

July 19, 2021
7:00 p.m.

The regular meeting of Doylestown Borough Council was held on the above date and time, with the following members present: Council President Jack O'Brien, Vice President Noni West, and Council Members Ben Bell, Larry Browne, Joe Flood, Joe Frederick, and Wendy Margolis. Also present were Mayor Ron Strouse, Borough Solicitor Ernest Closser, Central Bucks Regional Police Department Chief Karl Knott, Borough Engineer Jim Dougherty, Borough Manager John Davis, Building and Zoning Director Karyn Hyland, Finance Director Caroline Brinker, and Planning/Public Works Director/Deputy Borough Manager Phil Ehlinger. Councilpersons Tim Brennan and Jennifer Jarret were absent.

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATIONS:

Councilperson Joe Flood and his wife joined Mayor Strouse on the floor. The Mayor, in anticipation of Council's acceptance of the forthcoming resignation of Council Member Joe Flood, read and presented a Proclamation to Mr. Flood thanking him for his seven and one-half years distinguished service as an elected member of Doylestown Borough Council, representing Ward 2.

President O'Brien commented that he and Mr. Flood joined Council at the same time, and he also knew him before that as he coached his son in baseball. Mr. O'Brien wished Mr. Flood the best and said it was a pleasure working with him these past seven and one-half years.

MAYOR'S REPORT: No report.

PUBLIC SAFETY - Mr. Frederick

Consideration of Ordinance No. 2021-9, Eliminating a Metered Parking Space on West Ashland Street at South Hamilton Street. Mr. Frederick said that this ordinance eliminates a metered parking space on the north side of West Ashland Street, immediately east of its intersection with South Hamilton Street, due to impeded sight distance for vehicles on Hamilton Street looking east for westbound Ashland Street traffic. He said that Council, at its June 21, 2021 meeting, authorized the drafting and advertising of the ordinance, and Ordinance No. 2021-9 has since been properly advertised.

Mr. Frederick said that the Public Safety Committee is recommending that Council adopt Ordinance No. 2021-9, and if Council wished to follow the recommendation, 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.

APPROVAL OF MINUTES

Mr. O'Brien called for a motion to approve the **June 21, 2021 Council Meeting Minutes.** (Browne-Margolis) Mr. Davis pointed out that Mr. Bell raised the issue that the meeting was in-

person and not via Zoom as indicated in the minutes. With that correction, the vote was called and the minutes were unanimously approved.

PUBLIC WORKS AND ADMINISTRATION - Mr. Flood

Public Works Monthly Report. Mr. Flood said that the Work Order Report and the Fleet Services Report were provided. He noted that these reports are also available to the public by following the packet link noted on this meeting's Agenda.

Mr. Flood then asked Mr. Ehlinger for any comments he had about the Broad Street project. Mr. Ehlinger first stated that it had been a pleasure working with Mr. Flood on the Public Works Committee. He said Public Works has been busy as this is their big paving season. He noted that normally, they break the paving into two groups, but this year they did one batch. Mr. Ehlinger said that they used the new Cat AP500 paver, the second season of use, which is a state of the art paving machine with all kinds of aids which improves the quality paving. He said that, as everyone knows, our Public Works Department is one of the few municipal departments that pave in-house, which is a point of pride for them. Mr. Ehlinger said he believes doing it this way delivers better quality roads for about half the price of what contracted paving would cost, which makes sense as to why we invest in a good piece of equipment like this.

Mr. Ehlinger said that they paved Ashland Street from Church to Clinton, Oakland Avenue from Pine to State, and a couple sections of Pine Street as well. [Video/photographs were shown.] He again commented on the remarkable quality of work by the Public Works Department.

Ms. Margolis commented that Ashland looks great. She also said the plantings at Burpee Park look wonderful. Mr. Ehlinger concurred and said that as a park update, the contractor, DePaul and Company are mobilized out there beginning concrete work for sidewalks, etc. He said the butterfly garden is doing very well and they keep watering it because of the heat. He indicated that more trees will be planted this fall and said it will be exciting to see all the hardscape come together.

COMMUNITY AND GOVERNMENTAL AFFAIRS - Mr. Bell

Mr. Bell commented that the Committee is in the process of planning another food drive for a Friday this October. He said the Committee is also exploring ways of continuing access public to Council meetings they had during Covid via remote participation because they are under the impression that is something the public valued and found convenient. He said that fortunately, the new Borough Hall has facilities that can support these kind of interactions. Mr. Bell said they will continue to explore options with Staff.

ZONING AND PLANNING

In Mr. Brennan's absence, Ms. Margolis presented the Zoning and Development agenda items.

1. **People's Security Bank & Trust, 339 South Main Land Development.** Ms. Margolis stated that People's Security Bank and Trust is proposing to demolish the former Wawa building and construct a 2,000 square foot bank and 430 square foot detached drive-through canopy. The improvements also include related parking, landscaping, and driveway improvements.

Ms. Margolis said that the Planning Commission recommended approval of the application on the conditions stated in the memo provided. She said that in consideration of those conditions, waivers, also as stated in the memo provided, from the Subdivision and Land Development and Storm Water Management Ordinance were recommended.

Ms. Margolis said there was not a quorum present at the Zoning & Planning Committee's July 12, 2021 meeting. She said that participating members recommended approval of the application in accordance with the Planning Commission's recommendation. Ms. Margolis said that if Council agrees it could grant Preliminary Subdivision and Land Development approval by carrying a motion to do so. (Margolis-Browne)

Mr. Bell said that condition six talks about a reduction in voluntary shade tree contribution if some of the trees that are slated to be removed are able to be spared. He asked if that action would be a Staff decision or for Council to review. Ms. Hyland stated that was included as an addition to that condition because the hope is preserve the trees, but Staff is not confident they can be preserved as they're removing bamboo and everything is probably intertwined, so the trees will have to go. Ms. Hyland said that it should be pretty evident if they can be preserved and this condition allows Staff to make that determination.

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

2. **Zoning Hearing Board Report** Ms. Margolis deferred to Ms. Hyland, who stated that the Doylestown Borough Zoning Hearing Board will hold a Public Meeting on July 27, 2021, to hear the application for 41-43 East State Street, by Nicole 52, LLC and Goldman Realty Associates, L.P., which is the former Zen Den, to turn it into a restaurant. She said they are seeking relief from parking requirements and would like to share the use of the parking lot behind Puck. Ms. Hyland said that right now, they are grandfathered for four parking stalls and up to 25 seats; they would like to have 53 seats inside and 37 seats on the roof as open air seasonal dining with a roof over it. She said that no recommendation came out of the committee.

3. **Historic & Architectural Review Board (HARB) Recommendations.** Ms. Margolis said that at its meeting held on June 24, 2021, the HARB recommended the following: **Business Sign Applications:** 38 East State Street, Makers Off Main, 90 North Main Street, Truist, 152 North Main Street, Truist - if signs height passes Zoning review; 25 North Main Street, The Lobster Shack, and 38-40 West Oakland Avenue, Sports Connection; **Building Applications:** 401 Maple Avenue, for barn exterior renovation, by Christopher Candido - motion to accept the application as submitted with the change that shutters will remain on the north-west elevation; and 177 East Oakland Avenue, for siding, by Nancy and Drake Payung - motion to accept application as submitted.

Ms. Margolis said there was not a quorum present at the Zoning & Planning Committee meeting on July 12, 2021. She said the participating members recommended that Council approve the applications in accordance with HARB's recommendations, and if Council wished to follow the recommendation, it could do so by motion. (Margolis-Browne). 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.** Ms. Margolis stated that the report had been provided in Council's packet and it is also available to the public by following the packet link noted on this meeting's Agenda.

5. **Building Inspection Monthly Report.** Ms. Margolis stated that this report was also provided in Council's packet and it too is available to the public by following the packet link noted on this meeting's Agenda.

ENVIRONMENT AND RECREATION - Ms. Margolis

Ms. Margolis stated that the Committee did not meet, but wanted to report that they are in the process of resuscitating the discussion of the reduction of single-use plastics in the Borough before the beginning of next year based on the fact that the moratorium is no longer in force. She said she will have more on that in the coming months.

WATER UTILITY - Mr. O'Brien for Ms. Jarret: No report.

FINANCE/PENSION - Ms. West

1. **Bucks County Tour of Honor Donation.** Ms. West stated that provided to everyone was a copy of a request from the Bucks County Tour of Honor for a donation from the Borough to help fund their program, which sponsors trips for World War II and Korean conflict veterans to the memorials in Washington, D.C. She said that the Borough has made a \$100 donation annually from 2016 to 2019 – the program was not held in 2020 due to the pandemic. She further noted that the Borough is permitted to make this donation under Pennsylvania Title 8, Chapter 12.

Ms. West said that the Committee has reviewed the request and is recommending that Council donate \$100 to Bucks County Tour of Honor. She said that if Council wished to follow the recommendation of the Committee, it could do so by motion. (West-Flood)

Mr. Bell said that Ms. West mentioned that the Borough is permitted to make this donation under Pennsylvania Title 8, Chapter 12, and in Committee, that is the governing statute and Council was permitted to make the donations set forth in that provision. He said on the flip side, Council is not permitted to make donations that are not set forth therein. He asked for confirmation that was Ms. West's understanding as well. Ms. West said she didn't know that was the exact interpretation, but she did know that if Council wanted to go outside that section, which is very difficult to understand, the Borough Solicitor should be consulted.

Solicitor Closser said he did not do research on this specific donation request, but there are permitted donations and assuming this fits within the scope of one that is authorized, then it

is fine. He said he feels they would need to be looked at on a case-to-case basis, to Mr. Bell's point. Mr. Davis said he felt, and thought the committee agreed, that this request was clear enough that we didn't need to take it to the Solicitor. He said it is clear that the Borough can donate to programs for its seniors. Mr. Davis noted further that a number of other municipalities donate to Honor Flight.

Mr. Bell said he may not have phrased his question clearly – he wasn't asking about how we qualify requests for eligibility, but rather if a request is not explicitly accommodated there, are we interpreting that to mean that Council does not have the authority to make that contribution? Solicitor Closser said that depends on the specifics and they would then have to research it. Mr. Davis added that there are some very specific sections in that chapter that makes it very clear and others where it is gray; sometimes it's open to interpretation and sometimes it's spot on.

Mr. Frederick asked President O'Brien if Council has ever been challenged regarding our donations. Mr. O'Brien said not to his knowledge. Mr. Davis commented that we ran this past this Solicitor back when we started receiving the Honor Flight requests and we were told we could donate.

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

2. **File Relocation Services Proposal.** Ms. West said that provided to everyone was a copy of a proposal from Wayne Moving and Storage for the relocation of the Borough's files from 57 West Court Street to the new Borough Hall at 229 North Broad Street. She said that the proposal, in the amount of \$10,902.00, calls for the relocation of approximately 20 vertical file cabinets and 400 linear feet of hanging files over a period of two days. The proposal also includes the moving of office, maintenance, and kitchen supplies. Ms. West said that all other materials, including furniture and individual work spaces, will be done by Borough Staff.

Ms. West said that the Committee is recommending the acceptance of the proposal and if Council wished to follow the recommendation of the Committee, it could do so by motion. (Frederick-Margolis)

Mr. Flood asked whether we were required to put this out for bid. Mr. Davis said the requirement is to get three proposals, which was done. He said we reached out to several local movers and this is the only company that moves files.

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

4. **Finance Report.** Ms. West called upon Ms. Brinker for the monthly **Finance Report**. Ms. Brinker reported that the total of all funds expended was \$1,511,570.25. Motion to approve the Finance Report. (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

1. **Resignation of Council Member Joe Flood.** Mr. O'Brien said that unfortunately, Mr. Flood has decided to move out of the Borough of Doylestown and as a result, has tendered his resignation from Council effective August 1. He said that Council must accept the resignation and made a motion to do so, seconded by Ms. West.

Ms. West commented that it has been a pleasure working with Mr. Flood on Council, he was always a voice of reason, and the community has been well-served by Mr. Flood.

Mr. Frederick agreed and added that Mr. Flood always stuck to his principles. He wished Mr. Flood much success in whatever he does.

Mr. Davis said he noticed some members of the Park and Recreation Board were present. He said he has kept his role as liaison over the years and noted it seems to be the cradle of Council people as more have come from that board than any other. Mr. Davis said he has known Mr. Flood for more than seven and one-half years and it's been a pleasure working with him. He added that he has admired how Mr. Flood has carried himself particularly over the last few years.

Mr. Livrone, as Chairman of the Park and Recreation Board and having served on it for almost 30 years, wanted to acknowledge Mr. Flood's contributions to that board. He said he's sorry to lose him and wished him good luck.

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

Mr. O'Brien said as a result of that vote, the vacancy needs to be advertised. Mr. Davis said that the advertisement will appear in the next couple of days and it will be posted on social media. He said that candidates must be a resident of Ward 2 for at least one full year, meaning at least from August 16, 2020, since we expect the new appointment to be made at the next Council meeting.

Mr. O'Brien noted there is also an upcoming vacancy on the Zoning Hearing Board. Mr. Davis said that was correct as Rick Scott, a long time member of that board, has announced his intention to resign effective August 31, 2021. He said we will be moving forward to fill that vacancy as the Zoning Hearing Board is very busy and it's important to have a full membership.

Motion to advertise the Zoning Hearing Board vacancy. (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 - Mr. Closser: No report.

Central Bucks Regional Police Department (CBRPD) Activities Report. Chief Knott had no report. The CBRPD's monthly report had been included in the packet, which showed there were

1146 incidents in the Borough in June 2021, and year-to-date, the Department spent \$2,408,316.08, and were at 38.76% of their yearly budget.

PRESIDENT’S REPORT: None.

OLD BUSINESS: None.

NEW BUSINESS

Mr. Flood thanked everyone for the kinds words and said it means a lot to him and his family. He thanked Borough Staff and Borough employees who were always available and helpful, and made it easy for him to serve his constituents. Mr. Flood thanked those who supported and elected him, and said it’s been the honor of his life to serve on this Council. He said people can judge his record, but the two things he is proudest about is being the advocate for special needs in our community, which is a civil rights issue for the 21st century. Mr. Flood said the other thing he has been happy with and he hoped Council would continue the tradition, and he looked to Mr. Bell of Community and Governmental Affairs for this, is periodically he suggested that Council recognize new sports programs in the Borough. He said that if anything demonstrates the needs of good physical fitness within the Borough it is the pandemic and encouraging the kind of citizenship that comes from participating on a team sport and the sportsmanship of working as a team, and being an individual within a team context while also staying physically fit. He said that one of Council’s mandates is the health, safety, and welfare of our citizens, and team sports go long way to encourage that. Mr. Flood hoped Council would continue the tradition of at least once a year recognizing a team or coach.

Mr. Flood said he is very proud of his service on Council and he thanked his wife, daughter, and son for their incredible support during his tenure. He said they’ll miss the Borough, but are looking forward to their next adventure.

OPEN PUBLIC COMMENT: None.

EXECUTIVE SESSION: None.

ADJOURNMENT

At 7:37 p.m., President O’Brien entertained a motion to adjourn. (Flood-Browne) The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis
Borough Manager

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