

January 25, 2021  
7:00 p.m.

The regular meeting of Doylestown Borough Council was held on the above date and time via a Zoom meeting, with the following members present: Council President Jack O'Brien, Vice President Noni West, and Council Members Ben Bell, Tim Brennan, Larry Browne, Joe Flood, Joe Frederick, Jennifer Jarret, and Wendy Margolis. Also present were Junior Councilperson Ben Morris, Mayor Ron Strouse, Borough Manager John Davis, Joanna Waldron, Esquire for Borough Solicitor Ernest Closser, Central Bucks Regional Police Department Police Chief Karl Knott, Borough Engineer Jim Dougherty, Building and Zoning Director Karyn Hyland, Planning/Public Works Director/Deputy Borough Manager Phil Ehlinger, and Water Director Chris Norris. Finance Director Caroline Brinker was absent due to her attendance at the monthly Fanny Chapman Pool Board meeting.

#### **PLEDGE OF ALLEGIANCE**

**SPECIAL PRESENTATIONS:** None.

#### **APPROVAL OF MINUTES**

Mr. O'Brien called for a motion to approve the **December 21, 2020 Council Meeting Minutes**. (Bell-Margolis) The vote was called and the minutes were unanimously approved.

#### **MAYOR'S REPORT**

Mayor Strouse gave the following report:

It is my responsibility to report to Council, from time to time, on the state of the Borough. I have been fortunate over more than seven years to report from the vantage point of a community that is extraordinary in many ways. Over and over again, we prove to be a community determined to address problems, identify solutions and build from a position of strength, growing stronger. We act with a steadiness, with science and data as our guide, with relatively little coloring from politics. I think we create a balance between reason and passion. I am proud to serve alongside Council members and Borough staff who govern from the heart and with goodwill and continue to do it during an ugly and heartbreaking period. I could go on about the state of Borough government (which is good) but here I need to talk more about community.

The state of our community, while better than many, perhaps most others, is not good. The dark days of the pandemic are still with us, even as we can face these days with some optimism for the future. We will need to find new ways to see that none of our residents are left behind in getting the vaccination that they need. We will need to find new and creative ways to continuing masking and staying safe. As a community, we need to find the appropriate way to honor and remember those who have fought the COVID battle and lost and support those loved ones left behind.

As a community, much has been made of the level of construction and planning for future construction and repurposing. It can be exciting to witness and it is a testament to confidence in the future strength of Doylestown. However, at the same time, many of our retail businesses and, particularly, our hospitality industry, struggle to survive until the day that we say we beat the pandemic. These next couple months are usually the slowest in the best of years. When we add the challenges of the second year of the pandemic, some businesses are experiencing desperation. We need to commit together to identify ways to help them and those they employ and encourage our community to be supportive in safe but meaningful ways.

The pandemic has served to undermine the cultural institutions that are cornerstones of our community. Our museums and the County Theater have always enjoyed broad community support and they play central roles in the economic and social strength of our community as well. We need to identify new ways to help them to go forward, regain their strength and their pivotal role in the vitality of this town.

The host of non-profits that are part of our community, many that sustain our most vulnerable citizens, continue to face extraordinary challenges. At the same time that they have greater demand for their services, now for the second year, traditional sources of fundraising are drastically reduced. Even in an affluent community like ours, the need is substantial and growing. The unequal impact of COVID on residents deserves focus. The inequality of COVID manifests in so many ways but, here in Doylestown, particularly among our Seniors. We are a community with a larger proportion of Seniors than the Commonwealth, which in turn has a greater proportion of Seniors than the Nation. We are witness to the physical costs but need to recognize the mental costs of isolation and depression.

The challenges we face are perhaps greatest (and most urgent) in our relationships with each other. We have all born witness to the breakdown in Democracy and civil society in parts of our Nation. While that has not happened here, we should take nothing for granted. We have found here that politics does not need to be a raging fire and that, if we lower the temperature and the shouting, we can better understand and even honor our differences. Yes, our Democracy depends on our society accepting a common set of facts and we will need to work on that. None are better equipped to do that than the people here that I call my neighbors.

I'm exceedingly proud of our community and proud to be called Mayor. In this last short year as Mayor, I am determined to work with Council, Borough staff and our community to do everything I can possibly do to strengthen this wonderful community.

#### **PUBLIC SAFETY - Mr. Frederick**

1. **Consideration of Ordinance No. 2021-2, Eliminating Handicap Accessible Parking Space at 91 North Hamilton.** Ordinance No. 2021-2 eliminates the handicap parking space at 91 North Hamilton Street at the request of the residents and their neighbors. Mr. Frederick said that

the space was created at the request of the previous resident of 91 North Hamilton and is no longer needed by either the new resident or their neighbors.

Mr. Frederick said that at its December 20, 2020 meeting, Council authorized the drafting and advertising of the ordinance. The ordinance has been properly advertised.

Mr. Frederick said that if Council wished to adopt Ordinance No. 2021-2, 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. The **Doylestown Fire Co. No. 1 Report** showed there were eight incidents requiring the Fire Company's response in December 2020.

#### **PUBLIC WORKS AND ADMINISTRATION - Mr. Flood**

1. **Public Works Monthly Report.** Mr. Flood said that the Work Order Report and the Fleet Services Report were provided, and noted that if anyone from the public wanted to view the reports, they should just follow the packet link noted on this meeting's Agenda.

Mr. Flood then thanked the Public Works Department and the Water Department for their hard work on Saturday night, which was very cold and very dark, to get the water pressure back in the Borough.

#### **COMMUNITY AND GOVERNMENTAL AFFAIRS - Mr. Bell**

Mr. Bell reported that the food drive held by Council on January 15, 2021, was a great success due to the generosity of so many neighbors who were able to collect over three tons of food that the Bucks County Opportunity Council distributes to area food pantries. He said Council was supported by an enthusiastic group of volunteers from Central Bucks West High School arranged by CB Cares. He said the partnership of both organizations is appreciated. Mr. Bell further commented that the need for food and security in our region is not going away, so neither is Council's commitment to arranging these periodic food drives.

#### **ZONING AND PLANNING**

1. **Zoning Hearing Board Report.** Mr. Brennan deferred to Ms. Hyland, who stated that the Doylestown Borough Zoning Hearing Board met on January 20, 2021 via Zoom, to hear the following applications: 122 Cottage Street, by Jodi Bass, who requested dimensional relief to construct a new addition to the existing dwelling, as well as 3 covered porches. Ms. Hyland stated that relief was granted; and, 24 North Main Street, by Mars Investment Properties, LLC, a request for a parking variance to enable the owner to put in two apartments in the attic. She said that the Zoning and Planning had authorized the Borough Solicitor to represent the Borough for this application. Ms. Hyland said that at the applicant's request, the hearing was continued. She said this application will also be the subject of discussion at tonight's Executive Session.

2. **HARB Certificates of Appropriateness.** Mr. Brennan said that in light of the COVID-19 pandemic, the Historic and Architectural Review Board did not hold its regular monthly meeting

on December 17, 2020. He said that the following applications were submitted for review and have been distributed to the HARB for consideration. Mr. Brennan said that Borough Staff, in conjunction with feedback received from individual HARB members, makes the following recommendations: **Business Sign Application** for 188 North Main Street, Kevin Jameson; and, **Building Application**, for siding by property owner Bill O'Neil. Mr. Brennan said that Staff recommended approval as submitted for the foregoing applications.

Mr. Brennan said that the Zoning & Planning Committee recommends that Council approve the applications in accordance with Staff's recommendations. If Council is in agreement with the recommendations, it may approve issuance of the certificates by motion. (Brennan-Browne) 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 49 residential and two non-residential use and occupancy inspections, 15 complaints were investigated, three recycling/trash inspections, three sidewalk/snow inspections, three litter enforcement, and 10 fire company issues. There were also daily communications with Bucks County Emergency Operations Agency, RPD, Fire, and EMS.

4. **Building Inspection Monthly Report.** Mr. Brennan reported there were 39 building inspections and 56 plan and permit reviews. The total number of permits was 139 and the total cost of permit fees was \$13,435.50.

#### **ENVIRONMENT AND RECREATION - Ms. Margolis**

1. **Consideration of Ordinance No. 2021-1, Amending Landscape Requirements of the Subdivision and Land Development Ordinance.** Ms. Margolis said that Ordinance 2021-1 amends the existing landscape requirements of the Subdivision and Land Development Ordinance. The ordinance eliminates invasive and known disease-prone species from the list of approved plantings, as well as emphasizes the preference of plantings over lawn. Ms. Margolis stated that the ordinance was properly advertised and reviewed in accordance with the Municipalities Planning Code.

Ms. Margolis said that if Council wished to adopt Ordinance 2021-1, it could do so by motion. (Margolis-Jarret) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

Ms. Margolis then commented that the Committee will be working on the recommended plantings for residential properties that is on the Borough's website.

#### **WATER UTILITY - Ms. Jarret**

Ms. Jarret reported the committee did not meet. She said that Mr. Norris' monthly Water Department report was provided and anyone wishing to view that report could access it through the packet link on the meeting's Agenda.

Ms. Jarret then acknowledged that the Borough's Water Director, Christopher Norris, is leaving the Borough for other opportunities. She said Council is very grateful for his years of service. Individual Council members wished Mr. Norris good luck.

Mr. Davis commented that Mr. Norris is leaving us with a better department than what he inherited, and that he is leaving it in very good shape for his successor.

President O'Brien thanked Mr. Norris for all his work.

### **FINANCE/PENSION - Ms. West**

**Finance Report.** Ms. West noted that the bills list and prepaid bills list had been provided. She reported that the total of all funds expended was \$2,425,081.14. Motion to approve the Finance Report. (West-Margolis) 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**

1. **Appointments to Volunteer Boards.** Mr. O'Brien stated that there are the following Borough volunteer boards vacancies:

<b><u>Board/Commission</u></b>	<b><u>Term</u></b>	<b><u>Replacing</u></b>
Environmental Advisory Council (EAC)	3 Years	Joseph Wallace
Fanny Chapman Pool Board of Managers (Fanny Board)	12/2021	Kevin McCann (resigned)

Mr. O'Brien said that the Personnel Committee met on January 13, 2021, to consider appointments to the EAC and the Fanny Board. He said that as a result of that meeting, the Committee is recommending that Steve Nelson be appointed to the EAC for a full three-year term ending December 31, 2023, and that William R. Deeter be appointed to the Fanny Board for a partial term ending December 31, 2021.

Mr. O'Brien said that if Council wished to follow the Personnel Committee's recommendations as stated above, it could do so by motion. (O'Brien-Margolis) With no 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** - Ms. Waldron: No report.

**Central Bucks Regional Police Department (CBRPD) Activities Report.** Chief Knott: No report. The CBRPD monthly activity report had been provided to Council, which showed there were 809 incidents in the Borough in December 2020, and year-to-date, the Department spent \$6,072,833.32 and were at 100% of their yearly budget.

**PRESIDENT'S REPORT:** None.

**OLD BUSINESS:** None.

## NEW BUSINESS

1. **Broad Street Change Order #6.** Mr. Davis explained that Council had previously endorsed a resolution which allows certain change orders of certain amounts to be approved administratively. He said that for us, change orders over \$25,000 need to be approved by a vote of Council. Mr. Davis said that we now have our first such change order and it is for metal roof deck replacement which was discovered when the roofing aspect of the project began. Mr. Davis said there is certainly no question and no doubt that this work is absolutely necessary and required. The Borough's Project Manager has completed their assessment of what needs to be done. Mr. Davis said that today he provided Council members with a breakdown which provides the total square footage and cost. He said this cost is a part of the bid - we did not ask for a price as there was a per square foot cost for this type of work in the bid as it was anticipated that this was something that could possibly occur. Mr. Davis said there was an \$8,000 allowance on the assumption that some sort of this type of work would be necessary. He said that everything we're talking about has a long since established price tag through the bid and the amount is in excess of that initial \$8,000, so this is an addition to the project costs, not the entire additional roofing.

Mr. Davis said that the total amount of the change order is \$51,169.00, which breaks down to \$28,521.60 relating to the Borough Hall side of the project and \$22,647.40 relating to the Central Bucks Regional Police Department Headquarters aspect of the project. He said that the \$22,647.40 cost is then split three ways. Mr. Davis said to complete the Borough Hall portion, you add the \$28,521.60 plus the one-third of the Police Headquarters portion, or \$7549.13, for a total additional cost to Doylestown Borough of \$36,070.73. He said that the remaining \$7500 to New Britain and Chalfont falls within their administrative approval authority and those managers have already approved it. Motion to approve this change order. (Browne-Frederick)

Mr. O'Brien asked if the change amount of \$51,169 is over and above the \$8,000, and is the piece being discussed. Mr. Davis responded that was correct, that the actual value of the work is \$59,169. Mr. O'Brien also asked if the allocation by the percentages between Doylestown Borough and the Police Headquarters is based on a formula previously calculated - it's not how much work was done on one roof versus another. Mr. Davis responded yes, because of this work is on the main roof. Mr. O'Brien asked if it doesn't include the back portion where Council Chambers will be, it's just the main roof. Mr. Ehlinger explained that it is the total area of the roof and then the base formula applied - it is not area specific as far as what part of the roof happens to be over which part of it. It's based on the overall formula which is used for items that are clearly dividable and apportioning, so it's the base formula applied to the net roof area of the entire area.

Mr. Bell said that under "Reason" on page one, it says under "Existing Unknown Condition." He asked what that means. Mr. Davis said this is the metal underneath the roof which couldn't be seen prior to the removal of the existing roof. He said that's why they built in \$8,000, because it's an aspect that just couldn't be determined until the existing roof was removed.

Mr. Ehlinger confirmed that response was correct and added that there was no amount of exploratory work that could be done in advance to fully determine the scope of the deteriorated roof decking. He said that it was assumed it was going to be something and we put in \$8,000 as a placeholder. They thought it may be more, but until the existing roof was removed, you couldn't assess the true condition of that roof decking. Mr. Bell asked if it was a condition not known and now it is known. The response was, "that's correct."

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

**OPEN PUBLIC COMMENT:** None.

### **EXECUTIVE SESSION**

Mr. Davis said there would be an Executive Session in the matter of litigation, and it was possible there would be an announcement.

All guests were asked to log off from the Zoom meeting. Mr. Davis said if anyone wanted to contact him at the conclusion of the Executive Session or tomorrow, he would be happy to respond. At 7:27 p.m., Council began an Executive Session.

Council returned from Executive Session at 8:17 p.m. and Mr. Davis said there would be a number of motions that Council would be making.

Mr. O'Brien said he would entertain a motion to have the Borough Solicitor represent the interests of the Borough in relation to 24 North Main Street with their request to convert the fourth floor into two apartments. (Brennan-Jarret) With no questions or comments, the vote was called. All were in favor and the motion passed unanimously.

Mr. O'Brien said the second motion is to also have the Borough Solicitor represent the interests of the Borough in relation to the application for First Church of Scientist, 24 North Church Street. (Browne-Margolis) With no questions or comments, the vote was called. All were in favor and the motion passed unanimously.

Mr. O'Brien said the last motion is again to have the Borough Solicitor represent the interests of the Borough in relation to the appeal for 396 Linden Avenue. (Frederick-West) With no questions or comments, the vote was called. All were in favor and the motion passed unanimously.

### **ADJOURNMENT**

At 8:21 p.m., President O'Brien entertained a motion to adjourn. (Margolis-West) The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis  
Borough Manager

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