

August 15, 2022
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 Wendy Margolis, and Council Members Ben Bell, Tim Brennan, Larry Browne, Joe Frederick, Jennifer Jarret, and Dennis Livrone. Councilperson Amy Popkin participated remotely via telephone. Also present at the meeting were Mayor Noni West, Borough Solicitor Ernest Closser, Borough Engineer Jim Dougherty, Central Bucks Regional Police Department Police Chief Karl Knott, Borough Manager John Davis, Building and Zoning Karyn Hyland, Finance Director Caroline Brinker, and Planning/Public Works Director/Deputy Borough Manager Phil Ehlinger. This meeting was livestreamed.

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATIONS

1. **Proclamation Honoring Tom and Carole Logan.** The Logans joined Mayor West on the floor. The Mayor then read and presented a proclamation honoring the Logans for 54 years of service to the Borough and its residents. She asked that the community remember the intersection of Harvey and Doyle Streets, where Logan Auto Body has been doing business since 1968, as "Logan's Corner" in their hearts. Tom Logan thanked everyone and said they were proud to be a part of Doylestown and they love it.

2. **Proclamation Honoring the Turn the Towns Teal Campaign.** Joan Doyle was not present, but Mayor West said she was sure Ms. Doyle would be honored.

Mayor West said that Turn the Towns Teal is a national effort to create awareness of ovarian cancer and its symptoms, and the Borough is proud to support this worthy campaign and to declare September as Ovarian Cancer Awareness Month in our community. She said the Borough is proud to display the ribbons of Ovarian Cancer Awareness throughout our downtown area. The Mayor said that the community is called upon to raise awareness of ovarian cancer, as well as all cancers, and the importance of early detection, to help those in our community live longer, healthier lives.

APPROVAL OF MINUTES

Mr. O'Brien called for a motion to approve the **July 18, 2022 Council Meeting Minutes.** (Margolis-Browne) The vote was called and the minutes were unanimously approved.

MAYOR'S REPORT: None.

PUBLIC SAFETY - Mr. Frederick

Mr. Frederick said that the only item was the **Doylestown Fire Company monthly report**, which was provided in Council's packet and is available to the public by following the packet link noted on this meeting's Agenda.

PUBLIC WORKS AND ADMINISTRATION - Mr. Browne

Mr. Browne reported that the Committee did not meet this month, but the monthly **Public Works Department Report** was provided in Council's packet. He then asked Mr. Ehlinger for any comments. Mr. Ehlinger said that the department has been doing a lot of water jobs lately and has also been trying to keep the trees and flower baskets alive during the ongoing drought. He said he thought the last couple of cooler days was helping, but we'll still lose a couple of trees in the new park, which is actually to be expected in any planting of that magnitude. Mr. Ehlinger believed the overall state of the Borough and the parks is good.

COMMUNITY AND GOVERNMENTAL AFFAIRS - Mr. Bell

Mr. Bell reported that the Committee did not meet, but presented three observations: 1) September 10 and 11 is the Arts Festival; 2) September 11 is also the Bucks County Classic, and 3) he is presently watching the livestream and he thanked Staff for doing a great job. He said it is a great feeling fulfilling that part of our vision.

ZONING AND PLANNING - Mr. Brennan

1. **Authorization to Advertise Ordinance Amending the Stormwater Management Ordinance.** Mr. Brennan said that an amendment to the Stormwater Management Ordinance is required for compliance with the Borough's MS4 NPDES permit, and includes additional definitions, codifies our existing policy on requiring as built drawings, and sets standards for inspection requirements for large stormwater management facilities.

Mr. Brennan said that the Zoning and Planning Committee recommends authorizing advertisement of the ordinance. He said that if Council was in agreement with the recommendation, it could authorize advertisement by motion. (Brennan-Livrone) With no 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.** Mr. Brennan deferred to Ms. Hyland for this report, who stated that the Doylestown Borough Zoning Hearing Board met on August 17, 2022, to hear the following applications: 91 East State Street and 50 Garden Alley, Deborah L. Hecker and Richard S. Kempes. She said that there are two buildings on the lot right now and the applicants would like to convert one of the buildings from an office use to a single-family dwelling on the property. Ms. Hyland said that it is a conforming use; however, it would create dimensional inconsistencies with our ordinance so they are requesting a variance from the lot area per dwelling unit; and, 108 Cottage Street, Renee and Philip Bergere, who would like to remove an existing

addition on the back of the house and replace it with a larger one. Ms. Hyland said they are also requesting dimensional relief.

With regard to the 91 East State and 50 Garden Alley application, Ms. Margolis asked if this would then mean that there would be two residential units on that property. Ms. Hyland replied that both are offices right now and they want to convert one to residential.

3. **Historic & Architectural Review Board (HARB) Recommendations.** Mr. Brennan said that at its regular monthly meeting held on July 28, 2022, the HARB recommended approval of the following: **Sign Application:** 182 West Court Street; and **Building Applications:** 228 East Court Street, for a porch; 307 Belmont Avenue, roof; 238 West Court Street, residential garage; and, 108 Cottage Street, an addition.

Mr. Brennan said that the Zoning and Planning Committee recommended that Council approve the applications in accordance with HARB's recommendations and conditions, and if Council wished to follow the Committee's recommendation, it could do so by motion. (Brennan-Margolis)

Sharyl Volpe, 307 Belmont Avenue, said their roof application was just approved. She asked if they get their permit here or later. Ms. Hyland advised that the permit would be issued and emailed to them within the next few days.

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

4. and 5. **Code Enforcement Monthly Activity Report and Building Inspection Monthly Report.** Mr. Brennan stated that these reports were provided in Council's packet and they are available to the public by following the packet link noted on this meeting's Agenda.

ENVIRONMENT AND RECREATION - Ms. Margolis

1. **Resolution No. 2022-12, In Support of HB 2614 to Prohibit Intentional Balloon Releases to Protect Wildlife, Livestock, and Pets.** Ms. Margolis said that this resolution supports House Bill No. 2614 to prohibit intentional balloon releases to protect wildlife, livestock, and pets. She said that the Environment and Recreation Committee is recommending adoption of the resolution, and if Council wished to follow the recommendation, it could do so by motion. (Margolis-Jarrett) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. **Fanny Chapman Dive Pool Building Concrete Repairs.** Ms. Margolis said that bids were opened via Pennbid on July 19, 2022 for the Phase 2A & 2B repairs to the Fanny Chapman Dive Pool involving Type 2 concrete repairs, carbon fiber structural repairs and epoxy injection at various locations. A bid tabulation by Gilmore & Associates was provided. Ms. Margolis said that the Fanny Chapman Pool Board reviewed the bids and is requesting Council award both Phase 2A and 2B – Type 2 Concrete Repairs, CFRP-Carbon Fiber Wrap Structural Repairs, and Epoxy Injection to Coordinated Systems Consulting, Inc. in the amount of \$238,246.50.

Ms. Margolis said that the Environment and Recreation Committee reviewed this item at their August 11, 2022 meeting and are recommending Council award the bid to Coordinated Systems Consulting, Inc. She said that if Council agreed with the recommendation, it could do so by motion. (Margolis-Jarrett) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

WATER UTILITY - Ms. Jarret

1. **PFAS Treatment Feasibility - Alternatives Study.** Ms. Jarret said that a proposal from our Water Engineer to prepare the above-referenced study at a cost of \$20,000 was provided. She said that the Water Utility Committee reviewed the proposal and recommends that Council authorize the study to proceed. Ms. Jarret said that also provided was information regarding PFAS prepared by our Chief Water Operator. She noted that this important information will be posted to our website and disseminated to residents and businesses through social media. Ms. Jarret said that if Council wished to follow the recommendation, it could do so by motion. (Jarrett-Browne)

Mr. Bell asked if there was a threshold for when tasks like this need to be bid. Mr. Davis said this doesn't need to be put out to bid as it's a professional service arrangement with our own engineer, and that we're under the bid threshold regardless.

Mr. Frederick asked someone to explain to the public why this study is needed. Mr. Davis explained that PFAS and PFOS, chemicals generally, have been an issue and for some time, the Borough has had traces of it in all of our wells, but well under the current federal health advisory of 70 parts per trillion. He said that Pennsylvania is in the process of establishing its own MCL (Maximum Contaminate Level). He said that a MCL is something that is actionable and required, as opposed to an advisory. He said that the state is nearing the end of its process and is preparing to release the results and establish a MCL for PFAS. Mr. Davis further explained that somewhat surprisingly, the EPA recently issued a statement that they were prepared to change their health advisory from 70 parts per trillion to essentially zero. He said these actions are what gave rise to the need for a study.

Mr. Davis said that as indicated in the materials being prepared to be disseminated to the public, the Borough has traces of PFAS in all of its wells. He said that based on our latest testing, we expect to be in compliance with the new state MCL. He noted, however, that hovering over that is the EPA's statement and the potential to create its own MCL, and for DEP to react by revisiting its standard and lowering it. Mr. Davis said that we are close enough, although below, to the MCL that is going to be released and anticipating that the MCL will eventually be reduced, that we feel it is worthwhile to move ahead immediately and begin planning for PFAS to have a maximum contaminate level of near zero.

Mr. O'Brien clarified that this is a study that would provide a recommended approach as to what treatments could be provided and how. Mr. Davis concurred and added that this is going to be a big, expensive process as all of our wells will need to be upgraded with some kind of

treatment system. Mr. Davis said every available option will be looked at, as well as any grant funds that become available so that we are prepared when deadlines arrive.

Ms. Jarret commented that they discussed that any PFAS reduction would be essentially the same cost as if they were treated to zero, so the plan is to treat to zero. She said that the common questions around PFAS were put together into a document by our Chief Water Operator Jeremy Matozzo. She said the document is very comprehensive and really answers questions, some of which are “What is PFAS?”, “What are the implications of it?”, “What can we do about it?”, and “What are our treatment options?” She said the document is very useful and will be made available to the public as quickly as possible via our website and social media.

Mr. Bell asked if there is any anticipated costs relative to initial or recurrent, or regulatory requirements for training and recertifying the water operator. Mr. Davis said our Chief Water Operator and Water Engineer are well versed on that issue, and didn’t think there would be any changes from a licensing standpoint; however, there surely would be required training. He said there would also be fees associated with the Water Engineer and consultants.

Mr. Davis said the cost of treatment itself is significant, including the costs for the media/materials used and also operator time. He said it will have a huge impact on a water system as small as ours with a budget that is as relatively small. He said this is a potentially a project in the \$7.5 to \$10 Million Dollar construction range and it could add up to \$250,000 to \$300,000 a year in additional operating costs, and that’s dependent on whether more staff is required.

Mr. Davis commented that this is affecting all of our neighbors and at least in one case, Doylestown Township Municipal Authority which is interconnected with our system. He said the Borough has been consulting with them because they will need to be undertaking the same process we are because when our water is clean, we need to make sure what comes into it from elsewhere is not contaminated.

Mr. Davis said this is very much at the beginning of the process with a lot of unknowns and a lot to be discussed.

Mr. Browne then recognized Chief Water Operator Jeremy Matozzo’s efforts in all of this because he is the one who got all of this information together pretty quickly and very well over the past couple of weeks. He said the level of Mr. Matozzo’s work is no surprise to anyone, but this was extraordinary and felt he deserved recognition.

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

2. Letter to Bucks County Board of Commissioners and Bucks County Water and Sewer Authority Board Members Opposing the Sale of Bucks County Water and Sewer Authority’s Sewer Utilities to Aqua Pennsylvania. Ms. Jarret said the Water Utility Committee is recommending that Council authorize the letter’s transmission to the Bucks County Board of Commissioners and Bucks County Water and Sewer Authority Board. Ms. Jarret said that if Council wished to follow the recommendation, it could do so by motion. (Jarrett-Margolis) With

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

3. **Resolution No. 2022-11, Opposing the Sale of Bucks County Water and Sewer Authority's Sewer Assets to Aqua Pennsylvania.** Ms. Jarret said that this resolution opposes the sale of Bucks County Water and Sewer Authority's sewer assets to Aqua Pennsylvania. She said the Water Utility Committee is recommending the adoption of Resolution No. 2022-11, and if Council wished to follow the recommendation, it could do so by motion. (Jarrett-Browne)

President O'Brien requested that Ms. Jarret read the resolution, which she did. Then, with no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

Before concluding, Ms. Jarret reported that Chief Water Operator Matozzo had advised the Committee that Steve Gruver of the Water Department and Rich Pole, Chris Morrone, and Bryan Peka of the Public Works Department have done some extraordinary work for the Water Department, especially through the heat wave. She said they wanted to acknowledge those efforts.

FINANCE/PENSION - Ms. Popkin

Ms. Popkin, participating by telephone, said that the Committee met and discussed the second quarter pension plan performance with Girard Pension Services, who attended the meeting. She said they also discussed the acquisition of the PennDOT property and Borough's counsel, Curtin & Heefner, was also in attendance. Ms. Popkin said they had a mid-year budget review to start the process of creating next year's budget.

Ms. Popkin then called upon Finance Director for the **Finance Report**. Ms. Brinker reported that Council was provided with a list of prepaid bills and a list of bills to be paid this evening. She said the total of all funds expended was \$1,240,783.54. A motion was made to approve the report (Popkin-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: No report.

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 said he had no report. The CBRPD monthly activity report showed there were # incidents in the Borough in July 2022, and year-to-date, the Department spent \$3,259,507.07 and were at 49.76% of their yearly budget.

PRESIDENT'S REPORT: None.

OLD BUSINESS: None.

NEW BUSINESS: None.

OPEN PUBLIC COMMENT: None.

EXECUTIVE SESSION

At 7:40 p.m., President O'Brien called for an Executive Session to discuss the purchase of the Broad Street property and the Broad Commons from Heritage Conservancy.

At 7:47 p.m., Council returned from Executive Session. Mr. O'Brien said that as indicated, they did discuss the purchase of the Broad Street property and the Broad Commons from Heritage Conservancy, and he then asked Solicitor Closser for the motion. Mr. Closser said that if Council is so inclined, the motion would be to authorize the purchase of the Broad Street properties from the Heritage Conservancy pursuant to the terms of an Agreement of Sale substantially in the form that was presented to them tonight, with such amendments, changes, or changes as may be approved by the Council President. (Brennan-Margolis)

Mr. Davis explained that the Borough currently holds these properties under a 99-year lease with Heritage Conservancy which is tantamount to ownership. He said this transaction simply renders it an official fee simple ownership and it's really just a paper transaction between the two. He said there is no additional financial remuneration, but it does make the Borough the owner instead of a 99-year tenant.

Mr. O'Brien added that payments will continue to be made in accordance with the current lease, being due February 2023 and February 2024. That has not changed.

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

ADJOURNMENT

At 7:52 p.m., President O'Brien entertained a motion to adjourn (Browne-Brennan). The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis
Borough Manager

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