

July 20, 2020
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 Mayor Ron Strouse, Borough Manager John Davis, Borough Solicitor Joanna Waldron, 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, Water Director Chris Norris, and Finance Director Caroline Brinker.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Mr. O'Brien called for a motion to approve the **June 15, 2020 Council Meeting Minutes**. (Browne-West) The vote was called and the minutes were unanimously approved.

MAYOR'S REPORT

The Mayor's report was about the importance of wearing masks during the COVID-19 pandemic. He said that he can't require anyone to wear a mask, can't stop the fighting about masks, and he wouldn't be able to adequately answer those who see a mandate to wear masks as an attack on personal liberty, but he offered that wearing a mask during a pandemic makes you a member of a civil society. The Mayor said wearing a mask is a small sacrifice in an attempt to prevent one person's actions from adversely affecting his/her neighbors.

Mayor Strouse said that the freedom that one may feel in not wearing a mask shifts the burden of not spreading the virus to others while, at the same time, jeopardizing everyone else's health. He said that wearing a mask is, in part, an act of respect and kindness, not an act of repression. "There is so much throughout society that depends on respect for others, finding common ground, and an understanding of what is best for ourselves as well. In this case, add good community health."

Mayor Strouse said that as we continue to work to find ways to help our community reopen, wearing a mask has taken on increased significance. He said that studies continue to build and affirm that masks help slow the spread of the coronavirus and public health officials say that wearing a simple cloth mask is one of the most basic ways to prevent the spread of the virus. The Mayor said that while wearing a mask can be hot and uncomfortable, it is an important step that each one of us can take to protect one another. He said that when you wear a mask, you are also sending a message to others in the community that you care about them and their well-being as much as you do about yourself.

Mayor Strouse said that Doylestown has been working to identify ways to help our businesses, retailers, services, and restaurants survive through this pandemic. He noted that our local restaurant needs your support and you could help do that by ordering takeout, buying a gift card that can act as an interest free loan to them, and safely patronize them as permitted. The Mayor said, however, that if we are to be successful, the best way to insure that our community

continues to reopen in an orderly and progressive fashion, and that our economic community eventually thrives, sooner rather than later, is to make sure it opens in the environment of safety, social distancing, and wearing masks.

Mayor Strouse said that beyond all the health reasons for wearing a mask, he asked that everyone wear a mask to do their part to see our business community survive as well. He said that prolonged economic disruption could seriously affect our business community, but the solution lies in safe interaction by wearing masks. Mayor Strouse remarked, "Be smart, stay safe, and keep others safe."

PUBLIC SAFETY - Mr. Frederick

1. **Ten-Hour Parking Meter Permits.** Mr. Frederick stated that as a result of the public health emergency, parking meter enforcement was interrupted for a significant time period in early 2020. He said that this enforcement interruption extended to our ten-hour, yellow-banded, parking meters for which six month permits are sold.

Mr. Frederick said that in response, the Public Safety Committee is recommending that a twenty-five percent (25%) credit towards the purchase of July to December 2020 permits be extended to those who also held permits from January to June. He said that if Council wished to follow the recommendation, it could do so by motion. (Frederick-Margolis) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

PUBLIC WORKS AND ADMINISTRATION - Mr. Flood

1. **2020-2021 Fuel Bid.** Mr. Flood reported that bids were publicly opened and read on June 23, 2020 by the Bucks County Consortium for the purchase of fuel for the 2020-2021 season. He said that the Borough uses about 24,000 gallons of unleaded, including the Central Bucks Regional Police Department, and approximately 8,000 gallons of diesel. Mr. Flood said that the low bidder for the majority of fuel used, which is unleaded, was Riggins Inc. at a 6/23/20 net spot price of \$1.55 per gallon, floating mean + modifier.

Mr. Flood said Riggins' bids for unleaded, for the purchase of approximately 24,000 gallons of delivered unleaded regular gasoline at a floating price as of the delivery date based on the OPIS Philadelphia Mean price, \$1.347 as of June 23, 2020, plus a modifier of \$0.2050 per gallon, for the period of August 1, 2020 to July 31, 2021, and for diesel, for the purchase of approximately 9,000 gallons of delivered ultra-low sulfur diesel at a floating price as of the delivery date based on the OPIS Philadelphia Mean price, \$1.267 as of June 23, 2020, plus a modifier of \$.2350 per gallon, for the period of August 1, 2020 to July 31, 2021.

Mr. Flood said that the Public Works and Administration Committee has reviewed the bids and is recommending the award to Riggins Inc. Mr. Flood said that If Council wished to follow the recommendation, it may do so by Motion. (Flood-Frederick) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. **Public Works Monthly Report.** The monthly Work Order Report and the Fleet Services Report were provided. Mr. Flood said that, as a former assistant service manager, he loves looking at the in-house repairs we do. He also said he misses the visual aids Mr. Ehlinger provided before our Zoom meetings. Mr. Ehlinger agreed and said we need to find a way to show them because he does have a lot of great imagery right now.

Mr. Flood then asked Mr. Ehlinger for any comments he had regarding the Public Works Department. Mr. Ehlinger reported that they did their first round of paving for 2020 using their new Cat AP500 paver, which is just a remarkable machine, very computerized. He said he believed that because of its sensors and computer controls, we're actually getting a better product. He said it has automatic seam matching and all sorts of bells and whistles. Mr. Ehlinger said that was an important tool to enable our continued in-house paving, which is a service that Public Works does for the Borough. He said based on his calculations, the paver just paid about 20% for itself on the one round of paving over private contractor pricing. He thought it is a good investment and he knows Council had to swallow hard because it was a big capital item, but he thought it was worthwhile and if you take a look at Ashland Street, you will see that. He said we couldn't get the quality result we did or the reliability or consistency without new equipment.

Mr. Ehlinger further reported that the Park project was put on hiatus while Public Works was shifting gears. He said the Park soil moving operation began about a month ago and it has gone tremendously well. He said they are ahead of schedule of what he projected they would be at this point. Mr. Ehlinger said the Park is almost entirely capped with almost two feet of soil at this point and they will circle back and put about another six inches of high quality top soil on top after the rain garden is put in and some other storm water work is done. He said that the Park is coming along nicely.

Mr. Ehlinger said again that they, they're only six people, had to stop the Park work and to shift over to become a paving company. This week they are doing a bunch of water jobs and trying to get caught up on other stuff. He said Friday night they will set up for the closed North Main Street dining area and then hopefully next week get back to earth moving again.

Mr. Ehlinger said this is a very busy time of the year for the Public Works Department and they are being highly productive.

COMMUNITY AND GOVERNMENTAL AFFAIRS - Mr. Bell

1. **Resolution No. 2020-5, Requesting the General Assembly to Amend the Human Relations Act to Prohibit Discrimination on the Basis of Sexual Orientation or Gender Identity or Expression.** Mr. Bell said that this resolution requests the Pennsylvania General Assembly to amend the Human Relations Act to prohibit discrimination in housing, employment, public accommodations, and education on the basis of actual or perceived sexual orientation or gender identity or expression.

Mr. Bell said that the Community and Government Affairs Committee is recommending the adoption of Resolution No. 2020-5, and if Council wished to follow the recommendation of the

Committee, 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.

2. Mr. Bell then gave an update on Operation Doylestown, which is an initiative to revitalize our small business community. He asked Mr. Davis to comment.

Mr. Davis reported that, as Mr. Ehlinger alluded to, the biggest activity ongoing right now in Operation Doylestown is our second pedestrian zone the Borough will be setting up. He said it is this coming Friday and Saturday nights on North Main Street between Court and State. Mr. Davis said this was requested by a number of businesses on that block in response to their observation of the results from what happened on West State Street, which, as reported before, everyone felt was a great success. Mr. Davis said that North Main Street is a bit more of a challenge as there is a lot more traffic and the needs of the Fire Department, and it's just a whole different operation trying to close North Main Street as opposed to West State, but there's been a tremendous effort by Chief Knott and by Mr. Ehlinger in terms of putting together a safe and practical set up that's going to allow this to happen. He said a real thanks go out to the Chief and Mr. Ehlinger for that.

Mr. Davis said there are no pedestrian zones planned beyond the North Main Street one. He said there are some ongoing conversations about it though, perhaps on East State Street and there is always the prospect of a return to West State Street.

Mr. Davis said there were two commercial marketplaces in Plaza West parking lot, then one canceled due to weather, and there are none scheduled right now. He said that is really the preferences of the businesses and the feedback that Staff is getting is that the businesses are desirous of having Operation Doylestown kind of promote a return to shopping in the downtown on a normal basis, and try to see how they can get back to normal in their own shop. He said this is what is being concentrated on now.

Mr. Davis reported that parking enforcement has returned fairly seamlessly with very little complaint. He said he thought people understand that parking enforcement is necessary for the functioning of commercial activity in the downtown. He said enforcement and promotion of curbside pick up continues, and the spaces are being used for a variety of things including actual dining in the parking lanes, as well as actual pick up and delivery for both restaurants and for retail businesses.

Mr. Davis said Operation Doylestown is also working on a database of service businesses to help promote them and help bring people back and open some communication. He said beyond that, they're just letting people know we're here, we're gathering feedback, and we're continuing to churn ideas and leave no stone unturned to try to compensate for some of the handicaps that we're facing under the green phase, especially with some of the tightening restrictions that came in last week.

Mr. Frederick asked Mr. Davis if he talked to the business owners on North Main Street about them helping set up and take down the operation there this weekend. Mr. Davis replied that the key businesses there would be Mom's and The Other Side/Chambers because they're the only

ones open that late. Mr. Davis said it was made clear to those businesses that they will need to contribute some volunteers to help do this, and that Mr. Ehlinger was going to reach out to them. Mr. Ehlinger stated that he will be setting up a call with them tomorrow. He said our goal will be to get them to assist with the breakdown on Friday and Saturday nights and we will do the set up as that's more critical, but we are hoping to get volunteers. Mr. Davis said we've learned about what it takes to break it down, for example how many bodies are needed, how long it takes, and what landscape looks like at 10/11:00 at night. He said we're still learning, but we're definitely going to have a goal, especially when we're going back to areas where they are requesting a second time, that they are going to have to provide more volunteers than we got the first time around.

ZONING AND PLANNING - Mr. Brennan

1. **Application for Minor Subdivision Approval, Philip and Rebecca Masters and Nancy Nelson, TMPs 8-9-88, 64 South Church Street.** Mr. Brennan said that Philip and Rebecca Masters propose a minor subdivision to the referenced property. He said that the subdivision will facilitate the sale of a portion of the lot from Nancy Nelson to Phil and Rebecca Masters, who live on an adjacent property. There are no improvements proposed with this application.

Mr. Brennan said that this application was reviewed by the Zoning and Planning Committee on July 13, 2020, and the Committee recommended approval with the following conditions: (1) that the applicant resolve all outstanding issues in the review letters of the Borough Engineer, Borough Water Engineer, and Bucks County Planning Commission to the satisfaction of Staff; and (2) that the project comply with all applicable regulations including local, state, and federal.

Mr. Brennan said that if Council is in agreement with the Committee, it could grant approval by carrying a motion to do so. (Brennan-Bell)

President O'Brien noted that the applicants, Philip and Rebecca Masters, were online and asked if they were in agreement with the terms and conditions. The applicants both said yes. Richard Kempes, attorney for the applicants, was also online and he said they were fine with the conditions.

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

Mr. O'Brien wished the applicants good luck with the lot.

2. **Zoning Hearing Board Report.** Mr. Brennan deferred to Ms. Hyland, who reported that the Zoning Hearing Board held a virtual public meeting via Zoom on July 15, 2020, to hear the following applications: 18 McLaughlin Drive, by Christina J. Knight, who requested dimensional relief to allow her to build an in-law suite as an addition to her home; and, 343 Doyle Street, by Dennis and Michelle Connor, who requested front yard setback relief to allow them to construct a front porch.

Ms. Hyland stated further that the Zoning Board will hold another virtual public meeting via Zoom on July 23, 2020, at 7 p.m., to hear the following applications: 98 South Clinton

Street, by Thomas and Tracy Christiansen, are proposing construction of a pool and they're requesting setback relief; and, 7 School Hill Drive, by Richard B. Harvey and Patricia S. Day, who request front yard setback relief for the addition of a front porch.

Lastly, Ms. Hyland stated that the Zoning Board will again hold another virtual public meeting via Zoom on July 29, 2020, at 7 p.m., to hear the following application: 228, 236-238 North Main Street, by Arcadia Holdings, Inc. and Arcadia at Doylestown Holdings 2, LLC, which are requesting several variances to construct 12 dwelling units on the combined properties.

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 June 25, 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: Sign Applications; none; and Building Applications: 145 East Oakland Avenue, an addition, by Kayvon and Ashley Tabatabai, and 152 East Ashland Street, a pool and pool house, by Cyrus Morgan and Sarah Goodyear. Mr. Brennan said that Staff recommends issuance of a Certificate of Appropriateness as submitted for both applications.

Mr. Brennan said that if Council is in agreement with the recommendations, it could 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.

Mr. Bell asked if the Arcadia project has gotten to the point where they are applying for a demolition permit for the existing buildings. Mr. Hyland responded that they have not, as they are going to keep the existing twin and the Aldi building, so they will not be applying for a demolition permit.

ENVIRONMENT AND RECREATION - Ms. Margolis

Ms. Margolis said the committee met, but there were no formal business items. She said she did want to report that the EAC is meeting tomorrow for the first time since the pandemic situation, so they are looking forward to that. She said that the Park and Recreation Board has been meeting, and the Environment and Recreation Committee will be taking the tree inventory and other items relating to that.

WATER UTILITY - Ms. Jarret

Ms. Jarret said the committee did meet, the first since January, and they discussed the resumption of sending out late notices, shut offs, etc. She asked if Mr. Davis or Ms. Brinker wanted to explain where we are financially with water at the moment. Mr. Davis said that a five-month budget was prepared since there was not enough information to do a full six-month budget. He said we were pleasantly surprised that we seem to be in as good as shape as we are. He said we obviously had issues of less usage than normal for a number of months, especially on the

commercial side of things. Mr. Davis thought this demonstrated how heavy our system is weighted towards residential usage. He said we are running slightly behind, but nothing surprising - he thought we may be able to make things up. Mr. Davis said our expenditures pretty good, with a couple of minor exceptions. He said that all in all, the Water Fund is doing well, all things considered, and they are at least hopeful that we'll be close to budget near year end.

Ms. Jarret also noted that Water Director Chris Norris discussed with them that the 2019 Annual Water Quality Report was sent out to all residents. She said Mr. Norris also provided to them his report regarding well repairs, etc. and there was nothing out of the ordinary there.

FINANCE/PENSION - Ms. West

Ms. West reported that the Committee did meet and there were no action items for this evening. She said they are reviewing the 2020 Budget in light of the revenue shortfalls created by the COVID pandemic. While reviewing the 2020 Budget, Ms. West said they are also starting to set their sights on planning for the 2021 Budget.

Ms. West then called upon Ms. Brinker for the monthly **Finance Report**. Ms. Brinker noted that the bills list and prepaid bills list had been provided. She reported that the total of all funds expended was \$764,526.93. Motion to approve the Finance Report. (West-Frederick) 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.

Mr. Davis commented that May was supposed to be Alec Maraska's last Council meeting. He said that hopefully Mr. Maraska can make our meeting next month and we'll have a plaque to give him and thank him for his service and say goodbye.

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. The CBRPD monthly activity report had been provided to Council, which showed there were 1140 incidents in the Borough in June 2020, and year-to-date, the Department spent \$2,610,102.16 and were at 43.34% of their yearly budget.

PRESIDENT'S REPORT: None.

OLD BUSINESS

Ms. West asked how the car show went. Chief Knott replied that it went pretty flawlessly. He said they brought in extra police personnel to make sure we didn't get any pop up static. He said they heavily concentrated on the starting point at CB West and at the ending point, the garage.

The Chief said once it was over, everyone quickly left, which was his concern, of people sticking around to look at each other's car, but they didn't. He said there were no issues at all.

Mr. O'Brien asked how many cars actually participated and Chief Knott said he did not know.

NEW BUSINESS: None.

OPEN PUBLIC COMMENT: None.

EXECUTIVE SESSION

At 7:31 p.m., Mr. O'Brien announced there would be an Executive Session for litigation and personnel matters. He said coming out of that, he didn't know that there would be any decision announced.

At 7:58 p.m., Council returned from Executive Session with three items.

1) Ms. Waldron stated that if Council was so inclined, she suggested a motion for Curtin and Heefner to go ahead and prepare a petition and associated filings for the Orphan's Court to allow the Borough to dispose of the Harvey Avenue, also known as Shady Retreat, property. Motion was made by Ms. Margolis, seconded by Ms. West. With no comments being heard, Mr. O'Brien called the vote. All were in favor and the motion passed unanimously.

2) *Athens Avenue v. Doylestown Borough Council*, stipulation of settlement on their appeal. Ms. Waldron stated that if Council was so inclined, she suggested a motion to enter into the stipulation to settle the HARB appeal filed by 120 Athens Associates relating to the 168 East Oakland Avenue property. (Browne-Frederick) With no comments being heard, Mr. O'Brien called the vote. All were in favor and the motion passed unanimously.

3) Motion to approve the Doylestown Borough Travel Policy During the COVID-19 Pandemic, as amended per Ms. Margolis' recommendation with regard to some of the grammar. (West-Browne) With no comments being heard, Mr. O'Brien called the vote. All were in favor and the motion passed unanimously.

Mr. Browne asked if we paid bills as part of the Finance Report and Mr. O'Brien commented they had.

ADJOURNMENT

At 8:02 p.m., President O'Brien then entertained a motion to adjourn. (Frederick-Browne). The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis
Borough Manager

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