

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 Alec Maraska, Borough Manager John Davis, Borough Solicitor Ernest Closser, Central Bucks Regional Police Department Police Chief Karl Knott, Borough Engineer Jim Dougherty, Building and Zoning Director Karyn Hyland, Planning/Public Works Director/Deputy Borough Manager Phil Ehlinger, and Water Director Chris Norris. Mayor Ron Strouse was absent, as was Finance Director Caroline Brinker, due to her attendance at the Fanny Chapman Pool Board meeting occurring at the same time.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Mr. O'Brien called for a motion to approve the **May 18, 2020 Council Meeting Minutes**. (Margolis-West) Mr. Bell noted that under the Community and Governmental Affairs report, the date of the Pride block party is listed as June 3, but the date is actually October 3. He asked that the date be corrected in the minutes. The vote was called to approve the minutes as amended and the minutes were unanimously approved.

MAYOR'S REPORT

In Mayor Strouse's absence, President O'Brien asked that his written report be incorporated into the minutes:

Many of you have heard my description of our community as extraordinary. When compared with other communities, I believe this is clearly true.

There is no denying that we are being tested, like never before. Tested in our healthcare delivery. Tested in our economic resilience. And tested in our commitment to justice and fairness. As concerned as many have been with our progress toward a return to normal, I am one who believes a slow and measured restart remains the key to maintaining suppressed community transmission. As frustrating as the gradual resumption to civil life can be, that cautious resumption has the best chance of permanence. Public health has been the driver to opening our economy safely. Social distancing is the engine and needs to be central to those broad efforts. Economic restart and recovery, underway right now, resonates with residents in so many ways and with so many suggestions. We need to find new and additional ways to listen to the creative, and even transformational thinking that is coming forward.

You may ask how it matters to us, a smaller community compared to those going through such tremendous upheaval. We are also an interconnected community to the degree that few others can relate.

Twice in as many weeks, we have played host to large protests. They have been peaceful expressions of anger and frustration. These have been calls for us to come forward and speak with moral clarity and to act with decency and honor.

I have been using the old African-American expression "trouble in the land" to describe the dark moments we are going through as a nation. Racism affects our community, whether we talk about it or not. That we lack diversity doesn't mean that we lack the problem. Many of us feel uncomfortable talking about the problem, but the conversation has to happen. As a community, I see it as opportunity. A chance to build stronger community seizing on many opportunities. We should take new steps to embrace it. And we should look to our faith-based communities as partners in the work.

We have effective and even enviable Community Policing in the Central Bucks Regional Police Department. With civilian, elected oversight that is missing in many other departments and very capable leadership within our own Department, we can justly take pride in their well-deserved community trust but not satisfaction. The time has come to recommit to equal justice under the law. That needs to be central as we continue to build our Regional Department.

There is much to discuss and much to be done. The work extends to every board and commission created by Borough Council, it extends to a commitment of time and talent from Council and staff. It extends to Central Bucks Regional Police and the CBRP Commission and the impressive list of non-profits that add so much to our community.

With the talents available to us, we have the opportunity to reach our full potential.

PUBLIC SAFETY - Mr. Frederick

Mr. Frederick said that at the committee meeting, Chief Knott gave an update from the protest and the related costs, which Mr. Frederick believed were \$11,000. He said no breakdown of that total figure was provided, but he will obtain that.

Mr. Frederick said that the committee then went over a few other things going on in town, including situations with people wearing or not wearing masks.

PUBLIC WORKS AND ADMINISTRATION - Mr. Flood

Mr. Flood said the committee did not meet and he had no report.

COMMUNITY AND GOVERNMENTAL AFFAIRS - Mr. Bell

Mr. Bell stated that the committee met early this month, on May 26, which was 10 days before our area was to move to the yellow reopening status. He said the committee discussed with Mr. Davis what could be done to help the merchants transition to yellow and also understand what

the guidance was for going to the yellow phase. Mr. Bell said the Borough is working cooperatively with local businesses to establish temporary easing of outdoor dining ordinances and also other measures, and the Staff is doing a kind of creative, out of the box thinking, basically just to help merchants function as best as they can under yellow, and then soon under green.

Mr. Bell reported that they also discussed the Farmer's Market, which requested some easing of the restrictions they were operating under for their May events. He said the committee concurred with Staff's recommendations for June and no action is needed by Council.

Mr. Bell said the last item was the Pride Festival block party, October 3, is being planned for the lot at Court Street and Dommel Way, across from Villa Capri, next to Starbucks, and that location is to avoid any conflict with the Farmers' Market on the same day.

ZONING AND PLANNING - Mr. Brennan

1. **Zoning Hearing Board Report.** Mr. Brennan deferred to Ms. Hyland, who reported that the Zoning Hearing Board will hold a Virtual Public Meeting via Zoom on June 17, 2020, at 7 p.m., to hear the application for 40 South Clinton Street, by Paul M. and Linda Bandlow, who request a variance to permit more than the permitted floor area ratio. The applicants propose to convert the third floor of the house into living space.

2. **HARB Certificates of Appropriateness.** Mr. Brennan said that in light of the COVID-19 pandemic, the Historic and Architectural Review Board did not hold its regular monthly meeting on May 28, 2020. The following applications were submitted for review and have been distributed to the HARB for consideration. Mr. Brennan said that Borough Staff, in conjunction with feedback received from individual HARB members, makes the following recommendations: there were no Sign Applications; Building Applications: (1) 146 East Court Street, Patricia and Bruce West, for porch windows - Staff recommends that this application be approved as submitted; and, (2) 112-114 East State Street, Nemoral Acquisition, for windows, door, and siding - Staff recommends that the windows be replaced with a true or simulated divided light six over six window and that the existing door and roof remain. The applicant has confirmed that these conditions are acceptable.

Mr. Brennan said that if Council is in agreement with these recommendations, it may approve issuance of the certificates by motion. (Brennan-Frederick) With no comments from Council, Staff, or the public, the vote was called for approval of the Certificates of Appropriateness. All were in favor and the motion passed unanimously.

ENVIRONMENT AND RECREATION - Ms. Margolis

Ms. Margolis said that although the committee did not meet, two items of business came up after they would have met:

1. **Fanny Chapman Pool Opening Plan.** The plan was submitted to and approved by the Bucks County Department of Health on June 11, 2020. Ms. Margolis commented that the Pool

Board did an incredible amount of very thoughtful work and planning to put together the plan, and they should be commended for all the work they did and for getting that approved by the Health Department.

Ms. Margolis stated that the Pool Board is seeking approval from Borough Council for an opening date of Saturday, June 27, 2020. Motion to approve the plan. (Margolis-Flood) With no comments from Council, Staff, or the public, the vote was called to approve the opening of Fanny Chapman Pool on June 27, 2020. All were in favor and the motion passed unanimously.

2. **Authorization to Advertise Bid for Construction of Family Restroom at Fanny Chapman Pool.** Ms. Margolis stated that this project was bid in February and all bids were rejected because they were higher than the construction estimate. She said some revisions were made to the scope of the project and the Pool Board is requesting the project be rebid.

Ms. Margolis said the committee did not meet to review these documents. If Council is in favor of the advertisement of the Notice to Bidders for this project, it could do so by motion. (Margolis-West) With no comments from Council, Staff, or the public, the vote was called for approval of the Certificates of Appropriateness. All were in favor and the motion passed unanimously.

WATER UTILITY - Ms. Jarret

Ms. Jarret said the committee did not meet for the lack of an agenda. She checked with Water Director Chris Norris and he confirmed he had nothing to report.

FINANCE/PENSION - Ms. West

Before going to the agenda items, Ms. West commented that at their meeting, Ms. Brinker provided them with a summary of a Bucks County Consortium funded study in which the Borough participated, which evaluated the impact of the Covid pandemic on real estate and income taxes in the County. She said that data can be used as we start to do our six-month 2020 budget review and also in our 2021 planning.

1. **Resolution No. 2020-4, Establishing Guidelines and Policy for Outdoor Sales of Food and Merchandise of Existing Businesses During the Coronavirus Pandemic.** Ms. West stated that this resolution allows for the use of outdoor space, both public and private, for commercial activity during the state disaster emergency subject to conditions. She said that the committee is recommending the adoption of Resolution No. 2020-4, and if Council wished to follow the recommendation, it could do so by motion. (West-Brennan) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. **Bid Results for Asbestos Mitigation, CBRPD and Borough Hall Project, 229 Broad Street.** Ms. West noted that the Finance Committee is the last in the month to meet and this just made it under the wire, otherwise this item would have come under Public Works.

Ms. West reported that bids were solicited and received for the mitigation and removal of asbestos pipe insulation and window caulk at 229 Broad Street. She said that on Monday, June 8, at 2:00 p.m., the bids were opened and read aloud, and the low bidder was Prism Response, LLC., from Drum, Pa., with a bid of \$45,929. She said that this work was budgeted at \$100,000.

Ms. West said that the committee and the project construction manager have reviewed the bids and are recommending it be awarded to Prism Response, LLC., in the amount of \$45,929. She said that if Council is in agreement with the recommendations, it could award the bid to Prism Response, LLC., in the amount of \$45,929, by motion. (West-Flood)

Mr. Frederick asked once this is done and they're given the okay to go on this, when will it start and end. Mr. Davis said the idea was to get this done a month before the general contractor was awarded and he assumed we would be moving them as quickly as possible. He deferred to Mr. Ehlinger, who stated that the contractor indicated that they need a couple weeks to get mobilized, but said this was a two-week project duration which is very fast. He anticipated that they would be in, out, and done before the end of July.

Mr. Davis noted that our Chalfont and New Britain Borough partners approved this last week – he thought it was the day after the bids were opened, and that is appreciated.

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

3. Non-Uniformed Pension Plan Asset Transfer to CB Regional Non-Uniformed Pension Plan. Ms. West stated that in accordance with a finding contained in the Central Bucks Regional Non-Uniformed Pension Plan Audit issued in 2019, it is necessary for there to be a transfer of assets from the Doylestown Borough Non-Uniformed Plan to the Regional Non-Uniformed plan for the two participants, Donna Brobst and Diane Snyder, who were formerly employed by Doylestown Borough. She said that the finding called for a calculation and transfer of assets from the Doylestown plan to the Regional Police NU plan in an amount equal to the liability for the two former Doylestown Borough employees. Ms. West said that the prior service with the Borough for those two employees was credited to them in the new Regional Plan. An asset transfer was not made at the time of the creation of the regional pension plan because there is nothing in Act 205 that permits such a transfer. Ms. West said that the Department of the Auditor General has now determined through the recent audit that a transfer is appropriate and recommended that it be made. That liability amount as of January 1, 2014 was \$178,303.74.

Ms. West said that in February 2020, Borough Council approved this transfer prior to the end of the first quarter of 2020, but with the COVID19 pandemic severely impacting the investment portfolio at that time, our consultant suggested and the Finance Committee agreed, that it delay the transfer until the markets started to recover. She said the investment markets have rebounded substantially off of the March lows, and it is being recommended by our pension consultant, Girard Pension Services, that the transfer be made prior to the end of the second quarter.

Ms. West said that the committee reviewed this item at their June 11, 2020 meeting and are recommending the asset transfer be made in accordance with the timing suggested by the Girard Pension Services. She said that if Council agrees with this recommendation, it can do so by motion. (West-Bell)

Mr. Flood asked if he remembered correctly in February when we approved this, the Auditor General had not given us a finding at that point and they basically told us to go ahead and do it and see if it flies. Ms. West confirmed that it was.

Mr. Brennan asked if they're still not telling us whether it is the correct amount. Mr. Davis said this is an unprecedented situation. Mr. O'Brien commented that if he remembered correctly, it is the position of our pension advisors that there was no basis for making that transfer and they were reluctant to do that, but once the audit was completed, there was a finding in there that we should make that transfer.

Mr. Davis said that we basically gave up hope that the Auditor General was ever going to give us any guidance as to what to do and decided to just do it, and have it blessed after the fact. He said we now have a clear indication that this is going to pass muster.

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

4. **Finance Report.** As Ms. Brinker was not present, Ms. West reported that the total of all funds expended was \$654,380.79. 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: No report.

PROFESSIONALS' REPORTS

Engineer's Report - Mr. Dougherty: No report.

Solicitor's Report - Mr. Closser: No report.

Central Bucks Regional Police Department (CBRPD) Activities Report. Chief Knott noted that the monthly activity report was provided to Council. The report shows there were 1528 incidents in the Borough in May 2020, and year-to-date, the Department spent \$2,224,933.02 and were at 36.95% of their yearly budget.

Chief Knott then reported on the "Black Lives Matter" protest earlier today at the old courthouse, where about 300 individuals showed up. He stated that everything was peaceful and well-organized. The Chief said they were kind of thrown for a loop and he never saw this happen before, but right in the middle of the protest, the protestors decided to take an hour break and half of them left and walked down to State and Main and set up shop there for some additional protests. He said there were then actually two protests in town at the same time. Chief Knott said that after the hour passed, the group at Starbucks walked back to the courthouse where they finished up with some speeches and then dispersed with no problems whatsoever.

Chief Knott commented that since the tragic death of Mr. Floyd, they have been heavily staffing the downtown with foot patrols, especially with the restaurants opening up, just to keep an eye on our businesses/merchants. He said they are going to continue to do that until some of this civil unrest clears throughout the country.

PRESIDENT’S REPORT: None.

OLD BUSINESS: None.

NEW BUSINESS: None.

OPEN PUBLIC COMMENT: None.

EXECUTIVE SESSION

At 7:23 pm, an Executive Session was announced for a personnel matter. No announcement was expected upon conclusion of that session.

ADJOURNMENT

At 7:45 p.m., Council returned from Executive Session where a personnel issue was discussed and President O’Brien then entertained a motion to adjourn. (Margolis-West). The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis
Borough Manager

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