

November 18, 2019
7:00 p.m.

The regular meeting of Doylestown Borough Council was held on the above date and time in Council Chambers, with the following members present: Council 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 Alec Maraska, Borough Manager John Davis, Borough Solicitor Jordan Yeager, Central Bucks Regional Police Department Police Captain Lance Carlen for Chief Karl Knott, Borough Engineer Jim Dougherty, Planning/Public Works Director/Deputy Borough Manager Phil Ehlinger, Karyn L. Hyland, Director of Building and Zoning, and Finance Director Caroline Brinker. Councilperson Sue Gordon and Water Director Chris Norris were absent.

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATIONS: None.

APPROVAL OF MINUTES

Mr. O'Brien called for a motion to approve the **October 21, 2019** Council meeting minutes. (West-Margolis) The vote was called and the minutes were unanimously approved.

MAYOR'S REPORT: No report.

PUBLIC SAFETY - Ms. Gordon

In Ms. Gordon's absence, Ms. Margolis gave the following report:

1. **Authorization to Draft and Advertise Ordinance Creating a Handicap Parking Space on Church Street.** Ms. Margolis stated that at the Committee's November meeting, a request was considered to create an on-street handicap parking space on Church Street at the Burpee Park Pavilion for the benefit of Burpee Park users. She said that as a result, the Committee is recommending that Council authorize the drafting and advertisement of an ordinance creating a handicap space on the east side of Church Street, just north of the entrance to Burpee Park Pavilion. [The proposed ordinance was provided.] Ms. Margolis said that if Council wished to follow the recommendation, it could do so by motion. (Margolis-Flood) With no 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 Amending Vehicle Towing Rates.** Ms. Margolis stated this ordinance would amend the Borough's towing regulations by replacing a long outdated specific cap on towing charges with a provision that limits towers to a charge not in excess of the industry's "usual and customary" charges. She said the figure is provided annually by the Commonwealth.

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

3. **Discover Doylestown Free Holiday Parking Request.** Ms. Margolis said that Discover Doylestown is requesting free holiday parking on Saturdays November 30, which is Small Business Saturday, December 14, and December 21, 2019. She said the free parking would be part of a marketing effort to attract holiday shoppers and would recognize the contribution of the Borough. Ms. Margolis said the request is estimated to cost the Borough approximately \$6,000 in lost revenue.

Ms. Margolis said that the Committee is recommending that Council grant Discover Doylestown's request, and if Council wished to follow the recommendation, it could do so by motion. (Margolis-Brennan) She then commented that the marketing materials were distributed to Council tonight.

Mr. O'Brien asked whether we have done this in the past, to which Mr. Davis responded that we did this two years ago and there were actually more than three Saturdays. Ms. Margolis added we were unable to do it last year.

Mr. Bell said that categorizing, by exploring, dining, and shopping, seems to be very punchy and probably effective.

Mr. Davis said the meters would be programmed to read free holiday parking and we don't have to deal with bags or anything anymore.

Kris Boger from Discover Doylestown was present. Ms. Margolis asked if Ms. Boger would be putting this on their social media and she said yes.

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

4. **Doylestown Fire Co. No. 1 Report,** showed there were 23 incidents requiring the Fire Company's response in October 2019.

PUBLIC WORKS AND ADMINISTRATION - Mr. Frederick

Mr. Frederick stated that he had nothing to report and then called upon Mr. Ehlinger for the **Public Works Department Monthly Reports.** Mr. Ehlinger stated that the monthly Work Order Report and the Fleet Services Report were provided. He said that leaf collection continues. They're in area one today for the second rounds of leaves. Mr. Ehlinger said that leaves are falling much later in the season now and what's happening is that the first rounds of leaves are very light and then we get hammered in the second pickup. He said there is a good chance we may fall behind because it's all weather dependent, so if constituents are asking, extend his apologies and tell them that the leaves will be picked up and no house gets left behind.

Mr. Flood said he was on North Street today and there was a big pile of leaves to be picked up. Ms. Margolis said that there's a big one on Court Street too.

COMMUNITY AND GOVERNMENTAL AFFAIRS - Mr. Berk

Mr. Berk stated that he had no report except to remind everyone that Wednesday is International Transgender Day of Remembrance at State and Main Streets, in the Starbucks parking lot. He encouraged everyone to come out where there will be singing and while not merriment, it's a worthwhile event to attend.

Mr. Bell commented that another item discussed was the recognition of the Great American Smokeout Day. He acknowledged and thanked Mayor for drafting a very well done proclamation about that. Mr. Bell said it will be posted on the Borough website on the actual day, November 21.

Mr. Berk added that he too had a proclamation from the Mayor which he'll read at the Trans Day of Remembrance.

ZONING AND PLANNING - Mr. Brennan

1. **Application for Subdivision and Land Development Approval**, Worth & Worth, LP 50 North Main Street. Mr. Brennan stated that application has been withdrawn and believes extensions have been provided on that. He said it's likely this will be seen at our next meeting or sometime thereafter.

2. **Zoning Hearing Board**. Mr. Brennan deferred to Ms. Hyland, who reported that the Board will meet on November 20, 2019, to hear the following applications: 67 North Clinton Street, Steven and Karen Knowles Benner, who request variances from side and rear yard setbacks for the construction of a shed; and, 124 B Mary Street, Ken Cloonan, who requests a variance from floor area ratio so that the third floor porch/balcony may be converted into a three-season room.

3. **Historic & Architectural Review Board (HARB) Report**. Mr. Brennan reported that at their regular monthly meeting, the HARB recommended the issuance of Certificates of Appropriateness for the following: **Sign Application:** 42 E. State Street, Holiday House Pet Resort, and **Building Applications:** 112-114 E. State Street, for replacement of siding, entrance, shutters and door on the carriage house, by business owner Nemoral Acquisitions. HARB recommends issuance of the Certificate, as presented, with the following recommendations: smooth Night Gray Hardie Plank for the siding to replicate what is on the portico main building, cedar painted paneled shutters for the first floor and louvered shutters for the second floor, both types using metal pintles shutter hold backs and a raised seam metal roof, in red, on the carriage house portico; 109 S. West Street, siding replacement, by property owner Keith Pensabene. HARB recommends issuance of the Certificate to replace the existing siding with the following: smooth finish Hardie Plank siding in cobblestone color either in shingle style of clapboard patterning, use one inch by four inch on the vertical boards in Azelin White, remove the existing shutters and not replace with the type currently there, and the gable ends will have shingle type patterning; 128 Spruce Street, garage, Tonia Russell, property owner. HARB recommends issuance of the Certificate to replace the existing garage with a slightly larger garage. Materials will consist of white Nickel siding, slate roof, oculus window, carriage style doors, cupola, flared gambrel, brick foundation and one-half round shutter to match the existing with roof shanks; and, 156 E. Oakland Avenue, windows, siding, roof, and addition, Alan and Carol Hubing, property owners. HARB recommends issuance of the Certificate to rebuild the storm damaged home with the following recommendations: design should reflect the surrounding 19th Century Federal style, the porch roof to be standing seam and the main roof should be a dark neutral asphalt with a minimum 12 inch eave overhang, one-half round aluminum painted gutters, Anderson 400 Series simulated divided light windows with spacer, wood front door paneled with or without sidelights and operable look paneled shutters for the first floor and louvered shutters for the second floor, both with hardware. Vinyl siding is not an appropriate material, therefore brick is recommended in Old England Standard Glengary for three sides, front and side elevations.

Mr. Brennan said 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-Berk) With no comments from

Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

4. **Code Enforcement Monthly Activity Report.** Mr. Brennan reported there were 51 residential and seven non-residential use and occupancy inspections, 32 complaints were investigated, six recycling/trash inspections, 42 sidewalk/paving inspections, no sidewalk/snow inspections, six litter enforcement, zero graffiti, 14 fire company issues, and six tree removal permits/issues.

5. **Building Inspection Monthly Report.** Mr. Brennan reported there were 61 building inspections and 61 plan and permit reviews. The total cost of permit fees was \$31,730.

ENVIRONMENT AND RECREATION - Ms. Margolis

Ms. Margolis reported the Committee was unable to meet this month, but reminded everyone that the EAC will continue to collect all types of plastic bags and wrappers at the Farmers' Market through the end of the season, which she thought was November 23, 2019. She said Ms. Hyland has been very helpful in promoting this. She asked people to bring their plastic bags and get the word out to others. She also said we're giving away reusable bags for people who need them.

WATER UTILITY - Mr. Flood

1. **Resolution No. 2019-11, Authorizing the Submission of a Small Water and Sewer Grant Application.** Mr. Flood stated that this resolution authorizes the submission of a PA Small Water and Sewer Grant Application for installation of a new six-inch water main on North Main Street between Fonthill Drive and Chapman Avenue. A summary of the proposed project was provided.

Mr. Flood said that the grant application submitted by Doylestown Borough for the amount of \$162,553.13 will require a 15% applicant share of the total project cost.

Mr. Flood said the Committee is recommending the adoption of Resolution No. 2019-11, and if Council wished to follow that recommendation, it could do so by motion. (Flood-Frederick) He then commented that we actually applied for this last year, but didn't get it. He said hopefully we will this year.

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

2. **Water Department Monthly Report.** Mr. Flood stated that Mr. Norris was not available as he was at Lenape Middle School attending the PFC Hazardous Site town meeting, where they are discussing the water in Cross Keys. He said Mr. Norris will keep us up to date on that.

Mr. Flood then reported that there was one water main repair, two water service repairs, 28 SCADA System Alarms, 10 well house repairs, six water meter repairs, three house calls, three emergency shutoffs, two bulk chemical deliveries, and one power outage. From the front office, he said there were 21 final readings, 32 water leak notices sent, 168 late payment notices sent, 53 shutoff notices sent, nine shut off postings, and one non-payment shutoffs.

Mr. Flood then asked about any visual aids. Mr. Ehlinger showed a picture of the 167 Washington Street water service repair, with the Public Works backhoe in the background.

FINANCE/PENSION - Ms. West

Ms. West commented that all Finance items are laying the foundation for the 2020 budget.

1. **Adoption of 2020 Preliminary Budget.** Ms. West said the proposed budget is to be advertised and made available for public inspection at Borough Hall and on our website and social media for a minimum of 10 days prior to the Final Budget adoption. She said changes can be made until the Final Budget adoption at the December 16, 2019 Council Meeting. Ms. West noted that a press release, along with a copy of the Budget Summary, has been prepared for the public and the press. She commented that once the Preliminary Budget is adopted and all changes are finalized, the 2020 Budget Books, with the schedules, will be prepared and presented to Council for the December meeting.

Motion to adopt and advertise the proposed 2020 Preliminary Budget. (West-Margolis)
The vote was called. Hearing one "no" response, Mr. O'Brien asked for a roll call. Mr. Davis said that a "yes" vote was in favor of adoption of the Preliminary Budget: Mr. Bell: Yes, Mr. Berk: Yes, Mr. Brennan: Yes, Mr. Flood: No, Mr. Frederick: Yes, Ms. Gordon was absent, Ms. Margolis: Yes, Ms. West: Yes, President O'Brien: Yes. The motion carried by a vote of seven to one, with one absent.

2. **Authorization to Advertise an Ordinance Setting the 2020 Real Estate Tax Millage Rate.** Ms. West stated that in conjunction with the adoption of the 2020 Preliminary Budget, an ordinance is required to set the Tax Rate. She said the General Purpose Tax is 10.165 mills, the Fire Protection Tax is 1.70 mills, the Special Road Fund Tax is 1.50 mills, the Ambulance and Rescue Squad Tax is 0.50 mills, and the Debt Service Tax is 2.134 mills. Ms. West stated that the total millage will be 15.999.

Ms. West said that if Council wished to authorize the advertisement of the proposed ordinance, it could do so by motion. (West-Frederick) With no further comments from Council or the public, the vote was called. Hearing one "no" response, Mr. O'Brien asked for a roll call. Mr. Davis said that a "yes" vote was in favor of advertisement of the ordinance setting the 2020 tax rate: Mr. Bell: Yes, Mr. Berk: Yes, Mr. Brennan: Yes, Mr. Flood: No, Mr. Frederick: Yes, Ms. Gordon was absent, Ms. Margolis: Yes, Ms. West: Yes, President O'Brien: Yes. The motion carried by a vote of seven to one, with one absent.

3. **Authorization to Advertise an Ordinance Setting the 2020 Water Rates.**

Ms. West stated that in conjunction with the adoption of the 2020 Preliminary Budget, an ordinance setting the water rates is required. Motion to authorize the advertisement of ordinance. (West-Frederick)

Mr. Bell asked if a yes vote signaled endorsement of the ordinance, or an endorsement of us advertising the ordinance. Mr. Yeager responded that it authorizes the advertisement. Mr. Bell said he assumed a no vote would signal objection to the advertisement. Mr. Davis said that was correct.

With no further comments from Council, Staff, or the public, Mr. O'Brien called the vote. Hearing one "no" response, Mr. O'Brien asked for a roll call. Mr. Davis said that a "yes" vote was in favor of advertisement of the ordinance setting the 2020 water rate: Mr. Bell: Yes, Mr. Berk: Yes, Mr. Brennan: Yes, Mr. Flood: No, Mr. Frederick: Yes, Ms. Gordon was absent, Ms. Margolis: Yes, Ms. West: Yes, President O'Brien: Yes. The motion carried by a vote of seven to one, with one absent.

4. Authorization to Advertise an Ordinance Authorizing the Incurrence of Nonelectoral, General Obligation Debt.

Ms. West said that in anticipation of the \$5 Million borrowing in 2020 for the construction of the Broad Street Gateway Park, Central Bucks Regional Police Headquarters, and Borough Hall project, Doylestown Borough is required to pass an ordinance authorizing the incurrence of nonelectoral, general obligation debt.

Ms. West said that the Committee discussed the ordinance at the November 14, 2019 committee meeting and is recommending Council authorize its advertisement. She said that if Council wished to authorize the advertisement of the proposed ordinance, it could do so by motion. (West-Berk)

Mr. Bell inquired whether there is a requirement placed upon Council to advertise ordinances. Solicitor Yeager replied that there is.

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

5. Finance Report. Ms. West called upon Ms. Brinker who reported that the total of all funds expended was \$673,742.91. 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

PROFESSIONALS' REPORTS

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

Solicitor's Report - Mr. Yeager. The Solicitor stated that Council may recall that the Borough intervened in a Zoning Hearing Board matter that had been appealed to the Court of Common Pleas, which involved the dance studio at 204 North West Street. He said it had been appealed by a neighboring property owner known as 204 North West Partners. Mr. Yeager said that appeal has now been resolved because the underlying Zoning Hearing Board application was withdrawn.

Central Bucks Regional Police Department (CBRPD) Activities Report. Captain Carlen stated that the Police Activity Report showed there were 1063 incidents in the Borough in October 2019. Year to date, the Department spent \$4,838,051.98 and were at 84.44% of their yearly budget.

Mr. O'Brien commented that we had a pretty serious incident this month. Captain Carlen said yes, we did, in Belmont Square. He said the person is in jail now, so he's off the streets getting the help he needs. He said it's an unfortunate circumstance for a young individual. The Captain said the incident was dealt with swiftly, and he felt appropriately, for all those concerned. He said that other than the house being shot up, that was about the extent of the damage.

Mr. Brennan said it speaks to the type of community that we have, and he has a lot of friends in that neighborhood, to see how appreciative they were for the response of the police, the community, and the social media alerts. He thought it spoke volumes as to what type of Borough we have here.

PRESIDENT'S REPORT: None.

OLD BUSINESS: None.

NEW BUSINESS

1. **Resolution No. 2019-10, Winter Traffic Services Agreement.** This resolution and agreement, is the same as our previous five-year Winter Traffic Agreement with PennDOT, whereby the Borough is reimbursed for plowing and salting state highways.

If Council wishes to adopt Resolution No. 2019-10, it can do so by motion. (O'Brien-West) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

OPEN PUBLIC COMMENT:

Susan DeFlavio, 403 South Main Street, Valley House, stated that they have an ongoing issue with Busted Knuckle Garage towing cars out of their lot. She said it has come to her attention that they are applying for a permit to tow in the Borough. Ms. DeFlavio said right now, Herbie Elsner, Fred Beans, and Glenn's Towing currently have permits to tow. She said Busted Knuckle was hired by their property management company to tow cars out of the lot if they didn't have a permit in their car. She said she had a permit in her car the day she was towed. Ms. DeFlavio provided Council with copies of several photographs, the first being an invoice to her in the amount of \$250 from BKG from when they towed her vehicle.

Ms. DeFlavio said she was told BKG is in the process of getting a permit and she didn't know if that's true or not, but she was present to say that if you look at the papers provided, the picture with the damaged bumper is on a truck of a Valley House resident that Busted Knuckle damaged. The next photo shows a handwritten note left on the windshield saying that \$200 was owed, never saying who towed the car or what happened. She said she happened to be there and witnessed it and called the police. Ms. DeFlavio said Office Kutys responded and took pictures of the damage and note. She said the last page depicts the sign that Busted Knuckle put on July 2 ("Private Property, No Soliciting, Loitering, Trespassing, Violators will be Prosecuted" sign and sign that read "Parking by Permit Only. Unauthorized Vehicles will be towed a Owners Expense. BKG Towing, Horsham, PA 19044, 215-323-4281, Tow - \$200, Storage - \$50 Per Day.") She said her car was towed June 1. She believed the towing limit is \$45, and all of this with no permit.

Ms. DeFlavio said her continued hearing is December 10 and she hopes that if BKG is still being considered for a towing permit, she hoped not because she knows that three current ones would not do this kind of work and expect Borough Council to be happy about it.

Ms. DeFlavio said she doesn't know who authorizes the permit or what the status is.

Solicitor Yeager said he didn't believe there has been a change in their status at this point. Mr. Davis said they have not applied for a permit to his knowledge. Mr. Yeager commented further that the Borough is not going to be able to comment on the specific instances that Ms. DeFlavio is subject to in her case in front of Judge Douple. He said most of the issues Ms. DeFlavio raises are between her, Busted Knuckle, and the homeowners' association, and it isn't something that the Borough is going to be able to comment on tonight.

Ms. DeFlavio said she just wanted Council to be aware that if Busted Knuckle applies, that this is the kind of work they do.

Mr. Yeager said the ordinance has standards for the Borough's consideration of any towing company that comes to seek a permit and that will be applied to them like it would be applied to every other towing company. He said if they don't meet the standards, if they're not prepared to do what the ordinance requires for towing services, then they don't get a permit; if they do, then they will. Mr. Davis said Ms. DeFlavio's information will be made available to those who review the permit application.

Mr. Frederick asked if this is police matter. Mr. Yeager said it can be, when you have a company that tows without a permit. He said there have been instances where the Borough has addressed that.

Mr. Berk asked if a permit is needed to tow on private property. Mr. Yeager said yes.

EXECUTIVE SESSION: None.

ADJOURNMENT

At 7:34 p.m., Mr. O'Brien entertained a motion to adjourn. (Margolis-Flood) The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis
Borough Manager

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