

October 19, 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, Joanna Waldron, Esquire, 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

SPECIAL PRESENTATIONS

1. **A Proclamation in Recognition of National Epilepsy Awareness Month 2020.** Mayor Strouse said the proclamation was provided in the packet and it was also mailed to the Shotz family, who's son was a victim to epilepsy and is mentioned in the proclamation.

APPROVAL OF MINUTES

September 21, 2020 Council Meeting Minutes. Mr. O'Brien noted there were two editorial changes in the Finance/Pension, Broad Street Project Change Order Process section. The words "that" should be "than", and "if" should "in":

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.

Mr. O'Brien then called for a motion to approve the Minutes (Margolis-Bell). The vote was called and the minutes were unanimously approved.

MAYOR'S REPORT

Mayor Strouse said there is much that he could report on, but at this particular moment, there doesn't seem to be anything more timely than our police services. He said that as a community, we have seen more demonstrations and rallies in the last four years than perhaps in our entire history, with nearly forty events. Some were small and confined to a sidewalk at an intersection, and a few were attended by literally thousands of people of all ages. The Mayor said that the pandemic has brought a new kind of demonstration to the fold, the motorized caravan.

Mayor Strouse said there is no denying that the demonstrations are often accompanied by concerns from our business community as businesses try to operate in a safe manner and cope with and survive the economic effects of the pandemic.

The Mayor said that through it all, there has been the steady hand of the Central Bucks Regional Police Department. He said they are respectful of the rights of all to exercise First Amendment rights and are determined to keep our community safe, protecting property, protecting those who participate in the events, and protecting bystanders and residents.

Mayor Strouse said he uses the expression, "culture eats policy for lunch" and for him, however helpful and meaningful, policies can all too often be undermined if there isn't a culture and commitment behind them. He said the culture and commitment to community policing that is practiced by Chief Knott and the Department are consistently on display. He said that it is practiced in meaningful ways with every demonstration, rally, and peaceful protest. It is tested and practiced when groups with opposing views protest at the same time and in the same place. The Mayor said that properly evaluating and planning for the risks, to all involved, is immensely important.

Mayor Strouse said that law enforcement seldom receives the thanks it deserves. He said:

The new challenges of the new day make the challenges successfully met yesterday a faded memory. Very large events like the Women's March of 2017 or the student-lead March for Our Lives for gun safety of 2018, drew thousands of participants and required careful planning and execution to ensure safety. Planning for safe protests and demonstrations may seem like a routine by now. It is not. That is exactly why I take this opportunity to say thank you to Chief Knott and the Central Bucks Regional Police Department.

PUBLIC SAFETY - Mr. Frederick

Doylestown Fire Co. No. 1 Report showed there were 23 incidents requiring the Fire Company's response in September 2020.

PUBLIC WORKS AND ADMINISTRATION - Mr. Flood

1. **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's effort to move approximately 231,000 cubic feet of earth onto the PennDOT site as sort of a soil capping as part of its development as a park has been essentially completed. He commented that is a big milestone. Mr. Ehlinger noted there is a grass ground cover to help get us through the winter and they're going to attempt to get some trees within the next two weeks.

Lastly, Mr. Ehlinger reported that leaf collection has begun in combined areas 1 and 2, and they will be going full force on that throughout the fall.

COMMUNITY AND GOVERNMENTAL AFFAIRS - Mr. Bell

Mr. Bell reported that the Committee met on October 14, and among the topics on the agenda was the confluence last Saturday of two events organized by two groups with somewhat opposing views. He said that at the risk of repeating the Mayor's remarks, he wanted to note the hard work of the Central Bucks Regional Police Department in maintaining public safety while the groups exercised their First Amendment rights. Mr. Bell also extended appreciation to the organizers of the Women's March for promoting mask wearing among their participants. He said that we want people to feel safe when visiting the Borough and universal mask wearing is a strong signal that we are a safe destination.

ZONING AND PLANNING - Mr. Brennan

1. **Application for Subdivision and Land Development Approval, 318 N. Main Street Realty Associates, LLC.** Mr. Brennan stated that 318 N. Main Street Realty Associates, LLC is the equitable owner of 318 N. Main Street, located in the Freestanding Commercial Zoning District. He said that the applicant is proposing to develop the property in two phases. The first phase, which was approved by Borough Council in March of 2020, includes demolition of the existing Dairy Queen and construction of a retail bank. This second phase includes the construction of a medical office building behind the bank. Mr. Brennan said that parking lots and driveway access for the two buildings will be interconnected and available from both North Main Street and from Atkinson Drive. The proposal also includes lot line changes between this property and two adjacent parcels known as 3 Atkinson Drive and 5 Atkinson Drive, as well as a driveway easement on 5 Atkinson Drive.

Mr. Brennan said that the Zoning and Planning Committee reviewed the application on October 13, 2020, and the Committee recommended Subdivision and Land Development 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 Planning, Director of Water, and Fire Marshal to the satisfaction of staff; (2) that the easement and driveway on TMP 08-005-004-007 be recorded and constructed prior to occupancy of the medical office; (3) that the applicant provide a streetlight along the frontage of TMP 08-005-004-007; (4) that the applicant provide sidewalk along Atkinson Drive in front of TMP 08-005-004-007; (5) that the applicant provide a voluntary contribution to the Shade Tree Fund in the amount of \$121,500. This contribution is based on 1,215" of required replacement trees the applicant is unable to provide on-site. If there are necessary field adjustments that reduce the number of trees the applicant can provide, the contribution will be adjusted at a rate of \$100 per caliper-inch; (6) that the applicant provide a tapping fee in the amount of \$28,668.12, which corresponds to projected usage of 782

gallons per day at a rate of \$36.66 per gallon per day; (7) that the applicant enter into the usual developers, maintenance, escrow, and operation and maintenance agreements in form satisfactory to the Borough Solicitor; and, (8) 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) §516 (f), to permit grading within five feet of the property line; (3) §520.L.1., to permit 201 caliper inches of replacement trees rather than the required 1,416 caliper inches; (4) §803(c)(2) and 805(c)(2), to partially waive the requirement to provide existing features within 400' of the site; (5) SWM §8-125.3.C.(5)(a), to permit the use of 8" and 15" storm pipe within the property rather than the required 18" pipe; (6) SWM §8-125.3.C.(5)(b), to permit the use of HDPE storm pipe within the property rather than the required reinforced concrete pipe; and, (7) SWM §8-125.3.C.(10), to permit less than the required minimum pipe cover within the site and Atkinson Drive. The Applicant shall demonstrate that the installation will comply with manufacturers' specifications.

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-Browne)

Mr. Brennan thanked the developer for reaching out as they did to Belvedere, which help soften this and it also made it a lot easier to go through the development process. He said a number of questions were asked about buffering and the developer was well prepared, which was very nice.

President O'Brien asked if there was a representative of the developer present. John VanLuvanee, Esquire replied he was present representing 318 North Main Street Realty, and that Adam Goodman, the principal, John Hornick, and Travis North of Bohler Engineering were also present.

Mr. O'Brien asked if the conditions were acceptable to the developer.

Mr. VanLuvanee replied that they reviewed Ms. Hyland's memorandum, which was the present motion, and Mr. Goodman advised him that the conditions are acceptable. Mr. Goodman confirmed same.

Mr. Bell asked, with regard to number 5, making necessary field adjustments that would reduce the number of trees, adjudicates what the necessary field adjustments might be. Mr. Brennan replied that his understanding is that it could be because of density or otherwise that they just can't get all the trees in the area that they currently have them in. He asked Ms. Hyland to comment on who would actually sign off on that. Ms. Hyland agreed with Mr. Brennan's response and added that it's not uncommon. She said that it would happen as a field change that would be approved by Staff and as a recommendation from the Borough Engineer, who typically oversees construction, rather than it coming back to Council for something of this nature.

Mr. Frederick asked, with regard to number 7, to permit less than minimum pipe cover within the site on Atkinson Drive, is it just one spot that won't be as deep? John Hornick stated that they are running pipe down Atkinson Street, upgrading what's there today, and what they have to tie into is already shallower than the Borough's minimum requirement, so they're keeping at least the minimum amount of cover that is recommended for the pipe material.

Mr. Brennan asked if there has been any progress on the easement for the sidewalks on Atkinson. Mr. Goodman replied that there has – the Smith Auto folks are in agreement and the document is being modified now, so they are okay with it.

Mr. Bell said that in B.1., which he thought was misnumbered as it is between 9 and 10, it says that "Borough Council shall determine if historic street lights are required to be installed on Atkinson Drive." He asked when Council gets the opportunity to make that determination. Ms. Hyland replied, "right now." She said the memo does include a street light proposed on Atkinson. Mr. Bell said on the original application, it states that street lighting is not required. Ms. Hyland said item 3 of her Memorandum states that it includes a streetlight along the frontage of TMP 08-005-004-007, which is Atkinson - that's the Smith Auto. He asked for confirmation that there will be one historic streetlight as part of the plan. Mr. Davis said that by approving this plan, Council is requiring that streetlight.

Ms. West said she doesn't really understand how there is access to the building from Veterans Lane, but there is access. She asked if any traffic studies have been done to assess the impact of construction and building on Veterans Lane, and if done, does it take into account the effects of traffic that will happen there because of the apartment buildings that are going to be built on the Intelligencer property.

Mr. VanLuvanee replied that a traffic impact study was prepared and submitted. He said that Gilmore & Associates issued a revised review letter today, and he asked Mr. Dougherty to comment since most of the questions were answered in that revised letter. Mr. Dougherty said that a traffic study was done and it did account for Veterans Lane as well as for future growth, specifically for the development of the Calkins property.

Ms. West asked if there were any conclusions. Mr. Dougherty said the driveway entrances to this specific site are fine. He said the traffic study also took in account the new signal required at Broad and Veterans Lane, so there is really nothing that has to change because of this development.

Mr. O'Brien said that just as a point of clarification, we're saying its Broad and Veterans Lane, but it's not Veterans Lane it is actually Atkinson Drive. Mr. Davis also clarified that there is no direct access to Veterans Lane from this development, but Veterans Lane was taken into account in the traffic study because it is so close to Atkinson and Main. Mr. Dougherty added that as a result of the traffic study, there were no improvements required to Atkinson either.

With no further 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 will hold a Public Meeting on October 21, 2020 via Zoom to hear the following applications: 396 Linden Avenue, by Richard and Lisa Chase, which is a modification to previously submitted plan that pushes the driveway further from the property line than it was the first time around. The garage is proposed now at five feet from the property line; and, 57 East Street, by Thomas J. Guest, who is requesting a front yard setback variance to allow for a covered front porch.

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 September 24, 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 Application:** 24 N. Main Street, La Dolce Vita Da Franco, business; **Building Applications:** (1) 155 E. Ashland Street, James Watts, new construction revision. He said that Staff recommended approval as submitted for the foregoing applications; (2) 274 W. Court Street, Sheila & Chase Gundlach, windows, doors, and siding. Staff recommends approval with the condition that the applicant provide simulated divided light with muntins on the exterior of all windows and doors visible from Court Street. The applicant has agreed to this condition; (3) 277 Maple Avenue, David Bader, garage renovation. The application does not comply with the zoning ordinance. Staff recommended approval with the condition that no building or zoning permits be issued unless and until the application is brought into compliance; and, (4) 340 W. Court Street, Giovanna Raffaeli, windows and front landing. Staff recommended approval with the condition that the railing and fall protection, if provided, be black wrought iron with slender decorative members.

Mr. Brennan said that the Zoning & Planning Committee recommends that Council approve the applications in accordance with Staff's recommendations. If Council is in agreement with the recommendations, it may approve issuance of the certificates 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.

3. **Code Enforcement Monthly Activity Report**. Mr. Brennan reported there were 70 residential and two non-residential use and occupancy inspections, 44 complaints were investigated, three recycling/trash inspections, six litter enforcement, nine fire company issues, and five tree removal permit/issues. There were also daily communications with Bucks County Emergency Operations Agency, RPD, Fire, and EMS.

4. **Building Inspection Monthly Report**. Mr. Brennan reported there were 69 building inspections and 54 plan and permit reviews. The total cost of permit fees was \$18,635.

ENVIRONMENT AND RECREATION - Ms. Margolis

Ms. Marolis reported that the Committee met and that they are working on some revisions to the tree list which is part of the Subdivision and Land Development Ordinance, and the hope is have something more on that by next month's Council meeting.

WATER UTILITY - Ms. Jarret

Ms. Jarret reported the committee met to discuss some accounting discrepancies. 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. **Life and Long Term Disability Insurance Proposal.** Ms. West reported that we are in receipt of a proposal from Delaware Valley Health Trust (DVHT) for life and long term disability insurance. She said that currently, this coverage is provided by The Standard Insurance Company to all employees. She said that DVHT received bid proposals from six carriers and have presented the attached quote for comparable coverage from Hartford Insurance Company. The annual savings are \$6,841.22, or 36% of our current premiums.

Ms. West said that the Committee did not review this proposal at their October 8, 2020 Budget Work Session, but in order to have the plan in place for January 1, 2021 and include these savings in the 2021 Budget, action must be taken by Council in October.

Ms. West said that if Council wished to change Life and Long Term Disability insurance coverage to Hartford Insurance Company, it could do so by motion. (West-Flood)

Mr. O'Brien commented that he assumed the coverage is similar or identical to what we currently provide, and also that it would not have any of the contractual agreements we have with the various unions. Ms. Brinker stated that DVHT provided a very thorough comparison of our current versus this proposed, and all the benefits are comparable - the same or better. Mr. Davis added that this does not impact any of our labor agreements.

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

2. 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 \$1,169,061.09. Motion to approve the Finance Report. (West-Bell) 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 1001 incidents in the Borough in September 2020, and year-to-date, the Department spent \$3,943,688.25 and were at 65.49% of their yearly budget.

PRESIDENT'S REPORT

President O'Brien said he firmly seconded the comments made by the Mayor and Mr. Bell regarding the professionalism and outstanding job our Police Department has done during these demonstrations and he fully supports them in all of their efforts.

OLD BUSINESS: None.

NEW BUSINESS

Mr. Flood said he fully associated himself with the remarks made by the Mayor, Mr. Bell, and Mr. O'Brien regarding the professionalism of the Police Department and how they safeguard everyone.

Mr. Flood then wished the CB West cross country teams good luck as they compete for the Suburban One title at Souderton High School, noting it was good they got a season in even though it was abbreviated. He then commented that the girls are going for their fourth straight Suburban one championship. He wished them good luck on Friday.

OPEN PUBLIC COMMENT

Mr. O'Brien asked that before speaking, the person identify himself/herself and give their address. He reminded everyone that this meeting is recorded.

John Mack, 208 Harvey Avenue in the Borough, said his comment was in regard to the use of 205 Doyle, which is directly across the street from his home. He noted that his neighbor, Gino Merone, was attending this meeting as well. He said that the neighbors, 40 plus households, strongly oppose the use of the building for hemp manufacturing. Mr. Mack said that he knew there are zoning rules and regulations, but there are also a lot of complicated matters around that.

Mr. Mack said that on his own behalf and that of his neighbors, he wanted to voice the concern of what's going in there, the speed in which it's going in, they have multiple concerns about parking, congestion, hours of operation, odors from the processing, noise, as well as safety concerns that go along with what they are processing at that location. He said they had some good conversation with Mr. Davis and Ms. Hyland earlier today, where they explained some of the findings of their investigation into this. He said they necessarily agree with some of it, specifically the fact that a license is not needed for that site. Mr. Mack said they find it hard to believe that

a hemp oil that is restricted when you purchase it at Acme is able to be processed without a license at this location. He said they have many questions about the use of that building.

Mr. Mack said the fundamental question they ask Council to think about as they consider this is that Council has the power to stop this, to change it, to make them adhere to being a good neighbor, would you want this in a building next to your house? He said he ventured to say the majority of Council would all say no. On behalf of himself, Gino Merone, and their 40 plus neighbors who are against this to take their concerns into consideration.

Mr. O'Brien thanked Mr. Mack for his comments and said Council will take it under consideration.

Gino Merone said he concurred with everything Mr. Mack said. He thanked Mr. Davis and Ms. Hyland. He said there have been emails going back and forth since March regarding this situation and for them, as residents, it started as a simple inquiry back in February, when work was started. Mr. Merone said that from the very start, they didn't feel like neighbors and now there are over 40 plus families within that 200 foot restriction for hemp oils. He said the summary provided by Mr. Davis and Ms. Hyland today, and that's an issue that they're contesting – the findings, for a number of reasons, is for another time.

Mr. Merone said they started work without permits and on weekends, and what they feel was literally under cover of night. He said when they were doing work to that building, they were literally wearing hazmat suits and dog bone respirators, and were ventilating the cleaning out onto their homes. He said he documented that in an email and then received a positive response back from Ms. Hyland that it would be looked into, but he never received any feedback from the property owner. He said that during the course of the last seven months, he was promised by the owner of the property, both verbally and in writing, multiple times, that Thomas Phillips wanted to communicate with the neighbors to address concerns, but that never happened. Mr. Merone said the concerns are not limited to just the 40 families and that they feel everything done by the property owner and the potential tenant has not been up to snuff and they are very concerned.

Mr. Merone said they have people, including himself and he has an extensive background with hemp and hemp oils so he knows the issues and dangers involved, and he second what John said that before anything is passed, before they are able to start manufacturing in that building that Council please take a very close look at what is going on. He said this is as new as a year and a half ago, the whole hemp process started with the 2018 Farm Bill which passed at the federal level. He said that as recently as August, the DEA has filed additional exemptions and exclusions, which is a month and a half ago. Mr. Merone said that the idea behind hemp is that it makes it easier to get a permit for recreational marijuana. He said they're concerned about how that grandfathers in since they are growing the cannabis plant and extracting the oils, since that plant is exactly the same species as the hemp plant. He said people may think that the hemp and marijuana are different, but they're not, they are exactly the same thing. Mr. Merone said if recreational marijuana is pushed through as it is expected to be by Governor Wolf, he feels we'll be faced with the situation where potentially they will have a permit for recreational marijuana, and from today's

meeting, they can evidentially have 10 to 20 percent of their retail in there - that can be walk up retail. Mr. Merone said he didn't feel that's a positive for the community to have that now and eventually, possibly have recreational marijuana.

Mr. O'Brien thanked Messrs. Mack and Merone for bringing those concerns to Council. He said there is an Executive Session at the end of this meeting where they will probably be discussing some of it.

Mr. Flood said normally in live meetings, Council leaves the room to meet apart from the public and people are told that it is or it is not likely that an announcement will be made when Council returns. Mr. Davis said it is unlikely any announcement of action will be made tonight. He said he would be happy to report to Messrs. Mack and Merone the outcome of the discussion tomorrow, and if anyone wanted to wait, they would be put into a Zoom waiting room feature. Mr. Mack said he would wait and Mr. Merone said tomorrow would be fine. Mr. Merone asked, with regard to the recorded Zoom meeting, if he could have a copy of the link for those residents who were unable to attend tonight. Mr. Davis said he would be happy to provide that.

EXECUTIVE SESSION

At 7:43 p.m., Mr. O'Brien called for the Executive Session to discuss potential litigation and at 8:50 p.m., Council returned. Mr. O'Brien said no determination was made. Mr. Davis advised Mr. Mack that he would be transmitting to him a copy of the Solicitor's memorandum within the next few minutes.

Ms. Waldron commented that there may be a few grammar mistakes in the memo.

ADJOURNMENT

At 8:51 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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