

September 16, 2019
7:00 p.m.

The regular meeting of Doylestown Borough Council was held on the above date and time in Council Chambers, with the following members present: Council President Jack O'Brien, Vice President Noni West, and Council Members Ben Bell, Don Berk, Tim Brennan, Joe Flood, and Wendy Margolis. Also present were Junior Councilperson Alec Maraska, Borough Solicitor Jordan Yeager, Borough Manager John Davis, Central Bucks Regional Police Department Police Chief Karl Knott, Borough Engineer Jim Dougherty, Planning/Public Works Director/Deputy Borough Manager Phil Ehlinger, Karyn L. Hyland, Director of Building and Zoning, and Finance Director Caroline Brinker. Mayor Ron Strouse and Councilpersons Joe Frederick and Sue Gordon were absent.

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATIONS

There were no Special Presentations, but Mr. O'Brien did welcome Alec Maraska as the new Junior Councilperson. Mr. O'Brien said that since the Mayor would not be present this evening to swear in Mr. Maraska, it was done about a week ago.

APPROVAL OF MINUTES

Mr. O'Brien called for a motion to approve the **August 19, 2019 Council meeting minutes**. (Margolis-West) The vote was called and the minutes were unanimously approved.

MAYOR'S REPORT: None.

PUBLIC SAFETY - Ms. Gordon

In Ms. Gordon's absence, Ms. Margolis reported the Committee did meet, but there was nothing to report on other than the **Doylestown Fire Co. No. 1 Report**, which shows there were 21 incidents requiring the Fire Company's response in August 2019.

PUBLIC WORKS AND ADMINISTRATION - Mr. Frederick

In Mr. Frederick's absence, Mr. O'Brien stated there was nothing to report and he then called upon Mr. Ehlinger for the **Public Works Department Monthly Reports**. Mr. Ehlinger stated that the monthly Work Order Report and the Fleet Services Report were provided. He said that they completed their paving for the season with Green Street and they also installed the first on lane bike lane in the Borough using the existing shoulder on Green Street. Mr. Ehlinger said that is Bicycle Route S.

ZONING AND PLANNING - Mr. Brennan

1. **Application for Land Development Waiver Approval, 498 N. Main L.P. and Capital Enterprises, Inc.** Mr. Brennan stated that the owners of the subject property located in the Retail Commercial Zoning District are proposing to reconfigure the drive-thru lane at the existing Starbucks coffee shop. He said that both the existing and proposed drive-thru layouts extend from the Starbucks property at 498 North Main Street onto the shopping center property at 400 North

Main Street. The proposal includes relocation of the order board to extend the queue between the board and the pickup window. Mr. Brennan said that this will reduce wait times and, in turn, the length of the queue in advance of the order board. The proposal also includes pavement markings and signage to better define the queue area. He said that the applicant has agreed to internal building renovations and the addition of a building entrance along North Main Street to provide access from an under-utilized parking area and a reduction in pedestrian/vehicle conflicts. It also allows for direct pedestrian access to North Main Street.

Mr. Brennan said that on February 19, 2019, the Doylestown Borough Zoning Hearing Board granted variances to facilitate this proposal.

Mr. Brennan said that the Zoning & Planning Committee reviewed the application on September 9, 2019. There was not a quorum present at the meeting. He said the Committee members in attendance recommended Land Development Waiver approval with the following conditions: (1) that the applicant resolve all outstanding issues in the review letters of the Borough Engineer, Borough Water Engineer, Shade Tree Commission, Director of Water, and Fire Marshal to the satisfaction of staff; (2) that the Applicant provide three shade tree replacement trees on the property. One tree shall be in the landscape island north of the shopping center entrance and the other two shall be at locations within the parking lot to the satisfaction of staff; (3) that additional gore striping be provided to the west of the order board; and, (4) that the project comply with all applicable building and environmental regulations including local, state, and federal.

Mr. Brennan said that if Council is in agreement with the Committee's recommendation, it may grant Land Development Waiver approval by carrying a motion to do so. (Brennan-Berk)

Mr. O'Brien asked if there were any applicants present. Karl Janetka, P.E. and Carrie Nase-Poust, Esquire were present on behalf of the applicant. Mr. O'Brien asked if they agreed to the conditions and Ms. Nase-Poust responded, "Yes."

With no further 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, 257 and 263 North Main Street, Arcadia at Doylestown Holdings, LP. Mr. Brennan stated that Arcadia at Doylestown Holdings, owner of the subject property located in the Freestanding Commercial Zoning District, is proposing to demolish its existing buildings to construct a 59 unit multi-family high-rise with underground parking. He said that driveway access to the parking will be from both Main Street and Lacey Avenue near its intersection with North Street. In addition to the proposed on-site improvements, the applicant is proposing roadway improvements along North Street and Lacey Avenue to realign the intersection. Mr. Brennan said that the application includes subdivision of 08-005-064, known as 257 North Main Street and 17 Lacey Avenue, and consolidation of a portion of this property with the other parcels known as 263 North Main Street. On August 22, 2019 the Doylestown Borough Zoning Hearing Board granted several variances to facilitate this proposal.

Mr. Brennan stated that the Zoning & Planning Committee reviewed the application on September 9, 2019. There was not a quorum present at the meeting. He said the Committee members in attendance recommended Land Development Waiver approval with the following conditions: (1) that the applicant resolve all outstanding issues in the review letters of the Borough Engineer, Borough Water Engineer, Bucks County Planning Commission, Bucks County Conservation District, Shade Tree Commission, Director of Water, and Fire Marshal to the satisfaction of staff; (2) that the Applicant install architecturally-appropriate height clearance

signage and/or “bumpers” in advance of the garage entrances; (3) that the plans for roadway improvements be developed to the satisfaction of staff; (4) that the applicant provide a voluntary contribution to the Shade Tree Fund in the amount of \$16,400. This contribution is based on 164” of required replacement trees; (5) that a total of three historic streetlights be provided along the property’s frontages; (6) that the applicant enter into the usual developers, maintenance, escrow, and operation and maintenance agreements in form satisfactory to the Borough Solicitor; and, (7) 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; (2) §503, 608(a), and 609(b), to waive the requirement to dedicate additional right-of-way; (3) §504(c), to allow a sight distance along Lacey Avenue less than the required 250 feet; (4) §§509(a) and 803(d)(12), to allow a stopping area steeper than four percent on the driveway to Lacey Avenue; (5) §509(c), to allow a driveway steeper than five percent and change in driveway slope greater than seven percent, and a curb radius smaller than 15 feet; (6) §510(e), to allow a parking stall depth of 18 feet; (7) §511(a), to allow the sidewalk along Main Street to be five and one-half feet wide and the sidewalk along Lacey Avenue to be four and one-half feet wide; (8) §516(f), to permit grading within five feet of the property line; (9) §520.E.3(f), to allow three street trees along Main Street and to allow trees closer than 15 feet from overhead utility lines; (10) §§520.F.1 and 520.G.1, to waive the requirement for buffer plantings; (11) §520.L, to waive the requirement for replacement trees; (12) §§521(b)2 and 616, to waive the requirement to provide 1.38 acres of open area for recreation use and community facilities in favor of amenities inside the building and on the roof; and, (13) §§803(c)(2) and 805(c)(2), to partially waive the requirement to provide existing features within 400 feet of the site.

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

Mr. Berk commented that we always require that the applicant provide a voluntary contribution, which seems to him to be an oxymoron. He asked how it is voluntary if we’re requiring it. Mr. Bell responded that it is not a requirement, it is a condition that the applicant can agree to or decline. Mr. Berk said that is true of everything. The Solicitor said that it is true of everything that is voluntary.

Ms. Hyland stated that our ordinance does not have a fee in lieu clause in it, so a few of the waivers that they are requesting are not providing required trees. She said that although it sounds like a fee in lieu, in reality, it is voluntary as the applicant doesn’t necessarily have to agree to it.

Mr. Davis said that the “voluntary” is that they would have the option to replace the trees if they so desired; they physically cannot and therefore we work out a monetary arrangement such that the trees can be replaced and replenished.

With regard to the entrance to the parking onto North Main Street, Mr. O’Brien asked if any consideration was given to possible impacts on traffic tie ups as people try to go south on Main Street turning into that and holding up traffic, as that section gets congested at times. Mr. Dougherty stated that the applicant did provide a traffic impact study with the application and

there is no level of service degradation. Mr. O'Brien asked if it was addressed and Mr. Dougherty said yes, it was.

Mr. Davis pointed out that there is also entrance to North Street and half of the traffic will access it from North Street so you're really only seeing half of the trips that are generated by the building coming in off of Main Street. Mr. O'Brien thought the larger parking lot exits to North Street and the smaller one exits onto North Main Street, and there's no connection between them internally. Jason Duckworth, President, Aradia at Doylestown Holdings, LP, confirmed that was correct, there is no connection between the two decks. He said 60% of the spaces exit out to Lacey and 40% to North Main. Mr. Duckworth said they did speak with PennDOT for the occupancy permit, however, and they did look exhaustively at their traffic study.

Mr. O'Brien asked if the applicant agrees to the conditions. Mr. Duckworth responded that they do. Kelli McGowan, Esquire was also present on behalf of the applicant.

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

3. Zoning Hearing Board

Mr. Brennan deferred to Ms. Hyland, who reported that the Board will meet on September 18, 2019, to hear the application for 324 Maple Avenue, by Susan Graybill, who is requesting a variance for lot coverage which would permit her to construct a porch to the rear of her existing house.

4. Historic & Architectural Review Board (HARB) Report. Mr. Brennan reported that at their regular monthly meeting, the HARB recommended the issuance of Certificates of Appropriateness for the following applications: Sign Application: 25 North Main Street, Clusters Handcrafted Popcorn, to change the face of the existing wood business sign with the recommendation to lower the signage to even out any gaps between the other signs; and, Building Application: 163 East Ashland Street, for a new single family dwelling with a front porch, terrace, an attached two-car garage, and a detached two-car garage. Other recommendations include the option of keeping or removing the sunroom and change the front windows in the main brick portion to 6 over 1 window grids.

Mr. Brennan said that the Zoning & Planning Committee recommends that Council approve the applications in accordance with HARB's recommendations. He said that if Council wished to follow the Committee's recommendation, it could do so by motion. (Brennan-Margolis)

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

5. Code Enforcement Monthly Activity Report. Mr. Brennan reported there were 70 residential and six non-residential use and occupancy inspections, 30 complaints were investigated, seven recycling/trash inspections, 10 sidewalk/paving inspections, no sidewalk/snow inspections, seven litter enforcement, one graffiti, 11 fire company issues, and four tree removal permits/issues.

6. Building Inspection Monthly Report. Mr. Brennan reported there were 207 total permits and a total cost of permit fees of \$51,810.

COMMUNITY AND GOVERNMENTAL AFFAIRS - Mr. Berk

Mr. Berk noted that his Committee's report was skipped before Zoning and Planning. Although he had no report to give, he did want to want to give Council a pat on the back because several of our members were present to help Turn the Town Teal. Also, he said the Arts Festival

a smashing success, as was the bike race. Mr. Berk said there were parties throughout town, including one at Stacks. He said it is his favorite weekend of the year and "Bravo to Doylestown!"

ENVIRONMENT AND RECREATION - Ms. Margolis

Ms. Margolis reported that the Committee did meet this month, but there was no action to be taken. She stated that the Plastic Reduction Community Survey results were released, where there was record participation. The results are available on the Borough's website. Ms. Margolis said they are continuing to work with the EAC on this issue and there is more to come. She also reminded everyone about the Pop-up Park coming this weekend.

WATER UTILITY - Mr. Flood

1. **Consideration of Ordinance No. 2019-4, Amending the Code of Ordinances to Include Water Service Tapping Fees.** Mr. Flood stated that water service tapping fees are currently adopted by resolution and included in the Fee Schedule. He said that the Borough Solicitor has recommended that they be formally included in the Code of Ordinances. Ordinance No. 2019-4 does not alter the current tapping fees. He emphasized that this does not change the tapping fees, it is just an housekeeping item.

Mr. Flood said that the Committee is recommending adoption of Ordinance No. 2019-4, and if Council wished to follow the recommendation, it could do so by motion. (Flood-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. Flood next gave the monthly **Water Department Report**: one water main repair, three water service repairs, 28 well house repairs, 27 SCADA System Alarms, seven house calls, five emergency shutoffs, four water meter repairs, and three bulk chemical deliveries. From the front office, he said there were 23 final readings, 27 water leak notices sent, four meter repair notices sent, 172 late payment notices sent, 47 shutoff notices sent, and one non-payment shutoff.

Mr. Flood asked why there was an uptick in well house repairs. Mr. Norris responded that it was just bad luck.

Mr. Flood then described the visual aids: a main repair on North Street. He said they've spent some time out there in the past, but the good news was this was a quick and easy fix - a small crack in the pipe, the guys got it up and slapped a clamp on. Mr. Norris said Foreman Gene Ferry is shown operating the machine. Mr. Ehlinger added in the next picture, there is Gene Ferry again, Rich Pole, and John Morrone, all long-time Borough employees. Mr. Flood commented that they all do great work.

FINANCE/PENSION - Ms. West

1. **Disclosure of 2020 Minimum Municipal Obligation to Pension Plan.** Ms. West stated that Act 205 of 1984, as amended, governs the funding requirements for all municipal pension plans. She said the law requires the Chief Administrative Officer of each municipal pension plan to inform the governing body of the municipality of the plan's expected financial obligation for the coming year and this must be done by the last business day in September. Ms. West said this intended to satisfy the legal requirements of Act 205.

Ms West stated that the calculation of the 2020 plan cost, or the Minimum Municipal Obligation (MMO), required an estimate of the 2019 W-2 wages of the employees covered by the

plan. A worksheet was provided estimating the plan costs. Questions on our Non-Uniform Pension costs may be addressed to either the Finance Department or the staff of Uninvest Municipal Pension Services.

Ms. West said that the MMO is the municipality's 2020 bill for this pension plan, and the calculated obligation must be paid by December 31, 2020. She said that the obligation must be met with general fund monies or with any General State Aid to Municipal Pensions to which we may be entitled to under Act 205.

Ms. West stated that the projected 2020 Non-Uniform Pension Obligation is \$128,926. She said, just as an aside, that last year it was around \$125,000.

No action was required by Council.

2. Consideration of Resolution No. 2019-6, Authorizing an Application to the Redevelopment Assistance Capital Program (RACP). Ms. West stated that this authorizes an application to the Redevelopment Assistance Capital Program (RACP). She said the Borough has been preliminarily approved for a grant in the amount of \$1,500,000 for the Broad Street Municipal Complex. Ms. West said that the formal application requires that a resolution be passed authorizing said application.

Ms. West stated that there was no quorum present at the Finance and Pension Committee meeting on September 12, 2019, however, the members who were present are recommending that Council adopt Resolution No. 2019-6. If Council agrees, it may adopt the resolution by motion. (West-Margolis) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously,

2. Finance Report. Ms. West called upon Ms. Brinker for the monthly finance report. Ms. Brinker reported that the total of all funds expended was \$717,581.40. Motion to approve the Finance Report. (West-O'Brien) 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 - Mr. Yeager: No report. He did state that there would be an Executive Session concerning litigation involving the 120 Athens Avenue Associates, LLC HARB appeal.

Central Bucks Regional Police Department (CBRPD) Activities Report. The Police Activity Report showed there were 1240 incidents in the Borough in August 2019. Year to date, the Department spent \$ 3,427,673.23 and were at 59.82% of their yearly budget. Chief Knott commented that he had no report.

PRESIDENT'S REPORT: None.

OLD BUSINESS: None.

NEW BUSINESS:

Mr. Bell stated that with the growing enthusiasm worldwide for electric scooters, particularly dockless electric scooters that are activated with an app, he requested that consideration be given

to Council's role in getting ahead of this and at least initiating some internal dialogue and study by whichever committee is most appropriate to explore it.

Mr. O'Brien said he has had some discussion with some of Borough Staff regarding that, and it appears that right now, there is House Bill 631, looking at making those legal in the state. Right now they are not legal in the Commonwealth at all. Mr. Davis indicated that House Bill 631 would make them legal and treat them as bicycles. He said it has been in the Transportation Committee now since earlier this year, so progress on that is being monitored. Mr. Davis said if it does come out as is and is eventually adopted, it would essentially say that a motorized scooter would be treated, for purposes of the Motor Vehicle Code, as a bicycle. He said at that point, municipalities would only be able to regulate them in the same way that we can regulate bicycles, which is really the state's province. He thought we could look into whether they pose any additional concerns or issues. Mr. Davis said the City of Philadelphia is lobbying hard to have a carve-out for them not to be legal in there, which is part of the discussions going on in Harrisburg. He said he would follow House Bill 631 closely and let Council know if there are any developments.

OPEN PUBLIC COMMENT: None.

EXECUTIVE SESSION

At 7:27 p.m., it was announced that Council would be holding an Executive Session to discuss litigation and there was no expectation for any action upon their return.

ADJOURNMENT

At 8:12 p.m., Council Members returned from Executive Session and no action was taken. Mr. O'Brien then entertained a motion to adjourn. (Flood-West) The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis
Borough Manager

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