

July 15, 2019  
7:00 p.m.

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

## **PLEDGE OF ALLEGIANCE**

**SPECIAL PRESENTATIONS:** None.

## **APPROVAL OF MINUTES**

Ms. West called for a motion to approve the **June 17, 2019 Council Meeting minutes**. (Margolis-Frederick) The vote was called and the minutes were unanimously approved.

## **MAYOR'S REPORT**

Mayor Strouse reported that this month saw the first Pride Festival in Doylestown. He said that for a first time event, its success was nothing short of extraordinary. He said the festival, built on Doylestown's unique qualities, focused on a small film festival: one documentary focused on the 50th anniversary of the Stonewall riots and two dramatic films, which were well received in film festivals, but not seen by the general public anywhere but here. The Mayor said the festival included a reception, a talk back after the documentary, and a street festival, complete with activities for all ages, nearly 25 vendors, and musical entertainment, including dance moves promoted by a member of Borough Council. He said that by the end of the festival, more than a couple thousand people had turned out.

Mayor Strouse said that the planning that went into the festival needs to be highlighted, for it is uniquely Doylestown as well. He said that the planning task force encompassed nonprofits and community stakeholders not often found in some planning processes – there were members of our local LGBTQ community, as well as representatives of Borough Council, Delaware Valley University, A Woman's Place, the County Theater, Discover Doylestown, Salem United Church, the Rainbow Room, the Michener Museum, and the Borough's our own HRC. He said it was a broad community-wide planning group that helped ensure the success of this first-time event.

The Mayor noted that we have received a host of congratulation and thank you notes, as well as offers to volunteer, to pass onto the committee. He said the committee is holding a debriefing meeting tomorrow and they will also be starting the planning process for next year's Pride Festival.

Mayor Strouse commented that during the celebratory process of the Pride Festival, he has also been engaged in preparation and signing onto a friend-of-the court brief in three key LGBT cases that will be heard at the Supreme Court next term. He said the brief includes nearly 100 mayors and municipalities around the U.S. encouraging the Supreme Court to rule in support of LGBT nondiscrimination protections in the workplace. He said the cases concern three plaintiffs:

Gerald Lynn Bostock, who was fired from his job as a court child welfare services coordinator in Georgia because he is gay; Aimee Stephens, who was let go from her job at a funeral home in Michigan after she shared with her employer that she is a transgender woman; and, Don Zarda, who was fired from his job in New York as a skydiving instructor for being gay. The Mayor said at the core of these cases is the question of whether Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on sex, prohibits LGBTQ discrimination. He said that a number of lower courts and federal agencies have already affirmed that it does. In addition, 30 states and more than 250 municipalities around the country, including Doylestown, have laws in place ensuring nondiscrimination protections for LGBTQ people. He said that as Mayor, it is his responsibility to see that all residents are treated with dignity, fairness, and respect. Mayor Strouse said that no form of discrimination has any place in Doylestown nor in the United States. He said he is proud to join in the amicus brief filed with the Supreme Court in anticipation of these cases scheduled to be heard on October 8, 2019.

## **PUBLIC SAFETY - Ms. Gordon**

**1. Authorization to Draft and Advertise an Ordinance Extending the Residential Permit Parking District and Creating a Two-Hour Parking Restriction on Wood Street.** Ms. Gordon stated that at the July Public Safety Committee meeting, they considered a request to extend the existing residential permit parking zone district by 90 feet and create a two-hour parking restriction, Monday through Friday, from 9 a.m. to 5 p.m., adjacent to 242 Wood Street. She said that the offices and apartment residents at the location have been unable to make use of the area for parking due to use by employees of West State Street businesses.

Ms. Gordon said the Committee is recommending that Council authorize the drafting and advertising of an ordinance extending the permit parking district and creating a two-hour parking restriction, Monday through Friday, from 9 a.m. to 5 p.m., on the south side of Wood Street, adjacent to 242 Wood Street. If Council wishes to follow the recommendation, it can do so by motion. (Gordon-Flood)

Mr. Davis clarified that it is 90 feet, but it encompasses two driveways so it's really a maximum of two parking spaces.

With regard to two-hour parking, Mr. Frederick asked how far are we going to continue to go out into neighborhoods. He said it seems like we just keep going further and further into residential neighborhoods and using two-hour parking as a remedy for business parking which people have used. He asked, "Where do we stop, how far do we go?"

Mr. Davis said he would characterize this as more of a kind of cleanup effort in a district we created two years ago. He said we intentionally didn't go this far out Wood Street, trying, in the spirit of what Mr. Frederick said, to err on the side of caution, but this is a small area with some apartment residents that he wasn't sure we knew were even there. Mr. Davis said by making this small adjustment, we can remedy what he thought was an unintended consequence of the original district.

Mr. Davis commented that as of right now, we have no other requests before us for new districts or new areas, and he wasn't aware of any problems where commercial or institutional parking is infringing on any neighborhood. He again characterized this more as an adjustment to an existing area that was discussed for quite awhile, more than an extension of permit parking in general.

Mr. Frederick said his point was not just this, as this is just part of the situation. He said he was concerned about us going further and further out into the neighborhoods with the two-hour parking in general. He said we haven't heard many complaints from businesses, but we do hear some on people having to go an inordinate amount of distance away from businesses to park their vehicles to go to work, with McCaffrey's being one of them. He said his question was just when and where do we stop.

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. Gordon gave the **Doylestown Fire Co. No. 1 Report**, stating there were 19 incidents requiring the Fire Company's response in June 2019.

## **PUBLIC WORKS AND ADMINISTRATION - Mr. Frederick**

1. **2019-2020 Fuel Bid.** Mr. Frederick reported that bids were publicly opened and read on June 18, 2019 by the Bucks County Consortium for the purchase of fuel for the 2019-2020 season. He said the Borough purchases unleaded regular gasoline in quantities of less than 6,000 gallons, in individual deliveries, and ultra-low sulfur diesel in quantities of less than 6,000 gallons, in individual deliveries. Mr. Frederick stated that the overall low bidder for each of the two products was Papco, Inc., for the purchase of approximately 24,500 gallons of delivered unleaded regular gasoline at a floating price as of the delivery date based on the OPIS Philadelphia Mean price, \$2.0745 as of May 21, 2019, and a \$0.2093 per gallon modifier, noting that the 2018/19 modifier was -\$0.2375, and 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, \$2.1090, plus a modifier of \$.2468 per gallon, noting that the 2018/19 modifier was \$.2651. The season runs August 1, 2019 to July 31, 2020.

Mr. Frederick said the Committee reviewed the bids and is recommending the award to Papco, Inc., and 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.

2. **Public Works Department Monthly Reports.** Mr. Frederick called upon Mr. Ehlinger, who stated that monthly Work Order Report and the Fleet Services Report were provided. He said that South Clinton Street, between Court Street and Hart Avenue, was closed starting at 5:00 this morning and will remain closed for 36 straight hours of milling and repaving. He said the Public Works Department is performing this road project overnight and for 36 continuous hours to reduce disruption to residents and businesses, and the SEPTA commuter lot. He said the operation began this morning with milling and he was pleased to report that it went incredibly smoothly and they were done milling at about 3 p.m. Mr. Ehlinger said the next phase is paving, which commenced around 5 p.m. and that is going well too. [Photos were shown depicting the freshly milled street.]

Mr. Ehlinger noted that the residents were incredibly cooperative. He said those folks virtually have no off-street parking in that area, which means they all use the street. He said they did a pretty aggressive missionary operation to try to reach out to them and again, everyone was incredibly cooperative, there was no towing, and no unpleasantness. He gave kudos to the folks on that block.

Mr. Ehlinger stated the Borough Public Works crew will be paving bright and early from Ashland north to Court. He showed a photograph taken right now, real time, of a contractor we

brought in to pave at night that is doing the lower section, from Hart up to Ashland. He said they are very fast and aggressive, and an efficient operation. Mr. Ehlinger expected them to be done by midnight/1 a.m., and that lower section will be done and open for business first thing in the morning. He said we managed to pave a pretty busy street with almost no disruption whatsoever to the very active businesses in that area.

Mr. Ehlinger then shared photos of the Borough's brand new dump truck and our 20-year trailer which was recently renovated and looks brand new. He said the paver in the photo is one that we are renting as part of our test driving different pavers that was in the budget this year. He said he'll report back on whether they like it or not.

### **COMMUNITY AND GOVERNMENTAL AFFAIRS - Mr. Berk**

Mr. Berk stated they did not meet, but did want to comment on our incredibly successful Pride Festival. He thanked the police because there were a few protestors present, but the police defused any situation that might have happened, and it was just wonderful having police cars parked at either end of State Street which made people think twice about coming into the area.

Mr. Berk also thanked New Hope for providing the huge flag that hung outside Siren Records. He said, as did Mayor Strouse, there will be a debriefing meeting tomorrow, where they'll discuss how to make next year better. Mr. Berk said if anyone has any comments or ideas, to refer them to either Mayor Strouse or himself.

### **ZONING AND PLANNING - Mr. Brennan**

In Mr. Brennan's absence, Ms. Margolis gave the following reports:

1. **Zoning Hearing Board Report.** Ms. Margolis reported that the Board will meet on July 17, 2019, to hear the applications of: 261 Maple Avenue, John H. and Susan B. Eichert, who request variances to permit less than the required side and rear yard setbacks, to replace the existing one-car garage with a two-car garage; 61 North Church Street, Timothy Mohen, who requests variances to permit more than the floor area ratio, more than the lot coverage ratio and less than the minimum side yard setback respectively. The applicant proposes to renovate and expand the existing dwelling with an addition to the rear and the restoration of the front façade. A driveway access with carport is also proposed; 263 North Main Street, Arcadia at Doylestown Holdings, LP, which is proposing a multi-family high rise consisting of 59 units. A previous application for three of the four parcels was approved for 46 units. The applicant has now included a portion of the adjacent parcel, the hair salon portion, and modified the application which requires variances to permit more than the permitted lot coverage and impervious surface, less than the 5 acre minimum, more than the maximum floor area ratio, less than the minimum building setbacks from both streets, less than the required side yard setback and rear yard setback and less than the open space required. In addition, variances are also sought to permit less than the required buffer and less than the minimum planting requirements, to permit less than the required landscaping adjacent to the proposed building, to permit one access point to an arterial highway or collector road, and to permit a five-story building measuring 47.25 feet in height.

2. **Historic & Architectural Review Board (HARB) Report.** Ms. Margolis reported that at their regular monthly meeting held on June 27, 2019, the HARB recommended the issuance of Certificates of Appropriateness for the following applications: **Sign Application:** 20 E. Court Street, TFF Pharmaceuticals, new business signs; and, **Building Applications:** (1) 172 Lafayette

Street, Karen and Anthony Sandone, for the demolition of existing building additions and construction of new addition and new two-car garage as presented with the following conditions or modifications: that the existing porch be restored without wrapping around the building, that the side vestibule be removed from the design and that a shed roof be constructed above the side entrance, that all windows on the first and second floors in the original house be two-over-two, that thirds floor windows in the original house be six-over-six, that windows in the original house include one-inch muntins, that windows in the addition be one-over-one, that siding be smooth Hardie-board or board and batten in Arctic White or Boothbay Blue, that a tone-on-tone color selection be used with the original house being a darker color, that the garage be approved as presented with Hardie-board, Inspirations, or crane board, that the garage corners have trim board, that garage window be one-over-one, that garage door be metal carriage style, that the chimney be brick, that shutters be Timberlane wood or composite or solid vinyl and that the profile be raised panel, that the front porch be trex and transition to flagstone where the roof ends, that wood siding be restored, and that cornice gutters be restored; (2) 277 Maple Avenue, David Bader, for roof alterations and window replacement, with the following conditions or modifications: that skylights be installed in the front of the house in lieu of the proposed dormers; (3) 324 Maple Avenue, Susan Graybill, for facade improvements; (4) 61 North Church Street, Timothy Mohen, for an addition and carport, with the following conditions or modifications: that the portland cement stucco be restored, that two-over-two windows with one-inch muntins be installed on the existing portion of the house using a historic window line, that the shutters will be restored or replaced in-kind, that the roof be replaced with JEF Timberline in gray, that the porch roof be hand-crimped standing-seam metal if replaced, that the horizontal siding on the upper floor of the addition be Boral, that horizontal lines, trim pieces, and panel be dark gray or black aluminum, and that Western aluminum windows be used on the addition; (5) 124 Mary Street, Ken Cloonan, for an enclosed rooftop porch, with the following conditions or modifications: that dark colors be used for all color selections; (6) 199 Washington Street, Frank and Julia Coulter, for a proposed building addition, with the following conditions or modifications: that the color selection be tone-on-tone Mountain Sage and Heathered Moss to provide contrast between the existing and new building.

Ms. Margolis said the Zoning and Planning Committee recommends that Council approve the applications in accordance with HARB's recommendations, and if Council wished to follow the Committee's recommendation, it could do so by motion. (Margolis-Gordon) 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.** Ms. Margolis reported there were 94 residential and six non-residential use and occupancy inspections, 73 complaints were investigated, two recycling inspections, 10 sidewalk/paving inspections, zero sidewalk/snow inspections, eight litter enforcement, no graffiti, eight fire company issues, and five tree removal permits/issues.

4. **Building Inspection Monthly Report.** Ms. Margolis reported there were 74 total permits and a total cost of permit fees of \$14,490.22.

Mr. Bell commented that during the meeting, there was a member of the public who, during the discussion of the Arcadia project, expressed his personal feeling that he was dismayed by what he saw as development, particularly higher density, multi-story residential projects like this one, disrupting the historic fabric of the Borough. He said there was some brief discussion that the ordinances that we work within are really an expression of or implementation of our comprehensive

plan, and that actually led to a visit by Mr. Ehlinger to the Finance Committee to discuss that, which we will be covering later tonight in the Finance report.

#### **ENVIRONMENT AND RECREATION - Ms. Margolis**

Ms. Margolis reported that the Committee met, but she did not have anything to report.

#### **WATER UTILITY - Mr. Flood**

Mr. Flood stated the only item he had was the monthly Water Department Report and he would be giving that report in Mr. Norris' absence. He said there was one water main repair, one water service repair, six water meter repairs, seven house calls, 11 well house repairs, 16 SCADA System Alarms, five emergency shutoffs, three bulk chemical deliveries, and three fire flow tests. [Visual aids of the North Street and Chapman Avenue Water Main Repair, and the 146 and 148 North Church Street Water Service Repair were provided.] Mr. Flood said from the front office, there were 18 final readings, 26 water leak notices sent, nine meter repair notices sent, 150 late payment notices sent, and 65 shutoff notices sent. Mr. Flood also noted that a quarterly wheeling invoice for \$3,270 was sent to the Township.

Mr. Flood asked Mr. Ehlinger to narrate the displayed photographs. Mr. Ehlinger said the pictures are basically just our fantastic Public Works Department taking great looking pictures. Mr. Flood added, "Fixing stuff that's broken."

#### **FINANCE/PENSION - Ms. West**

Ms. West called upon Mr. Bell for the Finance Report, who stated that the Committee met and with regard to the first two items under Finance on the Agenda, they will be addressed following the Executive Session. Mr. Bell then called upon Ms. Brinker for the monthly **Finance Report**. Ms. Brinker reported that the total of all funds expended was \$744,152.36. Motion to approve the Finance Report. (Bell-Flood) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

Mr. Bell next addressed the previously mentioned visit from Mr. Ehlinger to the Finance/Pension Committee. He said Mr. Ehlinger's visit was to discuss with the Committee members the general process and a recommended timeline for a new comprehensive plan. Mr. Bell said that Mr. Ehlinger expressed unequivocally advocacy for initiating the process, but just as unequivocally is requesting that we commence once the Broad Street Project is well established, freeing him up to devote the significant time that's needed to oversee a comprehensive plan. Mr. Bell said in the meantime though, Mr. Ehlinger has pledged to develop a survey to pulse Council Members and also members of the Planning Commission. He asked Council Members that when they see this survey, to please respond. Mr. Bell asked Mr. Lannon, a member of the Planning Commission who was in the audience, to please make sure those members were also engaged. Mr. Lannon said that he would.

Mr. Bell said there is no action coming from this update, though Council Members are welcome to discuss this with Mr. Ehlinger now or as the opportunity arises.

**PERSONNEL - Mr. O'Brien:** Ms. West said there was no report.

## PROFESSIONALS' REPORTS

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

**Solicitor's Report** - Mr. Yeager: No report.

**Central Bucks Regional Police Department (CBRPD) Activities Report.** The Police Activity Report showed there were 1167 incidents in the Borough in June 2019. Year-to-date, the department spent \$2,544,497.33 and were at 44.41% of their yearly budget. Chief Knott commented that he had no report.

**PRESIDENT'S REPORT:** Ms. West said there was no report.

## OLD BUSINESS

Mr. Flood said he had one item from the last Council meeting that Mr. Brennan brought up, which was the unfunded mandate that's coming down from the state to the Borough and the concerns of Council members, assuming Mr. Brennan wasn't speaking just for himself. Mr. Flood asked if we were contemplating a resolution to the effect that we are concerned about it to our elected officials and to the governor because that's usually what we do.

Ms. West thought it was a good idea. Mr. Flood said he could take this up in the Water Committee. Mr. Davis said since its not potable water, it's stormwater, it would really be Public Works. He said that can be done and it's just a question of finding the right moment since the law has long since passed, but we could find some mechanism.

Ms. West said another thing that came up in their meeting was not just a resolution, but potentially perhaps sitting down with our legislators to discuss that with them and find out what's happening. Mr. Flood said he thought this was administrative too, he didn't think it was enactment of the legislature. Mr. Davis said it was an enactment of the legislature at one point, but it was the result of action by the US EPA, which then flowed downhill to DEP. Mr. Flood said he is aware of that. Mr. Davis said that the legislation has long since passed and we're really just starting to get into the implementation phase where municipalities are starting to understand exactly what it is they need to do to comply now in the five-year permit window. He said it is a new phase of the process and one where municipalities are realizing exactly how difficult and costly it is going to be to comply with this, so we could reach out to our elected officials and see what might be the best way to express ourselves on this issue and the best place to address it.

Mr. Flood said in the past, we've also reached out to our neighboring municipalities and enlisted them. He recalled there was a mandate that came down from the Corbett administration, before he was on Council, but he was in the audience when it happened, and he thought Mr. Ehlinger took the lead.

Mr. Davis suggested we find out what others are doing. He said right now, we have been communicating mostly to share information about how in the world we are all going to go about the business of complying and looking for areas of where cross border cooperation could benefit municipalities. He said that seems to be where everybody is at right now, at least on the administrative level - it's trying to work through the actual projects. Mr. Davis said we will find the best way to be heard on this.

Mr. Bell recommended that if this did indeed originate from the EPA, that we contact the White House Office of Intergovernmental Affairs, which describes itself as the front door to the administration for the nation's state and local elected officials.

Ms. West asked if this belongs in Public Works. Mr. Davis said yes, the compliance projects and the design of those will be the purview of that committee ultimately. Ms. West said they discussed it in Finance, but maybe the next direction would be to have it become a Public Works agenda item. Mr. Davis it could fall under any number of categories. He said it was in Finance because of the potential budget implications and the financial implications of the costs of some of these projects, but for the most part, the design and really right now, the identification of potential projects has gone through Ms. Hyland's office, acting as an intermediary between the engineer and the Public Works Department. Ms. Hyland commented that the initial planning documents, when Council approved it, was channeled through the Public Works Committee and they worked on in cooperation. Mr. Davis said, as everyone knows, with Ms. Hyland's engineering background, she has been the perfect point person for this and has saved us quite a bit of time and effort, and dollars in terms of work that she can do without involving consultants. He said we had a very good field visit just the other day and identified some potential areas for projects that we will be revisiting at budget time. Mr. Flood said there was some discussion last year at budget time. Mr. Davis said the permit was submitted last year and it went through the review process, and it has come out of the review process. He said in the permit, we had to identify some potential projects that would help us reach the mandate. Mr. Davis said it was not mandatory that we undertake all or really any of those projects, but we are looking at those first and foremost, and we've identified difficulties with some of them – some are a bit costly, more costly than we thought, and it seems like we've uncovered some other potential projects that may be less costly, so there is a process by which we can amend the permit. He said we have actually been at this, if you include the permitting process, for a number of years, preparing for it, and now we have a very clear five-year window and unless something unfolds or changes, we will have to complete some projects and meet our targets. Mr. Davis said that's what we're concentrating on now and he thought what Mr. Flood was talking about was maybe ways that we can talk to our state officials about the process itself and ways that it may be a little less onerous to us.

**NEW BUSINESS:** None.

**OPEN PUBLIC COMMENT:** None.

## **EXECUTIVE SESSION**

Council adjourned for an Executive Session at 7:37 p.m. Ms. West said when they returned, they would discuss what happened and also complete the Finance Report.

When Council returned, Mr. Yeager announced that Council met in Executive Session to discuss potential litigation in connection with the Central Bucks Regional Police Commission and Department Headquarters.

The Finance Report was then completed:

1. **Construction Documents Phase Services Agreement: Broad Street Municipal Complex Project.** Mr. Bell stated the referenced agreement represents the next phase in the Broad Street Municipal Complex Project. He said that the total cost to the Borough for these services, which are anticipated to take six months to complete is \$134,500. Funds for these services would be drawn from the reserve and reimbursed when borrowing for the project takes place in early 2020.



Mr. Bell said that the Committee is recommending that Council approve the agreement and if Council wished to follow that recommendation, it could do so by motion. (Bell-Frederick) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

2. **Data/Voice Premise Cabling Design Services Agreements: Broad Street Municipal Complex Project.** Ms. West said that these agreements represent the next phase in the Broad Street Municipal Complex Project. She said the total cost to the Borough for these services is \$10,985. Funds for these services would be drawn from the reserve and reimbursed when borrowing for the project takes place in early 2020.

Ms. West said that the Committee is recommending that Council approve the agreements. She said that if Council wished to follow the recommendation, it could do so by motion. (Bell-Margolis) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

## **ADJOURNMENT**

At 8:29 p.m., Ms. West entertained a motion to adjourn. (Margolis-Flood) The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis  
Borough Manager

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