

April 19, 2021  
7:00 p.m.

The regular meeting of Doylestown Borough Council was held on the above date and time via a Zoom 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 Ben Morris, Mayor Ron Strouse, Joanna Waldron, Esquire for Borough Solicitor Ernest Closser, Central Bucks Regional Police Department Police Chief Karl Knott, Borough Engineer Jim Dougherty, Borough Manager John Davis, Building and Zoning Director Karyn Hyland, Finance Director Caroline Brinker, and Planning/Public Works Director/Deputy Borough Manager Phil Ehlinger.

### **PLEDGE OF ALLEGIANCE**

**SPECIAL PRESENTATIONS:** None.

### **APPROVAL OF MINUTES**

Mr. O'Brien called for a motion to approve the **March 15, 2021 Council Meeting Minutes**. (Browne-West) The vote was called and the minutes were unanimously approved.

### **MAYOR'S REPORT**

Wear your mask! Get vaccinated! We have been living with the first admonition for over a year. The second has been more difficult. Now, however, there are no excuses for not joining the queue and getting vaccinated as soon as possible. It is essential that we get vaccinated before variants to COVID have a chance to take hold, in our community and in the nation. Regardless of your age, you have a life to live. So do your friends and relatives and neighbors and all those you might run into on the streets of Doylestown.

We are determined to bring vitality back to Doylestown. Most weekends, we are closing streets. We are making takeout easier with curbside spaces throughout town. But, honestly, helping our businesses ultimately depends on everyone who lives, works, and visits Doylestown. It depends on you being vaccinated as well as continuing to be masked when not seated at a restaurant. Once we are vaccinated, we feel safer and we are safer. Being masked is still a part of our lives and getting back to normal or reaching the new normal depends on consistently doing so.

We cannot rewrite our history of how we dealt with the pandemic. There are so many people, right here in Doylestown that have lost their lives or face debilitating after effects from contracting the virus. Whether you are at high risk makes no difference. Those you come in contact with may be at high risk. To be together, going forward, requires that we be vaccinated.

I just had the opportunity to participate with our Village Improvement Association to thank and honor our Doylestown Health healthcare workers once more. Our automobile caravan wound through Doylestown streets behind a police escort provided by the Central Bucks Regional Police Department and a fire truck from Doylestown Fire Company. We thanked healthcare workers at Doylestown Hospital where there are a dozen patients in the COVID ward. The pandemic continues. Winning the battle requires everyone's participation.

Doylestown plays host to so many outside events through all year long. It has been heartbreaking to cancel so many now, for the second year in a row. In order to bring these events back, safely, everyone needs to act now. I never felt such satisfaction and patriotism as when it was my turn to get vaccinated. I hope you share that feeling as soon as you can. Get vaccinated as soon as you are able and proudly wear your mask on the streets of our great town.

#### **PUBLIC SAFETY - Mr. Frederick**

1. **Consideration of Ordinance No. 2021, Prohibiting Certain Turns From the Bucks County Parking Garage and Justice Center Surface Lot.** Mr. Frederick said that the approved final plans for the Bucks County Parking Garage and Justice Center were designed to prohibit certain turning movements onto adjacent Borough streets. The prohibitions are: no left turns from the Garage onto Doyle Street; no left turns from the Garage onto Broad Street; no right turns from the Garage onto Union Street; and, no left turns from the Justice Center Surface Lot onto Union Street.

Mr. Frederick said that those prohibitions were never incorporated into the Borough's Code of Ordinances and Ordinance No. 2021-3 corrects the oversight. He noted that Ordinance No. 2021-3 was properly advertised

Mr. Frederick said that the Public Safety Committee is recommending that Council adopt this ordinance, and if Council wished to follow the recommendation, it could do so by motion. (Frederick-Flood) 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. 2021-4, Adding the East Side of South Clinton Street (State to Oakland) to the Snow Emergency Route.** Mr. Frederick said that Ordinance No. 2021-4 adds the east side of South Clinton Street from State to Oakland to the Snow Emergency Route, and that the ordinance had been properly advertised.

Mr. Frederick said that the Public Safety Committee is recommending that Council adopt Ordinance No. 2021-4. He said that if Council wished to follow the recommendation, it could do so by motion. (Frederick-Flood) 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. 2021-7, Addressing the Processing and Handling of Minor Nonviolent Possession or Personal Use of a Small Amount of Marijuana.** Mr. Frederick said that this ordinance provides that any person committing a nonviolent offense of personal possession or personal use of a small amount of marijuana or marijuana paraphernalia be issued

a non-traffic summary citation. He said that such an offense is currently classified as a misdemeanor. Mr. Frederick noted that Ordinance No. 2021-7 had been properly advertised.

Mr. Frederick said that the Public Safety Committee is recommending that Council adopt Ordinance No. 2021-7, and if Council wished to follow the recommendation, it could do so by motion. (Frederick-Margolis)

Ms. West commented that what is before Council tonight is changing the possession of small amounts of marijuana from a criminal penalty to a civil one. She said that this is a small step we can take as a municipality toward criminal justice reform. She said that it can focus our police services where they are most needed and it can help insure the future for young people by avoiding the consequences of having a criminal justice background.

Ms. West said that the ordinance Council is considering approval of this evening is not groundbreaking. She said 14 states have “decriminalized” simple possession of small amounts of marijuana, and that does not include the states which have legalized it. Ms. West noted that Pennsylvania has 14 municipalities that have relaxed their laws, which represents about 20% of our population. She said that the American Academy of Pediatrics supports “decriminalization” and Dr. Aaron Weiner, who has hosted several Zooms on marijuana here in Bucks County, supports decriminalization.

Ms. West said that our Mayor, after seeing the motto of Doylestown Health’s new center for critical care, “Where Science and Technology meet Grace and Humanity” made the comment, “In many ways that should be our motto here as we consider this ordinance. We have the opportunity to marry scientific data with common sense and compassion.”

Mr. Flood said that it is well known that he is opposed to this. He said that when you’re in his position, the only Republican member on Council, you learn you have to listen a lot and you learn to listen to people of dissenting views. He said he read an article of when this went to committee which stated flatly that all of the members of the committee appeared to be in favor of it simply because he didn’t stand on a chair and jump up and down. He said he found that interesting, but he has also carefully listened to what his colleagues and Chief Knott have said about this, but he also sought out dissenting views. Mr. Flood said he has come to agree with the District Attorney’s office and those views.

Mr. Flood gave his opinion that Council lacks the authority to do this, while acknowledging that 14 other states have decriminalized it. He noted that the Commonwealth is currently looking into legalization and he has no doubt they’re going to legalize it for adults, but not children. Mr. Flood stated his concentration has been on minors and this ordinance specifically addresses people under the age 18 and treats them the same as adults. He said in his view that is disastrous public policy.

Mr. Flood commented that the ordinance purports to not support the use of marijuana, but noted that any time any ordinance or law has to state in its text that it’s not doing something, it is consciously aware that it is doing something. He said taking what is a misdemeanor down to a summary offense encourages usage.

Mr. Flood said that if this ordinance passes tonight, if you grow bamboo inappropriately in the Borough, it's a \$600 fine, but if you're 13 years old and you get caught with marijuana, it's a \$25 fine. He said if there are twins, one child on one corner and the other child on the other corner, one gets caught underage drinking, the law states it's a \$500 fine. He said that twin can go to the Youth Aid Panel and that's what he's advocating for marijuana, which is available under the current law. He said with a second offense for underage drinking that child isn't going to get the Youth Aid Panel, they're going to get a more severe penalty, while their sibling receives a \$25 ticket. Mr. Flood stated he is not encouraging underage drinking or advocating that we lessen that penalty, or take a different approach with that.

Mr. Flood commented that this is going to reduce the penalty to \$25, but not to get caught with illegal drugs in a Borough parking lot, because it is in the Code of Ordinances that if you do, it's a \$300 fine. He noted that skateboarding is also illegal in Doylestown Borough and also, if you get caught with a slingshot in a Borough parking lot, that's a \$250 fine. Mr. Flood said he knew everybody will say those penalties are not enforced or our police use their discretion in enforcement of those laws. He noted, however, that was the advice we were given by the District Attorney and that is the approach he prefers – that we use discretion, which we clearly have the authority to do.

Mr. Flood said Council could reject this ordinance tonight and instead pass a resolution instructing the members of the Central Bucks Regional Police Commission that they advocate for not using police resources to concentrate on drug offenses. He said that discretion would indicate that if you caught a child a couple of times smoking marijuana, they may need help and it might be a good idea that we see to it that they get that help and that is what the District Attorney has advocated, it's what they do even with adult offenders. Mr. Flood said the debate here is whether or not we are going to do something which basically treats a marijuana offense by a child in Doylestown Borough as if it is less than an overstayed parking meter. He said he is against that and it thought it is bad public policy. He urged his colleagues to vote against it. Mr. Flood said we can do something better, which he felt we are legally entitled to do while at the same time promoting good public policy. Mr. Flood said he thought doing this with a \$25 fine and losing the diversion programs that are currently available is a serious mistake on the part of this Council. Mr. Flood said this is one of the worse ordinances he's ever had to vote on while on this Council and he was against it.

Ms. West commented that Mr. Flood said the under the age of 18 is not treated differently than anyone else and that is not true. She said we detain the minor, the parents/guardians are notified, and they are provided with information on local agencies where they can get help. She said there is a differentiation from people under and over 18 years of age.

Mr. Flood said if you take the juxtaposition right now because we have the Youth Aid Panel available to us, that right now, it is essentially treated the same as underage drinking is and that's within our discretion to do that, and that's what he is advocating which he thought is a fair point.

Mr. Frederick asked to hear from Chief Knott for his view from the police side.

Chief Knott stated that as he has stated from the very beginning of this, that their job is to take instruction from our elected officials, who represent the people of Doylestown Borough. He said they do have some discretion built into this ordinance, for example, if there's a violent crime associated with the possession, they can still charge the person with a misdemeanor and felony, but the treatment portion as written will go away and it looks like, by definition of the ordinance, and it will go with the \$25 non-traffic citation.

Mr. Flood said that the approach he is suggesting has the potential of unifying all three Boroughs in a unified policy that applies to all three Boroughs and provides consistency and approach. Chief Knott said Mr. Flood was correct in that Chalfont and New Britain Boroughs are cautiously watching these proceedings to see how they unfold to see if they will join in. The Chief said it does make it easier when there is commonality among the three Boroughs with the ordinances, whether it's parking or a noise ordinance, but as individual municipalities, each has the absolute discretion and right to set their own ordinances, all of which are loaded onto their mobile data terminals in the police vehicles, so the police can still pull up specific ordinances for each municipality.

Mr. Browne said he appreciated Mr. Flood's comments this evening, but was curious as to why he didn't bring them up at the most recent Public Safety Committee meeting. Mr. Flood said everyone heard what he has said from the District Attorney's office at the last Borough Council meeting and he didn't hear any other Council member saying they supported it. He said that at the Public Safety meeting, he said he was opposed to this ordinance and that he would expand upon it at Council's next meeting as he wanted all Council members to hear what he had to say. He said there were numerous Public Safety meetings on this and he never once heard any other member of that Committee even say they were considering what the District Attorney said.

Mr. Bell said he thought the matter before Council is the substance of the issues. He said that Mr. Flood's comments are as legitimate tonight as they would have been at any other meeting as he has stated his position. He said he thought the debate about process is less relevant to the public than the debate about the merits of what or when Mr. Flood said something.

With no further comments from Council, Staff, or the public, President O'Brien called the vote. There was one "No" vote and Mr. O'Brien stated that the motion passed. Mr. Flood asked what the count was. Mr. Flood moved for a roll call vote seconded by Mr. O'Brien. Mr. Davis said the motion on the floor was to approve Ordinance No. 2021-7 and a yes vote is in favor of passage of the ordinance: Mr. Bell: aye, Mr. Brennan: aye, Mr. Browne: aye, Mr. Flood: no, Mr. Frederick: aye, Ms. Jarret: aye, Ms. Margolis: aye, Mr. O'Brien: aye, and Ms. West: aye. Mr. Davis the motion carried by a vote of eight to one and the ordinance has passed.

**4. Authorization to Advertise Ordinance Creating Permit Parking on Doyle Street (South Side) Between Harvey and Hamilton.** Mr. Frederick said that the Central Bucks Regional Police Department conducted a permit parking study on the south side of Doyle Street between Harvey

and Hamilton on March 10 and 15, 2021. The study determined that this area qualifies as a permit parking area.

Mr. Frederick said that the Public Safety Committee is therefore recommending that Council authorize the drafting and advertising of an ordinance creating a permit parking area in this location and prohibiting parking for those without a residential permit or guest pass from 9:00 a.m. to 5:00 p.m., Monday through Friday. He said that if Council wished to follow the recommendation, it could do so by motion. (Frederick-Flood) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

5. The **Doylestown Fire Co. No. 1 Report** was provided in Council's packet, which showed there were 20 incidents requiring the Fire Company's response in March 2021.

#### **PUBLIC WORKS AND ADMINISTRATION - Mr. Flood**

1. **2021-2022 Road Materials Bid.** Mr. Flood reported that bids were publicly opened and read on February 26, 2021 by the Bucks County Consortium for the purchase of road materials for the 2021-2022 season. (A tabulation of the three most purchased materials was provided.) He said that based on those materials, the low bidder is Eureka. Mr. Flood noted that last year's bid was also obtained from Eureka.

Mr. Flood said that the Committee 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 making a motion, conditioned upon receipt of a properly executed performance bond and compliance with the bid specifications. (Flood-Bell) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. **Annual Landscape Maintenance Bid.** Mr. Flood said that the Borough contracts annually for landscape maintenance services at various locations across town. He said the Borough solicited formal bids for a March 9, 2021 opening. He said there was a problem with the required legal advertising and the submitted bids could not be accepted due to this process defect. Mr. Flood said that a request for proposals has been reissued, but Council still must formally reject the two submitted bids, from Biase Landscaping and Indiginious Ingenuities, from the March 9 round due to the problematic legal advertising. Mr. Flood said that if Council concurred, it should reject both bids by carrying a motion to do so. (Flood-Frederick)

Mr. Flood asked Ms. Waldron if this proper way to do this. Ms. Waldron said yes, this is the proper way, to reject it and do a reissuance of the bid.

Mr. Flood asked Mr. Davis what the specific defect was. Mr. Davis said there was a clerical error such that an advertising date in the ad which was transposed so that the date of the final advertisement was also the date of the bid opening. He said the bid opening must be seven days after the last advertisement date.

Ms. Margolis asked if this would affect the maintenance aspect for the parks. Mr. Davis said it won't be much longer as the process to readvertise has already been started. He thought the low bid was actually under the bid limit so it may be possible to move ahead a little faster.

Ms. Margolis disclosed that she is no longer employed by Indiginious Ingenuities, so there is no conflict of interest as far as her voting goes.

Mr. O'Brien asked if there was anything formal needed this evening in order to move forward with this. Mr. Davis said it was enough for Council to simply reject the bids received.

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

**3. Public Works Monthly Report.** Mr. Flood said that the Work Order Report and the Fleet Services Report were provided. He noted that these reports are also available to the public by following the packet link noted on this meeting's Agenda.

Mr. Flood then asked Mr. Ehlinger for any comments he had. Mr. Ehlinger stated that Central Bucks Regional Police Headquarters Committee held their monthly meeting onsite at the facility and got to see some of the construction. He said that a lot has been done, but it is also still kind of rough infrastructure. Mr. Ehlinger said the contractor says he is still on schedule for mid-August, so Staff is thinking September.

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

**1. Consideration of Ordinance No. 2021-6, Providing for a Student Member of the Human Relations Commission.** Mr. Bell stated that Ordinance No. 2021-6 provides for a student member of the Human Relations Commission, and that the ordinance had been properly advertised. He said the Community and Governmental Affairs Committee is recommending that Council adopt Ordinance No. 2021-6. He said that 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.

Mr. Bell announced that the Pride Festival Committee has submitted permits for their music day on June 19, 2021, and is currently looking for locations for two outdoor film screenings. He noted tickets will go on sale in late May/early June and you can track this on dtownpride.com.

Mr. Bell reported that Doylestown Farmer's Market's opening day of the 46<sup>th</sup> annual farmer's market drew a new record of 1400 customers and most vendors sold out of their product. He said people were very happy and dancing to the music. Mr. Bell noted that a very generous neighbor even lent some electricity when the power went out. Overall, Mr. Bell said that it was a very successful opening and also gave kudos to the Bucks County Food Shed Alliance.

## **ZONING AND PLANNING**

**1. Consideration of Ordinance No. 2021-5, Creating a Zoning Overlay District and Establishing Use, Dimensional, and Environmental Requirements for the Broad Street Gateway Overlay District.** Mr. Brennan said that this ordinance creates a zoning overlay district and establishes use, dimensional, and environmental requirements for the Broad Street Gateway Overlay District. He said the ordinance permits mixed-use commercial and multi-family housing in exchange for environmentally sensitive performance standards and context-sensitive design. The

zoning overlay would facilitate the proposed redevelopment of the seven-acre former Intelligencer property as well as future redevelopment of adjacent industrial properties.

Mr. Brennan said that the proposed district would continue the implementation of several goals in the Borough's Comprehensive Plan, most specifically: Housing Goals – to encourage higher residential densities toward the center of the Borough, adjacent to or within the Central Business District and in corridors along several of the major roads, and Commercial and Industrial Goals – to upgrade and transform the appearance of the North Broad Street Corridor with high-quality performance standards and design guidelines and to provide incentives for the redevelopment of obsolete industrial sites.

Mr. Brennan said that after several well-attended meetings, the Borough Planning Commission is in agreement that the overlay is an appropriate land use pattern and that the proposed site redevelopment is consistent with the Comprehensive Plan goals. He said that the Borough Engineer reviewed the Applicant's TIS and concluded that it demonstrates the proposed zoning will not negatively impact the roadway system and that any potential impacts can be adequately mitigated with proper roadway and driveway design, and traffic control devices. Borough staff agrees with the Planning Commission's and Borough Engineer's recommendation. Mr. Brennan said that public notice, direct notice, property posting, and review by applicable planning agencies have taken place in accordance with the Municipalities Planning Code.

Mr. Brennan said that the Zoning & Planning Committee recommends adoption of Ordinance 2021-5 and if Council wished to follow the recommendation, it could do so by motion following a public hearing. (Brennan-Frederick) With no 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 Calkins Investment Company, 333 North Broad Street.** Mr. Brennan said that the Calkins Investment Company, the owner of the subject property, is proposing to consolidate the subject parcels and construct mixed-use, multi-family buildings. He said that the improvements also include related parking, landscaping, storm water management, a one-acre park, roadway improvements, and a traffic signal.

Mr. Brennan said that the Planning Commission and the Zoning & Planning Committee are recommending approval of the application conditional on the following: 1) that the applicant resolve all outstanding issues in the reviews of the Borough Engineer, Borough Water Engineer, and Shade Tree Commission to the satisfaction of Staff; 2) that the buildings be consistent with the architectural elevations presented to the Zoning & Planning Committee on March 8, 2021 with final details and materials provided to the satisfaction of Staff; 3) that the applicant provide a voluntary pollutant reduction impact contribution in the amount of \$20,040; 4) that the applicant provide a voluntary contribution to the Shade Tree Fund in the amount of \$252,600; 4) that the applicant provide the water tapping fee in the amount of \$1,081,580 and that the fee be reevaluated and adjusted based on the proposed commercial tenants and their anticipated water usage; 6) that all site and building improvements comply with the Broad Street Corridor Overlay District ordinance



requirements including the Green Points worksheet and all applicable requirements of the ICC Green Building Code; 7) that in all respects, the applicant comply with all provisions of the statutes, laws, regulations, rules, codes, and ordinances of the United States, Commonwealth of Pennsylvania, Doylestown Borough, and any other municipal entity having jurisdiction; and 8) that the applicant enter into the usual developers, maintenance, escrow, and operation and maintenance agreements in form satisfactory to the Borough Solicitor.

Mr. Brennan said that in consideration of the foregoing, the following waivers from the Subdivision and Land Development and Storm Water Management (SWM) Ordinance are recommended: 1) §404, to permit concurrent preliminary and final approval; 2) §504(c), to allow a 115' sight line at Broad Street and Atkinson Drive; 3) §510.(b) – to permit angled parking along Atkinson Drive; 4) §510.(c) – to permit parking areas exceeding 36 parking stalls; 5) §510.(d) – to permit less than the required 20' of open space between parking lots and dwellings; 6) §510(e) – to permit a parking stall depth of 18' under the proposed buildings; 7) §511(a) – to permit the Atkinson Drive sidewalk to be reduced from the required 6' width as it transitions to align with the sidewalk along the United States Post Office property; 8) §516.(f) – to permit grading within 5' of the property line; 9) §803.(c)(2), to waive the requirement to show certain existing features within 400' of the property line; 10) §805.(c)(2), to waive the requirement to show certain existing features within 400' of the property line; 11) §520.F.1.a, to permit alternative buffer requirements based on proposed use; 12) §520.H.6.a, to permit no landscaping between the curb line and buildings; 13) §520N, to allow the use of the Bald Cypress Street Tree (*Taxodium distichum*) and the Blue Chip Juniper in the Boulevard Islands; 14) SWM §8-125.3(C)(10), to permit less than the required cover over storm sewer pipes; and, 15) SWM §8-125.3.C(5)(b), to allow the use of High Density Polyethylene Pipe within the underground Infiltration Best Management Practice.

Mr. Brennan said that if Council agreed, it could grant Subdivision and Land Development approval by carrying a motion to do so. (Brennan-Margolis)

Mr. O'Brien asked if a representative of the developer was present. David Della Porta from Cornerstone Tracy said yes, he was present. Mr. O'Brien asked if all the conditions were acceptable and Mr. Della Porta said yes, they were.

Dennis Livrone, Chair of the Park and Recreation Board, said that in the description of the property, there is a park and he is assuming that is the wooded section that borders the post office property. Mr. Brennan said that assumption was correct. Mr. Livrone asked if that will remain private property or is that going to be for dedicated to the Borough as part of its park system. Ms. Margolis said she did not think it was going to be dedicated to the Borough, but that they would be making it available for public use. Mr. Della Porta confirmed Ms. Margolis was correct, that was the agreement reached that they would retain legal ownership, but that there would be a legal requirement that it would be open for public use.

Judith Marchand said her question was about the zoning change. She said her understanding is that part of the zoning for multi-level housing also allows for hotels. She asked if there are any size restrictions and also what the number of lodging available is. Mr. Ehlinger

replied that when this issue was studied, it was always believed that a small boutique hotel would be a good contribution to that corner and the Broad Street Corridor, if the market was responsive to that as a use. He said that as it turns out, this property owner and developer chose to go with a housing product instead of a transient residential product, and Council is considering approving that land development plan which locks that in. Mr. Ehlinger said that, therefore, the constellation of uses that may be in that overlay district is somewhat academic at this point. He said that there has to be a range of reasonable uses for properties and it was felt that a hotel, with appropriate planning, could be a nice contribution to that area because we are sorely lacking for guest rooms in the Borough.

Ms. Marchand asked for a definition of "small boutique," the number of lodging rooms, and since this developer chose not to do a hotel, it remains in the zoning? Mr. Ehlinger replied that yes, it remains in the zoning. He said there is a reality that once the property gets improved at great expense, it is going to remain in that use probably until the buildings become obsolete at some point many decades from now. Mr. Ehlinger said there always many uses in a zoning ordinance, they all still go through a land development if a property owner chooses to implement those, and that is when we would find out how many rooms and the site capacity based on parking, the configuration of the lot, and other such elements. He said he couldn't provide an exact yield, but a boutique hotel to him would be about 100 rooms and it's really a term of art more than anything else.

Regarding the 333 North Broad Street project, Nick Forte said it is noted as "Calkins Investment Company" on tonight's meeting Agenda, but during discussion with the developer there is "Cornerstone" behind him. Mr. Forte asked for clarification as to who are owners, the prime sponsor of this project, and who are the developers. Mr. Della Porta said that his company, Cornerstone Tracy, along with his partner Don Tracy, are the developers and then the Calkins family will remain an owner, and they formed a joint venture to own it together. Mr. Dalla Porta said they are the developers who will be implementing the project.

Mr. Livrone asked that since that wooded area will still be private property probably with an easement or whatever, who is going to be responsible for maintaining that in whatever fashion that it's supposed to be used as public park area? Mr. Ehlinger stated that it will be whoever the developer uses for their property maintenance for the whole facility, and it's really snow removal, landscape maintenance to the extent although it will be naturalized for the most part, walkway maintenance, and the pickup of trash/recycling from any receptacles they have. Mr. Livrone asked if that was in an agreement or something. Mr. Ehlinger said it says "in form and substance" and those agreements would be done after the fact based on the framework of the approval.

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

### **3. Application for Subdivision Approval Harvey Avenue/Shady Retreat Road Subdivision.**

Mr. Brennan said the Borough of Doylestown, owner of the subject property located in the R-2 Zoning District, is proposing to subdivide the existing 11.78 acre property. He said that the property is divided by a 50-foot wide gas easement. The Borough is proposing to subdivide the 1.3 acre area west of the gas easement into three residential building lots, which the Borough intends to sell. He said that Doylestown Borough would retain ownership of the remaining 10.48 acres.

Mr. Brennan said that the Zoning & Planning Committee reviewed the application on April 12, 2021 and recommended preliminary and final approval of the application conditional on the following: 1) that future design and layout of the development be sensitive to preservation of existing trees and that said future development be presented to the Shade Tree Commission in accordance with the standard procedure for Subdivision and Land Development Applications; 2) that the Borough work with Doylestown Township at the appropriate time for extension of the existing multi-use path to include frontage along the subject property; and, 3) that the project comply with all applicable building and environmental regulations including local, state, and federal.

Mr. Brennan said that in consideration of the foregoing, the following waivers from the Subdivision and Land Development Ordinance are recommended: 1) §404, to allow concurrent preliminary and final plan approval; and, 2) §803(c)(2) & §805(c)(2), to waive the requirements to show certain existing features within 400 feet of the property.

Mr. Brennan said that if Council was in agreement with the Committee's recommendation, it may grant Preliminary and Final Subdivision approval by carrying a motion to do so. (Brennan-Frederick)

Nick Forte said that he is involved in a couple of Bucks County land conservatory groups. He asked what, with other Bucks County municipalities trying to find property to preserve or at least put easements on them, is motivating the Borough to subdivide and sell these three lots.

Mr. Brennan said it is a parcel that hasn't been used recreationally and it's a small part of a larger 10-acre piece which is being preserved. Mr. Davis added that this has been worked on for some time now. He said there are a couple of characteristics of the lot, which include it being an oddly configured piece of ground that protrudes into Doylestown Township and accessible only from Shady Retreat Road; and, there is no parking there and really no way residents can access the property as it is blocked by the sewer plant, the Public Works facility, and by Cooks Run itself. Mr. Davis said that Borough has never been able to figure out a way for it to be enjoyed by Borough residents. He said that in addition, this portion of the lot is only a small portion that is landlocked by the Texas Eastern Pipeline that is going to be with us forever, and it also acts a nice preservation buffer to keep the rest of the property from being developed in the future. Mr. Davis said one other thing is that the proceeds from the sale of the land are going to help fund the conversion of the old PennDOT Maintenance property into a new park with new green space which will be accessible to our residents and the public, which is kind of a trade off.

Mr. O'Brien asked for any further comments and hearing none, called the vote. All were in favor and the motion passed unanimously.

4. **Zoning Hearing Board Report** Mr. Brennan deferred to Ms. Hyland, who stated that the Doylestown Borough Zoning Hearing Board will hold a Public Meeting on April 21, 2021, at 7:00 p.m., to hear an application for 211-213 East Oakland Avenue, by Nicholas Gray and Beth Bingler, who are requesting dimensional relief to allow for an expansion of their front porch, an addition to the rear of the house, and to expand their existing garage.

5. **Historic & Architectural Review Board (HARB) Recommendations.** Mr. Brennan said that at its March 25, 2021 meeting, the HARB recommended issuance of a Certificate of Appropriateness for new signs to be displayed as submitted by applicant, Giovonni's on State, 12 West State Street. He said the Zoning & Planning Committee recommended that Council approve the application in accordance with HARB's recommendations, and if Council wished to follow the Committee's recommendation, it could do so by motion. (Brennan-Margolis) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

6. **Code Enforcement Monthly Activity Report.** Mr. Brennan reported there were 53 residential and four non-residential use and occupancy inspections, 16 complaints were investigated, five recycling/trash inspections, 35 sidewalk/paving inspections, two sidewalk/snow inspections, five litter enforcement, one graffiti issue, 10 fire company issues, and two tree removal permits/issues.

7. **Building Inspection Monthly Report.** Mr. Brennan reported there were 72 building inspections and 59 plan and permit reviews. The total number of permits was 216 and the total cost of permit fees was \$45,266.50.

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

Ms. Margolis reported that the Committee met, but there was nothing to vote on this evening. She said that the tree giveaway for Arbor Day with the Shade Tree Commission is May 1, 2021 at the Farmer's Market and they are going to use the trees that they couldn't give away last year. She also stated that Environmental Advisory Council's plastic bag collections are going on every Saturday at the Farmer's Market. She encouraged everyone to save and bring their plastic bags to the Farmer's Market.

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

Ms. Jarret reported that the Committee did not meet due to the lack of an agenda.

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

Ms. West stated that the Committee did meet, but she had nothing to report. She then called upon Ms. Brinker for the monthly **Finance Report**. Ms. Brinker reported that the total of all funds expended was \$1,970,452.17. Motion to approve the Finance Report. (West-Margolis) 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. **Appointment of Human Relations Commission Student Board Member.** Mr. O'Brien said that on February 17, 2021, the Personnel Committee interviewed candidates to fill student board vacancies. Even though the Human Relations Commission (HRC) did not have a student member at that time, the Committee considered applicants for that board as well. He said that with Council's passage of Ordinance No. 2021-6 this evening, a vacancy now exists on the HRC. Mr. O'Brien said that the Personnel Committee is recommending that Ellen Winters be appointed to the HRC for a term beginning May 2021 through April 2022. He said that if Council wished to follow the Personnel Committee's recommendation, it could do so by motion. (O'Brien-Flood) 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** - 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 2021, and year-to-date, the Department spent \$1,237,314.86 and were at 19.91% of their yearly budget.

**PRESIDENT'S REPORT:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS**

Mr. Flood thanked the members of the public who showed up and took an interest in the development item Council had before them tonight and asked questions about it. He felt it is important to have community engagement and he appreciates it. Mr. O'Brien thought the attendance tonight was the highest during the Zoom meeting era. Mr. Davis confirmed the number was 47 at one point.

**OPEN PUBLIC COMMENT**

Mary Grady said she saw that a street was just added to the snow emergency route. She asked if Council would consider doing that for East Street since it is a major east-west corridor, it's a narrow street, and the ambulance squad is there. She thought if it was added, it would eliminate the issues like what happened this past winter at Linden and East Street where the car was plowed in for weeks and weeks. Ms. Grady thought that car being there all those weeks was a traffic

hazard especially because of the buses. Mr. Davis said that was certainly something that could be discussed with the Public Works Department.

**EXECUTIVE SESSION:** None.

## **ADJOURNMENT**

At 8:21 p.m., President O'Brien entertained a motion to adjourn. (Browne-West) The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis  
Borough Manager

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