

September 21, 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 Junior Councilperson Ben Morris, Mayor Ron Strouse, 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, 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 **August 17, 2020 Council Meeting Minutes**. (West-Browne) The vote was called and the minutes were unanimously approved.

SPECIAL PRESENTATIONS

1. Mayor Strouse introduced Benjamin Morris as our **new Junior Councilperson**. The Mayor said he gave the oath of office, socially distant, to Mr. Morris with his parents present at Borough Hall on September 15, 2020. Everyone welcomed Mr. Morris.

2. **Proclamation in Honor of the Board of Managers of the Fanny Chapman Swimming Pool and Pool Board Manager Jim Foster**. The Mayor read the proclamation which honored and thanked them for their tireless efforts and the huge success of the pool this year, even given the challenges of the pandemic. "A job exceedingly well done."

Mr. O'Brien commented that he recently spoke with a friend, who is a regular participant at the pool. He said the friend had nothing but the kindest words about the whole operation this summer, and it exceeded his expectations. Mr. O'Brien said he believes this speaks volumes to the staff and Board that runs that facility.

3. **Proclamation Honoring a Woman's Place and Domestic Violence Awareness Month**. The Mayor read the proclamation which honored the work of A Woman's Place and its dedicated staff and volunteers. The proclamation invited everyone to support A Woman's Place work and the awareness campaign during Domestic Violence Awareness Month, October 2020.

MAYOR'S REPORT

Mayor Strouse said that we take pride in the number and the breadth of nonprofits in and around our community. He said that while the nonprofits have been systematic in their planning to survive as we work through this pandemic, they are struggling to fulfill their missions. He said that they cannot do it alone and will require a renewed commitment.

PUBLIC SAFETY - Mr. Frederick

1. **Wood Street Parking Lot Rent Relief Requests.** Mr. Frederick reported there were two requests for relief from monthly rent for parking spaces in the Wood Street Parking lot due to the Covid 19 pandemic: Salon 39, one space, for the amount of \$135, and the other, The Doylestown Inn, six spaces, for the amount of \$1,080. He said that Committee has reviewed the requests and is recommending that Council grant the requested relief. He said that if Council wished to follow the recommendation, it could do so by motion. (Frederick-West) 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 Central Bucks Regional Police Department's 2021 Preliminary Budget.** Mr. Frederick said the budget in the packet had been forwarded by the Central Bucks Regional Police Commission and transmitted to the Borough by September 1, in accordance with the terms of the Intermunicipal Agreement. He said the budget is still a work in progress, relying on multiple assumptions particularly with regard to health insurance and workers' compensation premiums. Mr. Frederick said that as such, the Public Safety Committee is recommending that Borough Council reject the Central Bucks Regional Police Department's 2021 Preliminary Budget, an action that is anticipated by the Police Commission.

Mr. Frederick 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. **Doylestown Fire Co. Monthly Report.** Mr. Frederick noted that the report was provided.

PUBLIC WORKS AND ADMINISTRATION - Mr. Flood

1. **2020-2021 Rock Salt Bids.** Mr. Flood said that on August 25, 2020, bids were opened and publicly read for the purchase of rock salt for the 2020-2021 season. [A tabulation of the four bids was provided.] He said that last year's low bid was \$48.50 per ton delivered and \$48.00 per ton undelivered. Mr. Frederick said that if Council wished to award the bid to the low bidder, it could do so by making a motion to award the bid to Morton Salt, Inc. at a price of \$47.75 per ton delivered, \$47.00 undelivered, conditioned upon receipt of a properly executed performance bond and compliance with the bid specifications. (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.** Mr. Flood said that the Work Order Report and the Fleet Services Report were provided. He noted that if anyone from the public wanted to view the reports, they should just follow the packet link noted on this meeting's Agenda. Mr. Flood then asked Mr. Ehlinger if he had any comments.

As an update to the Broad Street project, Mr. Ehlinger reported that the Public Works Department is finishing the soil moving operations and expect to be finished with the earth moving phase of the project in the next three days. He said they are also finishing up the second storm

basin. Mr. Ehlinger said they seeded the park area and Doylestown Fire Company generously came out and watered it. Mr. Browne provided some great photos of that on Facebook. Mr. Ehlinger said they are hoping to get the seed started and have some grass up to help protect the ground over the winter. He said they hope to get some trees/plantings in the ground this fall, and in the spring, start with the hardscape and complete the final stages of Phase One. Mr. Ehlinger said work on the park will be shutting down as the Department gears up for leaf collection followed by snow fighting and other work. He said that overall, the work on the park has been tremendous this year and they are ahead of schedule and under budget.

Mr. Ehlinger commented that they have also been supporting the pedestrian zones, which is a fairly big operation to set up on Friday and they have been bringing men in on overtime to do that work. He said it seems to be going very well as to the street closures and creating a fertile environment to help our businesses and restaurants try to recover.

Finally, Mr. Ehlinger noted that while the newsletter is on hiatus, a one-page leaf collection flyer with the schedule is being sent to all residents and they should receive it within the next.

COMMUNITY AND GOVERNMENTAL AFFAIRS - Mr. Bell

1. **Resolution No. 2020-6, Comcast Cable Franchise Agreement Renewal.** Mr. Bell stated that the referenced resolution, along with the Cable Franchise Renewal Agreement itself, an Executive Summary of the agreement, and a summary of the FCC's 2019 order on in-kind franchise benefits were all provided. He said the Committee has reviewed the agreement and is recommending approval. Mr. Bell said that if Council wished to follow the recommendation of the Committee, it can do so by motion to adopt Resolution No. 2020-6. (Bell-Frederick) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

Mr. Bell then commented that Doylestown Pride Festival was inaugurated last year. He said this year's event has been canceled, but the Doylestown Pride Festival will be showing an outdoor screening of the Rocky Horror Picture Show at Nyce Park on October 3, 2020. Details can be found at dtownpride.com.

Mr. Bell also noted that the Arts Festival was virtual this year and there is a very beautiful display of the artists' work still available online at dtownartsfestival.com.

Lastly, Mr. Bell reported that the Committee is also exploring a mural arts programs and a public awareness campaign to promote mask wearing in accordance with the state's compulsory masking order.

ZONING AND PLANNING - Mr. Brennan

1. **Application for Land Development Waiver, Jian Chen, TMP 08-008-278, 68-70 South Main Street.** Mr. Brennan said that the owner of the subject property is proposing to construct an addition above an existing one-story portion of the existing building. He said that the Planning Commission reviewed the application on August 25, 2020 and recommended approval with the

following conditions: (1) that the applicant resolve all outstanding issues in the Borough Engineer's and Borough Water Engineer's review letters to the satisfaction of staff; and, (2) that the project comply with all applicable building and environmental regulations including local, state, and federal.

Mr. Brennan said that the Zoning and Planning Committee is recommending approval of the application, and if Council agreed, it could grant Land Development Waiver approval by carrying a motion to do so. (Brennan-Margolis) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. **Zoning Hearing Board Report** . Mr. Brennan deferred to Ms. Hyland, who reported that the Zoning Hearing Board held a Public Meeting on September 16, 2020 via Zoom to hear the following applications: 400 North Main Street, by Turning Point of Doylestown, LLC, which was seeking relief to increase their sign area beyond what is permitted. She said that the application was approved in part and denied in part. The Zoning Hearing Board granted one-half of the square footage that was requested for signage; 8 and 17 Easthill Drive, by Red Deer Development, LLC and Ian Kiernan, requested relief to install a swimming pool in what is, by definition, a front yard setback, and that relief was granted; and, 203 Lacey Avenue, by Martina Davidson, who requested relief from the front yard setback and lot coverage to add a front porch to the dwelling. That application was approved.

3. **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 August 27, 2020. The following applications were submitted for review and have been distributed to the HARB for consideration. Borough staff, in conjunction with feedback received from individual HARB members, makes the following recommendations: **Sign Applications:** 122 North Main Street, Sky Roast Coffee - the applicant has agreed to remove the neon sign from the application; 137 South Main Street, Nomad Supply Company; and 80 North Main Street, Legal Solutions LLC. Staff recommends the applications be approved as noted.

Building Applications: 123 N. Main Street, Joe Bollentino, for a roof. Staff recommends approval with the condition that the roof color be a light, neutral, earth-tone.

Mr. Brennan said that the Zoning and Planning Committee recommends that Council approve the applications in accordance with Staff's recommendations, and if Council agreed, it could approve issuance of the certificates by motion. (Brennan-Browne) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

3. **Code Enforcement Monthly Activity Report**. Mr. Brennan reported there were 49 residential use and occupancy inspections, 17 complaints were investigated, three recycling/trash inspections, one sidewalk/paving inspection, three litter enforcement, 10 fire company issues, and two tree removal permit/issues.

4. **Building Inspection Monthly Report**. Mr. Brennan reported there were 50 building inspections and 78 plan and permit reviews. The total cost of permit fees was \$17,861.50.

Mr. Brennan asked how far down the building permits revenue is. Mr. Davis said it is tough to judge because big permit fees can skew things wildly. For instance, he said we just received a permit for 50 North Main today and it was approximately \$60,000. Mr. Davis said that overall, it looks like it is slightly down, but that will be reevaluated. He said we do have the possibility of one or two more large permits which potentially could put us at least close to budget.

ENVIRONMENT AND RECREATION - Ms. Margolis

1. **Letter to the Governor and Leadership of the General Assembly Opposing Preemption of Single-Use Plastics Reduction Measures.** Ms. Margolis read a proposed letter from Borough Council to the Governor and the leadership of the General Assembly opposing further state preemption of local municipalities' efforts to reduce local pollution from single-use plastics. She said the letter will be sent to Governor Wolf, Senator Santarsiero, Majority Leader Corman, Minority Leader Costa, Representative Ullman, Majority Leader Benninghoff, and Minority Leader Dermody. Ms. Margolis said that the Committee is recommending that Council approve the letter, and if Council wished to follow the recommendation, it could do so by motion. (Margolis-Jarret) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. **Escrow Waiver Amendment to War Memorial Field Agreement.** Ms. Margolis said the amendment to the agreement between the Borough and the Central Bucks School District regarding the use of War Memorial Field has been requested by the Central Bucks School District to streamline the process of repairing the recent tornado damage to War Memorial Field by waiving the requirement that the proceeds from any insurance claim be put in escrow. She said that the Committee is recommending that Council approve the amendment, and if Council wished to follow the recommendation, it could do so by motion. (Margolis-Frederick) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

3. **Mercer Avenue Park.** Ms. Margolis stated that the Committee is recommending that Council name the currently unnamed Borough Park located at the intersection of Mercer Avenue and Old Easton Roads "Mercer Avenue Park". She said that if Council wished to follow the recommendation, it could do so by motion. (Margolis-Frederick) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

Lastly, Ms. Margolis said thank you to the Borough, the Public Works Department, the EAC, and Mr. O'Brien for the tree planting at the Park and Ride at Pool's Corner. She said it is really lovely and will make that a much more pleasant and more environmentally friendly place. Ms. Margolis was glad this finally got to happen because it was supposed to occur on Earth Day.

WATER UTILITY - Ms. Jarret

Ms. Jarret reported she had no actionable items. She said Mr. Norris' monthly Water Department report was provided and anyone wishing to view that report could access it through the packet link on the meeting's Agenda.

FINANCE/PENSION - Ms. West

1. **Broad Street Project Change Order Process.** Ms. West stated that as the project to construct a new Borough Hall and Central Bucks Regional Police headquarters proceeds, an administrative process is needed to deal with Change Orders. These are formal changes to the project design, schedule, and, usually, cost that result from unforeseen circumstances. When these circumstances occur, the contractor will present a formal Change Order for the owners approval.

Ms. West said that this process is complicated not only by Council's monthly meeting schedule, but by the need for consideration by both Chalfont and New Britain Boroughs as well.

Ms. West said that the Construction Manager, Borough Staff, and the Broad Street Project Steering Committee are recommending a \$25,000 threshold beneath which change orders could be approved by Staff. Anything above \$25,000 would require the approval of the three Borough Councils.

Ms. West stated that the committee is in agreement and is therefore recommending that Council authorize the Borough Manager to administratively approve project Change Orders of less than \$25,000 to a maximum total of \$100,000 in any thirty (30) day period. She said that if Council wished to approve the proposal, it could do so by motion. (West-Margolis)

Mr. Flood asked if New Britain and Chalfont Boroughs approved this. Mr. Davis said that Chalfont has approved it, but New Britain has yet to consider it. He said New Britain Borough's Manager has indicated that this is acceptable to them and no problems are anticipated.

Mr. Flood also asked if council will be notified about any of these changes orders. Mr. Davis responded absolutely - Council will be copied on any change order as it comes in. Mr. O'Brien added that the purpose of doing this is so that we don't hold up progress and perhaps incurring addition costs that would be caused by having to wait for a month to approve it.

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

2. **Disclosure of 2021 Minimum Municipal Obligation To Pension Plan.** Ms. West said that Act 205 of 1984, as amended, governs the funding requirements for all municipal pension plans. She said that 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 it must be done by the last business day in September. Ms. West said this is intended to satisfy the legal requirements of Act 205.

Ms. West said that the calculation of the 2021 plan cost, or the Minimum Municipal Obligation (MMO), required an estimate of the 2020 W-2 wages of the employees covered by the plan. [A worksheet was provided estimating the plan costs.] Questions on the Non-Uniform Pension costs may be addressed to either the Finance Department or the staff of Girard Pension Services.

Ms. West said that the MMO is the municipality's 2021 bill for this pension plan, and calculated obligation must be paid by December 31, 2021. 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 2021 Non-Uniform Pension Obligation \$214,470. She said that no action is required by Council.

3. 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 \$1,080,394.39. 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 meeting. 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: No report. The CBRPD monthly activity report had been provided to Council, which showed there were 1194 incidents in the Borough in August 2020, and year-to-date, the Department spent \$3,602,791.40 and were at 53.83% of their yearly budget.

PRESIDENT'S REPORT: None.

OLD BUSINESS: None.

NEW BUSINESS : None.

OPEN PUBLIC COMMENT:

Jim Pascale, 1921 Three Mile Run Road, East Rockhill, asked Council to revisit the Borough's policy of allowing residents and businesses to take meter bags to cover a meter when the need arises, he guessed for moving in/out or whatever. He said that his wife and daughter parked in a legal spot on September 11, and there was no bag on the meter. Mr. Pascale said that they went about their business to shop and eat, and when they returned to the car, there was a ticket on it and someone had keyed the car. He said what happened is that the person who had permission to use the bag obviously didn't put it on, so his wife got a parking ticket and the car was vandalized. Mr. Pascale said none of this would have happened if not for the Borough's policy of allowing residents to bag meters and relying on their good judgment to use it properly. He said he felt that policy should be revisited because any time you give out a bag, you are trusting that person will do it, and in this case they didn't.

Mr. O'Brien thanked Mr. Pascale for bringing this to Council's attention and asked for comments.

Chief Knott stated that they have been actively investigating this incident, but it does take time to run down the leads. He said he assigned this to Captain Milligan so that the case wouldn't get buried with other work being done by the detectives and they are moving on this as quickly as possible to get a resolution for Mr. Pascale.

Mr. Davis said they are awaiting the police report so they can understand what happened. He said the bags have been used for many years and it is typically for residents moving in or out. There are also wood signs for those not in metered zones. Mr. Davis noted that even when the Borough uses the bags, they can disappear – they blow away or are removed by vandals, which is unfortunate. He said if Council wishes to revisit this, that can be done.

Ms. Margolis suggested that perhaps the Public Safety Committee can look at this at some point in the future. Mr. Frederick agreed, saying they could do so after receiving the police report.

Mr. O'Brien concurred with waiting for the investigation to be completed and then having the Public Safety Committee, which is overall responsible for parking policies within the Borough, review this.

Mr. Pascale added that there are no surveillance cameras and the Borough may want to consider doing something so it doesn't happen to someone else in the future.

Mr. O'Brien again thanked Mr. Pascale for bringing this to Council attention.

EXECUTIVE SESSION: None.

ADJOURNMENT

At 7:52 p.m., President O'Brien then entertained a motion to adjourn. (Browne-Flood). The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis
Borough Manager

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