

Lansdowne Borough Council

BUSINESS MEETING

June 2, 2021

APPROVED MINUTES

The Lansdowne Borough Council Business Meeting was held virtually on Wednesday, June 2, 2021 at 7:00 p.m. Present: President Hover, Ms. Byrne, Ms. English, Mr. Holt, Ms. James, Ms. Naji-Taylor, Mr. Schleigh and Junior Council Member Lartey. Absent: Mayor Campuzano. Also in attendance: Borough Solicitor Scott, Borough Manager Totaro, Borough Secretary Henry, Borough Engineer Matson, Police Chief Rutherford.

President Hover opened the meeting, led by Vice President Byrne with the Pledge of Allegiance.

Approval of agenda: Ms. English moved to approve the agenda. Ms. Byrne seconded. Amendments to agenda: (1) Mr. Scott added action item for applying for American Recovery Act funds, and (2) Ms. Byrne added discussions re: Literati, Juneteenth and Pride Month. Ms. English moved to approve the amended agenda. Ms. Byrne seconded. Vote: unanimous.

Approval of Minutes: No minutes available.

Solicitor's Report – Mr. Scott reported the Department of Community and Economic Development wants an application within five days for funding. Mr. Scott will distribute a memo outlining how these funds can be used.

Borough Manager's Report – Mr. Totaro provided updates as follows:

- Bridge by Ranger Properties – productive outreach to county continues. No developments.
- Point and Shoot contract on various facilities. Meeting held yesterday and will move forward with punch list in the coming weeks.
- Insulated the attic above Borough Hall second floor with added electrical work for energy conservation.

Police Chief's Report – Chief Rutherford presented the May, 2021 report: 808 police reports, 31 false or burglar alarms, responded to 46 motor vehicle accidents, 15 adults and one juvenile arrested, 655 parking tickets issues, 79 motor vehicle citations issued, three non-traffic citations issued, handled 11 abandoned vehicles, handled 32 domestic calls for service.

Additional items: Investigation is ongoing regarding another suspect in the East Marshall Road shooting. The police department is now open Monday to Friday, 8-4. The new K9 vehicle was picked up today. There are 9 candidates for full time police officer. President Hover asked about the domestic abuse project on social media post. Chief Rutherford commented that this project provides officers a series of questions on how to respond to a domestic violence call where there has been physical assault.

These questions are designed to indicate whether or not immediate removal from the house is required. At least ten officers have attended.

Borough Engineer's Report – Mr. Matson reported as follows:

- Lansdowne Avenue Crossing project – expecting Penn Dot to complete their overlay in July, so the final installation of stamped concrete will not be available until that time.
- Sewer project – working to do final restoration of some water problems.
- Gateway Slope – contractor noted they should have a full press of equipment there next week. Expectation is that this project will be completed by the end of summer.

Fire Company Report – Ms. Naji-Taylor did not have any new reports.

Mayor's Report – No report was given in the Mayor's absence.

President's Report – President Hover reported as follows:

- Thanked American Legion Post 65, the Mayor and Ms. Byrne for their representation at the Memorial Day ceremony plus Bonnie's Wonder Gardens for the wreaths.
- Attended the Historic Architecture Review Board (HARB) meeting re: hometown heroes banner in conjunction with the American Legion Post 65 and the Lansdowne banner project. HARB recommended COA's for both projects.
- Will meet tomorrow with the Lansdowne Economic Development Corporation (LEDC) re: contract deliverables.
- More grants have been received for several borough projects as well as the reopening of Reservoir Park.
- June 5 – 10 a.m. ribbon cutting ceremony for Reservoir Park renovations.
- June 5 – Flag raising of LBGQTIA+ at noon with Representative Mary Gay Scanlon.
- June 19 – shredding and electronic event 9-noon at Highland Avenue lot.
- Recommending through the Community Relations Committee holding a Pride and Freedom celebration at Owen Avenue lot to celebrate both Pride Month and Juneteenth.
- June 19 – will be flying the Juneteenth flag at noon on borough green.

Old Business:

1. **Library reopening proposal** – Ms. English provided a detailed proposal, approved by the Library Board, wherein the library will be reopening in Phase I for three days a week for two weeks, then Phase II for five days a week for two weeks. Hours of operations in both phases will be 10 a.m. – 6 p.m. All Covid safety measures will be in place. Depending on results of Covid numbers after the initial four week period, a decision will be made if further reopening will continue.

2. **NV 5 – Veterans Park Design** – Mr. Totaro noted NV 5 is a design architecture firm that has been engaged and terms and conditions will be finalized this week. Expected completion within 12-15 weeks.

3. **Department of Community and Economic Development (DCED) Blight Grant** – Last year the Lansdowne Theater received \$20,000. Additional grants were renewed and the theater is working to obtain more funding.

4. **Department of Environmental Protection (DEP) 902 Grant** – Mr. Totaro indicated this grant is for the sanitation monetizing project and only some administrative work remains.
5. **41 S. Union Avenue** – Mr. Scott commented that the zoning hearing meeting held this past week was for the amended proposal to store only dumpsters, not debris, at this site. However, the owner has applied for a variance regarding uses by right wherein he would have multiple uses. Another zoning hearing meeting will be held on June 24 to allow residents to voice their concerns and complaints. Ms. English commented that the water problem is now worse than before and questioned if a retention basin had been installed. Mr. Scott added that this is not a land development requiring compliance with storm-water. It can be requested of the Zoning Hearing Board but is not required. Mr. Matson will review these complaints but verified that last year's improvements were still operating satisfactorily.
6. **Group home** – Several residents have made a petition in opposition to this home, as it is zoned residential and the borough code does not allow granting special exceptions for this type of use. They want it removed. Mr. Scott reviewed prior borough action in this matter but indicated that recovery homes are protected under the U.S. Fair Housing Act. Their rights are not self-executing and evidence must be provided that the residence is in full compliance with its intended use. At present the borough does not have a forum for this evidence production and if a separate ordinance is desired, the Zoning Hearing Board should determine if it falls within the Act's protections. Mr. Scott added that if the borough violates any provisions of the Fair Housing Act while implementing borough code in this regard, there is a risk of civil rights claims and loss of state and federal grant funding. Ms. Naji-Taylor asked if the borough would have to pay the legal fees in connection with the home individuals attending another meeting for determining proper use. Mr. Scott indicated there should be no cost involved with exercising their rights. Mr. Schleigh asked if there should be any type of local registration so that locations of other such facilities are known. Mr. Scott noted these uses cannot be treated any differently than residential use and the operator should apply to the Zoning Hearing Board to discuss their status under the Act. Mr. Holt commented that registries are not required for other borough residences, the law should be followed and this should not be treated as any other entity.
7. **Literati** - Ms. Byrne indicated this is an app that makes it possible to log in trash collection throughout the borough and shows metrics on how this practice helps raise the property values. There is no cost to the borough. Both the Mayor and the Community Relations Committee have recommended using it.

New Business:

1. **Pettaway Pursuit Foundation** – Mr. Totaro indicated this is a request to use the municipal lot at Owen Avenue for a July 22 anniversary/fundraising event. More information will be provided to the Economic Development Committee for review.
2. **Environment Advisory Council (EAC) @ Landing** – Ms. English indicated the EAC wants to create a flyer summarizing their work and have it included in the new resident welcome packets. They would also like to have a table at the Farmers Market to share more information with a variety of flyers on various related municipal projects and initiatives. A banner with their logo has also been requested.

3. **EAC printing** – President Hover asked if borough money should be used for advocacy use. Mr. Scott commented taxpayer money should not be used in this regard but it was permissible for the EAC to provide and distribute its own material at their cost.
4. **Farmers Market 2021-** Oct. 31. This is an amendment to their agreement due to Halloween falling on a Saturday this year and being a conflict for the Landing events. President Hover will propose an alternate date with the Farmers Market representatives later this week.
5. **Loader** – Mr. Totaro indicated that a backhoe has always been used for various borough projects but due to its position close to the engine, the 90 degree arm scoop is corroding from putting down salt. The Infrastructure Committee recommends trading it in for a new loader for a cost of about \$60,000.
6. **Folk Club** – The Club is asking the status of available dates for the 20th Century Club as they want to use it for their fall season. Ms. Naji-Taylor questioned the process for renting it for community events and private events. Mr. Scott noted there is still a fee schedule for rentals and non-profit use and the borough's use is exempt from this. President Hover commented that additional fees incurred for Covid cleaning will be discussed at the next Economic Development Committee meeting next week.
7. **Juneteenth and June Pride event** – Ben will work with Ms. Lartey on the Penn Wood proposed activities. Ms. Byrne commented that her Committee had discussed various events to tie into the two events. They suggested a food truck market event on June 19 with an alternate date of June 26. President Hover will discuss this further at next week's Economic Development Committee meeting. Ms. English asked if the local eateries had been contacted and if next year's Borough Council could develop such ideas in a more timely fashion. Ms. James asked why Juneteenth is being celebrated with the Pride event. President Hover commented it was a mid-point between the June 5th and June 26th events to provide historical continuity in going forward with making it a borough wide day for celebrating freedom. Ms. Naji-Taylor noted that Juneteenth celebrated only the freedom of slaves, not an entire community.

Public Comment: Ms. Byrne moved to Suspend Roberts Rules of Order. Mr. Schleigh seconded.
Vote: unanimous.

Visitors:

1. Leslie Mason - 20 West Stewart Avenue. Ms. Mason felt it was insensitive to hold the Juneteenth and Pride events as one event. Also, the Drug and Alcohol law requires licensure for group homes and this property is already having problems with trash being thrown outside, etc. She asked that Borough Council research whether they are receiving state funding, is it a recovery home and is it being used for profit. Are they being regulated as a business by the new requirements for state licensing and how are they getting referrals? Mr. Scott commented the owners will have to come before Council to provide more information as there are occupancy limits and limits on the size of the property and number of bedrooms if being treated as a family unit.
2. Betty Byrd Smith – 82 S. Union – Resident for 30 yrs. Ms. Smith attended the May 25 zoning exception hearing and a vote is expected at the June 24 meeting. She asked if the borough will do an

engineering inspection due to increased flooding issues since the storage facility has been in place and no retention measures have been installed. She would like the borough to present a letter in opposition to the exception. Ms. Smith also opposed the combining of the Pride and Juneteenth events as one has nothing in common historically with the other.

3. Bill Brown - 101 Essex Avenue. Mr. Brown asked if the owner of the recovery home had been invited to the Zoning Hearing Board meetings and if they had been granted Certificates of Occupancy. Mr. Scott was not sure about the COA and they had been sent a letter to apply for the accommodation to the Board to determine if its intended use fell under the Fair Housing Act. Mr. Brown commented what would prevent other drug facilities from coming to Lansdowne if the codes are not enforced.

4. Charlotte Hummel 55 W. Stewart – Ms. Hummel commented the recovery house may be more of a business operation issue rather than a fair housing issue and asked what borough ordinances address this situation regarding regulation and enforcement. Mr. Scott indicated that for profit homes are allowed to act as a business but 25 inhabitants living there not for a common use is not allowed. He will check with the codes department on the borough limitation of occupancy ordinance.

Borough Council comment: Ms. Byrne commented it was never her intention to insult any ethnic group and apologized for the insult.

Ms. English moved to Reinstate Roberts Rules of Order. Ms. Byrne seconded. Vote: unanimous.

Action Items:

1. Ms. James moved to authorize payment of bills for the period. Ms. English seconded. Vote: unanimous.
2. Mr. Hover moved to adopt Resolution 2021-15 to purchase the Famiglia Parcel. Ms. Byrne seconded. Vote: unanimous.
3. Mr. Hover moved to approve rider associated with the Famiglia property transaction. Ms. English seconded. Vote: unanimous.
4. Mr. Schleigh moved to ratify DEP Grant Agreement 902-020-2020 between the Borough and DEP. Ms. English seconded. Vote: unanimous.
5. Mr. Schleigh moved to trade-in a backhoe and purchase a loader. Ms. English seconded. Vote: unanimous.
6. Mr. Hover moved to apply for American Rescue Plan Funds and authorize Council President signature. Ms. Byrne seconded. Vote: unanimous.
7. Ms. English moved to reopen the library according to the proposed plan. Ms. Naji-Taylor seconded. Vote: unanimous.
8. Mr. Schleigh moved to have the solicitor attend the Upper Darby zoning hearing for 41 South Union Avenue. Ms. Byrne seconded. Vote: unanimous.

9. Ms. English moved to allocate up to \$500 to the EAC for printing of a brochure and table banner. Ms. Byrne seconded. Vote: unanimous.
10. Ms. Byrne moved to use Owen Avenue Lot for Pride celebration on June 26th from 7-9 p.m. with alternate date being June 26th. Ms. English seconded. Vote: unanimous.

Executive Session - No items.

Adjourn – Ms. Byrne moved to adjourn the meeting. Ms. English seconded. Vote: unanimous. The meeting adjourned at 9:14 p.m.

Respectfully submitted,

Barbara Ann Henry
Borough Secretary