

April 7, 2020
9:00 a.m.

A special meeting of the meeting of Doylestown Borough Council was held on the above date and time via a Zoom Rooms meeting, with the following members present: Council President Jack O'Brien, Vice President Noni West, and Council Members Ben Bell, Tim Brennan, Larry Browne, Joe Flood, Joe Frederick, Jennifer Jarret, and Wendy Margolis. Also present were Junior Councilperson Alec Maraska, Mayor Ron Strouse, Borough Manager John Davis, and Borough Solicitor Ernest Closser.

As this was Council's first attempt at a Zoom Rooms meeting, there were connection and setup issues so the meeting actually began at 9:32 a.m.

PLEDGE OF ALLEGIANCE

For clarification purposes, Mr. Davis explained that since we use Google Calendar, it automatically set up the meeting through Google "Hang Outs" which was the link that was sent out through D-Mail and was on the website, even though it was a Zoom meeting. He said he would be sure this was correct for any future meetings and he asked everyone not give up as we get through this.

Mr. O'Brien asked for confirmation that the meeting was being recorded and Mr. Davis said it was.

RATIFICATION OF EMERGENCY DECLARATION

Mr. O'Brien stated that the purpose of this special meeting was that the Mayor has made an emergency declaration and on recommendation of our Solicitor, in order for that to be valid, it must be ratified by Council within 14 days. He then turned the meeting over to Mayor Strouse for an explanation as to what the declaration entails and why we're doing it.

Mayor Strouse stated the declaration has been discussed at length with the Solicitor. He said the declaration is not required, but is something we are allowed to do and felt it prudent for us to do it now.

Mayor Strouse said that as part of Council's ratification, assuming it is done, is that we are required to file it with the Pennsylvania Emergency Management Agency and again when it terminates. He said under this Declaration of Emergency, we are required to have a succession plan which is covered by the fact that you have elected leadership on the part of Council to do that.

The Mayor said it relieves us of some procedures and statutory deadlines, relieves us from deadlines that may be required by the Planning Commission and the Zoning Hearing Board, and it provides for cancellation of non-essential meeting. He said it also provides an argument for holding meetings like the one we're holding right now, while also requiring the opportunity for public comment.

Mayor Strouse said this may also present the opportunity for some of our non-profits, businesses, and residents to take advantage of federal and state assistance that may or may not be available which, without this declaration, they may be precluded from. He said that's not necessarily the case with the major benefits of the Federal CARES Act, but it may be with some other legislation. He commented that he received a call from the Chairwoman of the County Commissioners asking for this declaration to allow the Commissioners to pay a premium to security people at the courthouse.

The Mayor stated that the declaration also enables the Emergency Management Coordinator to do his job, which he has been doing, but this publicly identifies him as our person on the streets to do that job, to attend the county emergency management meetings, to provide elements of enforcement, and provide encouragement to comply with the Governor's directives.

Mayor Strouse said that the term of this can be up to Council. He says he is recommending that the term be consistent with the Governor's State of Emergency. He said Council could elect to have a term of one, two, or three weeks, but that kind of definition would be very arbitrary, so having it consistent with the Governor's declaration seemed to the Mayor to be the most appropriate term, knowing that we don't know how the emergency we are trying to address is going to play out.

Mayor Strouse said the declaration also helps reestablish the seriousness of the pandemic.

The Mayor said what the declaration does not do is also important. He said that some people perceive this to be an opportunity to have limitations on the right to assemble or limitations the right to establish a curfew. Mayor Strouse said this does not do any of that. He said those things would require a separate proclamation identifying elements to preserve the peace and that separate proclamation would also need to be posted around town in very public areas. The Mayor said that is kind of a misconception with regard to this declaration as it does not provide for that.

Mayor Strouse then asked Solicitor Closser to comment. Mr. Closser stated that he felt the Mayor gave a very good summary and the main point that he would stress is that the local declaration essentially syncs the Borough up with the Governor's declaration and really even the national declarations at this point. He said this just really syncs all the emergency response capabilities so that everyone is essentially on the same page.

President O'Brien asked for Council's comments or questions. Mr. Brennan asked if anything has been figured out on grant funding or anything along those lines. Mr. O'Brien replied that he was not aware of anything. Mr. Davis commented that the declaration has been provided to PEMA and of course to County Emergency Management, so we've staked our claim if you will if there are disaster funds that are ultimately to be made available. He said there have been some surveys sent out about direct costs, but the Borough doesn't have much in direct disaster-related costs, as most of our costs involve revenue disruption and things of that nature. Mr. Davis said we are documenting any costs, man hours, and anything related to this, but there isn't a lot right now. He said this does, however, stake our claim.

Mr. Bell asked about the value of aligning our term with the state's, given that the state's emergency proclamations are meant to enable a different set of practices and respond to a different set of conditions than what we are at the Borough level; what is the actual rationale for that alignment? Mayor Strouse said he thought the rationale falls within the understanding that we don't have clarity of the duration of the pandemic/emergency. He said that's where if you were to put a determination of how long this emergency would last, the determination would be arbitrary and the termination would be artificial in that regard, and then we would be faced with coming up with another declaration, another process to approve it, and another date certain so that's where the consistency with the governor makes sense.

Mr. Bell asked if our term would be more or less artificial than the state's. Mayor Strouse said that to the extent the governor's declaration is artificial, it is subject to extension based on the events at the time, so if the governor's declaration were extended, then ours would extend with it. He said if the governor's declaration were to end, ours would end as well. Mr. Davis commented that if nothing else, it is practical rather than setting arbitrary dates by which we would have to meet again to either extend or not extend, this at least provides a baseline that has

some practicality to it. He said that presumably, the state has more direct information about the emergency in the state so they're probably a better benchmark than what we could gather here at a local level. Mayor Strouse added that if Council wanted to for some reason, we could always reconvene and call for end to the declaration at a time of Council's choosing.

Mr. Flood asked whether we're aligning with the governor's declaration by our motion because that's not actually contained in the Declaration of the State of Emergency. Mayor Strouse replied that it is not contained in the Declaration of the State of Emergency, but it would be contained in the motion. Mr. Flood agreed with that and also agreed with the aligning with the state for reasons the Mayor stated.

With no further questions or comments from Council, Mr. O'Brien asked for any public comments or questions. Joe Calabria asked whether it makes sense to have a monthly update as to the status of the emergency, just to put something out to the public that we're still having it. He said, in other words, there's a concern about complacency in the country and he thought it would be a good idea for the Borough to put something out, in the paper or whatever, that we're still under state of emergency or declare when it is officially over.

Mayor Strouse commented that the Borough has been putting out periodic messages to reinforce voluntary compliance and he thought the longer this emergency takes place, the more challenging it is going to become to get people to comply, so he personally intends to send out periodic messages because he felt that is important.

Mr. Calabria asked what the Mayor's vehicle would be for his correspondence. The Mayor replied that he has done written periodic messages and also has done videos, and thought he would continue doing both going forward.

Ms. Margolis thought it important to say where these will be posted, for instance D-Mail and Facebook. The Mayor agreed. Mr. Calabria said he found out through the Patch, so he hoped that was on the Borough's list. It was confirmed that it is.

Mr. Davis noted that there is also a monthly Council meeting where the Mayor gives a report, so presumably each month, starting with our April 20 meeting, the Mayor would update the State of Emergency at that time. He said the April meeting will be in the format of what is being done for this meeting.

Nicholas (last name indecipherable), a resident from Settlers Drive just outside the Borough asked what the new rules are for the public with this State of Emergency, knowing that it's to help share in any money that comes down from the state or the feds, what is the effect on the public? Mayor Strouse said it really doesn't affect the voluntary nature of compliance at all; it brings attention to the fact that we are in the environment of a pandemic or emergency, but the voluntary nature of those efforts go forward. He said what this really does is enables a lot of other efforts, which are more enabling residents and businesses to apply for aid or assistance where it may exist and enables the municipal government to operate in a fashion that is consistent with the limitations that we have because of the pandemic.

Nicholas asked why we need a State of Emergency for that when anybody can go apply for those funds. Mr. Brennan stated he thought that under the PEMA Code, it is essentially required to activate emergency plans and things that come up, and of our purposes, we have all kinds of statutes that we need to follow and this does loosen some of the requirements to respond to the fact that we do have an emergency. He said that for example when this first happened, you had recommendations that people stay inside and all the members of Council showed up for a meeting when everyone else was locked in their homes. Mr. Brennan said physical presence, those kind

of things - there is a suspension of some of the formal requirements that we would have otherwise have to follow and a declaration is necessary to activate those PEMA provisions.

Nicholas asked what the actual numbers are in Doylestown, the whole zip code, in terms of victims, new cases, and how many cases. Mayor Strouse said that information is updated daily and the numbers are released at noon, and can be accessed directly through the county. Mr. Davis commented that the county does not provide exact numbers or precise information on the number of affected people in each community. He said they provide a map which shows a general range for each community and as of yesterday the Borough is listed as having between one and 10 cases. Mr. Davis said we do not know the names or addresses of the cases. He said Emergency Services are theoretically provided with a notification that someone residing at a property that they are called to has tested positive, but only if a call to the property is made. Mr. Browne confirmed that is happening.

Lastly, Nicholas said he read a story about something in western Pennsylvania where a person got pulled over and ticketed for being out/driving. He asked for confirmation that kind of stuff isn't going to start happening here. Mr. Davis said not that he's aware of. Nicholas asked if there would be no restrictions on for instance taking a walk outside. Mr. Brennan said that's not what we're doing. Ms. Margolis said we are aligning with the state, so the state could make that decision and the state police could enforce them. Solicitor Closser added that it's really the governor's orders and the substance of those orders that controls what activities are permitted and what aren't, and enforcement of those would follow, so everyone needs to pay attention to the governor's orders as they may change over time.

With no further questions or comments, President O'Brien entertained motion to ratify the Mayor's Emergency Declaration proviso that it be enforced for the duration of the state's declaration. (Margolis-Brennan) Mr. O'Brien called the vote. The responses were unanimously in favor of the motion.

CONTINUATION OF VIRTUAL MEETINGS

President O'Brien stated that right before this meeting, Council received an email from Solicitor Closser recommending that we have a motion of Council to approve a meeting format similar to what we're doing here today which would allow us to continue to hold these types of virtual meetings where the public can participate. He asked for a motion to that effect. (Browne-Brennan)

Mr. Brennan commented that he appreciated the memo and it was well done. He questioned that now that we have an emergency declaration, can meetings be advertised for a period of time. Mr. Davis asked the Solicitor regarding the Council meeting on April 20, where we intend to next use this format, since the meeting was already advertised as part of our standing meetings that we do in the beginning of the year, does the meeting need to be readvertised with the format change. Mr. Closser said he would advise to readvertise it with specifics on the format of how the meeting will be held. Mr. Davis confirmed that the April Council meeting will be readvertised in the same way we did for this meeting.

Ms. West asked if this means that all of our meetings must be done in this format and all off them advertised no matter what. Mr. Davis said the April 20 Council meeting is the next publicly advertised meeting and we won't be advertising the rest of the meetings for the rest of the year. Ms. West said that Council has been having telephone meetings on Tuesdays and Fridays to discuss whatever comes up regarding the emergency. She asked if this means those meetings should be advertised as well. Mr. Davis stated that, as discussed, those are characterized as

briefings from Staff to Council, and do not qualify at public meetings. He said if you want to convert them to public meetings with a different format, then obviously they would have to be advertised. Mr. Davis said that at this point, Staff briefings to Council would not be advertised in that way even if we used the Zoom format. Mr. Brennan asked if we are putting an opportunity for comment on those and if we're getting an opinion on that. Mr. Davis said it would be a discussion for Friday.

With no further comments from Council or the public, President O'Brien called the vote. All were in favor and the motion passes unanimously.

President O'Brien said that was the end of the agenda and he thanked everyone for participating. He said that hopefully the next meeting would go smoother than the beginning of this one.

Mr. Browne wanted to add for the record that there was a comment left in the Google meeting which was from Amy Horton, "I was logging on as an interested citizen with two vulnerable people in my home. I will sign off and check the news, but I wanted to extend my appreciation to you all. Thank you. Amy." Mr. O'Brien commented that was very nice and thanked Mr. Browne for sharing it.

PUBLIC COMMENT: There were no further comments.

ADJOURNMENT

At 9:58 a.m., Mr. O'Brien entertained a motion to adjourn. (Margolis-Frederick) The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis
Borough Manager

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