

March 16, 2020  
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, Tim Brennan, Larry Browne, Joe Frederick, Jennifer Jarret, and Wendy Margolis. Also present were Junior Councilperson Alec Maraska, Mayor Ron Strouse, Borough Manager John Davis, and Borough Solicitor Ernest Closser. Councilperson Joe Flood was absent.

Social distancing was observed by everyone present in compliance with the Coronavirus public health guidelines. In addition, the following were excused from attending the meeting pursuant to those guidelines: Central Bucks Regional Police Department Police Chief Karl Knott Borough Engineer Jim Dougherty, Planning/Public Works Director/Deputy Borough Manager Phil Ehlinger, Director of Building and Zoning Karyn Hyland, Finance Director Caroline Brinker, and Water Director Chris Norris.

#### **PLEDGE OF ALLEGIANCE**

**SPECIAL PRESENTATIONS:** None.

#### **APPROVAL OF MINUTES**

Mr. O'Brien called for a motion to approve the **February 24, 2020 Council Meeting Minutes**. (West-Frederick) The vote was called and the minutes were unanimously approved.

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

Mayor Strouse read his report regarding the Coronavirus disease, COVID-19. In part, he said that we rely on public health experts to provide the guidance we need to weather this health crisis and we will continue to communicate with our residents and businesses with the professional advice from those experts. The Mayor said that while everyone has reason to be concerned, over 18% of Pennsylvania's population is over the age of 65, which are the most vulnerable, and we need to protect them.

Mayor Strouse said that when there is a health crisis versus an economic crisis, health has to dominate. He said mandatory closures depend on cooperative efforts, and failing that, we can expect more stringent mandatory requirements going forward. He said that we should expect the serious economic hardships being experienced by individuals, cultural institutions, and businesses will continue and worsen. The Mayor said that while local communities like ours lack authority in a number of ways, we do not escape responsibility and we need to begin planning our recovery toward the vibrancy we recently had.

Mayor Strouse said that while social distancing may be new and not the same as isolation, we do need to reach out to neighbors and friends, especially older people, to see that they have what they need. He said it's important to remember that for 80% who contract COVID-19,

symptoms will be mild, but we need to take precautions to protect our older friends, family, and neighbors for whom this can be a deadly disease. He said everyone needs to behave in a way that helps us toward the common goal of a community and that is to be healthy and prosperous. "It all depends on how we act during the next very few weeks and our ability to flatten the curve of this crisis and come out whole on the other side."

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

Mr. Frederick gave the **Doylestown Fire Co. No. 1 Report**, which showed there were 19 incidents requiring the Fire Company's response in February 2020.

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

In Mr. Flood's absence, Mr. Frederick stated there was no report and that the **Public Works Department Monthly Report** had been provided.

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

1. **2020 Farmers' Market License Agreement.** Mr. Bell stated that this agreement provides for the Saturday morning Farmers' Market on Hamilton Street by the Bucks County Foodshed Alliance. He said that all provisions of the agreement are unchanged from previous years. Mr. Bell said that the Committee has reviewed the agreement and is recommending its approval. If Council wished to follow the recommendation, it could do so by motion. (Bell-Browne) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. **Flag Raising Request.** Mr. Bell stated that the Doylestown Pride Festival Committee has requested that the Borough fly a rainbow flag on the Borough flagpole at Main and Court Streets from June 1 through June 30, 2020. An official letter of request was provided. Mr. Bell said that the flag would be provided by the Doylestown Pride Festival Committee. He said that the Committee has reviewed the request and is recommending approval. If Council wished to follow the recommendation of the Committee, it could do so by motion. (Bell-Brennan)

Mr. O'Brien commented that the letter request was addressed to him, but other than receiving a copy of it from Mr. Davis, he never received it. Mr. Bell replied that he would pass along that information.

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

#### **ZONING AND PLANNING - Mr. Brennan**

1. **Application for Subdivision and Land Development Approval, Goodman Acquisition 5, LLC, 318 North Main Street.** Mr. Brennan stated that Goodman Acquisition 5, LLC, equitable owner of the subject 2.6 acre property located in the Freestanding Commercial Zoning District, is proposing to demolish the existing building and parking lot to construct a 3,352 square foot retail

bank with drive-up ATM, surface parking, walkways, and other related site improvements. Driveway access to the parking will be from North Main Street.

Mr. Brennan said that the Zoning and Planning Committee reviewed the application on March 9, 2020, and recommended Subdivision and Land Development approval with the following conditions: 1) that the applicant resolve all outstanding issues in the review letters from the Borough Engineer, Borough Water Engineer, Bucks County Planning Commission, Bucks County Conservation District, Shade Tree Commission, Director of Water, and Fire Marshal to the satisfaction of staff; 2) that the applicant provide a voluntary contribution to the Shade Tree Fund in the amount of \$21,600. This contribution is based on 216" of required replacement trees; 3) that the proposed rain garden be designed to include appropriate curb depressions, grading, soils, and landscaping to the satisfaction of staff; 4) that the applicant enter into the usual developers, maintenance, escrow, and operation and maintenance agreements in form satisfactory to the Borough Solicitor; and, 5) that the project comply with all applicable building and environmental regulations including local, state, and federal.

Mr. Brennan said that in consideration of the foregoing, the following waivers from the Subdivision and Land Development Ordinance are recommended: 1) §404, to allow concurrent preliminary and final plan approval; 2) §516(f), to permit grading within five feet of the property line; 3) §520.G, to permit the buffer width to be less than the required 15'; 4) §520.L.1, to permit 21 caliper inches of replacement trees rather than the required 237 caliper inches; 5) §§803(c)(2) and 805(c)(2), to partially waive the requirement to provide existing features within 400' of the site; 6) SWM §8-125.3.C.(5)(a), to permit the use of eight inch storm pipe within the property rather than the required 18" pipe; and, 7) SWM §8-125.3.C.(5)(b), to permit the use of HDPE storm pipe within the property rather than the required reinforced concrete pipe.

Mr. Brennan said that if Council is in agreement with the Committee's recommendation, it may grant Preliminary and Final Subdivision and Land Development approval by carrying a motion to do so. (Brennan-Margolis)

Mr. Davis commented that counsel for the applicant has confirmed in writing that they will comply with the accepted conditions.

Mr. Frederick asked if there was a specific reason why the storm pipe went from 18 to eight inches. Mr. Davis said he didn't have that answer, but could find out. Mr. Brennan said it didn't come up in their meeting.

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

**2. Zoning Hearing Board Report.** The Board will meet on March 18, 2020 to hear the following applications: 408 East State Street, Michael Monti and Sherry Solana, who are requesting an interpretation that the non-conforming side yard setback may be held and extended, or, in the alternative a variance from Section 502 to permit less than the required side yard setback, as well as variances from Section 502 to permit more than the maximum impervious surface area, floor

area ratio, and building coverage area. The applicant proposes an addition to the existing dwelling as well as a new 2-car detached garage; and, 338 West Court Street, Bradley Burger, who requests variances from Section 502 of the Doylestown Borough Zoning Ordinance to permit more than the permitted lot coverage ratio and floor area ratio. The applicant proposes a 1-story addition to the rear of the existing dwelling.

3. **Historic & Architectural Review Board (HARB) Recommendations.** Mr. Brennan stated that at its regular monthly meeting held on February 27, 2020, the HARB recommended issuance of Certificates of Appropriateness for the following **Sign Application:** 4 W. Oakland Avenue, Le Macaron French Pastries, The French Confection LLC, business owner; and, **Building Applications:** 112 Mary Street, The Calhoun Co. Inc., property owner, for a rear addition, front porch, and renovations; 187 East Court Street- William and Laurie Schutt, property owners, for a third floor dormer addition - recommending issuance of the Certificate with the condition that GAF Slateline shingles be used for the whole house in order to match those on the garage; 255 West Court Street, Christopher and Helen Round, property owners, for garage windows and garage door replacement, and a replacement fence - recommending issuance of the Certificate as presented for five replacement windows, new garage doors, as well as a six-foot solid stained fence in either Cabot Glacier or Snowfield or Silver Mist by Benjamin Moore; 145 East Oakland Avenue, Kayvon and Ashley Tabatabai, property owners, demolition and addition - recommending issuance of the Certificate for the demolition of the existing enclosed rear Florida room and replacing it with a one-story framed kitchen addition. The covered front porch noted on the plan is not included in this scope of the application; 68 South Clinton Street, Christopher and Heather Beyer, property owners, for a garage, office and family bonus room - recommending issuance of the Certificate to demolish the existing two-car garage and replace it with a three-car garage with an office/family bonus room above using GAF Slateline shingles in English Gray, rather than a standing seam metal material as noted on the application.

Mr. Brennan said that the Zoning & Planning Committee recommends that Council approve the applications in accordance with HARB's recommendations. He said that if Council wished to follow the Committee's recommendation, it could do so by motion. (Brennan-Frederick) 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 35 residential and two non-residential use and occupancy inspections, 14 complaints were investigated, one recycling/trash inspection, one sidewalk/paving inspection, no sidewalk/snow inspections, four litter enforcement, zero graffiti, 11 fire company issues, and two tree removal permits/issues.

5. **Building Inspection Monthly Report.** Mr. Brennan reported there were 66 building inspections and 36 plan and permit reviews. The total cost of permit fees was \$15,178.50.

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

1. **Fanny Chapman Pool Family Restroom Addition.** Ms. Margolis stated that on February 21, 2020, bids were opened for the construction of a family restroom at the Fanny Chapman Pool Complex. Two bids were received: 1) Premier Builders, Inc., \$96,320 and 2) Ondra-Huyett Associates, Inc., \$156,409.

Ms. Margolis said that the cost estimate for this construction was \$70,050. She said that Joe Phillips of Phillips & Donovan Architects, LLC has reviewed the bids and found them to be high. It was felt that because we are entering the busy construction season and the limited time frame for this work to be completed, mid-May, prior to pool opening, bidders were reluctant to submit. Ms. Margolis said that Mr. Phillips suggested that the project be rebid over the summer months, with construction to begin immediately after Labor Day.

Ms. Margolis said the Fanny Chapman Pool Board reviewed the bid and are recommending that Council reject all bids. The Environment and Recreation Committee reviewed the bids at their March 5, 2020 meeting and are also recommending that the bids be rejected. Ms. Margolis said that if Council agrees with the recommendations, it can do so by motion. (Margolis-Brennan)

Mr. Davis commented that Staff absolutely concurs with Mr. Phillips recommendation. Ms. Hyland and Mr. Ehlinger reviewed the bids, spoke with Ms. Brinker about it, and all feel that the high cost was due to the timing of the bid.

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

2. Ms. Margolis thanked everyone who came to the film screening and discussion last week about Bag-It and reduction of plastics in the Borough. She said it was very successful with between 50 and 70 people attending and they had an extremely good discussion even though Penn Environment was not able to be there. Ms. Margolis said she didn't know what will happen with timing now on the ordinance, but they will move ahead as they can.

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

Ms. Jarret reported that the Committee did meet. She said a water audit was done and those details were provided in the packet. Ms. Jarret said they also discussed, via email, postponing the shutoff notices which would have begun in April, in light of the current emergency situation that we are in.

Ms. Jarret said the Committee also discussed an issue with **50 North Main Street, a tapping fee waiver request.** Ms. Jarret stated that a condition of the recent approval of the 50 North Main Street, which is the corner of Shewell and Main, land development was that the applicant contribute to the installation of a water main extension along Shewell Avenue. She said that as everyone may recall, the Borough unsuccessfully applied for a grant for this extension in 2018.

Ms. Jarret said that in order to fulfill this condition, the developers of 50 North Main Street are proposing to design and install the main extension at an estimated cost of \$150,000,

according to the applicant. She said the Borough estimated it may be a little lower. Mr. Davis concurred, but said we still think the economics of it point towards the fairness of the request. Ms. Jarret said that the applicant is requesting that the Borough agree to waive the \$33,848.56 tapping fee for the project. She said that the County of Bucks has also agreed to contribute \$20,000 towards the project.

Ms. Jarret said that the Committee is recommending that Council waive the \$33,848.56 tapping fee for the 50 North Main Street Project, and if Council wished to follow that recommendation, it could do so by motion. (Jarret-West)

Mr. Bell asked whether the estimated \$150,000 contribution towards the extension of the water main was known by the applicant, in fact it was baked into the application that all parties had agreed on. Mr. Davis said that the final condition was, "That the applicant agree to contribute to the installation of a water main extension along Shewell Avenue." He said that the applicant did raise the issue of a potential fee waiver and the overall cost of the water main extension prior to approval. Mr. Davis said that we indicated, at that point, that we would discuss it after the approval and Council would consider that separately. He said the applicant is proposing this as an offer to fulfill condition six, but they never agreed specifically agreed to a \$150,000 water main extension. Mr. Davis said that we estimate the extension probably somewhere in the area of \$100,000-\$120,000. He said that does not impact Staff's recommendation that the fee waiver be granted, which is a fair settlement of this condition.

Ms. Jarret said that Staff pointed out that this water main does not service the building itself, this is a more like a public contribution that they are making and not even necessarily a part of their construction project.

Mr. Davis said that at one point, it was thought there was a way of marrying the water tap for 50 North Main and this project, but it turned out they really did not need to run it, so this is really a public contribution. Mr. Davis also pointed out that in the original grant application in 2018, our match commitment was a little over \$28,000, so not more than two years ago, Council felt that between a \$20,000 and \$29,000 contribution towards this project was worthwhile to see it completed. This is only slightly higher than that.

Mr. Brennan commented that he is generally not inclined to jump at doing waivers, but he thought there is a lot of public benefit in this one and it also helps finish off the courthouse project, along with some public safety and public purposes.

Mr. Bell said Council recently established a Water Reserve Fund in anticipation of capital projects that would be facing our water system and part of the mechanisms used to build that Water Reserve Fund to support capital projects is tapping fees. He said it is hard, sitting where we're sitting now, to accurately anticipate what the demands on that Reserve Fund may look like.

Mr. Davis responded with two points: 1) we did not budget for this particular tapping fee - we don't necessarily try to project any particular project that is coming in. Therefore, this \$33,000 will not be a loss in terms of the 2020 Budget as approved; and, 2) the purpose of the

Water Reserve Fund and the tapping fee is to fund infrastructure improvements that are necessitated by these additional demands on the water system. Mr. Davis said that in this particular case, this is a project that we have had a desire to complete to upgrade the water system and an analogy would be that instead of accepting the tapping fee into the reserve and then using the reserve to fund this project, we're simply routing the tapping fee directly into the infrastructure improvement that the reserve is designed to fund. He said there's that slight change of route, but he felt this arrangement adequately fulfills the goals of the reserve, just in a slightly different way.

Mr. Bell said that may make sense logically, but if we decide one way, the budget looks \$33,000 different than it if it does if we decide the other way.

Ms. West commented that the way she's looking at it is that they're contributing, just using the figure of \$150,000, \$150,000 to the Water Reserve Fund, but they are also spending it at the same time in our infrastructure, so we would either spend it at another time and they could contribute \$33,000 and not do that work and it would cost us the difference between the \$33,000 and the \$150,000, as we are ultimately going to have to do that work anyway.

Mr. Bell asked if the applicant hadn't already agreed to support that infrastructure project. Mr. Davis said that the applicant agreed to contribute towards that project and that's how the condition was left. He said it was left open for Staff to work with the applicant and then bring it back to Council, and ultimately see an agreement between Council and the applicant as to what is a fair contribution towards the project is. Mr. Davis said that since the approval, they've come up with a project estimate, they've made a proposal, and he thought they got a sticker shock at \$150,000 and then they realized that they were also paying a \$33,000 fee. He said they then made an offer to resolve the issue of their contribution, basically that they would design and do the improvement and we would waive the fee. Mr. Davis said Staff feels that is a reasonable and fair resolution of the issue of what their contribution should be. He said that if Council does not feel it is a fulfillment of the requirement, then Staff will have to go back to the applicant and come up with some formula that is acceptable.

Mr. O'Brien stated his understanding of Mr. Davis' comments is that the applicant has agreed to pay for the capital improvement to the water main and in lieu of that, he is asking for relief on the tapping fee. Mr. Davis said that was correct. Mr. O'Brien said the net result is that we're getting the improvement without having to spend \$120,000 or \$150,000 out of our water capital budget and in lieu of that, we're not getting the \$33,000 tapping fee, which means we are still net to the good, in his opinion.

Mr. Davis added that there is also the matter of the County of Bucks' contribution, which is part of this formula, where we have leveraged \$20,000 from them. He said that would also have to be visited since this is a tripartite agreement.

Mr. Bell asked if the County's contribution offset the liability of the applicant, in other words, does the \$20,000 get refunded back to the applicant. Mr. Davis that figure is part of the \$150,000, meaning there is a total contribution of \$53,848.46 from other sources, one of which

being the County writing their check and the other is us not requiring a payment. He said they are paying somewhere in the area, accepting their estimate, almost \$100,000; if you're looking at our estimate, they are still paying between 50% and 75% of the proposed improvement cost, and there's no cap.

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

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

Ms. West stated there was no meeting this month. She then reported on the following items:

1. **2019 Act 205 Actuarial Valuation Report.** Ms. West said that 2019 Act 205 Actuarial Valuation Reports for the non-uniformed pension plan was filed with the Office of the Auditor General prior to the March 31, 2020 deadline. She said the biennial valuation report contains data and cost components that are used to determine the annual financial requirements of the plan, plus the data is used to calculate state pension aid for cities, boroughs, towns, and townships. Ms. West said that for the January 1, 2019 filing, the mortality tables were updated to RP2000 Projected to 2017 using Scale AA. She said the filing of these reports should be reflected in the minutes.

2. Finance Report. Ms. West called upon Mr. Davis, who reported that the total of all funds expended was \$563,212.92. Motion to approve the Finance Report. (West-Frederick) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

Ms. West said there was one additional item and she asked Mr. Davis for that. Mr. Davis said these are a series of invoices presented for payment tonight from Hamburg, Rubin, Mullin, Maxwell & Lupin, PC, Christen Pionzio, who is the Zoning Hearing Board Solicitor. He said these invoices are all related to different Zoning Hearing Board cases where she has represented the Borough. Mr. Davis said the total of the 11 invoices is \$4437. He explained that the firm's fiscal year ends March 31 and each March, as a favor to Ms. Pionzio, we try to move forward invoices that would normally be paid in the next month of this. Mr. Davis said it is requested that Council approve the payment of the 11 invoices in the amount of \$4437 to Hamburg, Rubin, Mullin, Maxwell & Lupin, PC, in addition to the bills previously paid.

Ms. West asked if this was in our budget and Mr. Davis responded it is – these are Zoning Hearing Board legal expenses. Motion to approve the Hamburg, Rubin, Mullin, Maxwell & Lupin, PC invoices totaling \$4437. (West-Browne) 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:** None.

**PROFESSIONALS' REPORTS NONE PRESENT TONIGHT**



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

**Solicitor's Report** - Mr. Closser reported that their firm remains fully operational, they're doing as much as they can remotely, and they will serve everyone as best as they can.

**Central Bucks Regional Police Department (CBRPD) Activities Report.** The Police Activity Report provided in the packet showed there were 1076 incidents in the Borough in February 2020. Year to date, the Department spent \$1,109,294,43 and were at 18.42% of their yearly budget.

## **PRESIDENT'S REPORT**

Mr. O'Brien commented that while we are reacting in real time to the consequences of the COVID-19 pandemic and its impact on the community, we are also looking at what we, as a community, should be doing to mitigate the risks to the community. He said to this end, we are encouraging all members of the community to heed the warnings and directions provided by the CDC, the US government, the state government, and the county government. He said they are frequently updated and will probably continue to change, so it's important to maintain awareness. Mr. O'Brien stated that at the current time, recommendations are to practice social distancing, frequent hand washing, and disinfecting.

Mr. O'Brien said that a number of non-essential businesses have been directed to close in our area while essential businesses will remain open. Essential businesses include supermarkets, healthcare facilities, and gas stations. He noted that the closure of these non-essential businesses will have a significant impact on them and their employees in the short term. He said we need to think ahead about the recovery process for our community, including residents, visitors, and businesses. He said to that end, he is proposing the formation of an ad hoc committee of two or three Council members to begin thinking about what could be done to drive the recovery. Mr. O'Brien said he would be reaching out to a couple Council members to see if they would be interested in joining that group.

Mr. O'Brien then continued with the next item on the agenda: **Non-Uniform Labor Contract Negotiating Team.** Mr. O'Brien stated that the Borough's agreement with the Doylestown Borough Employees' Association, AFSCME Local 1598, expires on December 31, 2020. Negotiations should commence shortly on a new agreement. He said that traditionally, the Council President, Vice-President, and Borough Manager have formed the contract negotiating team. Mr. O'Brien said that if this is acceptable to Council, a motion to appoint the President, Vice-President, and Borough Manager as the contract negotiating team is appropriate. (O'Brien-Browne) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

**OLD BUSINESS:** None.

**NEW BUSINESS**

Mr. Brennan hoped to adjourn today in memory of James O'Connor, the Philadelphia officer who was killed in line of duty this last week. He said people all around us are talking about seen and unseen stress, and this is just a little reminder that there are people out there protecting and keeping us safe.

**OPEN PUBLIC COMMENT:** None.

### **EXECUTIVE SESSION**

At 7:39 p.m., Mr. O'Brien called for an Executive Session to discuss litigation and personnel matters. At 7:48 p.m., Council returned from Executive Session and made the following announcements:

With regard to a Personnel matter, Mr. O'Brien made a motion to accept the change to the labor contract with the Doylestown Borough Employee's AFSCME as discussed, seconded by Ms. West. With no comments being heard, the vote was called. All were in favor and the motion passed unanimously.

With regard to the litigation matter of In Re: Appeal of 120 Athens Avenue Associates, LLC, a motion was made to approve the Stipulation of Settlement of Appeal. (Frederick-West) With no comments being heard, the vote was called. All were in favor and the motion passed unanimously.

### **ADJOURNMENT**

At 7:52 p.m., Mr. O'Brien entertained a motion to adjourn. Mr. Brennan made the motion in memory of James O'Connor, seconded by Mr. Browne. The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis  
Borough Manager

:sa