

January 23, 2006
7:00p.m.

The regular meeting of the Doylestown Borough Council was held on the above date at the above time in Council Chambers with the following members present: President John ("Chip") Thome, Vice President Lou White, Council Members Darrin M. Hoffman, Mark D. Double, Detlev Ansinn, Jr., Melissa Bond, David Bull, Lori Clipner, and Jennifer Corr, Also present were: Mayor Libby White, Borough Manager John H. Davis, Assistant Borough Manager/Zoning & Planning Director Philip Ehlinger, Chief James Donnelly, Director of Finance Caroline Leiter, Borough Solicitor Charles T. McIlhinney, Borough Engineer Robert G. Solarz, and Code Enforcement Officer/Fire Marshal David Cell.

SPECIAL PRESENTATIONS

1.) Presentation of Plaques

- Kurt Balderson Revitalization Board - 3 Years
- Brad Hedrick Fanny Chapman Pool Board - 6 Years

Mayor Libby White presented a plaque to Mr. Balderson recognizing his volunteer time on the Revitalization Board. Mr. Balderson said it was great working with such a dedicated group of people who truly love this community and want it to be the best place possible to live and work. It was an honor.

Mayor Libby White presented a plaque to Mr. Brad Hedrick recognizing his six (6) years on the Fanny Chapman Pool Board. She also mentioned that Mr. Hedrick served six (6) years prior to this volunteer time. Mr. Hedrick said it was a real pleasure. He grew up at the Fanny Chapman Pool and it is great to give back. He said they had Council behind them for the last twelve (12) to thirteen (13) years and it is appreciated.

2.) Commendations

- **EMT Rebecca Redling**
- **EMT Mary Wallover**

Mayor Libby White and Fire Marshal Dave Cell presented commendations to Ms. Redling and Ms. Wallover recognizing their outstanding actions in the resuscitation of a heart attack victim at Heritage Towers after initially responding for a basic life support fall victim.

Fire Marshal Dave Cell said Ms. Redling and Ms. Wallover are two outstanding EMT's from Central Bucks Ambulance. They are the silent workers that really don't show up until you need them. We are really thankful that we have such a wonderful ambulance squad made up of employees and volunteers that respond twenty-four hours a day seven days a week. This is just a testament to their dedication and training.

Ms. Lori Clipner asked Mr. Bill Cope, President of Doylestown Fire Company No. 1, to introduce some of the new officers for 2006. Mr. Cope said the fire company has had a good relationship with the Borough. They have over one hundred (100) members with fifty-five (55) active responders, and some ten (10) full-time students from Delaware Valley College. The fire company is grateful to Council for making the Code Enforcement Officers available to respond to emergency calls. In 2005 they had an overall income of \$668,000 and expenses were \$661,000. At this time, Mr. Cope introduced the officers for 2006 that were present.

APPROVAL OF MINUTES

1.) December 19, 2005 Council Meeting

Upon motion (White-Douple) to approve the minutes of the December 19, 2005 Council Meeting all Council Members were in favor.

2.) January 3, 2006 Council Reorganization Meeting

Upon motion (Ansinn-Clipner) to approve the minutes of the January 3, 2006 Council Meeting all Council Members were in favor.

FINANCE AND ADMINISTRATION - Mr. White

Mr. White said there was no formal report because they have not yet had a meeting. They are in the process of setting a date. It looks like it will be the first Thursday of the month which will be February 2nd. He would like to alert Council Members that, at that time, the committee will have Mr. Rick White (no relation), our representative from Merrill Lynch, with us to go over the Capital Fund for the Borough. He will explain the various funds and their terms, and answer any questions that Council Members may have about our finances. He would invite all Council Members to come to the February 2nd meeting at 7:00p.m.

WATER - Mr. Bull

Mr. Bull said he has no report. They will have their first meeting on Monday February 6th. He invites all members of Council and the community to attend.

COMMUNITY AND GOVERNMENTAL AFFAIRS - Ms. Clipner

- 1.) **Fire Marshal's Report - December 2005
- Year End 2005
- Doylestown Fire Co. No. 1 Report - December 2005
- Year End 2005**
- 2.) **Code Enforcement Report - December 2005
- Year End 2005**

Ms. Clipner said Council had before them all of the above documents and they are also available to the public if they so desire.

- 3.) **Consideration of Resolution #2006 - 1; Supporting the Passage of the Voter-Verified Paper Ballot and Random Manual Audit Bill Pending in the Pennsylvania State Legislature**

Ms. Clipner said the Coalition for Voting Integrity gave a presentation to the committee on the above subject. She said the resolution supports the passage of two (2) bills pending in Harrisburg that would require any State approved electronic voting machine provide a voter-verified paper ballot that can be reviewed by the voter to determine its

accuracy. Such ballots would also be available to be hand counted pursuant to an audit. A number of other Bucks County Municipalities have already passed similar resolutions. The committee is recommending that Council adopt Resolution #2006 - 1.

Upon motion (Clipner-Ansinn) to approve Resolution #2006 - 1 supporting the passage of the Voter-Verified Paper Ballot and Random Manual Audit Bill Pending in the Pennsylvania State Legislature all Council Members were in favor.

Mr. Thome said before moving on to Public Safety he would just like to address the audience since there are so many people in attendance. He said, in case the people in the audience don't know, Borough Council does a lot of work at the committee level. These committee meetings are on a certain schedule, they are posted, and everyone is invited. Anyone who have an issue of interest find out what committee deals with that issue, find out when the committee meets, and go to the committee meetings. The committee then brings the issue to Council pretty much ready to discuss and vote on.

PUBLIC SAFETY - Mr. Hoffman

1.) Proposed Plan for Addressing Disruptive Behavior and Vandalism in the Town Center

Mr. Hoffman said the committee met to go over a plan from the Chief with regard to the disturbance and vandalism in the town center. The Chief has been working on this for quite some time. The major components include: parental notification for first offenders; increased issuance of citations; downtown Town Watch; security cameras in major problem areas; curfew for minors age 14 to 17 of 10:00p.m. Sunday through Thursday and 11:30p.m. Friday and Saturday; curfew for minors age 13 and under of 9:00p.m. Sunday through Thursday and 10:30p.m. Friday and Saturday. Mr. Hoffman said this will be discussed at our next committee meeting (Wednesday February 8, 2006) which we are calling a Town Meeting in hopes that it will be a larger meeting. The meeting will be here in Borough Hall.

Upon motion (Hoffman-Clipner) to authorize the advertisement of a Town Meeting to present the proposed plan to Borough residents for consideration and input all Council Members were in favor.

Upon motion (Hoffman-Bond) to authorize the advertisement of the ordinance amending the Code of Ordinances of the Borough of Doylestown to provide for a general curfew for minors within the Borough of Doylestown Mr. Thome said, as Mr. Hoffman suggested, we are not ruling on whether we want a curfew or not. This is simply authorizing the advertisement. That is the step you have to take if you want to consider taking a certain action. Mr. Thome called for a vote on the motion. All Council Members were in favor.

Mr. Hoffman said to the audience that an ordinance can not be passed in one evening. It needs to be advertised and within sixty (60) days we can pass it. Tonight is advertising the ordinance and then next month or the month after, assuming there are no major changes to it, the ordinance can be passed. There will be no decision made this evening other than to advertise the ordinance.

Mr. Bull said, just for clarification, from his standpoint and for some of the others present just to reiterate that this is proposed obviously and that we will have it open for discussion. If the general populace does not agree with it, then we will not adopt the ordinance. Mr. McIlhinney said Council does not have to pass the ordinance.

Mr. Hoffman said the last item he would like to discuss which was also a part of the Chief's report is education, enforcement, and a number of other areas including manpower. This is in addition to the Town Watch, the curfew, and the security cameras. We are taking a very measured approach on this. Adding a full-time police officer is probably the most expensive thing we can do in the Borough and the cost does not go away once you initiate that. We can cover additional shifts with overtime and with part-time officers which is what

we do now. That being said they would like to initiate the process for an officer if in fact they do find one is needed.

Upon motion (Hoffman-Ansinn), non-binding at this point, to initiate the search process for a full-time officer and make a decision at a later date as to whether or not we are going to actually authorize the hiring discussion followed.

Mr. Thome said, again for discussion purposes, this is not making a decision as to whether we should or should not hire a police officer. It is one of the many items that we are going to look into. With that understanding, the Civil Service procedure is a lengthy and time consuming one so, if and when it is decided we would or would not want an officer, we want to make sure we have done the ground work.

In response to Ms. Heather Walton in the audience Mr. Thome said certain of the actions that are under consideration do require ordinances and certain of the actions under consideration do not require ordinances. The two things that we are getting the ball rolling on are the actions that require some up-front time. That is why they are on the agenda tonight.

Mr. Double said he just had one question. He wants to make sure that by authorizing the Chief to initiate the Civil Service hiring process that we will not be locked in to actually having to hire an additional full-time Police Officer. Chief Donnelly said the Civil Service procedure is; a written test, an oral examination, a psychological test, a physical test, and a background investigation. Those things take a long time to do. Currently, we belong to a consortium that gives us a written test and a physical agility test. They give us a list. That list is not certified by the Civil Service Commission until after we do all of this other background work. When we develop a list, the list is good for one full year. The top three (3) candidates from that list come to the Public Safety Committee for those Councilpersons to interview them. Whoever they select is then brought to the full

Council to be hired. What he is looking to do is to start the process to establish the year long list because we currently do not have a list. That would give us candidates we could hire even in the event that someone was injured and had to retire or someone retires. Council is the only one that can hire. Mr. Davis said we use that same list and process to call our part-time officers. Undoubtedly we will have a need for part-time officers given the attrition rate and the amount of activity we have had in the Spring and Summer with this issue.

Mr. Thome said there is a motion and a second on the floor. All Council Members were in favor of the motion.

Mr. Thome said he has been asked to advise everyone that there is actually a written four (4) or five (5) page Operation Plan prepared by the Chief that can be made available to the public. Mr. Davis said there are also copies of the proposed ordinance regarding the minor curfew that can be made available.

Mr. Thome said he would open the floor to the public for comment but perhaps you could keep it at a minimum tonight and save most of your comments until the February 8, 2006 meeting.

In response to Mr. Steve Arnold of the Doylestown Shopping Center Mr. Thome said they have received private letters addressed to the Borough and they have read the Letters to the Editor in the Intelligencer. The comments he has read are: I am in favor of a curfew, not cameras; I am not in favor of cameras but I am in favor of a curfew. A lot of us have talked to a lot of young people and got their feedback. Yes, we have had tremendous feedback from a lot of different sources. The feedback is all over the ballpark. We have heard from organizations also; the DBCA, our Revitalization Board, and the Central Bucks Healthier Community Team Youth Organization. Mr. White said what he hears the most concern about is the actual curfew. It remains to be seen if that is a broad opinion or just

a few people. There is some concern about the cameras and the infringement on people's rights. There seems to be a lot of support for the Town Watch and obviously support for the police efforts to warn parents before issuing citations.

Mr. Bull said from his standpoint it is pretty much the same thing. The curfew again is the big topic of discussion. Certainly the cameras or some sort of security aspect, specifically around the park areas, really seems to be gaining a lot of concern. That is what we want to address in some fashion.

Mr. Davis said officially at the Borough the news articles regarding the curfew have not obviously had time to percolate enough. We have had very little response to that. One Letter to the Editor supported it. Prior to that, we had a tremendous number of letters and telephone calls regarding that there is a problem and making a number of suggestions. We have not had a chance formally to get feedback other than Council Members speaking to their constituents to start to get feedback on the proposal. We hope to get more leading up to the Town Meeting and then at the Town Meeting.

Mr. Syd Martin was in the audience and said he was present to represent the Doylestown Historical Society. He said they have the Doylestown Historical Park which is one of the key areas of interest. He commends Council on considering some of the issues. The Historical Society has had incredibly difficult problems in their area. They had their building almost burned down at night from people starting fires, and they have had any number of drug transactions. He is sympathetic to the kids and in speaking to the police officers he is told that a large part of the problem is from kids not from Doylestown. They are from as far away as New Jersey and Chester County and so on. He does not know what the answer is but something has to be done. If you haven't been there and haven't seen what some of the problems are it is difficult to understand. It really, really is bad and something has to be done. From a Historical Society point of view we support the efforts that Borough Council is trying to do to create a safer place for everyone.

Ms. Clipner said her only comment, as a member of the Public Safety Committee, is that the idea for the curfew came from the people attending the committee meeting. The residents who came and spoke out.

Mr. Ansinn said following Ms. Clipner's comment is that, as we had this discussion, many of the residents that lived around the Historical Park were very vocal about those issues. We were also fortunate because we had a small delegation of teenagers that attended the meeting as well. We want to maintain Doylestown as a welcoming environment for everyone to enjoy while at the same time addressing public safety issues.

Mayor Libby White said two comments she received in letters from residents were; better supervision of young people and the other was proposing a teen café run as a co-op with teens working in it and also with adults supervising.

Ms. Dawn Byers, Executive Director of the Central Bucks Heathier Community Team, said she wanted to commend Council for taking some action. She said the youth need to know that if they go beyond the boundaries there are going to be consequences. She said the Central Bucks Heathier Community Team is an organization that is involved in empowering youth in activities and programs and they endorse the 40 Assets philosophy and spoke about six (6) of the Assets.

Ms. Heather Walton of the Borough said she just wants to make sure that the Public Safety Committee looks at two things. One being, do we know for sure that the vandalism is taking place during the specific time-frame that you are proposing in the ordinance? The second thing she wanted to comment on was that Council look at the ordinance already in place that was passed a couple of years ago regarding the number of people who are allowed to hang out or loiter in parking lots. Maybe that ordinance just needs to be tweaked. Mr. Davis said he would defer to the Chief mostly but he believes that in terms of some of this activity specific to vandalism it could occur anytime. The 3:00p.m. to

11:00p.m. shift seems to be the biggest problem and certainly overnight. It is very difficult to quantify since it is taking place brazenly in broad daylight, in the middle of the night when no one is watching, and just about any time or location you can name. We really can't pinpoint one specific time or one specific place. The curfew is part of a number of other proposals. It can not be looked at as a single element. It can only be looked at in concert with the other elements. Chief Donnelly said we are talking about 300 to 400 kids in the Summer within a three to four block area. One officer cannot control 300 to 400 kids. It is not just what they are doing it is the quantity of kids.

Ms. Judith Stratton of East Ashland Street said she was concerned about Burpee Park and hoped it would be under the curfew. She said she and her sister have experienced teenagers from 10:00p.m. to sometimes 2:00a.m. screaming and yelling in the park. Mr. Thome said like all the parks no one is supposed to be in them after dusk. Do we know they are in there - yes - but we have limited resources. We try to cover all the parks. Chief Donnelly said Burpee Park is a nice place to be for the kids because it is very dark in there. The problem with it is that it is out of the center of town and our police focus is toward the center of town because of the large groups. We do have a group of about twenty (20) kids that go to Burpee Park and get chased by the police. As soon as the police leave, they go back. What a curfew can do for us is give us another tool to move them on.

Mr. White said he heard no comments this evening from the audience about an additional police officer. If not tonight, certainly at the meeting on February 8th he would like to hear some public response to that. The fact is that next Summer we are going to need some extra police officers on the beat. Either our own regular officers working overtime or part-time officers or this extra one we are talking about. Last Summer the regular officers who were working overtime literally got burned out by about the end of August. We had

two (2) or three (3) excellent part-time officers who he thinks were keeping things pretty much under control until about Labor Day. They got full-time jobs and moved on. The question is, which of these alternatives do we look at for the coming year because come April or May we are going to need extra officers on the street somehow. As Mr. Hoffman has stated, it is not inexpensive to do it. On the other hand, if we are paying overtime for full-time officers, and we keep retraining part-time officers, there is an expense there. As you look ahead to February 8th, even if you want to comment now, he would like to hear a response to that. Mr. Davis said hiring a full-time officer at the starting salary will cost the taxpayers approximately \$80,000 a year including equipping the officer and paying health benefits. It is probably the most expensive activity that Council can undertake.

Ms. Joan Doyle of the Borough said with regard to the curfew she applauds Council for what they are attempting to do and recognize that it is needed. What is troubling to her is that many of these young people are not people who reside in the Borough or in the Township of Doylestown. If you have people coming in from outside the community, sending a notice to their parents, in her opinion, is not going to have much of an effect because those parents are allowing those young people to come here anyway. If there are young people over the age of seventeen (17) or eighteen (18) that are also responsible for some of the vandalism and some of the drug traffic no curfew or any curfew is going to address that. A curfew merely forces them to create whatever havoc they are going to create before the curfew is enforced.

Ms. Sally Nixon said she works for the Doylestown Historical Society and her office faces the park. She quit working there in the afternoon because of the kids coming there in the afternoon from Central Bucks West and Lenape. There are fifty (50) and sixty (60) kids at a time. She has seen drug deals. She has not called the police because the kids disappear by the time she would call and say this is what I see. She does not work there

anymore in the afternoon because she is intimidated. Her back is to the door and there are fifty (50) and sixty (60) kids out there. She has seen them on the roof and has witnessed a lot of activity and the ones in the afternoon are town kids.

Ms. Pat Guerney said she is the owner of the Doylestown Bookshop which is right in the middle of town and all of the action. She thinks that there are a lot of people that think maybe we are all exaggerating everything. She would invite anybody who is feeling a little bit upset or thinks that there really isn't a huge problem to come into town, and come right to the bookstore if they like, and stand out there and watch what goes on. Anytime on a Friday night when it is fair weather or a Saturday night. They have had the store for eight (8) years. It has become increasingly difficult to stay in business because of this. The kids she does not believe are all from out of town. We have a steady stream of people from the corner coming in and using our bathroom. Our bathroom is full of graffiti. There is any and every type of graffiti you can think of on the walls. We are painting it all the time. There are people on our roof constantly. We have to go up there because there is a safety issue involved. We have found condoms. We have found drugs. We have found just about anything you can think of all over the parking lot in the back of the store, in the bushes, and anywhere around the whole block. She does not believe that people understand with 300 children all together, and most of them can be the nicest kids around, there is going to be a problem. She really believes that they need extra police protection. She thinks that the Town Watch is a great idea and her mind is not made up yet about the curfew. She just knows that they need help and she thinks she can speak for a lot of the merchants in town. We have a very difficult problem. She does not want people to not come to our town because of this. Mr. Douple asked Ms. Guerney if she finds that on nights when there is "First Night" or other organized events that the vandalism or other unwelcome behavior is less? Ms. Guerney said when there are more adults in town - yes

they find that. "First Fridays" are never as difficult. The general activity is better when there are a lot more adults in town. Mr. Pat Guerney said on early dismissal days from school, they have to have more staff on. He also knows there are more police walking around on early dismissal days also. He knows they are all wonderful kids but sometimes good kids do bad things. The number of kids is staggering.

Mr. Thome said Council collectively is aware of the issues. A lot of the issues are because we are victims of our own success. This town has become very popular. The situation last Summer was dramatically more than in years past. We certainly have heard everything you have said tonight and have heard it repeatedly. People are becoming more and more vocal. Unless anyone thinks we are just catering to the downtown merchants we certainly are but we are also catering to our residents that like to walk around town. We are hoping to cater to our out of town guests. We want to make our town welcome to everybody including the youth. We recognize the problem and people are coming forward more and more vocally. We are trying to come up with solutions. We have not decided on which of the solutions but we are open to any and all other suggestions. He thinks that there is pretty much agreement from the public, the people we answer to, that we need to do something. We all sense that and we are working on that.

Mr. McIlhinney said the proposed curfew ordinance also places responsibilities upon parents. If the parents knowingly permit, encourage, or allow the violation, they also can be the subject of a warning and then a citation. Whether they are in Warrington or someplace else they could feel the pinch of the ordinance. Mr. Davis said, as a follow up to that, there are a number of exceptions in the ordinance that would ensure that people are not caught up in the net. For instance; any minor accompanied by a parent is exempt; someone involved in an emergency; anyone engaged in employment (going or coming from work); attending a school, religious, or civic activity supervised by adults; on an errand at

the direction of a parent; interstate travel; and anyone under eighteen (18) that is married.

In response to a question from Ms. Corr Chief Donnelly said the age range is thirteen (13) or fourteen (14) up to eighteen (18) to twenty (20). They are all together. There may be separate groups inside the 300 crowd but they are all in the same general area. You have your fourteen (14) year old kid out there with a twenty (20) year old. Mr. Davis said the advent of the cell phone has made it a very difficult policing activity.

Mr. Larry Schade of the Borough said he works with kids. He said first of all with liberty comes responsibility. There are more churches in Doylestown. Most of us here belong to one of those churches. Why aren't we bringing a committee together to come out into the streets. Adults out in the streets make sure that children don't do these things. Why aren't we doing that. We should be doing that. He thinks curfews punish everyone. We should be handling the criminals not punishing everyone.

Ms. Noreen McHugh said she is a Borough resident, owner of a vandalized business in town, and owner of a teenager. Therefore, she has really mixed emotions about the whole situation. She said, in response to Mr. White asking for comments about an additional police officer, as far as she knows, the last Public Safety Committee meeting was the first time anyone had heard the Chief's plan to hire from one (1) to possibly three (3) officers. She said this curfew issue was brought up for the first time at the Public Safety meeting and was discussed for about fifteen (15) or twenty (20) minutes. She chose to live in the Borough but it is getting to be quite an expense to the taxpayers and a burden to the parents. A curfew will hurt those teens, like her son, who walk from house to house sometimes after 10:30p.m. That is not addressed in any of the exceptions. There was no thought given to the ordinance being limited to the center of town. Also, the expense of surveillance cameras she does not think was mentioned to the public nor the fact that there

will be no one monitoring the surveillance cameras. She thinks it is a very expensive deterrent. She thinks Council needs to be a little more forthcoming to the residents of the town as to what exactly these costs are that we are looking at. She thinks this town of 8,200 people cannot bear the cost. It's not just the merchants, it is the people who live here and she thinks they have been left out of the discussion. She is hoping that a fifteen (15) or twenty (20) minute discussion about a curfew ordinance is not in order. She thinks the people in the audience should know that was the extent of the discussion at last week's Public Safety meeting.

Mr. Thome said to Ms. McHugh that on the one hand people want us to address the problem, to address the issues, and do it in a dynamic way. On the other hand, they say we have to be careful about what methods we use and how much those methods cost. You are right on both counts. We certainly don't mean to keep any information away from anybody. The cost of these surveillance cameras has been discussed over and over in our Public Safety meetings which are open to the public and usually not very well attended. He is sure, at the Town Meeting, there will be complete and full disclosure of the surveillance camera issue, the cost of a police officer, and the cost of other things. You are right, the curfew issue had been discussed a time or two but really came to the forefront at that meeting. We wanted to put all the options on the plate for discussion and we will put any other options that anybody comes up with on February 8th on the plate also for discussion.

Mr. Davis said the cameras are going to cost between \$15,000 and \$20,000. He thinks the number that everyone knows from the newspaper and some of our own reports is that approximately \$40,000 worth of a combination of police overtime and the repairs to the public property by the end of September was spent. He thinks by the end of the year the estimate was closer to \$50,000. They anticipate that if nothing were to happen that

number would remain the same or increase. We don't know what the full cost is for damage to private property. We know anecdotally that there was an incredible amount of damage to private property and he would certainly feel comfortable in estimating that it was beyond the cost to public property. We talked earlier about an \$80,000 figure for a full-time police officer. Those are some of the parameters and the numbers that we are talking about.

Mr. Ansinn said he thinks that is an important point that Mr. Davis mentioned - the Chief's metrics. Last year one anecdotally had seen this increase. In some cases we had twice the number of complaints and incidents in a given month. It is just a dramatic up-tick that we have had. It is visible in the count of the number of people gathering in the town. It is visible in the damage that we are seeing. Over this mild Winter we haven't seen as much of a downturn in that as we would even expect.

RECREATION, SHADE TREE AND PROPERTY - Ms. Corr - no report

STREETS - Mr. Ansinn - no report

ZONING AND PLANNING - Mr. Douple

1.) Historic and Architectural Review Board Report

Mr. Douple said the following are recommendations from the Historic & Architectural Review Board (HARB).

1. **18 North Main Street** - The Board is recommending approval for an A-frame sign.
2. **33 West Court Street** - The Board is recommending the approval of a new window on the Harvey Avenue side of the building.
3. **126 West Oakland Ave** - The Board is recommending approval to replace the existing windows with white aluminum clad windows.
4. **147 West Oakland Ave** -The Board is recommending approval to replace the existing vinyl windows with new vinyl clad windows given that the replacement windows would not detract from the integrity of the home.
5. **72 South Hamilton Street** - The Board is recommending the replacement of the existing wood windows with vinyl clad windows except for the two front windows that

would be replaced with wood windows and the remainder would be replaced as the proposed vinyl.

Upon motion (Douple-White) to approve the applications, as stated above, all Council Members were in favor.

2.) Ciliberto Lot Line Change

Mr. Douple said the Zoning & Planning Committee reviewed the application for a Lot Line Change at 421 North Street. The owner of both lots is combining part of the rear yard of his adjacent property into his own. Both lots will remain conforming to all Zoning Regulations. No improvements or construction is proposed and the subject area is already fenced as part of the applicant's yard. The Planning Commission recommended conditional approval at their December meeting. The Committee is recommending that Council grant Conditional Final Subdivision approval provisional on the applicant's agreement and compliance with the following conditions:

Mr. Douple said he sees that Mr. Ciliberto is present this evening.

1. That the applicant resolve any outstanding issues in the Borough Engineer's review letter dated December 20, 2005, and any subsequent letters, to the satisfaction of staff.
2. That in all respects the project comply with the laws and regulations of the Borough, County, and Commonwealth.

Mr. Douple asked if the applicant agreed to the above conditions? Mr. Ciliberto said he did.

Upon motion (Douple-Hoffman) to grant Minor Subdivision Plan Approval with the above conditions all Council Members were in favor.

3.) Authorization to Advertise Amendment to Parking Ordinances

Mr. Douple said the Borough's recent prosperity has led to a high demand for rental space for retail and restaurant uses in the Central Commercial District. This demand has resulted in property owners seeking to expand the use of basements and storage areas of

their buildings as “leasable” space. The current Zoning Ordinance contains a provision that allows parking requirements to be reduced or waived with only a Special Exception granted from the Zoning Hearing Board. Because the legal burden is very low to receive a Special Exception, controlling these intensifications of uses has become increasingly difficult for the Borough’s Zoning Administrators. This unchecked expansion of existing uses into basements and second floors, and other storage areas will, over time, cause an increasing overcrowding of the Central Business District. The attached proposed amendment removes the Special Exception Parking Waiver. It requires any new or expanded uses to park their proposed use according to the requirements of the ordinance and eliminates any reduction in parking by Special Exception. Reductions in parking will only be permitted if a Variance is granted by the Zoning Hearing Board. Off-lot parking is still permitted by Special Exception if the off-lot parking is located no farther than 300 feet from the proposed use, and numerous other conditions are met. The Zoning & Planning Committee is recommending that Council authorize the proposed amendment.

Upon motion (Double-Ansinn) to authorize the Solicitor to draft and advertise an amendment to Chapter 8 of the Zoning Ordinance amending provisions for parking in the Central Commercial District all Council Members were in favor.

Mr. Double said this is not part of Zoning and Planning but, if we could go back to Recreation, Shade Tree and Property, he would like to mention that plans are moving forward for, hopefully, our first annual kids triathlon which is going to take place at Chapman Park on June 4th this year.

ENGINEER'S REPORT - no report

SOLICITOR'S REPORT - no report

ZONING HEARING BOARD REPORT - Mr. Ehlinger

Mr. Ehlinger said the Zoning Hearing Board heard two (2) applications on January

18th.

1. Ilex Investments, concerning the property at 19 North Main Street known as Chambers Restaurant. That application was continued until February's Hearing.
2. Stephen Capozzi, concerning the subject property, the Amber Inn, 209 Shewell Avenue. They appealed their Permit Denial and in the alternate were requesting Variances and Special Exceptions to permit the expansion of the bar into the second floor.

Mr. Ehlinger said the Board will hear the application of the Ilex Investments and render its decision on the Stephen Capozzi application at their February Hearing.

Mr. Ehlinger said the Board also rendered two (2) decisions:

1. Kathleen Burns, 33 North Franklin Street, was requesting Variances to construct an addition. Those Variances were granted.
2. Chris & Suzanne Theiss, and Janeen Priano, who own 215 & 219 Decatur Street respectively were requesting numerous Variances from Minimum Lot Size, Floor Area Ratio, and Parking to permit the subdivision of both properties to create a new building lot. That request was denied and refused.

PERSONNEL - Mr. Thome - no report

MAYOR'S REPORT

Mayor Libby White gave the Police Activity Report for the month of December 2005.

Mayor Libby White said in the Winter Borough Bulletin they were not able to put in all the Town Center Police Incidents for the months of September, October, November, and December 2005 so she gave an update for those months.

OLD BUSINESS

NEW BUSINESS

PUBLIC COMMENT

TREASURER'S REPORT - Ms. Leiter

Mr. Davis said he was standing in for Ms. Leiter who is attending the Fanny Chapman Pool Board meeting in the Conference Room. The report is for the period ending December 31, 2005.

Beginning Balance as of November 30, 2005

\$637,101.50

Total Revenues (General/Water)	\$627,352.70
Total Expenditures (General/Water)	(\$360,033.26)
Ending Balance as of December 31, 2005	\$904,420.94
Vouchers Payable (General/Water)	\$128,826.62
Fanny Chapman Pool Invoices	\$ 220.27
Road Tax Invoices	\$ 118.44
Transfer to Buck County Water/Sewer Authority	\$199,310.45

Upon motion (White-Clipner) to approve the expenditures all Council Members were in favor.

EXECUTIVE SESSION

1.) **Real Estate**

2.) **Litigation**

Mr. Davis said Real Estate and Litigation would be discussed in Executive Session.

Upon returning from Executive Session no action was taken.

Upon motion (Hoffman-White) to postpone the March Council Meeting to the 4th Monday of the month because of a conflict with the PA State Association of Boroughs Legislative Conference all Council Members were in favor.

ADJOURNMENT

Upon motion (Hoffman-White) to adjourn the January 23, 2006 Council Meeting all Council Members were in favor.

Respectfully submitted,

John H. Davis
Borough Manager