

April 18, 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. Also present were Mayor Noni West, Junior Councilperson Mary Frances McNulty, Borough Solicitor Joanna Waldron, Central Bucks Regional Police Department Police Chief Karl Knott, Borough Engineer Jim Dougherty, Borough Manager John Davis, Building and Zoning Karyn Hyland, Planning/Public Works Director/Deputy Borough Manager Phil Ehlinger, and Finance Director Caroline Brinker. Councilperson Amy Popkin was absent.

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATIONS

Mayor West made a **plaque presentation to Lisa Farina**, in appreciation for her 20 years dedicated service as a member of the Planning Commission, 2002-2021.

APPROVAL OF MINUTES

Mr. O'Brien called for a motion to approve the **March 21, 2022 Council Meeting Minutes**. (Browne-Margolis) The vote was called and the minutes were unanimously approved.

MAYOR'S REPORT

Mayor West made note of a celebration, Holi: Festival of Colors, Spring, and Love, being held on April 23, from 1:30-4:30 p.m., at the Borough's Burpee Park.

PUBLIC SAFETY - Mr. Frederick

Mr. Frederick asked Mr. Browne to present the first item on the Agenda.

1. **Doylestown Borough Emergency Preparedness Committee**. Mr. Browne said that an outline of a proposed Doylestown Borough Emergency Preparedness Committee had been provided in Council's packet. He said that the Public Safety Committee is seeking Council's support to develop a committee along the lines of that outline for the ultimate approval of the Borough, and appointment of members by the Council President.

Mr. Browne said that if Council wished to honor the Public Safety Committee's request, it could do so by a motion to endorse the development of a Doylestown Borough Emergency Preparedness Committee for ultimate consideration by Council. (Browne-Margolis) 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 that the **Doylestown Fire Company monthly report** had been provided to Council in their packets and was available to the public by following the packet link noted on this meeting's Agenda.

PUBLIC WORKS AND ADMINISTRATION - Mr. Browne

1. **2022-2023 Road Materials Bid.** Mr. Browne reported that bids were opened and read on February 25, 2022 by the Bucks County Consortium for the purchase of road materials for the 2022-23 season. (A tabulation of the three most purchased materials was provided.)

Mr. Browne said that based on the materials in the tabulation, the low bidder is Eureka Stone Quarry, Inc. He said that last year's low bid was also from Eureka. Mr. Brown said that the Committee has reviewed the bids and is recommending the award to Eureka Stone Quarry, Inc. He said that if Council wished to follow the recommendation, it could do so by motion, conditioned upon receipt of a properly executed performance bond and compliance with the bid specifications. (Browne-Frederick) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. Mr. Browne stated that the monthly **Public Works Department Report** was provided in Council's packet and was available to the public by following the packet link noted on tonight's meeting Agenda.

COMMUNITY AND GOVERNMENTAL AFFAIRS - Mr. Bell

1. **2022 Farmers' Market License Agreement.** Mr. Bell stated that the 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, and 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. **Youth Leadership Recognition Program.** Mr. Bell said that provided was an outline of the program based on a proposal by Junior Councilperson Mary Frances McNulty. He then asked Ms. McNulty to elaborate. She said that the program would annually recognize young people who have made a positive impact on the Doylestown Borough community.

Mr. Bell said that the Committee is recommending that Council approve the new program, and 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.

ZONING AND PLANNING - Mr. Brennan

1. **Application for Amendment to Subdivision and Land Development Approval, Worth & Worth, LP, TMP 08-008-198 & 08-004-360, 50 North Main Street.** Mr. Brennan said that Worth

& Worth, owner of the subject property located in the Office Zoning District, was granted approval in 2019 to consolidate the two parcels and build an addition above the rear portion of the building located at the northwest corner of Main Street and Shewell Avenue. He said that as approved, the building will contain approximately 15,000 square feet of nonresidential space with dwelling units above. Mr. Brennan said that Worth & Worth is now requesting approval to amend the plan with the addition of a five-bay parking garage for use by residents of the building. He said that the proposed garage will be located where surface parking was previously proposed. The applicant has been granted the necessary variances to facilitate the project.

Mr. Brennan said that the application was reviewed by the Zoning and Planning Committee on April 11, 2022, at which time the Committee recommended approval with the following conditions: (1) that the applicant resolve all outstanding issues in the review letters of the Borough Engineer, Borough Water Engineer, Building Inspector, and Fire Marshal to the satisfaction of staff; (2) that the Applicant change the proposed street tree species in accordance with the Shade Tree Commission's recommendation; (3) that, in all other respects, the applicant comply with the conditions of the Borough's December 16, 2019 Land Development approval; and, that the project comply with all applicable building and environmental regulations, including local, state, and federal. Mr. Brennan said that if Council was in agreement with the recommendation, it could grant Preliminary and Final Subdivision and Land Development approval by carrying a motion to do so. (Brennan-Browne) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. Consideration of Ordinance No. 2022-5, Amending Chapter 13 to Add Part 13 – Platform Dining. Mr. Brennan said that this ordinance allows for the licensing and regulation of dining platforms. He said that this ordinance was drafted at the request of the Community Support Working Group as one component of a more comprehensive outdoor dining program initially born out of COVID-19 pandemic regulations.

Mr. Brennan said the ordinance allows for up to two parking stalls per block in the downtown area to be occupied by a curb-height platform for the purpose of sit-down dining. Platform applications will be reviewed by Borough staff for compliance with safety and aesthetic standards.

Mr. Brennan said that the Ordinance No. 2022-05 was properly advertised and the Zoning and Planning Committee recommends that Council adopt the ordinance. He said that if Council wished to follow the Committee's recommendation, it could do so by motion. (Brennan-Browne) 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. 2022-4, Amending Chapters 6 and 13 of the Borough of Doylestown Code of Ordinances Regarding Open Containers. Mr. Brennan said this ordinance allows for the sale and consumption of alcoholic beverages in public rights-of-way as part of sidewalk dining licenses, platform dining licenses, if applicable, and pedestrian zone events. He said that the ordinance also permits Borough Council to approve the sale and consumption of

alcoholic beverages on public property and public rights-of-way as part of the event permit application review.

Mr. Brennan said that the Zoning & Planning Committee recommends that Council adopt Ordinance No. 2022-4, and if Council wished to follow the Committee's recommendation, it could do so by motion. (Margolis-Jarret) 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. 2022-08, Setting the 2022 Schedule of Downtown Street Events that May Require Temporary Platform Removal. Mr. Brennan said that this resolution establishes a list of events that may require removal of street platforms in 2022. He said that the platform dining ordinance allows the Borough to temporarily suspend licenses for certain scheduled events as well as unforeseen emergencies. He said that the resolution sets the dates and locations for the scheduled events. He said that because of the various locations of the events, Staff does not anticipate that any platform will need to be removed more than three times.

In response to a question from Mr. Bell, Mr. Davis said that the resolution was not required to have a platform removed, but was rather a courtesy to let potential applicants know up front what the removal obligations for the year might be.

Mr. Brennan said that the Zoning and Planning Committee is recommending adoption of Resolution 2022-08, and if Council wished to follow the Committee's recommendation, it could do so by motion. (Brennan-Jarret) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

5. Consideration of Resolution No. 2022-9 Updating the Fee Schedule. Mr. Brennan said that Resolution No. 2022-9 adopts the updated fee schedule for 2022. He said that the fee schedule has been updated to include revisions to the points system for the Borough's Green Building Incentive Program known as Green Points. He said that the point structure is typically updated in response to triennial building code revisions. Mr. Brennan said that the fee schedule also includes a license fee and refundable escrow for platform dining licenses.

Mr. Brennan said that the Zoning and Planning Committee is recommending Council adopt Resolution No. 2022-9, and if Council is in agreement, it could do so by motion. (Margolis-Jarret) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

6. Request for Waivers from Sidewalk Dining Requirements, SkyRoast Coffee, 122 North Main Street. Mr. Brennan said that SkyRoast Coffee is a take-out coffee shop located at 122 North Main Street in the Office Zoning District. He said that although this use is not permitted by right, the Zoning Hearing Board granted a variance for the use in March of 2020.

Mr. Brennan said that in March of 2022, SkyRoast submitted a Sidewalk Dining License Application to the Borough and the application was denied in accordance with the sidewalk dining regulations found in the Code of Ordinances Chapter 13, Part 10, which only permits sidewalk dining licenses to be issued in the Retail Commercial, Retail Commercial-I, Central Commercial, and the Freestanding Commercial Zoning Districts.

Mr. Brennan said that by letter, Alan Cohen of SkyRoast Coffee requested a waiver to enable staff to issue a sidewalk dining license. (A copy of the letter and the sidewalk dining license ordinance were provided in Council's packets.)

Mr. Brennan then read the applicable ordinance section of Chapter 13, Part 40, §1008.1.

Mr. Brennan said that the Zoning and Planning Committee reviewed the request and recommended approval of the waiver. He said that if Council was in agreement, 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.

7. **Zoning Hearing Board Report.** Mr. Brennan deferred to Ms. Hyland, who reported that the Doylestown Borough Zoning Hearing Board will hold a public meeting on April 20, 2022, to hear the following applications: 531 Linden Avenue, Bruce and Heather Henvig, who request a lot coverage variance to enclose a deck on the first floor and install a deck above it to serve the second floor; 430 Belmont Avenue, James Bromiley, who requests a variance to permit a porch and garage extension within the required front yard setback; 758 Stryker Avenue, Christopher May, who requests variances to permit an addition to the house and the construction of a two-story detached garage.

8. **Historic & Architectural Review Board (HARB) Recommendations.** Mr. Brennan said at its regular monthly meeting held on March 24, 2022, the Borough of Doylestown Historical & Architectural Review Board (HARB) recommended the following Building Applications: 94 - 96 South Clinton Street, John Nicolo and Rose Gawronski, for a roof on a twin home. The HARB recommended that Council approve the application with gutters to remain and an open metal valley; 169 North Main Street, Shooe Equities LLC, Michael Raphael, for a roof and porch renovation. The HARB recommended that Council approve the application as submitted; and, 188 North Main Street, Dementia Society Inc., for a carriage house addition. The HARB recommended that Council approve the application as submitted with the following conditions: the gutters will match the existing half round on the house and the Hardie Plank will be smooth and painted to match the house.

Mr. Brennan said that the Zoning and Planning Committee recommended 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. (Margolis-Jarrett) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

9. **Code Enforcement Monthly Activity Report** and 10. **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

Ms. Margolis said that the Committee met, but there were no reportable items.

WATER UTILITY - Ms. Jarret

Ms. Jarret reported that the Committee did not meet and, consequently, there were no actionable items.

FINANCE/PENSION - Ms. Popkin

In Ms. Popkin's absence, Ms. Margolis presented the following items:

1. **Consideration of Resolution No. 2022 – 7, Appointing Delegates and Alternates to the Bucks County Tax Collection Committee (TCC)** . Ms. Margolis reported that the TCC meets quarterly with a representative of Keystone Collections Group, Bucks County's appointed tax collector for Earned Income and Local Services Taxes. This is a housekeeping item, and updates the appointments made in 2009. She said that the following individuals are appointed as TCC Delegates for Doylestown Borough: Voting Delegate: Caroline Brinker, Finance Director, First Alternate Voting Delegate: John Davis, Borough Manager, and Second Alternate Voting Delegate: Jack O'Brien, Council President. Ms. Margolis said that the Committee reviewed this Resolution and is recommending its adoption and if Council agrees with the recommendation, it could do so by motion. (Margolis-Jarret) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. **Consideration of Proposal From Applied Video Technology for Council Meeting Video Production Services.** Ms. Margolis said that the cost for these services is \$750 per meeting, or \$9,000 annually, plus an annual fee of \$995 for webhosting. She said that the Committee has reviewed the proposal and is recommending its approval. Ms. Margolis said that if Council is in agreement with the recommendation, it can do so by motion. (Margolis-Jarret)

A lengthy discussion ensued with Council members questioning the cost of the proposal and discussing other options, including a bid, Request for Proposal, in-house staff production, and the use of volunteers. After discussion, a motion was made to table the proposal in order for staff to seek other quotes. The motion was passed by an 8-1 vote with Mr. Browne opposed.

3. **Central Bucks Regional Police Department (CBRPD) Request for ARPA Funds.** Ms. Margolis said this was a request from the CBRPD for the purchase of public safety/traffic equipment using American Rescue Funds received by Chalfont, Doylestown, and New Britain Boroughs. She said that Doylestown's share of the expenditure was adjusted and is \$29,284.

Ms. Margolis said that the Finance and Pension Committee reviewed this request at their April 14, 2022 meeting and are recommending approval conditioned upon support from Chalfont and New Britain Boroughs. She said that if Council agreed with the Committee's recommendation, it could do so by motion. (Margolis-Jarret) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

4. **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 \$1,047,062.54. Motion to approve the report. (Margolis-Jarret) 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. Chief Knott: No report other than what was included in the packet. The CBRPD monthly activity report showed there were 972 incidents in the Borough in March 2022, and year-to-date, the Department spent \$1,311,211.06 and were at 20.02% of their yearly budget.

PRESIDENT'S REPORT: None.

OLD BUSINESS: None.

NEW BUSINESS: None.

OPEN PUBLIC COMMENT: None.

EXECUTIVE SESSION:

At 7:44 p.m., Mr. O'Brien announced there would be an Executive Session to discuss two items. Upon return from the Executive Session at 8:07 p.m., there was a motion made to accept the settlement agreement in the Slattery/Grissa zoning appeal litigation. (Brennan-Jarret) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

ADJOURNMENT

At 8:11 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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