

**MINUTES
BOROUGH COUNCIL MEETING
JUNE 1, 2016**

The Downingtown Borough Council met in regular session on June 1, 2016 at the Municipal Government Center, 4 W. Lancaster Ave., Downingtown, PA. Members present: President Gazzo, Vice President Rakoff, Councilors Dague, McGlone, Thomas and Feldman. Also attending were Mayor Maxwell, Solicitor Thompson and members of Borough staff.

President Gazzo called the meeting to order at 7:00 p.m.

Approval of Expenditures (Period Ending May 31, 2016) – Councilor McGlone made a motion to approve the expenditures for the period ending May 31, 2016, Councilor Thomas seconded; motion carried 5-1 (Councilor Feldman opposed).

Approval of Borough Council Minutes (May 18, 2016) – Councilor McGlone made a motion to approve the Borough Council minutes of May 18, 2016, Councilor Dague seconded; motion carried 5-0. Vice President Rakoff abstained, he did not attend the meeting.

Citizens to be Heard

Georgio Malle, 149 E. Lancaster Ave., requested the status of the midblock pedestrian crosswalk at the Borough's east end parking lot, the algae at First Lake and lack of parking for businesses when events are held in town.

Mr. Sullins responded, he has placed a call to PennDOT for an update on the midblock crosswalk.

Roy Pietrinferni, 121 E. Lancaster Ave., commented on the "no turn on red" sign at the intersection of Lancaster and Wallace Ave. and requested additional signage at pedestrian crosswalks.

Glenn Johnson, 157 Jefferson Ave., commented on the Jefferson Avenue parking.

Catherine Hightower, 210 Brandywine Ave., commented on the Jefferson Avenue parking.

Deferred Business

Downingtown Outdoor, LLC (Patrick Wolfington, Tim Earle) – Mr. Wolfington reported he had been contacted by Borough staff and informed of concerns voiced by residents pertaining to their view of the electronic billboard. Mr. Earle presented and reviewed graphs indicating the site lines to the billboard from the homes on North Lake Dr. Catalyst Outdoor has offered to plant trees approved by Robert's Automall on their property as a buffer for the billboard. The homeowners were contacted and refused planting of trees as a buffer on their property. The 35 trees Catalyst Outdoor intends to plant will be approximately 20 ft. high and grow, on average, one foot each year. No response was received from 214 N. Lake Dr., the property was not included in the elevation study. Catalyst Outdoor is willing to accommodate and include this property in their engineering study.

The following citizens commented on their concerns pertaining to the electronic billboard: Donna Condon, 214 N. Lake Dr., Bobbie Jo Broomell, 302 N. Lake Dr., Kelly Bane, 304 N. Lake Dr., Shawna Kelly, 308 N. Lake Dr., Vickie Gilpin, 301 N. Lake Dr., Tom McMurray, 410 Farmhouse Dr., Joan DiBerardino, 306 N. Lake Dr., Krista Reynolds, 303 N. Lake Dr., Donald Wineland, 315 Devon Circle, Keith Gilpin, 301 N. Lake Dr., P.J. Paden, 302 N. Lake Dr. and Bram Kelly, 308 N. Lake Dr.

After discussion, Councilor Feldman made a motion that one side of the billboard be turned off; Councilor Dague seconded the motion. Councilor Thomas asked if Borough Council can do that, is it possible to regulate a business? Solicitor Thompson responded, right now there is a decision that says they can have the sign on during certain times; that decision cannot be changed. The decision can be enforced. If it is determined that Catalyst Outdoor are in violation of that decision, or the ordinance, the Borough then has an opportunity to enforce. Motion failed to pass 4-2 (President Gazzo, Vice President Rakoff, Councilors McGlone and Thomas opposed).

Solicitor Thompson stated Borough Council does not have any legal means to request Catalyst Outdoor to turn the billboard off.

Councilor Feldman made a secondary motion to turn off one side of the billboard until Catalyst is brought into compliance with their testimony as presented during the conditional use hearing; motion failed.

After discussion, President Gazzo asked Tom Yuhas, Borough Engineer/Zoning & Codes Officer, if Catalyst Outdoor was meeting the letter of the law with the light that is emitting off the sign at the property line? Mr. Yuhas responded "yes". President Gazzo stated there are no Borough codes being violated with the amount of light being emitted from the sign. Mr. Yuhas agreed. Mr. Yuhas reiterated the billboard is allowed by right, the conditional use was granted by Borough Council. He noted if the conditional use hearing would be reheld tonight, Borough Council would have to approve the application because it is a permitted use.

Councilor Feldman made a secondary motion that Council request Catalyst Outdoor have the sign lit only during business hours until we come to a resolution; motion failed.

Jefferson Ave. Borough Parking Lot – President Gazzo reported there are 34 parking spaces (2 per residence) available. The Borough is willing to offer Jefferson Avenue residents residential permit parking stickers (2 per address). The residents will need to present a signed petition requesting permit parking to Borough Council. Each residence would be eligible to request two (2) parking permits, at no charge, each residence will also receive two (2) guest passes. The permit parking will be administered as it currently is on the west end of town.

New Business

Resolution 2016-09 Amending Master Schedule of Fees (Sewer Rate) – Vice President Rakoff made a motion to adopt Resolution 2016-09, Councilor McGlone seconded; motion carried unanimously.

"Beer Garden" Approval (Summer Jam Series/Mac & Cheese Cookoff) – Councilor McGlone made a motion to approve the "Beer Garden" for the events specified, Councilor Dague seconded. After discussion, motion carried 5-1 (Councilor Feldman opposed).

Appointment of Police Chief – Councilor Thomas made a motion to appoint Howard L. Holland, Downingtown Police Chief, Councilor Dague seconded; motion carried 5-1 (Councilor Feldman opposed).

Mayor & Council Updates

President Gazzo announced the June 15 Borough Council meeting is cancelled, next meeting will be on June 22, 2016 a conditional use hearing is scheduled. He asked if anyone has a conflict and is not able to attend, please notify him or Mr. Sullins.

Mayor Maxwell will be participating in the Mac & Cheese Cookoff on June 5, 2016.

Councilor McGlone reported the Block Party for the Playground is scheduled on June 5. The first issue of the Borough newsletter will go out at the end of the month. Residents can sign up for the e-newsletter on the Borough website.

Councilor Dague suggested buying tickets for the playground block party, even if unable to attend, to help support building a new playground.

Vice President Rakoff reported the DMWA is securing their financing for meter replacements, residents will be notified and meter replacements will begin.

President Gazzo requested Council be considerate of Borough staff when sending emails after business hours, during weekends and holidays; unless it is an emergency.

Adjournment

Councilor Feldman made a motion to adjourn the meeting at 9:47 p.m., Councilor Dague seconded; motion carried unanimously.

Millie Byerly
Assistant Secretary