

December 19, 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, Larry Browne, Joe Frederick, Jennifer Jarret, Dennis Livrone, and Amy Popkin. Also present were Mayor Noni West, Junior Councilperson Brooke Wassmann, Borough Solicitor Ernest Closser, Borough Engineer Jim Dougherty, Central Bucks Regional Police Department Police Captain Lance Carlen, Borough Manager John Davis, Building and Zoning Karyn Hyland, Finance Director Caroline Brinker, and Planning/Public Works Director/Deputy Borough Manager Phil Ehlinger.

### **PLEDGE OF ALLEGIANCE**

### **SPECIAL PRESENTATIONS**

1. Mayor's Stewardship Award. Mayor West stated that this award is done through a nomination process and then the selection is made by the Economic Development Advisory Board (EDAB). She said that the 2022 award goes to Rich and Lisa Chase, 396 Linden Avenue. The Chases and EDAB member Rick Brown joined Mayor West on the floor.

Mr. Brown said that the EDAB has been involved with the award for several years and the purpose of it is to acknowledge those people who have been good stewards to their properties by maintaining, improving, or adding to them. He commented that Doylestown is very fortunate to have such a wonderful assemblage of older buildings which represent many different types of architecture and which give character and vitality to the Borough. Mr. Brown said that with respect to the Chases' house, it was built in 1885 and they added to it. He said the EDAB felt the addition to the house was sensitive and while contributing to the building itself, it also contributed to the community as a whole. He said the EDAB was quite enthusiastic about what was done.

Mayor West presented the award. Mr. Chase remarked that they found a photograph of the house from 1905, depicting the windows, siding, etc. and that was used while they worked on the addition. He also commented that the previous owner left them a note on the counter on the day of settlement which said, "This is a great house with great bones. Cherish it as much as we did," which he felt was kind of cool.

2. John A. Garner, Jr. Civic Engagement Scholarship Award. Mayor West said that this item was not on the agenda because it was a surprise to us and just received on Friday. She said the award is for our former Junior Councilperson Mary Frances McNulty from the Pennsylvania Municipal League, for first place in writing an essay on civic engagement. The award was presented to Ms. McNulty, who thanked the Mayor, Borough Council, and Staff for allowing her to participate in Council as the Junior Councilperson last year. She said it was a very rewarding experience and she looked forward to continuing her involvement in the community in the future.

## **APPROVAL OF MINUTES**

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

**MAYOR'S REPORT:** No report.

**PUBLIC SAFETY** - Mr. Frederick

1. **Authorization to Draft and Advertise an Ordinance Establishing Residential Permit Parking on Union Street (Shewell Avenue to Hamilton Street).** Mr. Frederick said that a residential permit parking study was performed by the Central Bucks Regional Police Department, which study determined that Union Street between Shewell Avenue and Hamilton Street qualifies for residential permit parking. He said that the Public Safety Committee held a public meeting on December 7, 2022, to which all residents of these blocks were invited, and as a result are recommending that Council authorize the drafting and advertising of an ordinance establishing residential permit parking on Union Street between Shewell Avenue and Hamilton Street. Mr. Frederick said that if Council wished to follow the recommendation, it could do so by motion. (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. **Authorization to Draft and Advertise an Ordinance Restricting Parking on Union Street Between Shewell Avenue and Hamilton Street.** Mr. Frederick said that at the same December 7 meeting at which they discussed residential permit parking with Union Street residents, the Committee discussed appropriate parking restrictions in this area for non-residential permit holders. He said that as a result, the Committee is recommending that Council authorize the drafting and advertising of an ordinance restricting parking on Union Street between Shewell Avenue and Hamilton Street to a maximum of two hours from 9:00 a.m. to 5:00 p.m., Monday through Friday. Mr. Frederick said that if Council wished to follow the recommendation, it could do so by motion. (Frederick-Margolis) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

3. **Authorization to Draft and Advertise an Ordinance Eliminating Parking on West Street (Union to Doyle Elementary).** Mr. Frederick said that the Committee met with West Street residents on December 7, to discuss traffic calming on West Street after a September 2022 traffic study revealed speeds of 31 to 33 m.p.h. between Union Street and Doyle Elementary School. He said that Several options for traffic calming were discussed with the unanimous preference in favor of a proposal for five foot bike lanes on both sides of West Street, the option recommended by Borough Staff. Mr. Frederick said that the proposal will reduce traffic speed by narrowing the vehicular cartway while providing a new transportation and recreation amenity.

Mr. Frederick said that in order to move forward with this project, existing, rarely used, parking on the west side of West Street between Union Street and Doyle Elementary School needs to be eliminated. He said that the Committee is therefore recommending that Council authorize the drafting and advertising of an ordinance to do so, and if Council wished to follow the recommendation, it could do so by motion. (Frederick-Browne) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

4. Mr. Frederick said the last 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, but he wanted to give recognition to the Public Works Department for their help at the tremendously successful tree lighting this year. He also thanked them for the perch on the bucket truck for him to take photographs.

Mr. Browne asked Mr. Ehlinger for any comments he had. Mr. Ehlinger reported they just entered area 5, the last area of the nearly three-month long leaf season. He said they are on schedule and should actually be completed by the end of tomorrow or Wednesday.

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

Mr. Bell reported that the Committee did not meet and there was no report, but did congratulate Linden Avenue residents for such a strong showing at tonight's meeting in receiving the Stewardship and the Civic Engagement Awards.

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

In Mr. Brennan's stead, Ms. Jarret gave the following report:

1. **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, 2022, at 7 p.m., to hear the following applications: 644 North Chubb Drive, Kristin and William McCoach, who request dimensional relief for a front porch addition with a dormer; 110 South West Street, Gary Lorio, who requests a front yard setback dimensional variance to enable them to build a garage closer to Mary Street than the required setback; and, 686 Stryker Avenue, Richard and Victoria Myers, who request dimensional relief to construct a garage and mudroom.

2. **Consideration of Pollutant Reduction Plan Amendment.** Ms. Jarret said that provided was a Pollutant Reduction Plan (PRP) Amendment adding stream improvements on the Fonthill Castle property to the Borough's existing PRP. She said that as part of its National Pollutant Detection and Elimination System (NPDES) permit with the DEP, the Borough is required to adopt a PRP then implement specific tasks laid out in the plan. The Borough adopted a plan in 2017 with the understanding that the compact nature of the Borough made it physically and financially

challenging to implement. Ms. Jarret said that the Borough and the Bucks County Historical Society have since executed a MOU enabling the Borough to move forward with designing stream improvements on the Fonthill property to satisfy the permit requirements.

Ms. Jarret said that the Borough is required to accept public comment and to adopt any amendments to the PRP prior to submission to the DEP. She said the PRP was properly advertised for public comment.

Ms. Jarret said that the Committee recommends that Council adopt the PRP and if Council wished to follow the Committee's recommendation, it could do so by motion. (Jarret-Livrone) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

3. **Historic & Architectural Review Board (HARB) Recommendations.** Ms. Jarret asked Ms. Hyland to report. Ms. Hyland said that at its regular monthly meeting held on November 30, 2022, the HARB recommended the following for approval as submitted: **Sign Applications:** 46 East State Street, MARS Investment Properties, LLC, and 25 West Court Street, Ellis Klein; **Sign and Facade Improvements Application:** 19 West Court Street; and, **New Construction Application:** 110 South West Street, enabling the homeowner to apply for relief and permits subject to the enumerated items in the HARB's recommendation.

Ms. Jarret said that the HARB recommended that Council approve the applications in accordance with HARB's recommendations, and if Council wished to follow the Committee's recommendation, it could do so by motion. (Jarret-Margolis) 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** and 5. **Building Inspection Monthly Report.** Ms. Jarret 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. **Consideration of Ordinance 2022-12 Regulating Carry-Out Bags.** Ms. Margolis that this ordinance bans single-use plastic carry-out bags and non-recycled paper carry-out bags from retail businesses, retail transactions, restaurants, and events within the Borough. She said that the ordinance goes fully into effect six months after adoption, which period allows for public education, for preparation of resources for businesses, and for the necessary purchasing and operational transitions. Ms. Margolis said that businesses may request up to two six-month extensions if additional time is needed to deplete existing bag inventory.

Ms. Margolis said that the ordinance was developed by the Environmental Advisory Council in coordination with the environmental advocacy organization, Penn Environment, and takes into account feedback from the Borough's business community. She noted that the Ordinance has been properly advertised, and said that the Environment and Recreation Committee recommends adoption of Ordinance 2022-12. Ms. Margolis said that if Council wished to follow the

Committee's recommendation, it could do so by motion. (Margolis-Livrone) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

Ms. Margolis commented that the EAC is working on the educational materials and will discuss it at their meeting tomorrow night, if anyone is interested in attending.

#### **WATER UTILITY - Ms. Jarret**

Ms. Jarret reported that the Committee did not meet and there was no report.

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

1. **Adoption of 2023 Budget.** Ms Popkin said that the Preliminary Budget was advertised and made available for public inspection at Borough Hall and on the website at [www.doylestownborough.net](http://www.doylestownborough.net) for a minimum of ten (10) days prior to the Final Budget adoption. She said copies of the 2023 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 2023 Budget, a motion to adopt and approve the Budget can be made. (Popkin-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 Ordinance No. 2022-10, Setting the 2023 Real Estate Tax Rate.** Ms. Popkin said that Ordinance No. 2022-10 sets the 2023 Tax Rate in accordance with the 2023 Budget that was just adopted. She said that for the year 2023, the General Purpose Tax is 10.915 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 18.34 mills. Ms. Popkin said that if Council agrees with the proposed Ordinance, then it can 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.

3. **Consideration of Ordinance No. 2022-11, Providing for the Regulation of Water Service.** Ms. Popkin said that in conjunction with the adoption of the 2023 Budget, there is Ordinance No. 2022-11, which sets the water rates for 2023, and adding a \$5.00 per unit per quarter Capital Contribution Fee. She said that if Council agrees with the proposed ordinance, then it can be adopted by motion. (Popkin-Browne) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

4. 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 \$1,231,846.96. A motion was made to approve the report (Popkin-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**

### **1. Authorization to Accept Council Member Resignation and Advertise Vacancy.**

Mr. O'Brien said that Council Member Timothy Brennan submitted his resignation due to his election to the Pennsylvania House of Representatives in the November 2022 election. He said that Borough Staff recommends acceptance of the resignation, as well as the advertisement of the vacancy. Mr. O'Brien said that a copy of Mr. Brennan's resignation and the advertisement to fill the vacancy for a term ending December 31, 2023 had been provided in Council's packet. Mr. O'Brien said that if Council wished to follow the recommendations, it could do so by motion. (O'Brien-Margolis)

Tim Brennan commented that he wanted to thank Council for their time together. He said this job can be mundane and difficult, but reflecting back on the time he has served, he finds very little as rewarding as the time he spends here. Mr. Brennan said he is not going far – it looks like he will have an office on Main Street and he will be around.

Mr. Brennan said that he has spent time as a municipal solicitor and also as a councilperson, and he's represented municipalities and cities. He said you learn from those roles. Mr. Brennan said that if he were to put together a formula for an exceptional borough, it would probably include an active, engaged citizenry, and consistent, informed leadership. He said the Borough has had an embarrassment of riches in both of those things, from the people sitting behind the dais who are incredibly competent people who volunteer their time on Council, to the Staff who are depended on, and he strains to think of anyone better than those here tonight. He said he has spent 15 years in government and "these are exceptional calibered people - some of the best in the state." Mr. Brennan said there are also our citizens, as shown here tonight with a Stewardship Award and Civic Engagement, "we have a citizenry that floods our committees and is always here at our meetings." Mr. Brennan said that the Borough is just blessed to have that.

Mr. Brennan further commented that he is happy with the work done here together. He said there are so many things to look back on and be proud of, such as the Broad Street corridor, professionalizing our police force, the work we have done with environmental issues, protecting the LGBTQ+ community, and surviving the pandemic. He said that he's been "really lucky to have worked with each and everyone of you. You have been my friends. You have been my colleagues. and I'm lucky to have served with you. This is a great place to live, work, and raise a family and that's not something that just happens by accident." Mr. Brennan said it's the people who work here everyday, some who have been here for many years, and make sure things go right, and also the exceptional Council people who give so much of themselves and their time. He said, "I appreciate your service. I am so much better having served with you and I appreciate it."

Mr. O'Brien said that it was certainly a pleasure working with Mr. Brennan.

With no further comments, the vote was called to accept Mr. Brennan's resignation. All were in favor and the motion passed unanimously.

2. **Reappointment of Member to Shade Tree Commission.** Mr. O'Brien said that longtime member Christopher May has requested reappointment to the Shade Tree Commission for another five-year term, effective January 1, 2023 through December 31, 2027. He said that if Council wished to reappoint Mr. May to the Commission, it could do so by motion. (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.

3. **Appointment of Lynn Bush as "Ex-Officio" Member of the Planning Commission for the Comprehensive Plan Process.** Mr. O'Brien said that Lynn Bush has been forced to resign from the Planning Commission due to the fact that she is no longer a Borough resident as of December 2022. He said that in order to take advantage of her knowledge and experience, Borough Staff is recommending that Borough Council appoint her as an "ex-officio" member of the Planning Commission specifically for the Comprehensive Plan update process. He said that if Council wished to follow the recommendation, it could do so by motion. (O'Brien-Browne)

Mr. Livrone commented that he thought this was a wise move on Council's part to keep Lynn Bush involved with the Comprehensive Plan, he's known her for 40 years in the planning profession and she will certainly continue to add to the quality of the plan produced.

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

4. **Reappointment of Civil Service Commission Members.** Mr. O'Brien said that Civil Service Commission (CSC) members are first appointed by the individual Boroughs Councils, followed by confirmation by the Central Bucks Regional Police Commission (Commission). Since the inception of the CSC, the Commission has had two different Civil Service Solicitors who have provided limited guidance regarding the organizational health of the CSC which now finds itself in the position of cleaning up the appointments, especially in light of the ongoing *Hannahoe* Civil Service hearings. For continuity purposes, the Commission is asking each Borough Council to re-appoint their CSC members at their December Borough Council meetings. The Commission will confirm their appointments at the December Commission meeting.

Mr. O'Brien said that the statute dictates the CSC will consist of three commissioners, one from each Borough, who shall be appointed for terms of two, four, and six years. Alternate members, also one from each Borough, hold six-year terms each.

Mr. O'Brien said that the Commission is recommending the CSC member and alternate below be reappointed with the following motion: "Due to the recording of 2, 4, and 6-year terms not being maintained, the respective Boroughs of the CBRPD, are in agreement as to who will receive partial and full terms. Going forward, upon expiration of each respective term, each term shall be for six years. For Doylestown Borough, the following reappointments are recommended: Steve White as Member for a four-year term expiring December 2026, and Dennis McCauley as an Alternate Member for a six-year term expiring December 2028.

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

**5. Village Improvement Association of Doylestown (VIA) Board Member Reappointment.** Mr. O'Brien reported that the VIA is requesting the reappointment of Board Member Lynn Goldman to an additional five-year term, which term would be effective January 1, 2023 through December 31, 2027. He said that if Council wished to follow the VIA's recommendation, it could do so by motion. (O'Brien-Margolis)

Mr. Livrone commented that we're two for two tonight with the name Lynn because Lynn Goldman is an asset to the Borough and VIA.

With no further 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 996 incidents in the Borough in November 2022, and year-to-date, the Department spent \$6,064,832.38 and were at 92.58% of their yearly budget. The Captain noted that year-to-date for the three Boroughs, CBRPD responded to 18,093 calls, with Doylestown Borough having 11,483 of those calls.

**PRESIDENT'S REPORT:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**OPEN PUBLIC COMMENT:** None.

**EXECUTIVE SESSION:** None.

#### **ADJOURNMENT**

At 7:42 p.m., President O'Brien entertained a motion to adjourn (Browne-Margolis). The vote was called and the motion passed unanimously. Happy holidays to all.

Respectfully submitted,

John H. Davis  
Borough Manager

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