

October 18, 2021  
7:00 p.m.

The regular meeting of Doylestown Borough Council was held on the above date and time with the following members present: Council President Jack O'Brien, Vice President Noni West, and Council Members Tim Brennan, Larry Browne, Joe Frederick, Jennifer Jarret, and Wendy Margolis. Also present were Junior Councilperson Mary Frances McNulty, Mayor Ron Strouse, Borough Solicitor Joanna Waldron, Central Bucks Regional Police Department Police Chief Karl Knott, Borough Engineer Jim Dougherty, Borough Manager John Davis, Building and Zoning Karyn Hyland, Finance Director Caroline Brinker, and Planning/Public Works Director/Deputy Borough Manager Phil Ehlinger. Council Members Ben Bell and Dennis Livrone were absent.

### **PLEDGE OF ALLEGIANCE**

### **SPECIAL PRESENTATIONS**

**Plaque Presentation to Charles "Rick" Scott for Service on the Zoning Hearing Board, 2007-2021.** Mayor Strouse said that the Borough is always extremely appreciative to residents who volunteer. He said that with Mr. Scott, it is even more so because he volunteered for the Zoning Hearing Board, which is arguably one of the biggest opportunities to volunteer because you can spend many long hours for work that you don't receive a lot of credit for. The Mayor said he knew of one instance during the years of Mr. Scott's service where he heard about 100 hours of testimony, and he could guarantee that no one present this evening ever spent 100 hours in a room doing that. He thanked Mr. Scott for that and for all the other work he did over his many years of service.

### **APPROVAL OF MINUTES**

Mr. O'Brien called for a motion to approve the **September 20, 2021 Council Meeting Minutes**. (Margolis-West) Mr. Frederick noted that the Chairman's name for the Public Works Committee is missing. With that amendment, the vote was called and the minutes were unanimously approved.

**MAYOR'S REPORT:** No report.

### **PUBLIC SAFETY - Mr. Frederick**

Mr. Frederick stated his only item was the Doylestown Fire Company report which was provided in Council's packet. Mr. Browne then commented that at the Public Safety meeting, there was discussion about changing the date of the next meeting in order to meet with the Fire Company. He said that Scott Fleischer, our Fire Marshal/Emergency Management, Code Enforcement Officer will work on getting that date set.

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

1. **2021-2022 Rock Salt Bids.** Mr. Browne reported that bids were opened and publicly read for the purchase of Rock Salt for the 2021-2022 season on August 25, 2021. [A bid tabulation of all bids was provided.] He said that last year's low bid was at \$47.75 per ton delivered and \$47.00 per ton undelivered. Mr. Browne 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 \$57.88 per ton delivered, \$57.00 undelivered, conditioned upon receipt of a properly executed performance bond and compliance with the bid specifications. (Browne-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. Browne turned this over to Mr. Ehlinger, who stated that the Work Order Report and the Fleet Services Report were provided. He noted that these reports are also available to the public by following the packet link noted on this meeting's Agenda.

Mr. Ehlinger reported that the annual leaf collection has started and the Public Works Department is in area two. He noted there aren't a lot of leaves on the ground due to the warmer weather, so they're anticipating a heavy back end pick up. Mr. Ehlinger said they have also planted more than a dozen oak trees in the Broad Street Park along Atkinson and they'll continue planting as they can opportunistically in their schedule. Lastly, Mr. Ehlinger reported that the Department also made emergency repairs on North Franklin Street today as the road really came apart. He said that road will be considered for paving next year, but these repairs couldn't wait.

Mr. Browne added that if you haven't been to park complex recently, it's getting very green and it's really looking quite wonderful.

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

Mr. Bell was absent and there was no report.

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

1. **Application for Subdivision and Land Development Approval, Arcadia at Doylestown Holdings 2, LLC, 228, 236, 238 North Main Street.** Mr. Brennan stated that Arcadia at Doylestown Holdings 2, LLC, the owner of the subject property, is proposing to consolidate the subject parcels and demolish the existing office building. He said that the existing twin dwelling units are being renovated and the applicant is proposing ten additional twin dwelling units with attached garages. The improvements also include parking, landscaping, storm water management, and a fenced dog run.

Mr. Brennan said that the Planning Commission and the Zoning & Planning Committee are recommending approval of the application conditional on the following: (1) that the applicant

resolve all outstanding issues in the Borough Engineer's September 21, 2021 review letter, Borough Water Engineer's August 24, 2021 review letter and supplemental email dated September 3, 2021, Shade Tree Commission's September 23, 2021 review, and Fire Marshal's September 21, 2021 review letter to the satisfaction of staff; (2) that the applicant provide a water tapping fee in the amount of \$38,504.00; (3) that in all respects, the Applicant comply with all provisions of the statutes, laws, regulations, rules, codes and ordinances of the United States, Commonwealth of Pennsylvania, Doylestown Borough, and any other municipal entity having jurisdiction; (4) that the applicant enter into a water service agreement and provide an access easement in a form satisfactory to the Borough Solicitor; and (5) that the applicant enter into the usual developers, maintenance, escrow, and operation and maintenance agreements in form satisfactory to the Borough Solicitor.

Mr. Brennan said that in consideration of the foregoing, the following waivers from the Subdivision and Land Development and Storm Water Management (SWM) Ordinance are recommended: (1) §125.3.C(5)(a) to permit the minimum stormwater pipe diameter to be 12 inches; (2) §125-122 to permit the construction of a managed-release stormwater facility; (3) §152.3.C(5)(b) to permit high-density polyethylene (HDPE) stormwater pipes; (4) §152.3.C(10) to permit stormwater pipes to have one foot of cover in accordance with manufacturer's specifications; (5) §404 to permit concurrent preliminary and final plan approval; (6) §503, §608(A), & §609(B) to waive dedication of additional right-of-way; (7) §509(c) to permit a minimum curb radius less than 10 feet where the existing curb return on Main street is being maintained; (8) §510(d) to permit a parking area within 20 feet of the outside wall of a building; (9) §510(g) to permit tandem parking within the garages of the existing two dwelling units; (10) §510(h) to permit the curb lines to have radii smaller than 5 feet within the site; (11) §511(a) to permit a minimum combination sidewalk and curb width of less than 6 feet within the site; (12) §516(f) to permit grading within 5 feet of a property line; (13) §520 to permit the planting of shrub species *Diervilla sessilifolia* (Bush Honeysuckle); (14) §520;E;3(f) to permit trees within 15 feet of overhead utility lines; and, (15) §803(C)(2) & §805(C)(2) to partially waive the requirement to show existing features within 400 feet of the site.

Mr. Brennan said that if Council agrees, it may grant Preliminary and Final Subdivision and Land Development approval by carrying a motion to do so. (Brennan-Margolis)

Ms. Margolis commented that she was unable to attend the meeting, but the species that they're asking for, Bush Honeysuckle, is not a native species and she wondered why that is. Mr. Brennan commented that they noted it is slightly southern. Eric Carlson from Arcadia said they are flexible if that needs to be changed, but the Shade Tree Commission thought it was appropriate. Ms. Margolis said that it should be a native species and Mr. Carlson said they will be happy to will follow up as they prefer to use native as well.

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 stated that the Doylestown Borough Zoning Hearing Board will hold a Public Meeting on October 20, 2021, to hear the following applications: 164 Green Street, by Dragonfly Yoga, LLC, which requests a special exception which permits a yoga studio on the first floor; and, 66 South Hamilton Street, by Richard and Susan Wagner, who request a rear yard setback variance for the installation of a generator.

3. **Historic & Architectural Review Board (HARB) Recommendations.** Mr. Brennan said that at its regular monthly meeting, the HARB recommended the following Building Applications: 278 West Oakland Avenue, Kurt and Amy Kremser, for windows ; and 39 West State Street, Colette Bannan, renovation, both of which were recommended for approval of the applications as submitted; and, 209 Mechanic Street, rear porch enclosure, with the recommendation of approval of the application as amended, to include two-over-two windows, cedar lattice, and composite railings.

Mr. Brennan said that the Zoning & Planning Committee recommended that Council approve the applications in accordance with HARB's recommendations. He said that if Council wished to follow the Committee's recommendations, it could do so 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.

4. **Code Enforcement Monthly Activity Report.** Mr. Brennan stated that the report had been provided in Council's packet and it is also available to the public by following the packet link noted on this meeting's Agenda.

5. **Building Inspection Monthly Report.** Mr. Brennan stated that the report had been provided in Council's packet and it is also available to the public by following the packet link noted on this meeting's Agenda.

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

1. **New Park Name Community Survey.** Ms. Margolis said that the Environment and Recreation Committee and the Park and Recreation Board are recommending a community survey to assist in the naming of the new public park on Broad Street. She said that together they have created a list of five possible names for the community's consideration. A copy of the survey was provided. The question and names are as follows:

1. The following names were proposed by the Borough's Parks and Recreation Commission and Borough Council's Environment and Recreation Committee. Please rank these names in the order of your preference, with 5 being your favorite and 1 being your least favorite. Your participation in this survey is greatly appreciated.

- Borough Hall Park
- Broad Street Park
- Gateway Greene
- Broad Commons
- Borough Hall Greene

Ms. Margolis said that if Council wished to follow the recommendation, it can do so by motion. (Margolis-Frederick)

Junior Councilperson McNulty pointed out that "5" being the favorite and "1" the least favorite may be confusing to those completing the survey, and asked if that could be switched. Ms. Margolis said yes, she thought that could be done. Mr. Brennan added that Ms. McNulty had very good insight on that.

Mr. Davis noted that in the proposed preface which is going to accompany the survey question it does say "1" is the favorite and "5" is the least. He read the question's accompanying preface:

Help name Doylestown Borough's newest park!

Doylestown Borough's newest park, across from the new Borough Hall and Central Bucks Regional Police Headquarters on Broad Street, is almost complete. Community input informed the park's design, and now we are asking our community to help us name the park.

The names on the survey were proposed by the Borough's Parks and Recreation Board and Borough Council's Environment and Recreation Committee. You will have an opportunity to rank these names in the order of your preference, with 1 being your favorite and 5 being your least favorite.

Your participation in this survey is greatly appreciated.

Ms. McNulty then asked how the survey will be distributed. Ms. Margolis replied that it will be sent out through our D-Mail and via our social media.

Mr. Browne questioned the spelling of Greene with the "e". Ms. Margolis replied that came from the Park and Recreation Board.

An audience member asked if the names could be put in alphabetical order to avoid criticism or favoring one over another. Ms. Margolis and Mr. Davis said they thought that would not be a problem.

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

2. **New Park Sponsorship Program.** Ms. Margolis said this was the first step in sponsorship opportunities. She said that a draft brochure detailing a sponsorship program for the new park on Broad Street was provided in Council's packet. She said that under the program, park amenities would be made available for sponsorship and/or memorial dedication at various levels of contribution.

Ms. Margolis said that the Park and Recreation Board and the Environment and Recreation Committee are recommending that Borough Council approve the donation program. (Margolis-Frederick).

Junior Councilperson McNulty asked if consideration was given for those who want to contribute, but can't do the amounts shown - perhaps having bricks or plaques for a lesser amount so they can still contribute. Ms. Margolis replied that was discussed, which is why she said this is the first step in sponsorship opportunities. She said this first one is the big one where higher priced items are needed. Mr. Davis commented that the Central Bucks Regional Police Department already has a brick donation program in place and is accessible at lower amount of money. Ms. West said she has the hope that moving forward, other ways to contribute will be presented. Ms. Jarret stated that are phases of development to the park and we need these larger things now. She said the Park and Recreation Board has discussed this and maybe as a phase two, bricks or pavers could be done at a more affordable price. She said those could also be done over time and not as an immediate need. Mr. Davis noted that we have a longstanding program of dedicated streetlights and benches in the downtown and some of this does mirror that program which has been in place for a long time.

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

#### **WATER UTILITY - Ms. Jarret**

Ms. Jarret reported the Committee did not meet and she had no business items.

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

1. **Sale of Borough Hall.** Ms. West said that bids were opened and publicly read on September 30, 2021 for the sale of Borough Hall, 57 West Court Street, Doylestown. [A copy of the bid package, including a draft Purchase Agreement, was provided.] She said that the high bidder is Lawrence Thomson of Doylestown Borough at a price of \$2, 238,200. [A bid tabulation was provided.] Ms. West said that a 2018 appraisal placed Borough Hall's market value at \$2,100,000.

Ms. West said that the Finance and Administration Committee is recommending that Council award the bid to Lawrence Thomson at a price of \$2,238,200 contingent upon the execution of the Purchase Agreement. She said that if Council wished to follow the recommendation, it could do so by motion. (West-Margolis)

Ms. McNulty asked if the plans for the building by Mr. Thomson is known. Mr. Davis said the buyer's plans are unknown, but we do know the zoning and other restrictions, so whatever he does will have to comply with these Codes and Ordinances.

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

2. **Sale of Shady Retreat Road Parcels.** Ms. West said that bids were opened and publicly read on September 28, 2021 for the sale of three parcels on Shady Retreat Road totaling 1.3 acres

together known as the Harvey Avenue/Shady Retreat Subdivision. She said that the high bidder is Pecan Properties LLC of Colmar, Pa., at a price of \$426,000. She said that Borough Council previously voted to reject a high bid of \$375,000 and rebid the sale. Ms. West said that a letter appraisal in 2018 placed the parcels' market value at between \$500,000 and \$575,000.

Ms. West said that the Finance and Administration Committee is recommending that Council award the bid to Pecan Properties LLC at a price of \$426,000 contingent upon the execution of an agreement of sale. If Council wishes to follow the recommendation, it can do so by motion. (West-Margolis) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

3. **Finance Report.** Ms. West called upon Ms. Brinker for the monthly **Finance Report**. Ms. Brinker reported that the total of all funds expended was \$1,873,524.69. 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**

**Authorization to Advertise Board Vacancies.** Mr. O'Brien stated that the following Borough boards have vacancies due to member resignations:

<u>Board/Commission</u>	<u>Term</u>	<u>Resigned</u>
Environmental Advisory Council (EAC)	3 Years, 12/2022	Victoria Holderer
Fanny Chapman Pool Board	3 Years, 12/2024	William Deeter
Park and Recreation Board	5 Years, 12/2026	Dennis Livrone
Zoning Hearing Board	3 Years, 12/2022	Rick Scott

Mr. O'Brien said that the vacancy for the EAC is until December 2022. He said that the remaining three vacancies have terms expiring this year and would therefore be advertised for a partial and an additional full term. He said that if Council wished to advertise the stated vacancies, they could do so by motion. (O'Brien-Browne) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed unanimously.

#### **PROFESSIONALS' REPORTS**

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

**Solicitor's Report** - Ms. Waldron: No report.

**Central Bucks Regional Police Department (CBRPD) Activities Report.** Chief Knott: No report other than what was included in the packet. The CBRPD monthly activity report showed there were 1033 incidents in the Borough in September 2021, and year-to-date, the Department spent \$3,801,462.84, and were at 61.18% of their yearly budget.

**PRESIDENT'S REPORT:** None.

## **OLD BUSINESS**

Mr. Browne noted that, as discussed earlier, the next Public Safety meeting date will be changed from November 10. He said the meeting date will be November 17, 2021 to accommodate the fire company.

## **NEW BUSINESS**

Mr. Brennan commented that the Borough's first Diwali celebration is being held on November 7, 2021, from 2-5 pm, at Burpee Park. He said he knew a number of Council Members would be attending and the Mayor will be presenting a proclamation.

Mr. O'Brien reported that Council had a Food Drive on October 15, where they collected about 1500 pounds of food with the Bucks County Opportunity Council. He thanked Council members who came out to help and also community member who contributed. Mr. O'Brien some people drove by and didn't know what was going on so they stopped and asked, and then came back with donations. He said one gentleman returned with the back of his car filled. Mr. O'Brien said it was very encouraging to see such support.

## **OPEN PUBLIC COMMENT**

Det Ansinn, East Ashland Street, said that in 1986, in response to the movie "Back to the Future", Borough Council put a ban on skateboards in the Board, assessing a \$300 fine. He said that in 1988, to further up the ante, they gave the Police the power to seize skateboards in the Borough. Mr. Ansinn said things got quiet, skateboards became not so popular anymore. He said that about 10 years ago, some members of the community suggested that this be repealed. Mr. Ansinn said today, we've seen a mass resurgence of skateboarding, power boards, etc. and they're all over the streets of this community. He said as a parent of a teenage son, who asks can I get a skateboard, I have to tell him they're illegal. Mr. Ansinn said that given the number of skateboards on the street, this is not something that is being enforced, but if it is on the books, perhaps it's time to finally repeal this.

Mr. O'Brien said it will be taken under consideration.

Mr. Brennan noted that some of his constituents have raised the same issue. Mr. Ansinn said this is relevant to anyone who is the parent of a teenager.

Mr. Frederick said he thought this may come up in the Comprehensive Plan Study.

## **EXECUTIVE SESSION:**

Council left the meeting for an Executive Session to consider two items. Mr. Davis said he did not anticipate that any action would be taken. Council returned from Executive Session at 8:09 and no action was taken.



## **ADJOURNMENT**

At 8:10 p.m., President O'Brien entertained a motion to adjourn. (West-Browne) The vote was called and the motion passed unanimously.

Respectfully submitted,

John H. Davis  
Borough Manager

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