

February 25, 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, Tim Brennan, Joe Flood, Sue Gordon, and Wendy Margolis. Also present were, Junior Councilperson Josie Hall, Borough Solicitor Jordan Yeager, Borough Manager John Davis, Central Bucks Regional Police Department Police Chief Karl Knott, Borough Engineer Jim Dougherty, Water Director Chris Norris, Director of Building and Zoning Karyn Hyland, and Planning/Public Works Director/Deputy Borough Manager Phil Ehlinger. Council President Jack O'Brien, Councilpersons Don Berk and Joe Frederick, and Mayor Ron Strouse were absent. Finance Director Caroline Brinker was also absent due to her attendance at the Fanny Chapman Pool Board meeting.

### **PLEDGE OF ALLEGIANCE**

**SPECIAL PRESENTATIONS:** None.

### **APPROVAL OF MINUTES**

Ms. West called for a motion to approve the **January 28, 2019 Council Meeting minutes**. (Margolis-Gordon) The vote was called and the minutes were unanimously approved.

**MAYOR'S REPORT:** Ms. West stated there was no Mayor's Report.

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

1. Ms. Gordon gave the **Doylestown Fire Co. No. 1 Report**, stating there were 20 incidents requiring the Fire Company's response in January 2019.

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

1. **2019 Milling Bids.** In Mr. Frederick's absence, Mr. Flood reported that on January 31, 2019, bids were opened for the milling of roads for the 2019 paving season. [A tabulation of bids was provided.] Mr. Flood said it is recommended that the Borough award the base bid to the lowest bidder, A. Gilliani Co. Inc., at a price of \$35,642.25, conditioned upon receipt of a properly executed performance bond and compliance with bid specifications. He said if Council wished to follow the recommendation, it could do so by motion. (Flood-Gordon) With no further 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. Flood called on Mr. Ehlinger, who stated that monthly Work Order Report and the Fleet Services Report were provided. He said they are in winter storm-fighting mode and they've been busy restoring a 40-year old heavy duty trailer, and doing some other winter projects as well.

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

In Mr. Berk's absence, Ms. West stated there was no report.

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

1. **Application for Subdivision and Land Development Approval, McDonald's USA, LLC, TMP 08-005-111-002, 561 North Main Street.** Mr. Brennan reported that McDonald's Corporation, successor in interest to Franchise Realty Interstate Corporation, owner of the subject three-quarter acre property located in the Freestanding Commercial Zoning District, is proposing to demolish its existing fire-damaged building. The building will be replaced with a new building of approximately the same size closer to Main Street. He said the new location will accommodate additional space behind the building for longer drive-thru stacking. The new location also improves upon the current condition by removing the building from the floodway.

Mr. Brennan said that the Zoning & Planning Committee reviewed the application on February 11, 2019 and recommended preliminary and final approval of the application conditional on the following: (1) that the applicant resolve all outstanding issues in the Borough Engineer's, Borough Water Engineer's, Bucks County Planning Commission's, Bucks County Conservation District's, Shade Tree Commission's, Director of Water's, and Fire Marshal's review letters to the satisfaction of Staff; (2) that the applicant will replace the water main along the property's frontage if, during the service tie-in, it is found to be in failing condition; (3) that the applicant enter into the usual developers, maintenance, escrow, and operation and maintenance agreements in form satisfactory to the Borough Solicitor; (4) 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) §511(a), to allow sidewalk internal to the site to be four feet wide; (3) §520.H.2, to permit 8.2% of the parking lot area to be green space rather than the required 10% due to utility conflicts; (4) §520.H.4, to maintain the existing curb line location around the parking lot; (5) §§803(c)(2) and 805(c)(2), to waive the requirements to show certain existing features within 400 feet of the property and that this waiver be conditioned on the applicant agreeing to provide additional information necessary for the review upon request; (6) §803(c)(6), to waive the requirement to show existing trees by size and type since existing trees are not to be disturbed; and, (7)§805(a)(6), to permit plan sheets to be 24"x36".

Mr. Brennan said that if Council was in agreement with the Committee's recommendation, it could grant Preliminary and Final Subdivision and Land Development approval by carrying a motion to do so. (Brennan-Margolis)

Attorney Zachary Sivertsen was present on behalf of the applicant and was joined by Michael Jeitner, the engineer on this project. Solicitor Yeager asked if they agreed to the conditions. Mr. Sivertsen replied, "Yes."

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

2. **Application for Land Development Waiver, 66 East Oakland Avenue.** Mr. Brennan reported that Anthony and Anita Trasatti, owners of the subject property located at East Oakland Avenue and Pine Street, TMP 08-008-353, are proposing to add a third floor to the existing building. The property is in the Central Commercial Zoning district and contains a building with a dwelling in combination with an office. The new third floor would serve as an additional dwelling unit.

Mr. Brennan said that the Zoning and Planning Committee reviewed the application on February 11, 2019 and recommended preliminary and final approval of the application conditional on the following: (1) that the applicant resolve all outstanding issues in the Borough Engineer's, Borough Water Engineer's, Bucks County Planning Commission's, and Director of Water's review letters to the satisfaction of Staff; (2) that the stacked parking be assigned to the occupants of the dwelling units and that appropriate signage be installed; (3) that the Applicant enter into the usual Land Development Waiver Agreement to the satisfaction of the Borough Solicitor; and, (4) that the project comply with all applicable building and environmental regulations including local, state, and federal.

Mr. Brennan said that if Council was in agreement with the Committee's recommendation, it could grant Land Development Waiver approval by carrying a motion to do so. (Brennan-Margolis)

Ms. West asked if the applicant was present and the response was yes. Solicitor Yeager asked if they agreed with the conditions and the response was "Yes."

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

**3. Historic & Architectural Review Board (HARB) Report.** Mr. Brennan said that at their regular monthly meeting, the HARB recommended the issuance of Certificates of Appropriateness for the following applications: Sign Applications: none; and, Building Applications: (1) 15 West State Street, roof repair, with a change in material from cedar shake to a standing seam metal pent roof.

Mr. Brennan 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. (Brennan-Gordon) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

**4. Code Enforcement Monthly Activity Report.** Mr. Brennan reported there were 46 residential and zero non-residential use and occupancy inspections, 20 complaints were investigated, seven building inspections, zero recycling inspections, zero sidewalk/paving inspections, zero sidewalk/snow inspections, five litter enforcement, no graffiti, eight fire company issues, and one tree removal permits/issues.

**5. Building Inspection Monthly Report.** Mr. Brennan reported there were 105 total permits and a total cost of permit fees of \$79,405.45.

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

Ms. Margolis reported that the Committee met, but there are no actions at this time. She stated they are working on a way to reduce the use of single use plastic in the Borough.

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

Mr. Flood stated the only thing was the monthly Water Department Report, and he called upon Mr. Norris for that. Mr. Norris reported that there was one water main repair, one water service repair, 15 water meter repairs, 16 house calls, 13 well house repairs, seven SCADA System Alarms, five emergency shutoffs, and two bulk chemical deliveries. [Visual aids provided] From the front office, he said there were six final readings, 57 water leak notices sent, seven meter repair

notices sent, 166 late payment notices sent, and 44 shutoff notices sent. Mr. Norris stated they also had a production meter fail in the East Street well house and Public Works replaced that.

With regard to water shutoff notices, Mr. Flood asked Mr. Norris how we are tracking with that compared to other months, "Is 44 about average?" Mr. Norris said he didn't want to provide an incorrect answer, so he would email Council shortly with those details.

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

1. **Finance Report.** Mr. Bell reported that the Committee met to discuss the non-uniform pension and the Reserve Fund. For the monthly expenditures report, he called upon Mr. Davis, who was filling in for Ms. Brinker. Mr. Davis reported that the total of all funds expended was \$563,446.30. Motion to approve the Finance Report. (Margolis-Gordon) 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:** In Mr. O'Brien's absence, Ms. West stated there was no report.

#### **PROFESSIONALS' REPORTS**

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

**Solicitor's Report** - Mr. Yeager said he had no report, but there will be an Executive Session.

**Central Bucks Regional Police Department (CBRPD) Activities Report.** The Police Activity Report showed there were 1126 incidents in the Borough in January 2019. The Department spent \$457,249.27 and were at 7.98% of their yearly budget. Chief Knott commented that he had nothing to add.

**PRESIDENT'S REPORT:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**OPEN PUBLIC COMMENT:** None.

#### **EXECUTIVE SESSION**

Council adjourned to Executive Session at 7:13 p.m., to discuss litigation relating to a possible Zoning Hearing Board appeal. Mr. Davis commented that Council would likely be taking action upon their return.

Upon Council's return, a motion was made to authorize the Borough Solicitor to pursue an appeal in connection with the Zoning Hearing Board appeal of 401 South Main Street. (Flood-Brennan)

Antonio and Lee Quinlon, 35 Meadow Lane, were in favor of the appeal. They had concerns regarding appearance, traffic, and stormwater runoff.

Susan Kennedy, 37 Meadow Lane, opposed the large number of variances and did not feel the decision was appropriate.

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

**ADJOURNMENT**

At 7:47 p.m., Ms. West entertained a motion to adjourn. (Flood-Margolis) The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis  
Borough Manager

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