

July 17, 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. Douple, Melissa Bond, David Bull, 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. Council Members Detlev Ansinn, Jr. and Lori Clipner were absent.

Mr. Thome asked for a moment of silence in honor of former Councilman Jack Doyle who, as they all know, was a true gentleman and served the Borough of Doylestown well.

#### **APPROVAL OF MINUTES**

##### **1.) June 19, 2006 Council Meeting**

Upon motion (White-Bull) to approve the minutes of the June 19, 2006 Council Meeting all Council Members present were in favor.

#### **FINANCE AND ADMINISTRATION - Mr. White**

Mr. White said the committee did not meet this month but in reviewing the report that Ms. Leiter gave Borough Council the revenue is actually ten percent (10%) over for the period and the expenditures are two percent (2%) under. The expenditures are under in spite of the fact that we are still running about twenty percent (20%) higher on police overtime and as you would expect our gas and oil expenses are increasing. With the swearing in of the officer tonight we trust that we will cut into that police overtime.

Mr. White said, as far as the Capital Budget is concerned, we are spending the last of our expenses for the Cultural District Project and Broad Street but the money has not

come in yet from the State. Ms. Leiter said that was correct but we did receive a fairly large reimbursement in July. Mr. Davis said the final inspection for Broad Street is scheduled for Thursday at which point he believes most of the work will be completed with the exception of some landscaping repairs that will need to be made and the number of street lights that have yet to be installed. That project is well on its way to completion. The Cultural District is essentially complete. The additional work that we added, the burial of the utilities and the changeover of those utilities from above ground to underground, will occur on July 24<sup>th</sup>. That work will then be completed and at that point we will be able to make the final submission of the RACP Grant. That is very significant - somewhere in the area of \$300,000 that we will be eligible to receive.

Mr. White said he would like to compliment Mr. Davis and the Borough Staff on those two projects as they are coming to completion. Mr. Davis said they should also recognize from Gilmore and Associates Karyn Witkowski for the Cultural District Project and Kurt Schroeder for the Broad Street Project. They have done a great job in overcoming many, many obstacles.

**WATER - Mr. Bull - no report**

**COMMUNITY AND GOVERNMENTAL AFFAIRS - Ms. Clipner**

Mr. Davis said he would give the report in the absence of Ms. Clipner.

- 1.) **Fire Marshal's Report - June 2006**  
- **Doylestown Fire Co. No. 1 Report - June 2006**
- 2.) **Code Enforcement Report - June 2006**

Mr. Davis said Council Members had a copy of the above three (3) reports and if anyone has a question he is sure Mr. Cell would be happy to answer them.

**PUBLIC SAFETY - Mr. Hoffman**

- 1.) **Approval to Hire 1 Full Time Police Officer**

Mr. Hoffman said at the Executive Session of their Wednesday, July 12<sup>th</sup> meeting, the committee recommended approval of hiring one (1) Full Time Officer. Mr. Thomas Lundquist was selected from the certified list of candidates eligible under the Civil Service Guidelines. Accordingly, he will be offered conditional employment as a Full Time Police Officer contingent on his passing physical and psychological evaluations.

Upon motion (Hoffman-White) to hire Mr. Thomas Lundquist as a Full Time Police Officer contingent on his passing physical and psychological evaluations all Council Members present were in favor.

At this time Mayor Libby White swore in Mr. Thomas Lundquist. After the swearing in, Chief Donnelly said Mr. Lundquist graduated from Penn State University majoring in Criminal Justice. He graduated from the Reading Police Academy in 2006. He was a quarter back for Penn State University and the exciting thing about that is that he was a walk on. He continued to walk on the entire time he was there. Finally, he lettered in football which is a tremendous thing for character and work ethic. That is what sold us. Not the fact that he was a football player but that it took so much effort for him to get to be a football player. That is what we are looking for in this department and we welcome him and are looking forward to working with him.

**2.) Bid for Police Vehicle**

Mr. Hoffman said they had a previous bid for one of the police cruisers and when the winning bidder saw the vehicle decided not to go through with it. The committee is recommending accepting the second highest bid for the Crown Victoria which was \$1,877.00. The minimum bid was set at \$1,800.00.

Upon motion (Hoffman-White) to accept the second highest bid for the Police CrownVictoria, in lieu of the rescinded first bid, at a price of \$1,877.00 all Council Members present were in favor.

**3.) Authorization to Draft and Advertise Ordinance Prohibiting**

### **Parking on Both Sides of Printers Alley**

Mr. Hoffman said the location is between East Court Street and East State Street. He said there is no parking on a portion of Printers Alley currently. This would reenforce that there is no parking on either side for that entire length.

Upon motion (Hoffman-White) to authorize the drafting and advertisement of an ordinance prohibiting parking on both sides of Printers Alley between East Court Street and East State Street all Council Members present were in favor.

#### **4.) Authorization to Draft and Advertise Ordinance Creating 1 Handicapped Parking Space on East Oakland Avenue by St. Paul's Church**

Mr. Hoffman said to obtain this Handicapped Parking Space the church has agreed to give up some of the no parking by the curb. The curb is painted yellow well in excess of the fifteen feet (15') that is normally required. It was up to thirty-three feet (33'). We will gain a space that will be lost by the handicapped space which will be back by the rectory so that there is ramping available.

Upon motion (Hoffman-White) to authorize the drafting and advertisement of an ordinance creating one (1) Handicapped Parking Space on East Oakland Avenue by St. Paul's Episcopal Church all Council Members present were in favor.

Mr. Hoffman said he just wanted to say they are looking forward to working with the new officer and hopefully, as Mr. White said, it will have an impact on the overtime.

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

**STREETS - Mr. Ansinn - no report**

**ZONING AND PLANNING - Mr. Double**

#### **1.) Historic and Architectural Review Board Report**

Mr. Double said the recommendations from the Historic and Architectural Review Board (HARB) are as follows.

1. **100 South Main Street - Lewis Sharp** - The applicant seeks approval to replace

the existing slate roof, standing seam roof, and gutters. The replacement materials will be imitation faux slate, metal standing seam roof and repair of the gutters and down spouts. This application is recommended to be approved as submitted.

2. **36 South Clinton Street - Robert Graham** - The applicant seeks approval to build a new garage in the rear of the property utilizing the same finishing material as previously installed on the house. This application is recommended to be approved as submitted.

Upon motion (Double-Bull) to grant the above approvals all Council Members present were in favor.

**2.) Intelligencer Addition Application for Land Development Waiver, 333 North Broad Street**

Mr. Douple said the Zoning and Planning Committee reviewed the application for Land Development Waiver and Site Development Plan Approval for the proposed 50' x 50' addition to the Intelligencer Building. The project previously received a conditional recommendation for approval from the Borough Planning Commission.

In response to Mr. Douple, Mr. William Lobecker said he was present to speak on behalf of the Intelligencer.

Mr. Douple said the Zoning and Planning Committee is recommending that Council waive Land Development and grant Site Development Plan approval provisional on the applicant's agreement and compliance with the following conditions:

1. That the applicant resolve any outstanding issues in the Borough Engineer's review letter dated June 21, 2006, and any subsequent letters, to the satisfaction of staff.
2. That the applicant provide and install three (3) typical Borough Historic Streetlights and poles along Atkinson at locations determined by the Borough Engineer.
3. That the applicant provide evidence, in form and substance satisfactory to the Borough Solicitor, that the subject development will be served by adequate sewer service from the Bucks County Water & Sewer Authority as required by Chapter 18, Part 7, Section 701 of the Code of Ordinances of the Borough of Doylestown. Sewer permits shall be provided at the time of building permit application.
4. That the applicant enter into the usual Land Development Waiver Agreement in form and substance satisfactory to the Borough Solicitor.
5. That in all respects the project comply with the laws and regulations of the Borough,

County, and Commonwealth.

Mr. Lobecker said the applicant is in agreement with the above conditions.

Upon motion (Douple-Hoffman) to grant a Land Development Waiver and Site Plan Approval with the above conditions discussion followed.

Mr. Hoffman said with regard to item #2 above, it has been the procedure in the past to receive a contribution for those lights and have our contractor install them. This seems to be written differently. Is there a change? Mr. Ehlinger said we do that on a case by case basis. Given the fact that we have had to change contractors in the last six (6) months, and our installation procedure is not as locked in as it was before, and the fact that Happ Contractors is the contractor on the job, and has familiarity with installing them, we just wrote it up that they would put them in. It is the typical fixture.

With no other comments/discussion, Mr. Thome asked for a vote on the motion. All Council Members present were in favor of the motion.

**ENGINEER'S REPORT - no report**

**SOLICITOR'S REPORT - no report**

**ZONING HEARING BOARD REPORT - Mr. Ehlinger**

Mr. Ehlinger said the Zoning Hearing Board would hold a Hearing this Wednesday, July 19<sup>th</sup> to consider one (1) application.

1. Hugh and Stefanie Clymer of 187 Union Street, T.M.P. #8-4-245-1 who are requesting a Variance to permit the reduction of the minimum setback for a proposed addition from 15 feet to 9.64 feet. Their Zoning District is CR.

Mr. Ehlinger said the Zoning and Planning Committee reviewed this application and is not making any recommendations.

Mr. Ehlinger said the Zoning Hearing Board also rendered a decision at their last meeting on June 21<sup>st</sup> for that of Lisa James Otto who received her request relief to expand her office use to the second floor. She also received a waiver from the parking requirements.

## **PERSONNEL - Mr. Thome**

### **1.) Appointment of Student Members to Park and Recreation Board**

Mr. Thome said the Personnel Committee met on June 20, 2006 to interview candidates for the Park and Recreation Board Student Member. Based on these interviews, the Personnel Committee is recommending Council draft and advertise an ordinance creating a second Recreation Board Student Member position. These two (2) positions would have staggered terms. The committee is also recommending the appointment of Adria Lamba to the existing position for a two (2) year term and Jim Lannon to the new position, if it is indeed created. That, if created, would be for an initial one (1) year term and then thereafter for a two (2) year term.

Upon motion (Thome-Hoffman) to draft and advertise an ordinance creating the position of a second Park and Recreation Board Student Member all Council Members present were in favor.

Upon motion (Thome-Double) to appoint Adria Lamba to a two (2) year term on the Park and Recreation Board as a Student Member expiring June 30, 2008 all Council Members present were in favor.

Upon motion (Thome-Hoffman) to appoint Jim Lannon to the new Student Member position conditioned upon the eventual adoption of the above ordinance discussion followed.

Ms. Bond asked when the new position would be created? Mr. Thome said the ordinance would have to be advertised and then it could be adopted at the next Council Meeting. Immediately upon adoption of the ordinance Council could appoint the new Student Member to the Park and Recreation Board for a one (1) year term expiring June 30, 2007.

Mr. White said the reason they are adding this second person is because the Personnel Committee was so impressed by these two (2) candidates that it was difficult to reject either one.

Mr. Double asked if they can make a provisional appointment of the second position

before they advertise the position. If there would be another applicant, who would want to apply, they would be precluded before they were even aware of the position being open. Mr. McIlhinney said they would not appoint this specific individual to the position until the actual ordinance was adopted. Mr. Double said the motion is to appoint him conditionally upon the eventual adoption. Mr. McIlhinney said then the motion should be amended. The main thing would be to create the position and once the position is created to appoint someone. There is no position right now so to appoint someone conditionally it doesn't mean anything. There is nothing there. You can recommend that this person ultimately be appointed to that position when it is created.

Mr. Davis said he defers to the Solicitor. They can certainly invite Mr. Lannon informally to the next Park and Recreation Board Meeting which is a Park Tour if it is Council's will.

Mr. Thome said he would amend his motion to appoint Jim Lannon to the new Student Member position conditioned upon the eventual adoption of the above ordinance to a motion recommending that Jim Lannon ultimately be appointed to that position when it is created. Mr. Hoffman amended his second of the original motion and Mr. White seconded the 2<sup>nd</sup> motion.

## **MAYOR'S REPORT**

Mayor Libby White gave the report of the Police Activities in the Borough for the month of June 2006. She followed this up with a report on her activities, as Mayor, in the past month. At the request of the Mayor, the Chief spoke about how the program is going with the young people saying it seems to be going pretty well. Last Monday, Tuesday, and Wednesday evenings they had an influx of young kids fourteen (14) and under and there were no problems. First Friday went well from the police perspective. Mr. Davis and I have been able to get the bands to where they are not a public safety issue except at the bakery at Printers Alley and East State Street. The band was very good but the groups of people listening were into the street so the band had to be stopped and the people moved back onto the sidewalk for public safety reasons.

Chief Donnelly said Officer Maloney just received a stint in his heart because of a problem with a blocked artery. He will be out until August 7<sup>th</sup>. Officer Jones last Wednesday evening in the rain was walking the beat over at the historic park and he fell down the steps and fractured his ankle and tore the ligaments in the other ankle. He will be out for eight (8) weeks.

Mr. Bull said he looks through the UCR Codes under the Police Incident Report on a monthly basis which the Chief said stands for the Uniform Crime Reporting Codes. Mr. Bull asked; from a statistical standpoint, a graphical standpoint, could that system give us an average over a couple year period and then a year to date type of average to see where we are tracking? Is that possible with that system? The Chief said that could be done. Mr. Bull said he is interested in how we are tracking for say a five (5) year period. Overall say, are we tracking down for this period based on a five (5) year average? He thinks that would be useful information. Mr. Hoffman said, if Mr. Thome wishes, they can put this on the Public Safety Agenda for next month and develop a format/report and tweak it a little bit and see what might be out there. It was decided that it would be good to track the information for the Borough but not necessary to compare it with other Boroughs or Townships.

## **OLD BUSINESS**

## **NEW BUSINESS**

Mr. Bull said Council had in front of them a copy of the recent Bill No. 602 for the Senate in Pennsylvania supporting a Clean Indoor Air Act which they are trying to pass which effectively supports a non-smoking environment. We were thinking of making a motion to draft a letter in support sent to the state on behalf of Doylestown Borough. Mr. Hoffman said how this came up was the article in the paper whereby recently the Pennsylvania Restaurant Association reversed their long standing opposition to this effort.

We did bring this issue up previously and it was discussed at the Zoning and Planning Committee. Mr. Double said that is his committee. He did not bring up the issue but it was brought up at his committee. He suspects that if an ordinance were enacted it would be the zoning people who would have to enforce it. Mr. Thome said the proposal is not for an ordinance but for support of pending state legislation. Mr. Hoffman said he thought it may be an appropriate gesture to the state also to offer Borough Hall for them to hold hearings similar to what we did in response to the Liquor Control Board Bill. There was discussion on the status of the Bill No. 602 and Mr. Ehlinger said he spoke with Senator Greenleaf's office today and was told that it was bottled up in committee. They did seem happy that there was even discussion about it at Doylestown Borough and that if we did send a letter it should be copied to all the Senators. Mr. Hoffman said we could send one letter offering support for the Bill and to the extent that they would like to hold hearings in this part of the State we would be happy to host.

Ms. Bond asked if they are assuming that all of Council would offer support for that Bill? Mr. Thome said let's discuss that now. Mr. Thome said this is the first time he has seen the Bill. Ms. Bond said she is very much opposed to getting on board and supporting legislation for specific Senators. She does not think that is their job. They are supposed to be representing their constituents and we are not to sign on like a bunch of cheerleaders for other people's Bills. She does not think that is their purpose here. Mr. Hoffman said regardless of who wrote the Bill, and this may not be the final Bill that gets past, it would be in support of the effort of making the workplace smoke free. Mr. Bull said effectively it is supporting the Clean Indoor Air Act regardless of who is sponsoring the Bill. It is not necessarily supporting that individual especially around an election period. It is in support of the Act itself. Effectively what the Borough would be saying is that we support a Clean Indoor Air Act in Pennsylvania. Ms. Bond said some of us may but others may not agree.

We may believe that is an issue that the state should regulate not us. Mr. White said to Ms. Bond that they have from time to time written letters in support of various other legislation.

Mr. Douple said he does not think it would be appropriate for them to act, at this point, unless/until we have had an opportunity at a committee meeting for everyone in the community to weigh in on the issue. Our constituents should be aware that we may be making this recommendation/endorsement. Mr. Thome said he thinks it should be a rare occasion when Borough Council acts upon something that is not within their own jurisdiction. He feels we should exercise restraint in getting involved in areas that we don't have authority. Ms. Bond is correct in that maybe the majority of us or our constituents don't agree with this. Ms. Bond said she agrees with Mr. Douple that they should find out how the community feels about this. Mr. Thome said then they can advertise it for the next committee meeting open to the public. If anyone wants to be heard on this issue they could attend. Mr. Thome said we can assign it to the Community and Governmental Affairs Committee but certainly the Public Safety Committee could hold a joint meeting with them. It can be advertised as a public hearing for informational purposes and invite the sponsor of the Bill if he would like to attend.

## **PUBLIC COMMENT**

### **TREASURER'S REPORT - Ms. Leiter**

Ms. Leiter said the Treasurer's Report was included in Council's Packet showing revenues and expenditures for the month of June and also vouchers payable after approval.

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

## **EXECUTIVE SESSION**

### **1.) Litigation**

Mr. McIlhinney said the litigation involves the Zoning Hearing Board in relation to 19 South Pine Street.

Upon returning from Executive Session a motion was made by Mr. White and a second by Ms. Bond to authorize the Solicitor to appeal the Zoning Hearing Board decision in the matter of Lisa James Otto, 19 South Pine Street. All Council Members present were in favor of the motion except Mr. Douple who was opposed.

#### **ADJOURNMENT**

Upon motion (White-Bond) to adjourn the July 17, 2006 Council Meeting all Council Members present were in favor.

Respectfully submitted,

John H. Davis

Borough Manager

