms. Pray

Ms. Pray said the Committee, on behalf of Council, is very deeply proud to present **Resolution 2013-3, Recognizing February as African American Month**. Ms. Pray read the two-page resolution which highlights some of the history and contributions of African Americans in Doylestown. The resolution “calls upon Borough residents, public officials, educators, librarians, and all people to observe this month with appropriate programs, ceremonies, and activities to celebrate the rich legacy of African Americans and honor the remarkable contributions they have made to progress our community and our nation.”

Mr. Ansinn called for a motion to adopt Resolution 2013-3. (Pray-McCauley)

Ms. Pray commented that the drafting of the document was a “true community collaboration.” She thanked the many people who contributed information to the resolution, including Doreen and Judy Stratton, the Doylestown Historical Society, Rev. Hamlin of the Second Baptist Church, the Intelligencer’s historian, Borough Solicitor Conn, and others for helping to research the history of the black community in Doylestown.

Ms. Borghi stated she concurred with Ms. Pray and she’s very excited for this to be part of our community and celebrate the diversity we have here in Doylestown.

Mr. Ansinn commented that this is something our community is really proud of and we want to continue to advance that history. He then called for public comment.

Comments, reminiscing, stories, and congratulatory remarks were given by Dr. Leonard Bethel, Doreen Stratton, LisaBeth Weber and executive producer Dave Delellis and writer/director Thomas Phillips of the film “The North Star” which is about a runaway slave, Rev. Robert Hamlin, and others. Mr. Ansinn acknowledged former Councilperson Melissa Bond who was in the audience.

Mayor White said she was “so happy to see this wonderful piece of work” and was “happy to see the feeling of camaraderie, a community full of people who love and respect one another.”

Mr. Berk added that he was very gratified that Council is doing this, but was more so by the support of the entire community, both black and white, who have come out to commemorate this very important occasion. He thanked everyone for coming out.

Mr. Ansinn called the vote. Motion passed.

Ms. Pray distributed signed copies of the resolution to: Doreen and Judith Stratton, Linda Moran and her daughter Bonnie Freeman, Nanette Benson, Nicole and Nancy Nelson, Melissa Bond, Joanna Chatman, Stu Abramson and Milt Kenin from the Doylestown Historical Society, and Thomas Phillips and Dave Dellis of the “North Star” film. Councilperson Kevin Kelly’s wife, Keisha Kelly, then spoke about Rev. Hamlin, the pastor of Second Baptist Church, “which has been a pillar of community, charity, African American pride, and faith in Doylestown.” Rev. Hamlin was also presented with a copy of the Resolution.

There was a short break in the meeting to allow people to leave before continuing with Borough business.

MAYOR'S REPORT

Mayor White read the statistics from the **Police Activities** for the month of December.

PUBLIC SAFETY - Mr. McCauley

Mr. McCauley called on Ms. Scarlett, who read her **Fire Marshal Activity Report** for the month of December. Ms. Scarlett noted that the **Doylestown Fire Co. Report** for December was also provided. She reported that for 2012, the most common fire incidents in the Borough were 1) kitchen/cooking fires, 2) brush, and 3) chimneys and furnaces. Ms. Scarlett said almost 60 percent of the calls were for false alarm system activations. She noted that for 2012, the total estimated loss to fire was a vehicle worth about \$2,000. Ms. Scarlett said that compared to nationwide statistics, the Borough had a "below average" year, which she felt is due to our comprehensive approach to prevention and response. Ms. Scarlett commended the fire company, Borough staff, and concerned citizens for an extraordinary safe year.

Consideration of Ordinance 2013-1. Mr. McCauley noted that this ordinance has been properly advertised and that the Public Safety Committee is recommending that Council adopt it. He said this ordinance would create a loading zone on the west side of North Main Street between State and Court Streets, basically alongside Starbucks. Mr. McCauley said that the zone would begin 62' north of State Street and extend northwards 35', and that no parking spaces would be replaced by the zone, which would be available for all businesses on the block. Mr. McCauley said that if Council wishes to follow the Committee's recommendation and adopt Ordinance 2013-1, it can do so by motion. (McCauley-Kelly) Motion passed.

Authorization to Advertise Ordinance Creating a Residential Permit Parking District on East Oakland Avenue, beginning at a point 102' East of Pine Street on the south side and 270' east of Pine Street on the north side, and extending to Church Street. [A map was provided as a visual aid.] Mr. McCauley said that the area meets the ordinance requirements for such a district. Mr. McCauley further stated that the Public Safety Committee is recommending the advertisement of the ordinance and if Council wishes to follow the recommendation, it can do so by motion. (McCauley-West)

Mr. McCauley, as Chair of the Public Safety Committee, said he gives a lot of credit to Ms. West for working with the residents and pulling all the pieces of this together. He said the residents expressed a great deal of support for this final product. Mr. Ansinn concurred with Mr. McCauley and thanked them both for their work.

Motion passed.

Authorization to Advertise Ordinance Creating Parking Restrictions on East Oakland Avenue Between Pine Street and Church Street, which would restrict parking to a maximum of three hours between 9:00 a.m. and 6:00 p.m., Monday through Friday, on the south side of East Oakland Avenue between Pine Street and Church Street, and on the north side of East Oakland Avenue from Church Street for a distance of 137' west. Mr. McCauley said that residents with permits would not be subject to these restrictions. Mr. McCauley stated that the Public Safety Committee is recommending the advertisement of the ordinance, and if Council wishes to follow the recommendation, it can do so by motion. (McCauley-West) Motion passed.

Consideration of Resolution No. 2013-1, Providing for the Purchase of Police Supervision Services for the Year 2013. Mr. McCauley said the Public Safety Committee reviewed this item at their January 9, 2013 meeting, and is recommending the adoption of Resolution 2013-1, which basically described the rates the Borough will charge for police and fire

officers when they are hired out for special events. He said that if Council wishes to follow the Committee's recommendation, it can do so by motion. (McCauley-Doyle) Motion passed.

PUBLIC WORKS AND ADMINISTRATION - Mr. Laustsen: No meeting. No report.

ZONING AND PLANNING - Ms. Doyle

Ms. Doyle stated that the **Historical and Architectural Review Board** met on December 27th, and are recommending for approval and issuance of a Certificate of Appropriateness the following sign application: 54 East State Street, Kawa Grill. Motion was made. (Doyle-McCauley) Mr. Ansinn noted no applicant was present. Vote was called and the motion passed.

Ms. Scarlett read the **Code Enforcement Month Activity Report** for December 2012, showing 111 total permits and a total cost of permit fees of \$11,250.

ENVIRONMENT AND RECREATION - Mr. Berk: No meeting. No report.

WATER UTILITY - Ms. West

Ms. West said the Committee did not meet this month, but the Superfund Community Advisory Group held a meeting at which the EPA presented that the plans are ready for the remediation of the soil site and be presented to the EPA Panel, who decides whether or not it gets funded, by the end of February. She said we will then know which way to go.

FINANCE/PENSION - Ms. Madian

Ms. Madian was absent and Mr. Ansinn stated there was no report.

TREASURER'S REPORT - Ms. Brinker

Mr. Davis gave the **December Treasurer's Report** for Mr. Brinker who had to leave this meeting for the Fanny Chapman Pool Board next door. He reported the revenues and expenditures for the month, and stated that the list of vouchers to be paid after approval this evening are in the report. Motion to approve the Treasurer's Report. (Doyle-Kelly)

PERSONNEL - Mr. Ansinn

Mr. Ansinn stated the Committee would be meeting shortly to interview candidates for vacancies on our boards and commissions.

PROFESSIONALS' REPORTS

Zoning Hearing Board Report - Ms. Scarlett reported that the Zoning Hearing Board held a public hearing on January 16, 2013, hearing the following and issuing the following decisions: 1) application of Kenneth John and Stacey Ann Wanko, who requested a front yard setback variance for an existing dwelling at 24 East Hill Drive. The Board rendered a decision granting the relief requested; and 2) application of Mack and Rodel Construction Co., requesting a floor area ratio and lot coverage restrictions variance, and to change from a non-conforming use to a conforming use for the parcel located at 71 East Ashland Street. Ms. Scarlett said the Zoning and Planning Committee has no recommendations on these matters.

Public Works Report - Mr. Ehlinger provided the 2012 Annual Report for the D-Works system, which is the first complete year of using D-Works, showing that Public Works completed of 568 work service requests, and notably 201 vehicle and equipment repairs were done.

Mr. Ansinn asked Mr. Ehlinger, as we embark on our Public Works facilities improvements this year, for progress reports each month. Mr. Ehlinger replied that he would provide reports and said that they are currently working on the preliminary designs on these buildings and assembling the bidders list.

Engineer's Report - Ms. Hyland: No report.

Solicitor's Report - Mr. Conn stated there is proposed **Resolution No. 2013-2, Regarding the Application of G.W. Quigley, LLC, for Approval of an Intermunicipal Transfer of a Liquor License**. Mr. Conn said this is the Doylestown Inn application, and that the Liquor Code requires that an approval be done by resolution. Mr. Ansinn read Resolution 2013-2, which states that Borough Council conducted a hearing on this application on January 17, 2013, that Council considered the averments of the application and the evidence presented at the hearing, and that Council approves this application. Motion to approve the application. (Ansinn-Kelly)

Mr. Ansinn noted on this particular approval that a prior applicant had made a request for a transfer, but the detail and diligence behind this application was impressive, the hearing was impressive, and he thought many of our residents are excited at the idea that Doylestown Inn will live and breathe again. Mr. Ansinn also noted, which is always a concern, is the number of liquor licenses we have in town. He said the Doylestown Inn, until very recently, had a liquor license that had expired/lapsed, so the net of liquor licenses for this, in terms of being an increase, is zero.

Motion passed.

Mr. Ansinn commented that there would be an Executive Session tonight. Solicitor Conn concurred and stated it is a matter of litigation involving Lil' Chal's zoning appeal.

PRESIDENT'S REPORT - Mr. Ansinn: None.

OLD BUSINESS: None.

NEW BUSINESS:

Mr. Berk commented he was pleased to see the former Obama headquarters, former Chico's, now occupied by a new gallery, the Art and Artists, had an opening reception yesterday and it was wonderful to see contemporary being displayed among the traditional things that Bucks County is known for. He said he even had a painting shown there yesterday.

OPEN PUBLIC COMMENT:

Mr. Schoenkopf stated he wanted to ask Ms. Pray a couple of questions. Mr. Ansinn responded that Mr. Schoenkopf should ask him as president. Mr. Schoenkopf said the questions were in regard to Mr. Pray. He said Ms. Pray announced at the last meeting that she no longer lives in the first ward. He asked if that has changed. Mr. Ansinn stated that it is his understanding from the last meeting that Ms. Pray has expressed her intent to return and that the Borough Code does allow that. He said Ms. Pray is currently residing in the third ward. Mr. Schoenkopf said he received a letter from Mr. Conn, as everyone knows, and "in Harry Truman's day that would have been known as gobbily gook." He asked who Mr. Conn represents: the voters, the residents, the Council, the President of Council, the Administration? Mr. Conn responded that, "I serve at the pleasure of Council." Mr. Schoenkopf said that isn't what he asked. Mr. Conn said it almost never comes up, but he serves the Doylestown Borough Council as the client that appoints him to serve.

Mr. Schoenkopf commented that means, “you don’t serve the residents.” Mr. Conn replied that he serves the residents because Council serves the residents. Mr. Ansinn noted that Mr. Conn is a resident, which is unique as well.

Mr. Schoenkopf said he is a resident of Ward One and he asked how long Ms. Pray is going to be “temporarily removed” – her house did not burn down, did it? Ms. Pray responded, “No, my family did.” Mr. Schoenkopf said he didn’t ask Ms. Pray that, he asked Mr. Conn. Mr. Conn responded that Ms. Pray is under no obligation to answer.

Mr. Ansinn remarked that this is something that happens when Council members may have personal issues or challenges that they are dealing with. He said we have had in our recent history a Councilman who had to relocate temporarily as he was dealing with a divorce situation. Mr. Ansinn said this situation happens fairly frequently, it’s common, where the residency is of the utmost importance, and when you are up for reelection, in order to be valid you have to be there, but if you are serving, you can continue to serve.

Mr. Schoenkopf said he didn’t think so and he thought he could have 10 lawyers who would disagree with what was just said.

Mr. Conn commented that Mr. Schoenkopf should feel free to do so.

Mr. Schoenkopf said he didn’t know whether Council would want to enter into a major lawsuit over this. He said that Ms. Pray, out of consideration for Ward One and the residents who voted for her, has an obligation to say, “hey, I don’t represent you anymore and therefore I resign.”

Mr. Ansinn asked Mr. Schoenkopf to understand that Doylestown is two square miles. He said Ms. Pray still lives in the municipality that she represents and that she is closer right now where she is currently residing to a portion of her ward than she was where in her prior residence.

Mr. Schoenkopf said that doesn’t carry any weight whatsoever, and you could come up with 1000 reasons, and the fact is that Ms. Pray is supposed to represent the first ward and she does not live in the first ward. Mr. Schoenkopf said what Mr. Conn found in the Code is that it never mentions this so he’s looking for all the things not positive; this is a moral issue also for Ms. Pray.

Mr. Conn stated that it’s really not that close a call. He said the section of the Code that deals with candidates could not be more explicit - it just so happens and not surprisingly, the General Assembly didn’t make their language very clear, but if you look at the section on candidates, it specifically says, “a temporary relocation has no impact on your eligibility.” Mr. Schoenkopf asked, “what is temporary?” Messrs. Ansinn and Conn responded, “that it’s exactly.” Mr. Schoenkopf asked Ms. Pray if she wanted to define it. Mr. Conn responded that he did give Mr. Schoenkopf a definition; he said in his opinion, she has to have relocated back to Ward One before she files nomination petitions for the next election and if she hasn’t done so by then, he doesn’t believe she is eligible to be reelected. Mr. Schoenkopf said Ms. Pray isn’t eligible to be elected in Ward 3 because she hasn’t lived in Ward 3 for a full year.

Mr. Ansinn said Ms. Pray is representing Ward 1, she is in the middle of a four-year term, she has two and one-half years by law to reconcile that.

Mr. Schoenkopf said he didn’t think so. He asked Ms. Pray if she signed a lease in her new neighborhood. Mr. Conn and several others said Ms. Pray did not have to answer those questions. Mr. Conn said she doesn’t have to give details of her residential arrangement. Mr. Schoenkopf said she should. Mr. Conn said no and it’s actually inappropriate to ask. Mr. Schoenkopf said, “well, we’ll see about. If I have to file a lawsuit, I’ll file a lawsuit. I think this Council, and I address the Council and the Administration, has all too long ignored the residents of this community. Letters were written. No answers come back. You bully. You lie. And when that happens, I begin to wonder what really is going on. And that’s my feelings. I’ve lived in this town 50 years and I’m a

Democrat. I've been a Democrat my whole life and I'm appalled at the quality of the Democrats on this board, this Council, and I think this explains why we have little faith in politics, and it begins at this very lowest level. Now you can take it, smoke it, do what you want with it."

Mr. Ansinn asked if was all of his questions. Mr. Schoenkopf said he wasn't satisfied with the answers, obviously, and he was never satisfied with Mr. Ansinn's answers, "you didn't respond to the letter I sent you." Mr. Ansinn replied that he didn't respond to the letter because at the public meeting Mr. Schoenkopf was at prior to that, he asked all of Council to resign. Mr. Ansinn said he took it under assumption that if you ask all of Council to resign and all of staff to resign, that at that point, we could go and debate and discuss the merits of the letter, but when you came to the meeting asking everyone to resign, I'm going to look at that letter with a jaundiced eye. Mr. Ansinn said when he did look at Mr. Schoenkopf's letter, it was not applicable to what we were doing. Mr. Schoenkopf said, "you are not paying attention to your jobs is the problem." Mr. Ansinn said they certainly are, and everyone is entitled to their own opinion.

Mayor White addressed Mr. Schoenkopf, "with all due respect, I have found this Council to be honest, very hardworking, and I see no fault in Ms. Pray having had to leave her home and live elsewhere in the Borough. That is hardship and that may be a heart break as well. And so I think maybe you should think about what sort of impression you are giving to everyone who hears you as far as how justified is it that you are complaining of such that is a minor problem and not a problem according to the law."

Mr. Schoenkopf said he did not need to be admonished by Mayor White, to which she responded, "I think you do, sir." Mr. Schoenkopf said to Mayor White that she is not a school teacher and he isn't a student. Mayor White said she is supporting this Council and Mr. Schoenkopf could like it or not. Mr. Schoenkopf said he did not.

Resident Joe Frederick, West Oakland Avenue, said he finds this Borough Council probably to be the most progressive than he has seen in Bucks County or any other county in a long time. He said just tonight, the Resolution and others passed in the five years, if this Council is doing such a bad job, we would have this room filled with residents complaining. He said he doesn't see that at all. Mr. Frederick said he supports this Council; does he support everything they've done in the past? No, but he supports 99% of it. He said if anybody could step and tell him what is so bad that this Council has done that has not been progressive and help the people of this Borough, he would like to hear it, but concerning this little incident? He said it is a personal matter and it should be regarded that way and he is sure it will be taken care of by Ms. Pray and that will be the end of it and we'll go by what the Solicitor's says and if you don't like it, then people have to take other means to rectify the situation. Mr. Frederick said he hasn't heard any other complaints other than this gentleman here tonight. He thanked Council.

Doreen Stratton, 186 East Ashland St., said she wanted to mention that a few days ago she had a flat tire and made it to the back of Salem Church where she made a call for her son-in-law to come help her. But, while she was there, with her spare tire laying out, a green Borough truck went by, they did a loop, and the guys came back and asked if she was okay or needed help. She told them everyone was fine, but she wanted to give a little "kudos" to the Borough workers that they are always keeping an eye out for all kinds of trouble.

Noreen McHugh. First she offered her condolences to Mr. Davis in the passing of his father-in-law. Secondly, she said she requested in early January information regarding the last third of the loan and maybe that got lost. She requested an itemized listing of the last third of the loan. Mr. Davis responded that he was certain he sent that to her. She said she received the information on the building, but it did not cover almost half a million dollars. Mr. Davis said there should have been

a summary attached to it that had all three projects itemized. She said she did not receive that. Mr. Davis apologized and said he thought for sure everything she asked for went out the next day. He said he would resend the information.

EXECUTIVE SESSION:

At 8:30 p.m., Council adjourned for an Executive Session to consider the Lil' Chal's Appeal of the Zoning Hearing Board Decision. Mr. Conn stated that there would be no announcement upon their return from Executive Session.

ADJOURNMENT

Council returned from Executive Session, followed by a motion to adjourn at 9:25 p.m. (Ansinn-McCauley) Motion passed.

Respectfully submitted,

John H. Davis
Borough Manager