

August 19, 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 Don Berk, Tim Brennan, Joe Flood, Joe Frederick, and Wendy Margolis. Also present were Joanna Waldron, Esquire for Borough Solicitor Jordan Yeager, Borough Manager John Davis, Central Bucks Regional Police Department Police 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. Mayor Ron Strouse was absent due to his attendance at a Lenape Valley Foundation fundraising even. Councilpersons Ben Bell and Sue Gordon, and Water Director Chris Norris were also absent.

### **PLEDGE OF ALLEGIANCE**

**SPECIAL PRESENTATIONS:** None.

### **APPROVAL OF MINUTES**

Mr. O'Brien called for a motion to approve the **July 15, 2019 Council meeting minutes**. (West-Margolis) The vote was called and the minutes were unanimously approved.

**MAYOR'S REPORT:** None.

### **PUBLIC SAFETY - Ms. Gordon**

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

1. **Resolution No. 2019-4, Supporting Pennsylvania Municipal Police Access to Radar.** Ms. Margolis stated that this resolution supports authorization for Pennsylvania Municipal Police to have access to the same motor vehicle speed-timing equipment as the State Police, including radar. She said that there was no quorum at the Committee's August 14 meeting, but the members present are recommending that Council adopt Resolution No. 2019-4. She said that if Council wished to follow the recommendation, it could do so by motion. (Margolis-Berk)

Mr. Berk asked Chief Knott for his opinion on this. The Chief said they have been looking for this for a long time as it enables them to do their job more efficiently and safer, and they're able get into the back streets better with this kind of timing device that they've never had before. He said Pennsylvania is the only state in the United States that doesn't allow their municipal police to use radar. Chief Knott said with this tool, they will be able to slow down some of the speeders around the three Boroughs. He said they are limited now by using electronic stop watches and they can only use those in designated areas where there are painted white lines on the streets. The Chief said this would give them the ability to put the equipment in one car and have one officer working it wherever they see fit.

With no further comments from Council, Staff, 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 Resolution No. 2019-4: Mr. Bell was absent, Mr. Berk: Yes, Mr. Brennan: Yes,

Mr. Flood: Yes, Mr. Frederick: No, Ms. Gordon was absent, Ms. Margolis: Yes, Ms. West: Yes, President O'Brien: Yes. The motion carried by a vote of six to one, with two absent.

2. **Consideration of Ordinance No. 2019-3, Extending the Residential Permit Parking District and Creating a Two-Hour Parking Restriction on Wood Street.** Ms. Margolis stated that at their July meeting, Council's Public Safety Committee considered a request to extend the existing residential permit parking zone district by ninety (90) feet and create a two-hour parking restriction, Monday through Friday, from 9 a.m. to 5 p.m., adjacent to 242 Wood Street. She said that the offices and apartment residents at the location have been unable to make use of the area for parking due to use by employees of West State Street businesses. Ms. Margolis said that at its July 15, 2019 meeting, Council authorized the drafting and advertising of such an ordinance. The ordinance was then drafted and properly advertised.

Ms. Margolis said that if Council wished adopt Ordinance No. 2019-3, 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.

3. Ms. Margolis gave the **Doylestown Fire Co. No. 1 Report**, stating there were 24 incidents requiring the Fire Company's response in July 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 last week, they milled and paved Green Street, which is the final road in the 2019 Road Paving Schedule. He said they will now take a look at how much money they have left over – he thought things came in below budget even with the nighttime paving. Mr. Ehlinger said they will see if they can do some maintenance. They will be reconstructing the speed tables on Court Street and perhaps two more in Clemens Farms.

Mr. Ehlinger stated that the Department is wrapping things up, taking care of water projects, and getting ready for the special events in the fall.

Mr. Berk stated that the streets that are by far the worst in the Borough are the state-owned streets. He said the road along East State Street and Court Street in front of Borough Hall are just awful. Mr. Berk asked if there is anything we can do to either get the state to do what they're supposed to be doing or can we charge them. He asked what the solution is.

Mr. Ehlinger said he agrees with Mr. Berk and those streets are an embarrassment. He said he is pained at the thought that the public thinks the Public Works Department maintains those streets. Mr. Ehlinger said he knew that Mr. Davis has been in contact with our State Representative's office and various people, and we're trying to bring some pressure on PennDOT. He said PennDOT did some patching for us prior to the last special event in town, the parade, but there's simply no more patching to be done and it really is an embarrassment. He said neither he or Mr. Davis have any magic to make them get it done.

Mr. Davis said he wrote to PennDOT about six weeks ago when we got them to do the patching, which they only did because we told them that the veterans were going to fall and be injured during the parade. He said they made some reference to 1) it is not on next year's paving schedule for PennDOT, and 2) that they would be willing to explore some options. Mr. Davis said they have not gotten back to him. He has gotten Representative Ullman and Senator Santarsiero's offices involved. Mr. Davis said the road was last paved in the 1990s and the roads will not hold

up another season. He said if their current schedule is true, the roads will be their current condition in the spring/summer 2021, which is unimaginable to him. Mr. Davis said they are trying and hoping that our state elected officials can put some pressure on. He will reach out to them to see if any progress has been made.

Mr. Berk asked if there was any possibility of us doing it and then them paying us for doing it. Mr. O'Brien said he thought there were two chances of that: slim and none.

Ms. Margolis thought the issue was money. Mr. Frederick added that it is pretty expensive to redo that whole road. Mr. Davis agreed and said it is an enormously extensive stretch of road for us. He said the condition really is very poor from East Street all the way through to the hospital, as well as the two block stretch of Court Street. He didn't think we are talking about us paving the road and PennDOT giving us the money. He said we've done some cooperative ventures on modest pothole patching, but he didn't know whether PennDOT is built for that kind of flexibility. Mr. Davis said our goal is have them come in and properly pave the road as is their responsibility and do it in a timely fashion, perhaps more than once every quarter century. He said part of our ace in the hole is the fact that we have the parade here, 5K runs, and a tremendous amount of pedestrian activity, not to mention the sheer amount of traffic on the road.

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

1. **Bucks County SPCA Contribution Request.** Mr. Berk stated that the Bucks County SPCA has requested a contribution from the Borough. He said the Committee considered the request and is recommending that Council contribution \$250 in 2019, and to discuss future contributions during the 2020 budget process. Mr. Berk said that if Council wished to follow the recommendation of the Committee, it could do so by motion. (Berk-Margolis)

Mr. Flood asked what is our criteria is to say no, as he knew we have said no to similar requests in the past. He said it is always good to be charitable with other people's money, but previously, Council has pretty much decided that except for the Tour of Honor which we have given \$100 every year, we haven't generally done this, "have we?" Ms. Margolis said yes - they provide services for our police. Mr. Flood asked if we did this last year. Mr. Brennan responded that we did something similar with waivers of fees for the Legion, he thought. Mr. Davis said there may have been one other time, obviously we weren't asked during the budget process, but the way the contribution request is put together, it is in return for the services that the SPCA does provide to us and to other municipalities. Mr. Flood asked again if we have ever given them money in the past. Mr. Davis said again that if we did, it may have been one time. He said we have not received a request of this formality in the past and as stated therein, they are actually seeking substantially more. Mr. Davis said it was felt by the Committee that was not something that we could address outside the budget process. Mr. Flood asked if other municipalities are contributing. Mr. Davis said he did not know and that was something he would find out as part of a more formal discussion in the budget process. He said they would involve the Chief and also the Code Enforcement Department so we can have a better feel for exactly what services are provided. Mr. Flood said typically we look at the financials of places we give money to make sure the money is well spent. He said he is supportive of their mission, has been a personal donor in the past, but this strikes him as unusual. Mr. Flood said he is going to vote for this, but he would like a more detailed breakdown of what other municipalities are participating and why they specifically came up with that request.

Mr. Davis said that is the intent of the referenced future discussions in a more formal way. He said he couldn't speak for the Committee, but they did have a sense to make some contribution.

Mr. Berk said he would speak for the Committee. He said the SPCA provides a lot of services to the Borough, certainly more than the \$250 that we're giving them. Mr. Berk said it's not just giving to charity, which is a good thing anyway, but we're giving them for something that they've already been giving to us regularly. Mr. Berk said that we want to support the SPCA and the work they do for us, and the Committee felt \$250 was symbolic in nature more than anything else.

Ms. West commented that she believed the SPCA has also had some unusual circumstances this year. It was agreed that yes, there was a situation 80 cats on a property and then a farm with malnourished goats.

Mr. David reiterated that he would work with the Chief and try to quantify in detail so that Council can judge the services they provide versus the actual request that they are making.

Mr. Flood added that with the Tour of Honor, we knew that other municipalities were already participating. Mr. Davis said this was not approached as a charitable contribution, it was approached as a request for contribution to offset their costs in providing us services.

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

2. **Bucks County Tour of Honor Donation.** Mr. Berk stated that the Bucks County Tour of Honor has requested a donation from the Borough to help fund their program. The Bucks County Tour of Honor sponsors trips for World War II and Korea conflict veterans to the memorials in Washington, D.C. Mr. Berk said that the Committee reviewed the request and is recommending that Council donate \$100 to Bucks County Tour of Honor. He said that if Council wished to follow the recommendation of the Committee, it could do so by motion. (Berk-West) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

3. **Pop-Up Park(ing) Day 2019 Sponsorship Request.** Mr. Berk stated that the Borough received a request to sponsor its 2019 Pop-Up Park(ing) Day. He said that this year, the Pop-Up Park is to be located in the plaza in front of Siren Records on East State Street. Mr. Berk said the Committee is recommending that Council become a \$250 Silver Patron.

Mr. Berk said that if Council wished to follow the recommendation of the Committee, it could do so by motion. (Berk-Brennan) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

Mr. Berk commented that this is one thing that the Borough does that he hears an amazing number of "thank you" from our residents, "they love this pop-up park." He said the only negative he has heard is, "Why can't it be permanent?"

4. **"Paint the Towns Purple" for Domestic Violence Awareness Month.** Mr. Berk stated that A Woman's Place has requested permission to display purple ribbon on selected Borough lampposts and trees in October as part of the "Paint the Towns Purple" campaign for Domestic Violence Awareness Month. He said the Committee is recommending that Council approve the request, and if Council wished to follow the recommendation, it could do so by motion. (Berk-West).

Mr. O'Brien commented that he noticed last year for one of these ribbon events, after the month was over, those ribbons were up for quite some time. He said he hoped the group

realizes that the volunteers who put these ribbons up should also realize the volunteers need to take them down. Mr. Davis said he spoke to them about that, which is the reason this request is very specific, including where the ribbons are going to go. He said last year was their first time doing the ribbons and they got a lot of volunteers with a lot of enthusiasm, and one thing led to another and there were ribbons everywhere. He thought they lost track of where they were. Mr. Davis said they, in particular Jennifer Hinds personally, made a great effort to take them down, but she couldn't even find them all. Mr. Davis said this year, the spirit is to not let that happen again.

Mr. Berk added that they are coordinating with Turn the Towns Teal, who will be helping take those down as they put theirs up, so hopefully there will be some reciprocation there to help them.

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

5. **“Turn the Towns Teal” for Ovarian Cancer Awareness Month.** Mr. Berk stated that “Turn the Towns Teal” has requested permission to display teal ribbons on select Borough lampposts and trees from on or about September 1 through September 30, as part of its campaign to create awareness of ovarian cancer. He said that the Committee is recommending that Council approve the request, and if Council wished to follow the recommendation, it could do so by motion. (Berk-Flood) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

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

### **1. Zoning Hearing Board**

Mr. Brennan deferred to Ms. Hyland, who reported that the Board will meet on August 21, to hear the application for 50 North Main Street, by Worth & Worth, which is requesting building height and floor ratio variances. She said the project is to allow for a combination office, retail, and apartment use.

2. **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 applications: Sign Applications: 113 E. Court Street, Spur Marketing; and, Building Applications: 20 East Court Street, by Jude Viscontio, for a rooftop deck and “Pilot House Addition” to the top rear of the building, with the conditions that the inside wall on the pilot house align with the interior existing wall in order to create a “ledge” on the exterior, the deck structure to be lowered to +/- eight inches, and a stucco finish is suggested to match the existing building, with aluminum guardrails and composite decking; 101 South West Street, Chris and Beth Gilbert, for a shed dormer, with a standing seam metal roof to match the previously approved dormer on the opposite side of the structure; 99 Mechanics Street, Todd and Jane Davis, for an addition, windows, and deck, using Hardie Siding in Arctic White on the gable ends, Andersen 400 Series SDL sash windows, Certainteed shingles in granite gray, and Trex decking; 19 South Pine Street, Nancy Kanter, with the conditions that the following be used: Anderson 400 series SDL 2/2 windows, stucco color choice should be Ruckskin, Canvas, or Sunset Yellow, and brick veneer using Glen Gary with the color to match the existing modular series 250M.

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-Margolis)

Mr. O'Brien asked if there were any applicants present and there was none.

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

3. **Code Enforcement Monthly Activity Report.** Mr. Brennan reported there were 100 residential and three non-residential use and occupancy inspections, 53 complaints were investigated, seven recycling/trash inspections, no sidewalk/paving inspections, no sidewalk/snow inspections, seven litter enforcement, zero graffiti, six fire company issues, and no tree removal permits/issues.

4. **Building Inspection Monthly Report.** Mr. Brennan reported there were 220 total permits and a total cost of permit fees of \$20,857.50.

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

1. **Community Survey: Single-Use Plastics.** Ms. Margolis reported that working with the Environmental Advisory Council, Borough Council's Environment and Recreation Committee has developed a survey designed to ascertain the community's viewpoints on single-use plastics and their possible restriction. She said the survey would be distributed through D-Mail and the Borough's social media using the "Survey Monkey" program used for previous community surveys.

Ms. Margolis stated that the Environment and Recreation Committee and the Environmental Advisory Council are recommending that Council authorize the attached survey, and if Council wished to follow the recommendation, it could do so by motion. (Margolis-Berk)

Ms. Margolis commented that there were some typos in the survey that were corrected, so it's slightly changed from what is in everyone's packet, but there were no substantive changes.

Mr. O'Brien asked, with regard to reaching out via social media, if we have a way of determining who is responding as a resident versus who is a visitor or a business. Mr. Davis said that is one of the questions, whether they are a resident, non-resident, or business owner. He said the survey will be distributed via D-Mail which will have a link directly to it, and then the survey automatically generates for us the answers. He said the survey will also be placed on Facebook and on the website. Mr. Davis said we should have the results in time for next month's meeting.

Mr. Flood asked, "email text to do the survey, so that's going to come out from us in D-Mail?" Mr. Davis said yes, we haven't done one in a couple years, but this will be our sixth community survey and we've always gotten a pretty good response.

With no further comments from Council, Staff, 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 distribution of the single-use plastics survey: Mr. Bell was absent, 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 six to one, with two absent.

## **WATER UTILITY - Mr. Flood**

1. **Maplewood Standpipe Cell Site Agreement: T-Mobile.** Mr. Flood stated that this agreement replaces a 2005 agreement with T-Mobile that expires on January 31, 2020. He said that the new agreement, like the old, carries a term of five years with two five-year renewal periods.

Mr. Flood stated that the 2019 rent under the current agreement is \$33,450.00, which would increase to \$41,061.51 in 2020, with a three percent per year increase for the life of the

agreement. He said that the agreement does, however, permit the expansion of the site from three antennas to six at T-Mobile's request.

Mr. Flood said the Committee is recommending approval of the agreement, which has also been reviewed by the Borough Solicitor. He said that if Council wished to follow the recommendation, it could do so by motion. (Flood-Frederick)

Mr. O'Brien asked if they add additional antennas, does the fee stay the same. Mr. Davis answered yes. Mr. Davis also stated that the new antennas would have to comply with the other elements of the agreements as there are still restrictions, but if they comply, they can.

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 the Code of Ordinances to Include Water Service Tapping Fees.** Mr. Flood emphasized this is not an increase in tapping fees, but more of a housekeeping item of moving from it from one area in the budget to another.

Mr. Flood stated that currently, water service tapping fees are adopted by resolution and included in the Fee Schedule. He said the Borough Solicitor is recommending that they be formally included in the Code of Ordinances. He said that the proposed ordinance does not alter the current tapping fees.

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

3. Mr. Flood next gave the monthly **Water Department Report** [with visual aids]: one water main repair, one water service repair, seven water meter repairs, 13 well house repairs, four house calls, four emergency shutoffs, two power outages, one bulk chemical delivery, and 27 SCADA System Alarms. From the front office, he said there were 19 final readings, 47 water leak notices sent, 11 meter repair notices sent, 144 late payment notices sent, 54 shutoff notices sent, and two non-payment shutoffs. Mr. Flood also reported that the 2018 Consumer Confidence Report has been distributed to the customers.

Mr. Ehlinger commented that everyone knows that Texas-Eastern Pipeline runs through Doylestown. He noted in that in the one photograph, it depicts the actual pipeline full of natural gas and our water main laying right over top of it. He said the water main breaks happened because a crew, while doing a repair on the weld on the pipe, hit our water main and ripped it open. Mr. Ehlinger said the pipeline repair company damaged our water main. In the photo, you can see the road is fairly flooded at that time, and it's their machine in the photo that actually did the damage. Mr. Ehlinger said he just wanted to point out how close our water main line is to that pipeline, and it's probably that depth most of the way through the Borough.

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

1. **Consideration of Resolution No. 2019-5, Sale of Doylestown Borough Real Estate.** Ms. West reported that bids were opened and publicly read on July 23, 2019, for the sale of two Borough-owned properties located at 440 and 442 Boro Mill Hill Road. She said the bids were reviewed for completeness by Borough Staff. [A tabulation of the bids was provided in Council's packets.]

Ms. West said the Committee reviewed all of the documents, including Resolution No. 2019-5, which accepts the highest bids from Shan Lacaj, for a total amount of \$285,000 for both bids, and authorizes the Borough to enter into an agreement of sale with Shan Lacaj for the sale of real property owned by the Borough located at 440 and 442 Boro Mill Hill Road. She said if Council is in agreement, it may do so by adopting Resolution No. 2019-5. (West-Margolis)

Mr. Brennan said while being a big proponent of this because he felt it took something negative in our budget and makes it a positive, he is abstaining from the vote because Mr. Lacaj has been at his house and Mr. Lacaj doesn't know that he has been hired yet, but he probably will be hired shortly, so at the Solicitor's suggestion and out of an abundance of caution, he is abstaining.

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

Mr. Lacaj was present and asked when he may be able to get in the house. Mr. Davis said as soon as the Borough can get the paperwork going, get some agreements of sale executed, and settle. He said we have 60 days to do that by resolution.

Mr. Lacaj asked if it might be possible to get his architect in there sooner because he doesn't understand the current plans for square footage and things. Mr. Davis again said the Borough has 60 days.

Mr. Ehlinger said he felt we can arrange access for Mr. Lacaj so they can get some preliminary measurements and start design work, but possession cannot be given until closing. Mr. Lacaj agreed. Mr. Davis said the Borough will work to expedite this as much as possible.

2. **Finance Report.** Ms. West called upon Ms. Brinker for the monthly finance report. Ms. Brinker reported that the total of all funds expended was \$ 1,155,323.06. 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.

**PERSONNEL - Mr. O'Brien:** No report.

## **PROFESSIONALS' REPORTS**

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

**Solicitor's Report** - Ms. Waldron: No report.

**Central Bucks Regional Police Department (CBRPD) Activities Report.** The Police Activity Report showed there were 1187 incidents in the Borough in July 2019. Year to date, the Department spent \$2,962,089.75 and were at 51.7% of their yearly budget. Chief Knott commented that he had no report.

**PRESIDENT'S REPORT:** None.

**OLD BUSINESS:** None.



## **NEW BUSINESS**

**1. Request for Proposals for Construction Management Services: New Borough Hall and Central Bucks Regional Police Headquarters.** Mr. O'Brien said that Borough Staff and the Broad Street Project architect are recommending that Council authorize the advertisement of a RFP in order to have a Construction Manager in place during the construction and bid document preparation phase of the project. He said that the Intermunicipal Project Committee consisting of representatives from Doylestown, Chalfont, and New Britain Boroughs is also recommending advertisement.

Mr. O'Brien said that if Council wished to follow the recommendation, it could do so by a motion to authorize the advertisement of the RFP. (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:** None.

## **EXECUTIVE SESSION**

At 7:40 p.m., it was announced that Council would be holding an Executive Session to discuss litigation and there was no expectation for authorization for any action upon their return.

## **ADJOURNMENT**

At 8:22 p.m., Council Members returned from Executive Session and no action was taken. Mr. O'Brien then entertained a motion to adjourn. (Frederick-West) The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis  
Borough Manager

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