

December 18, 2023
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, Larry Browne, Curtis Cowgill, Joe Frederick, Jennifer Jarret, Dennis Livrone, and Amy Popkin. Also present were Mayor Noni West, Junior Councilperson Jack Swartley, Borough Solicitor Ernest Closser, Borough Engineer Jim Dougherty, Central Bucks Regional Police Department Police Captain Lance Carlen, Borough Manager John Davis, Building and Zoning Director Karyn Hyland, and Finance Director Caroline Brinker. Planning/Public Works Director/Deputy Borough Manager Phil Ehlinger was absent.

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATIONS: None.

APPROVAL OF MINUTES

Mr. O'Brien called for a motion to approve the **November 20, 2023 Council Meeting Minutes**. (Frederick-Jarrett) Mr. Davis stated that there was a correction to be made on page 94 of the Minutes, item 2, Adoption of the 2024 Preliminary Budget, where the last sentence reads, "all were in favor and the motion passed unanimously." He said it should read, "the motion passed by eight votes to one (Ms. Margolis)."

Mr. O'Brien called the vote to approve the November 20, 2023 Minutes as corrected. All were in favor and the minutes were unanimously approved.

MAYOR'S REPORT

Mayor West stated she had no official report, but commented that the Borough has been alive and celebrating the holidays. She said the crowd estimates for Discover Doylestown's parade and tree lighting alone are estimated at 4500 people. The Mayor wished Council, Borough Staff, and the community a happy holiday season and the very best in the upcoming New Year 2024.

PUBLIC SAFETY - Mr. Frederick

1. **Consideration of Ordinance No. 2023-15, Revising Residential Permit Parking Zone Restrictions on Harvey Avenue and Hamilton Street.** Mr. Frederick said that this ordinance revises the existing residential permit parking zones on Harvey Avenue - Court to Union and Hamilton Street - Wood to Decatur, by restricting parking to residents only at all times. Council, at its November 20, 2023 meeting, authorized the drafting and advertisement of the ordinance, and the ordinance has since been properly advertised.

Following the recommendation of the Public Safety Committee, a motion was made to adopt Ordinance No. 2023-15 (Frederick-Browne). With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. Mr. Frederick said the **Doylestown Fire Company monthly report** provided in Council's packet is available to the public by following the packet link noted on this meeting's Agenda.

PUBLIC WORKS AND ADMINISTRATION - Mr. Browne

Mr. Browne stated he had no report, but in Mr. Ehlinger's absence, wanted to give kudos to the Public Works Department for all their efforts that went into the successful parade and tree lighting, along with the crazy leaf pickup season, the hanging of holiday decorations in town, and their usual work.

COMMUNITY AND GOVERNMENTAL AFFAIRS - Mr. Bell: No meeting and no report.

ZONING AND PLANNING - Ms. Jarret

1. **Application for Subdivision and Land Development Approval, Roscommon Tract, 340 Linden Avenue, 353 East State Street.** Ms. Jarret said that Roscommon Tract LLC and John Toner, owners of the subject property within the R-2 zoning district, are proposing to subdivide two existing residential parcels into four residential parcels. Ms. Jarret said the application was reviewed by the Zoning & Planning Committee, who recommended six enumerated conditions and in consideration thereof, recommended eight enumerated waivers, all of which she read in their entirety. Ms. Jarret said that if Council agrees with the recommendations, it may grant Subdivision and Land Development approval by carrying a motion to do so. (Jarret-Livrone)

Regarding the tree replacement waiver, Mr. Bell asked if that waiver was the basis for the contributions to the Shade Tree. Ms. Hyland replied that it is.

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

2. **Application for Subdivision and Land Development Approval, Masters Lot Line Change – 185 East Ashland Street.** Ms. Jarret said that Philip and Rebecca Masters, owners of the subject property, are proposing to relocate the existing property line between the two parcels to increase one lot to accommodate the existing house, a proposed garage, and a stormwater management basin; there are no improvements proposed on the other parcel. Ms. Jarret said the application was reviewed by the Zoning & Planning Committee, who recommended six enumerated conditions and in consideration thereof, recommended two enumerated waivers, which were read in their entirety. Ms. Jarret said that if Council agrees with the recommendations, it may grant Subdivision and Land Development approval by carrying a motion to do so. (Jarret-Popkin)

Mr. Bell commented that with regard to the waivers, there are references to the Bucks County Planning Commission letter which he did not see in his packet. He said he did see a notice from the Bucks County Conservation District and asked if that concern is also addressed in the proposed waivers. Ms. Hyland stated that there were no waivers requested with respect to the Bucks County Planning Commission. Mr. Bell said that the letter from the Conservation District says, “plan as submitted is inadequate for erosion and sediment, pollution control, and does not meet the requirements for the Department of Environmental Protection Chapter 102 erosion control.” Ms. Hyland said the applicant will be required to comply with that. Mr. Davis added that this would be covered under item six, that “the project comply with all building and environmental regulations”.

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

3. **Zoning Hearing Board Report.** Ms. Jarret asked Ms. Hyland for this report. Ms. Hyland said that the Zoning Hearing Board will hold a public meeting on December 21, 2023, at 7 p.m., to hear two new applications: 286 Paine Street, Stuart Wilder and Beth Snyder, requesting setback relief; and, 57 West Court Street, ALOK Investments LLC, where the applicant is proposing a hotel and event space along with a restaurant. She said the applicant is requesting relief from the buffer parking count requirement and the building height requirement; and, they are also asking for clarification or any alternative variances with respect to the front yard setback requirement.

Ms. Jarret said that the Zoning & Planning Committee recommends authorizing the Borough Solicitor to appear and obtain party status before the Doylestown Borough Zoning Hearing Board on the Zoning Application of ALOK Investments LLC regarding 57 West Court Street for the purpose of observing the hearing, ensuring that a full record is developed, and that resident concerns are appropriately heard. If Council is in agreement, it may do so by motion (Jarret-Margolis).

There were a number of Harvey Avenue residents in attendance, including Geraldine Dougherty, Dan Greenhouse, Beth Woodhead, Tim Edbrooke and his wife, Kevin King, Dave and Anne Marie Owings, and Tony Arleth of Woodbridge Drive and President of the Lantern Hill Property Owners Association. They asked about the Solicitor’s representation at the hearing and also gave feedback and stated their concerns regarding the plan, the size of the project, safety and quality of life, noise, parking and traffic issues, the proposed height of the building, noise impact, no frontage to the property, problems with the existing fence.

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

4. **Historic & Architectural Review Board (HARB) Recommendations.** Ms. Jarret reported that at its regular monthly meeting, the HARB recommended the following building applications be approved for a Certificate of Appropriateness, both with various conditions: 165 Washington

Street, Phil Cacossa, for a garage, and 154 West Oakland Avenue, Richard Brown, for a porch. There were no sign applications.

Ms. Jarret stated that the Zoning & Planning Committee recommends that Council approve the applications in accordance with the HARB's recommendations. She said that if Council wishes to follow the Committee's recommendations, it could do so by motion (Jarret-Popkin). Ms. Hyland, with regard to 154 West Oakland, clarified the railing length is two feet.

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

5. Code Enforcement Monthly Activity Report and 6. Building Inspection Monthly Report. Ms. Jarrett 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

Ms. Margolis said that the Committee did not meet, but she wanted to thank the members for their participation during the last couple of years. Mr. O'Brien acknowledged that this was Ms. Margolis' last meeting after 10 years and he thanked her for her participation and efforts.

WATER UTILITY - Mr. Livrone: No meeting and no report.

FINANCE/PENSION - Ms. Popkin

1. Adoption of 2024 Budget. Ms Popkin said that the Preliminary Budget was advertised and made available for public inspection at Borough Hall and on the Borough's website for a minimum of 10 days prior to the Final Budget adoption. She said copies of the 2024 Budget Message and Budget Summary, with related charts and graphs, have been prepared for the public and the press. Ms. Popkin said that if Council agrees with the proposed 2024 Budget, a motion to adopt and approve the Budget could be made. (Popkin-Cowgill) With no comments from Council, Staff, or the public, the vote was called. The motion passed by eight votes to one (Margolis).

2. Consideration of Ordinance No. 2023-13, Setting the 2024 Real Estate Tax Rate. Ms. Popkin said that Ordinance No.2023-13 sets the 2024 Tax Rate in accordance with the 2024 Budget that was just adopted. She said that for the year 2024, the General Purpose Tax is 13.915 mills, the Fire Company Assistance 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 3.725 mills. The total millage will be 21.34 mills. Ms. Popkin said that if Council agrees with the proposed ordinance, then it could be adopted by motion. (Popkin-Margolis) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

3. Consideration of Ordinance No. 2023-14, Providing for the Regulation of Water Service. Ms. Popkin said that in conjunction with the adoption of the 2024 Budget, there is Ordinance No. 2023-14, which sets the water rates for 2024. She said that if Council agrees with

the proposed ordinance, then it could be adopted by motion. (Popkin-Livrone) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

4. **Consideration of Resolution No. 2023-10: 2024 Fee Schedule.** Ms. Popkin said that in conjunction with the adoption of the 2024 Budget, is consideration of Resolution No. 2023-10 amending the 2024 Fee Schedule. She said that if Council agrees with the proposed resolution and 2024 Fee Schedule, it could be adopted by motion. (Popkin-Jarret) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

5. Ms. Popkin called upon Ms. Brinker 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 \$1,419,404.46. A motion was made to approve the report (Popkin-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. **Reappointment of Members to Various Boards/Commissions.** Mr. O’Brien said that on December 4, 2023, the Personnel Committee met to consider the reappointment of members on various boards/commissions whose terms expire on December 31, 2023. Each of these members have expressed a desire to return for another term. As a result of the December 4, 2023 meeting, the Committee is recommending reappointment as follows:

<u>BOARD/COMMISSION</u>	<u>TERM</u>	<u>MEMBER(S)</u>
Economic Development Advisory Board	3 years	Rick Brown and Jason Wood
Environmental Advisory Council	3 years	Grant Alger and Steve Nelson
Fanny Chapman Pool Board	3 years	Amy Parenti
Historical and Architectural Review Board	4 years	Richard K. Chase and Constance Magnuson
Human Relations Commission	3 years	Stephen Albert, John Fraser, Stefanie O’Mara, Nancy Reilly, and Freda R. Savana
Planning Commission	4 years	James Lannon
Zoning Hearing Board	3 years	Helene Mathern

Mr. O’Brien said that if Council wished to reappoint the members as stated, it could do so by motion. (O’Brien-Frederick) 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 Board Vacancies.** Mr. O’Brien said that on December 4, 2023, the Personnel Committee met to consider vacancies on various boards/commissions. As a result of that meeting, the Committee is recommending advertisement of the following board/commission vacancies:

<u>BOARD/COMMISSION</u>	<u>NUMBER OF VACANCIES</u>	<u>TERM</u>
Economic Development Advisory Board	1	Partial term ending December 2025
	1	Full three-year term
Fanny Chapman Pool Board	1	Three-year term
Park & Recreation	2	Partial Term Ending December 2024 Partial Term Ending December 2026
Shade Tree Commission	1	Five-year term
<u>Student Board Members</u>		May 2024 - April 2025
Fanny Chapman Pool Board	1	
Historic and Architectural Review Board	1	
Park and Recreation Board	2	
Shade Tree Commission	1	
<u>Junior Councilperson</u>	1	September 2024 - May 2025

Mr. O'Brien said that if Council wished to authorize the advertisement of the stated vacancies, it could do so by motion. (O'Brien-Margolis)

Mr. Livrone asked when the boards may expect to see new members. Mr. O'Brien explained the advertising and interview process, and Mr. Davis added that perhaps a couple could be done by the end of January.

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

3. **Vacancy Board Appointment.** On December 4, 2023, the Personnel Committee met to consider an appointment to the Vacancy Board for 2024. As a result of meeting, the Committee is recommending that Curtis Cowgill be appointed to the Vacancy Board for a term effective January 2, 2024 through December 31, 2024. Following the Personnel Committee's recommendation, a motion was made to make the appointment (O'Brien-Jarret). With no comments from Council, Staff, or the public, the vote was called. The motion passed with Mr. Cowgill abstaining and the remaining votes being in favor.

4. **Doylestown Hospital Authority.** Mr. O'Brien said that the Village Improvement Association has requested and is recommending the reappointment of Richard F. Colello to an additional five-year term on the Doylestown Hospital Authority. Mr. Colello's term will be effective January 1, 2024 through December 31, 2028. He said that the Personnel Committee is also recommending the reappointment and a motion was made (O'Brien-Jarret). 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. Captain Carlen said the report was provided. The monthly activity report showed there were 804 incidents in the Borough in November 2023, and year-to-date, the Department spent \$6,175,121.36 and were at 90.42% of their yearly budget.

Captain Carlen commented that there had been some thefts from cars on Harvey Avenue and Hamilton Street, and they arrested three juveniles over the weekend for those thefts. He reminded residents to lock their cars and if they see anything out of place, to call the police.

PRESIDENT'S REPORT: None.

OLD BUSINESS: None.

NEW BUSINESS

Mr. Bell commented that it's been a very special privilege to serve with Mr. Cowgill this year on Council. He thanked Mr. Cowgill, as did Mr. O'Brien.

OPEN PUBLIC COMMENT: None.

EXECUTIVE SESSION

At 7:55 p.m., Mr. O'Brien stated that an Executive Session was needed and he did expect that some action may be taken when Council returned.

At 8:46 p.m., Council returned from Executive Session and Mr. O'Brien announced that they discussed two litigation matters. A motion was made to authorize the Borough Solicitor, Curtin & Heefner LLP, to file an appeal to the Doylestown Township Zoning Text Amendment pertaining to the LI - Industrial District, unless a settlement is reached that is acceptable to the Staff and Solicitor of Doylestown Borough, such settlement to include a definition of walkability that limits the permissible locations for senior affordable housing and a memorandum of understanding with the developer that restricts the development of 280 North Broad Street to a dog park for dedication to the Borough and a driveway with parking near the western property line. (Jarret-Livrone) Mr. O'Brien called the vote. All were in favor and the motion passed unanimously.

A second motion was then made to authorize the Borough Solicitor, Curtin & Heefner LLP, to file an appeal to the Written Decision for the Zoning Hearing Board regarding the Zoning Application filed by Mars Investment Properties LLC on December 23, 2020 for 24 North Main Street. (Jarret-Cowgill) Mr. O'Brien called the vote. All were in favor and the motion passed unanimously.

Mr. Bell asked that Council Members be forwarded the written decision when received.

ADJOURNMENT

At 8:49 p.m., President O'Brien entertained a motion to adjourn (Browne-Margolis). The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis
Borough Manager

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