

February 22, 2016
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: President Det Ansinn, Vice President Susan Madian, and Council Members Don Berk, Tim Brennan, Joe Flood, Joe Frederick, Wendy Margolis, Jack O'Brien, and Noni West. Also present were: Mayor Ron Strouse, Police Chief James C. Donnelly, Borough Manager John Davis, Borough Solicitor Jordan Yeager, Adam Wisniewski, P.E. was present for Borough Engineer Robert Solarz, and Planning/Public Works Director/Assistant Borough Manager Phil Ehlinger. Finance Director Caroline Brinker was attending the Fanny Chapman Board meeting in the next room. Water Director Chris Norris was absent.

PLEDGE OF ALLEGIANCE - Mayor Strouse

MOMENT OF SILENCE - Mr. Ansinn

SPECIAL PRESENTATIONS: None.

APPROVAL OF MINUTES - Mr. Ansinn

Motion to approve the January 25, 2016 Council Meeting Minutes. (Madian-West) Vote was called and the minutes were unanimously approved.

MAYOR'S REPORT: None.

PUBLIC SAFETY - Mr. O'Brien

Special Event Permits. Mr. O'Brien reported there were two special event permits recommended for approval by the Chief of the Central Bucks Regional Police Department: the Doylestown 5K Race on May 28, 2016, and the Doylestown Arts Festival on September 10 and 11, 2016. He said the Committee reviewed the information and is recommending approval of the permits. Motion to approve the two special event permits. (O'Brien-Flood)

Ms. Margolis asked if we did our due diligence on the recycling bins for these events and Mr. Davis replied it will be taken care of.

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

Doylestown Fire Co. No. 1 Report. Mr. O'Brien reported that for the previous month, there were 26 fire company dispatches in the Borough.

Mr. Ansinn remarked that it was good having Mr. O'Brien in attendance considering the surgery he just had.

PUBLIC WORKS AND ADMINISTRATION - Mr. Frederick

Mr. Frederick stated he had no report and then called on Mr. Ehlinger for the Public Works Monthly Report. Mr. Ehlinger reported that the monthly D-Works Report was provided. He said during the next two weeks, the Department will be cleaning out and servicing every single storm

inlet in the Borough. He said the goal is that while we have this break in the weather, to actually get some good preventive maintenance done on our storm collection system.

COMMUNITY AND GOVERNMENTAL AFFAIRS - Ms. West

Farmers' Market License Agreement, Buckingham Civic Association. Ms. West stated that the agreement, unchanged from previous years, was provided. She said the agreement provides for the Saturday morning Farmers' Market on Hamilton Street sponsored by the Buckingham Civic Association. She said Committee reviewed the agreement and is recommending that Council approve same. Motion to approve the agreement. (West-Margolis) With no comments from Council, Staff, or the public, the vote was called. All were in favor and the motion passed.

ZONING AND PLANNING - Mr. Brennan

1. Consideration of Ordinance No. 2016-2, Clarifying and Amending Part of Chapter 27, Attachment 5, Table of Use Regulations of the Code of Ordinances. Mr. Brennan stated that Ordinance 2015-12, which amended definitions and use regulations relating to wireless telecommunications facilities, was found to have contained a typographical error that may cause confusion. He said Ordinance No. 2016-2 corrects the error and provides clarity.

Mr. Brennan said that the Zoning and Planning Committee and the Solicitor are recommending that Council the ordinance. Motion to adopt Ordinance No. 2016-2. (Brennan-Berk) With no comments from Council, Staff, or the public, Mr. Ansinn called the vote. All were in favor and the motion passed.

2. Application for Land Development Waiver: Keystone Volvo Stein Family LTD Partnership, 235 South Main Street. Mr. Brennan stated that Keystone Volvo is proposing minor building alterations at the existing porte cochère and the construction of a delivery storage and containment room on the inside corner of the building. He said the Planning Commission reviewed the application on January 26, 2016, and recommended approval. Mr. Brennan said the Zoning and Planning Committee is recommending the wavier of formal land development and the granting of site plan approval conditional on the following: (1) the resolution of any outstanding issues in the Borough Engineer's review letter to the satisfaction of Staff; and, (2) that the project complies with all applicable building and environmental regulations including local, state, and federal. Mr. Brennan said that if Council agrees, it may grant a Land Development Waiver and Site Plan Approval by carrying a motion to do so. (Brennan-Flood) With no comments from Council, Staff, or the public, Mr. Ansinn called the vote. All were in favor and the motion passed.

3. Authorization to Advertise Public Hearing and Ordinance Vacating a Portion of Arabella Alley. A Petition to vacate a portion of Arabella Alley from the adjacent property owners, a draft ordinance providing for the vacating requested, and an overview of the applicable law and process for vacating a public street prepared by the Borough Solicitor were provided. Mr. Brennan state that the redevelopment of the Histan property on South Hamilton Street into four new homes and the attachment of the Histan lot to the adjacent Doylestown Historical Society parcel requires the vacating of an unopened and no longer necessary portion of Arabella Alley. He said that in order for Council to consider the petition and be in a position to adopt the ordinance at the next Council meeting, both will require authorization to advertise tonight. Mr. Brennan said that the

Zoning and Planning Committee is recommending the advertisement, and if Council wished to follow the recommendation, it could do so by motion. (Brennan-Berk)

Mr. O'Brien asked for clarification of the exact location of this alley since it is hard to discern from the diagram. Mr. Davis said it is parallel to South Hamilton Street and this portion of Arabella Alley runs from West Oakland and dead ends in the parking lot for Histan Roofing. He said technically, if you are in the Plaza West Parking Lot, the drive area that extends along the rear of the Doylestown Book Shop and the rest of those, that is actually part of Arabella as well. It's on the east side of South Hamilton, parallel to it, and technically extends all the way to State Street.

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

4. Historic and Architectural Review Board Recommendations. Mr. Brennan reported that the Board met on January 28, 2016, and is recommending for approval and issuance of a Certificate of Appropriateness for each of the following projects as presented: **Sign Applications:** 29 West State Street, Doylestown Food Market, A-frame and new business sign. The A-frame application is accepted with the provision that the name of the business be placed within the body of the sign, and the projecting sign is accepted with the change in the bracket: the bracket is to be a 26" modern truss bracket or something similar in design; 53 West State Street, ESTATE, business sign; 47 West Oakland Avenue, Zencorr Properties; 18 West State Street, The Hattery Stove & Still, A-frame is accepted with the exception that the name of the business be permanently placed on the sign. Mr. Brennan said that if Council wished to issue Certificates of Appropriateness for these projects, it may do so by motion. (Brennan-Margolis) No applicants were present. With no comments from Council, Staff, or the public, Mr. Ansinn called the vote. All were in favor and the motion passed.

4. Code Enforcement Month Activity Report. Mr. Brennan reported that there were 119 total permits and a total cost of permit fees of \$13,883.39.

ENVIRONMENT AND RECREATION - Ms. Margolis

Ms. Margolis reported that the Committee did meet. She also said there was a successful Broad Street Park public meeting on February 1, with over 100 people in attendance, and there were interesting presentations and interactive activities. Ms. Margolis said the community feedback results will be looked at and there will be more to report on this in the coming months.

Mr. Ansinn, as an attendee of that public meeting, commented that it was good to see so many Council members and the Mayor participate in the discussions.

WATER UTILITY - Mr. Berk

Mr. Berk stated the Committee did not meet. He reported, however, that there were no water main breaks and 11 water meter repairs.

FINANCE/PENSION - Ms. Madian

1. Non-Uniformed Pension Plan Investment Policy Statement. Ms. Madian stated that per Government Accounting Standard #67 regarding Investment Disclosures to Pension Plans, the Borough is required to calculate the long-term expected rate of return based on our investment policy for the Non-Uniform Pension Plan. She said that due to the volatile market we are experiencing, the Committee, in response to the advice of our plan managers, have discussed

available options. Ms. Madian said based on the Committee's discussion of the options, it is recommending that the Investment Policy Statement be modified to reflect a 60/40 equity to fixed income allocation model. She said that if Council agreed with the recommendation, it could carry a motion to do so. (Madian-West) With no comments, the vote was called. All were in favor and the motion passed unanimously.

2. **Treasurer's Report.** In Ms. Brinker's absence, Mr. Davis stated everyone had been provided with a listing of the prepaid bills and bills to be paid tonight after approval. The total for all funds was \$663,639.41. Motion to approve the Treasurer's report. (Madian-O'Brien) With no comments, the vote was called. All were in favor and the motion passed unanimously.

PERSONNEL - Mr. Ansinn: None.

PROFESSIONALS' REPORTS

Engineer's Report - Mr. Wisniewski: no report.

Solicitor's Report - Mr. Yeager: no report.

Central Bucks Regional Police Department (CBRPD) Activities Report. Chief Donnelly reported there were 1,312 incidents last month, 956 of which were here in the Borough. He said their budget this year is \$4,072,565, and last month, expenses were \$380,572.45 or 9.35% of the budget. He commented that January is usually a high month for them because association fees and those types of things are all paid then.

Chief Donnelly then thanked people for attending the second town hall meeting held on February 16 at the Delaware Valley University. He said statistics presented are now on their website.

PRESIDENT'S REPORT - Mr. Ansinn

Collective Bargaining Agreement Between the Central Bucks Regional Police Commission, the Central Bucks Regional Police Association, and the Chalfont Borough Police Association. Mr. Ansinn said the agreement has been approved by Chalfont and New Britain Borough Councils and the Central Bucks Regional Police Commission, conditionally upon our approval. He said that approval of the agreement by Borough Council would complete the final step in the creation of the new, expanded Central Bucks Regional Police Department, which would then begin operations on March 28, 2016.

Mr. Ansinn recognized that in the audience were some of our finest – some of CBRPD and Chalfont, who were part of the negotiation team representing the interests of their union memberships to make this work. He said it is challenging enough going through typical contract negotiations when there is one entity, one culture, but it is quite another to do the work of that negotiation and also something that will integrate the cultures of two departments, and the staff and personnel. He said it requires a lot of hours and sacrifices to make this work. Mr. Ansinn said it then comes to this simple action here tonight when the ink is put on it, but he surely didn't want to dismiss all the work put into it. He said we are going to now have an even stronger department, which has always been a goal. Mr. Ansinn said he hoped the CBRPC would be a model that other municipalities look to when it comes to doing this better brand of law enforcement, and he thanked everyone.

Mr. Ansinn stated said that the members of Council's negotiating team are recommending that Council approve the agreement. Motion to approve the Collective Bargaining Agreement. (Ansinn-Berk) With no comments, the vote was called. All were in favor and the motion passed unanimously. The agreement was signed.

OLD BUSINESS: None.

NEW BUSINESS

Mr. Frederick reported that he and Mr. Brennan attended the PML Newly Elected Officials Professional Training Session on February 5 and 6. He said he found it very enlightening and enjoyable. He said one thing he came back with was that one of the lawyers spoke on the issue of **whether people brought their own iPads or devices to meetings or whether the municipality supplied them.** Mr. Frederick said it was recommended that instead of everyone having different devices, in case you get into a situation of the Right-To-Know law or there's a lawsuit, that the municipality should provide iPads for each member. He said the municipality owns them and they're used strictly for borough business only. Mr. Frederick said this way, everything is kept under one roof and in case a Right-To-Know request or lawsuit arises, everyone doesn't have to turn in their devices.

Mr. Ansinn provided a background on this issue stating that one of the reasons we did "byod" was the consideration of taxpayers buying everyone an iPad. He said when you look at the cost, it's not just for Council members, it is for all of our boards and commissions since all of our materials are available via Dropbox, where everybody and anybody can get to them. He said this different than if we put the material directly on the devices. He said our information is out there on the cloud, which is different that some municipalities. Mr. Ansinn said by doing this, by going paperless, it saves a lot of time and paper. He added that an analysis was previously done and it showed that it took approximately 40 hours to gather all the paper materials, copy them, sort them all out, and everything in binders. It was very time-consuming compared to putting the material together and emailing it. Mr. Ansinn said he was to open to hear if there is some particular reason, vulnerability, or exposure we have by being byod.

Solicitor Yeager stated that as a legal matter, there is no additional exposure. He said the reality is that for Right-To-Know law purposes, emails covered under that law are covered based on their substance and not on what device they are sent to or sent from – the legal analysis is the same. He said he thought the suggestion was about ease of collecting material in a way that doesn't require the potential of having someone have to look at a laptop or other device that has a lot of other stuff on it. Mr. Yeager said that as practical matter, there haven't been that many Right-To-Know requests or litigation that the Borough has been involved in where there has been a need to go and look at individual Council member's emails, both sent and received. Mr. Davis, as the Right-To-Know Officer, said there have been none.

The Solicitor further commented that before next month's meeting, a memo will be provided regarding what Council members need to know about the Right-To-Know issues relating to emails and there are some tricky issues addressed that overlap between the Sunshine Act and the Right-To-Know law.

Mr. Davis commented that interestingly enough, the Parking Meter subcommittee was in Radnor earlier this week looking at parking meters. He said they had a chance to see their meeting room where they actually had devices built into the podium. He said this meant the devices are in

the sole possession of the municipality and used by anyone sitting at the podium for a meeting. He said they had absolutely seamless transmission of the images onto screens, which is the same concept as ours – done on a shoestring, but they had much larger screens and resolution, and everything was much easier to read. Mr. Davis said their presentation table was so equipped that if a developer brought in plans, the plans would be filmed and immediately transmitted onto the screens. He said Council will have to make some decisions as we move forward into the possible relocation of Borough Hall, but these are becoming standard items for a twenty-first century public meeting room.

There was further discussion regarding emails, retention of emails, and hardware. Mr. Ansinn concluded by stating we are totally up for making sure that we check our practices and update accordingly, and also check into our email retention practices. He said with regard to hardware, that is something the Community and Governmental Affairs Committee can look into sometime in the future.

Mr. Davis added that we are in the process of updating our Google apps. Mr. Ansinn said if we move all of the doylestownborough.net apps to Google, it is a modest increase on the monthly account cost, but you have the permanent retention and all the pieces, and you can set very specific policies within it regarding how long things are retained, etc.

Mr. Brennan addressed the **radon letter** that residents had received. He asked if we have any idea where the density of the problem is, or was it dispersed randomly throughout town. Mr. Davis explained that the trigger was a single reading of a certain magnitude. Ms. Madian stated it can vary from one house to the next, it's not an entire area. She said it changes by season and year to year – it's not something you can say that there's a danger zone because until you test your own home, there's no way of knowing. Mr. Davis said it was not disclosed where that reading came from. It was noted that this free test is a good way to determine whether your current system, if you have one, is working.

OPEN PUBLIC COMMENT: None.

EXECUTIVE SESSION

At 7:42 p.m., the meeting adjourned for an Executive Session regarding a personnel issue. Upon return, Council unanimously approved an agreement with Keystone Municipal Services LLC to provide interim zoning officer and other related services on an hourly basis.

ADJOURNMENT

At 8:15 p.m., Mr. Ansinn called for a motion to adjourn. (Flood-West) Vote was called and the motion passed.

Respectfully submitted,

John H. Davis
Borough Manager

JHD:sa