

## Lansdowne Borough Council

### BUSINESS MEETING

February 1, 2017

### APPROVED MINUTES

The Lansdowne Borough Council Business Meeting was held on Wednesday, February 1, 2017, 7:00 p.m. at Borough hall. Members present: President Schleigh, Ms. Byrne, Ms. English, Mr. Radich and Ms. Williams. Absent: Councilman Aubrey, Councilwoman James, Junior Council member Hoard and Fire Company representative. Also in attendance: Mayor Campuzano, Borough Manager Totaro, Borough Secretary Henry, Borough Solicitor Scott and Police Chief Donegan.

Mayor Campuzano opened the meeting with the Pledge of Allegiance.

**Executive Session:** President Schleigh stated that a short executive session would be held before the Public meeting to discuss a litigation issue. Ms. Williams moved to adjourn to executive session, seconded by Ms. Byrne. Vote: unanimous. Executive session adjourned at 7:01 p.m.

**Public Meeting:** The public meeting reconvened from executive session at 7:15 p.m.

**Approval of Agenda:** Mr. Radich moved to approve the agenda. Ms. Byrne seconded.  
Vote: unanimous.

**Minutes:** Ms. English moved to approve the minutes of the January 4, 2017 meeting of Borough Council.  
Ms. Williams seconded. Vote: unanimous.

**Public Comment:** Mr. Radich moved to Suspend Roberts Rules of Order to hear public comment. Ms. Byrne seconded. Vote: unanimous.

Visitors:

1. Dave Bennett - In his capacity as the representative for the Darby Creek Valley Association ("DCVA") and Chairman of the Cleanup Committee, Mr. Bennett distributed informational materials regarding the 33rd annual Darby Creek/Cobbs Creek Cleanup event to be held on April 29, 2017. There will also be a separate cleanup event at the John Heinz Wildlife Refuge, with which DCVA partners, on April 15, 2015. This event will be led by the Refuge Staff and the Friends of John Heinz. Mr. Bennett asked for Borough Council's support as a sponsor for the event. This will be an action item at the end of the meeting.

Ms. Williams moved to Resume Roberts Rules of Order. Ms. Byrne seconded. Vote: unanimous.

### REPORTS

**Solicitor's Report** – Mr. Scott had no formal report.

**Treasurer's/Manager's Report:** Mr. Totaro gave the following status updates:

1. 2016 year end financial matters are being completed and real estate tax bills will be mailed next week.
2. Interviews are being held for the Facilities and Public Works Departments.
3. The street light project will begin April, 2017.
4. In 2018 the Darby Creek bridge and the Hilldale bridge are scheduled for repair/rehabilitation. Traffic lanes will be reduced during the project.

President Schleigh asked if Penn Dot had been advised of the potholes in the Borough. Mr. Totaro indicated they had been informed.

**Chief of Police Report** – Chief Donegan reported that the handicapped parking renewal letters have been sent out to residents. Also: (1) the mandatory on-line training for the police officers is operational and all testing will conclude by June/July 2017; (2) the third annual Youth Police Academy starts March 2, 6-9 p.m. This will be jointly run with the East Lansdowne, Clifton Heights, Aldan and Yeadon Police Departments; (3) the new K-9 canine is back from training and will be presented and sworn in at the next Borough Council general meeting; (4) a new agreement is in force with the West Brandywine Veterinary Hospital to handle stray dogs. The reservation fee is \$105 per month to the Borough and Animal Control may be adopting a resolution under state statute to attach restitution fees against owners to recover some of the costs.

**Fire Company Representative Report** – No report was given.

**Mayor's Report** – The Mayor reported on various items:

1. February 9 - town Forum meeting at 20 CC, 7-9 p.m. Mr. Radich and Ms. Williams will lead the discussions with a question and answer period to follow. There will also be an update on the Lansdowne theater.
2. February 28 - deadline for newsletter articles. Newsletter will be distributed in early April.
3. Jingle Judge awards will be presented at the next Borough Council general meeting.

The Mayor asked Chief Donegan if he had heard from Sen. Anthony Williams' office about the new police car. The Chief indicated he had not and the Mayor commented he would reach out to the senator to get more information.

**President's Report** – President Schleigh commented on the growing opioid addiction crisis throughout the country. "Recovery Homes" have been established as a way to help with this epidemic. President Schleigh commented that in Nether Township last spring a person died from an overdose while in a recovery home and a number of zoning issues arose as a result of that incident. Residents had not even been aware that such a home existed in their neighborhood. President Schleigh commented that several recovery homes are not regulated in Pennsylvania and zoning issues are not being addressed. He has been working with a community that is trying to deal with this issue. He noted that Federal Courts take the position that if a group wants to form as a recovery home and act as a single family unit, it falls within the protection of the American Disability and Fair Housing Acts. These Acts prevent discrimination against such groups. Health regulations and occupation/use regulations have to be uniformly enforced across a community and not target enforced against certain groups. To that extent, President Schleigh noted that the Borough currently has nothing in the zoning laws that deals with this issue and needs to look at the Borough zoning, define the use and see in what zones these homes could be established. Density issues, regulations for licenses and registration for public health issues would also need investigation. To date, no one has proposed a recovery home in the Borough. President Schleigh commented that to address the issue the process would include generating and advertising an ordinance and being subjected to County

planning review and local zoning ordinance. There currently is no County Board of Health to address all the issues surrounding recovery homes. If the Borough does not address the issues on a fair and well thought out manner, an organization or group of people could operate as a recovery home in Lansdowne. Under the existing code, they would be grandfathered in and the Borough would have no say in the matter. Ms. English commented that a group who wants to duplicate what Springfield Cares (a recovery home) is doing will be attending the Public Safety Committee meeting next week. President Schleigh will attend.

### **OLD BUSINESS:**

**1. Sign Ordinance** - This regards proposed changes to standards and regulations in connection with provisions of Section 609 of the PA Municipalities Planning Code and repealing Borough Code Chapter 273 entitled "signs". Regulations are to be added regarding window signs and regulations are to be amended regarding freestanding directory signs for multi-tenant properties. Mr. Scott commented that a hearing would be held and the ordinance advertised subject to his discussions with the Delaware County Planning Department. An action item will be added for vote later in the meeting.

**2. 20 Century Club** - Cricket Catering's license agreement with the Borough expired December 31, 2016 and they have proposed extending the agreement for five years with exclusive rights of use on all weekends throughout the year. Cricket would also reimburse the Borough \$24,000 in 12 equal installments of \$2,000 per month as full and final settlement of any outstanding obligations. This amount is separate from the Minimum Licensing Fee of \$12,000 per year and the 3% after tax total sales price paid to the Borough for each event. Borough Council members were in agreement that the provision regarding Cricket's exclusive use for every weekend was not acceptable, as other organizations and Borough employees use the venue on weekends during the year. It was the consensus of Council to reserve the right to have six weekends available during the year. There was also discussion whether to view the 20CC as a community based venue or a revenue generating facility. Mr. Radich felt that Cricket has made a good faith effort in the amount of advertising put forth, the agreement should be made with them and the 20CC should be kept as a revenue generating facility in order to keep Borough taxes low. Ms. Byrne, Ms. English and Ms. Williams felt that with the new renovations now complete, the impact on the 20CC use and resulting revenues should be evaluated and were not in favor of the 5 year agreement proposed by Cricket. There was some discussion about moving the weekend classes from the 20CC to 2020 House. Mr. Totaro pointed out that the building is small and would not be conducive to certain classes being held there. The issue of maintenance responsibility was mentioned. Mr. Totaro felt Cricket would be amenable to sharing the maintenance issue, with the Borough handling the structural aspects. After further discussion, there arrived a consensus to have the Solicitor draft a response wherein Cricket (1) would have a one year extension with two one year renewal options if Cricket is not in default; (2) the Borough, at the beginning of each year, would reserve 6 weekend dates a year; and (3) Cricket would have exclusive weekend use after April for three successive years. The Mayor questioned if the Borough's reserved six weekends would include Friday through Sunday or just one of those days. Mr. Scott proposed that the Borough reserve the six event dates, some of which might require a weekend, some of which might require one night only.

### **NEW BUSINESS:**

**1. Hanne Weedon request for discount.** Ms. Weedon has requested the use of the 2020 House for a private event in the spring at a reduced rental fee. The Borough does not have a current policy for

extending a 50% to Borough employees for this use and the Solicitor will look into any ethics issues and draft a policy for adoption at the next Council meeting.

**2. UAA Banner** - The Union Athletic Association would like to hang a banner across Lansdowne Avenue at the theater from mid-June until after July 4 to promote the July 4th festivities. President Schleigh felt it would be acceptable as long as the Department of Transportation had no objections due to it being a state owned highway. Ms. Byrne commented that permission might also be needed from PECO, Verizon and the Lansdowne Theater. Chief Donegan commented that written notice would have to be submitted by the police department is Penn Dot approval is needed.

**Action Items:**

1. Mr. Radich moved to authorize payment of bills for period. Ms. Byrne seconded. Vote: unanimous.
2. Ms. English moved to enter into Memorandum of Understanding with Brandywine Vet Hospital for animal control services. Ms. Williams seconded. **Discussion:** Chief Donegan asked that the motion be amended to state February 1, 2017 as the effective date. Ms. English accepted the amended motion, seconded by Ms. Williams. Vote: unanimous.
3. Ms. Byrne moved to have the Borough donate \$100 as a sponsor for the Darby-Cobbs Creek Watershed cleanup event. Ms. Williams seconded. Vote: unanimous.
4. Ms. Williams moved to advertise a hearing and advertise the Sign Ordinance subject to the Solicitor's discussion with the County Planning Department. Ms. Byrne seconded. Vote: unanimous.

**Executive Session** - Ms. English moved to adjourn to executive session to discuss a personnel issue. Ms. Williams seconded. Vote: unanimous. The meeting adjourned to executive session at 8:40 p.m.

**Public Session** - Upon reconvening to public session, the following motion was made:

**MOTION:** Mr. Radich moved to approve the settlement agreement regarding the grievance as discussed in executive session. Ms. Williams seconded. Vote: unanimous.

**Adjourn** – Ms. Byrne moved to adjourn the meeting. Ms. Williams seconded. Vote: unanimous. The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Barbara Ann Henry  
Borough Secretary