

Lansdowne Borough Council General Meeting

Wednesday – April 21, 2004

The Lansdowne Borough Council General Meeting was held on Wednesday, April 21, 2004 at 7:30 PM in Borough Hall. Present were President Council, Mrs. Fryer, Mr. Borgman, Mrs. Hill, Mr. Smith and Mr. Wayne. Also in attendance were Mayor Young, Borough Engineer Bevilacqua, Treasurer Ascitutto, Borough Manager Forrest, Solicitor Scott, Borough Secretary Henry and Police Chief Kortan. Ms. Madden and Fire Chief Young were absent from the meeting. President Council asked for a moment of silence in memory of Carter Zervas. President Council stated that the meeting was being taped by Comcast and will be shown on April 26th at 7:00 PM on Channel 10.

Minutes – Mr. Wayne moved to approve the minutes of the March 17, 2004 Borough Council General Meeting. Mr. Borgman seconded and the motion carried unanimously.

Announcements and Presentations

Mayor's Report – Mayor Young presented a recognition award to the PennWood High School Hi-Q Team. Advisor Marilyn Smith accepted the award for the absent members.

Mayor Young presented a recognition award to department Library Board members Louis Cicero and Jennifer Beers.

Mayor Young presented a recognition award to John and Gloria Carpenter for promoting housing values in Lansdowne.

Mayor Young announced the following calendar events:

1. April 22 – Folk Club classical guitar and flute concert.
2. April 27 – Election Day; Swing Dance at 20th Century Club at 7:00 PM.
3. April 29 – Public meeting regarding draft of the Redevelopment Plan.
4. April 30 – Arbor Day. Governor Rendell expected at ceremonies at Sycamore Park.
5. May 1 – GLCA's annual cleanup; Town wide Yard Sale; Great American Bake Sale at Borough Green.
6. May 3 – May Fair at Friends School.
7. May 2 – Lansdowne Symphony Orchestra Russian concert at Upper Darby Performing Arts Center.
8. May 10 – First poet laureate poetry reading at the Library
9. May 23 – Philadelphia Open House Tour, 12:30 – 5:00 PM.

Treasurer's Report – Mr. Ascitutto reported that total General Fund revenues for March, 2004 amounted to \$1,602,349.29; total General Fund expenditures for March, 2004 amounted to \$442,180.35. The beginning balance of all funds amounted to \$8,384,364.10; the ending balance of all funds amounted to \$9,412,935.25.

Mr. Smith moved to accept the Treasurer's Report as read. Mrs. Fryer seconded and the motion carried unanimously.

Engineer's Report – Mr. Bevilacqua stated his items would be covered under Committee reports.

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

COMMITTEE REPORTS

A. President's Report – President Council stated that May 25th was the deadline for submissions for the Arts Festival to be held September 17th, 18th & 19th.

B. Economic Development – Mr. Wayne reported that the first phase of the Redevelopment Plan is completed. This phase involves certification of the report and submission to the Delaware County Planning Commission for review. There will be a public meeting on April 29th 7:00 PM at the Twentieth Century Club regarding phase two. Phase two proposals have been presented to the Steering Committee and the Planning Commission regarding development of the specified areas. This development will include additional retail businesses, converting the Lansdowne Theater into a cultural center and adding additional residences and office space in other downtown areas. Mr. Wayne reported that the LEDC is proceeding with the Main Street grant applications and will be revisiting the liquor question at a future meeting. The next Economic Development Committee meeting will be held on April 28th, 7:30 in Borough Hall.

C. Finance and Administration – Mr. Smith stated that the next Finance and Administration Committee meeting will be held on May 3rd at 7:00 PM in Borough Hall. At their previous meeting some of the topics covered included revisions to Borough Code, restructuring parking fines and capital program and financing. The lease for 20th century club and a new filing strategy for trash and sewer liens.

Mr. Smith reported that the Borough audit is complete and has been submitted to the applicable State and County offices.

Mr. Smith stated that three additional meetings are scheduled for Urban Partners presentations: May 5th at 7:30 PM during the Business meeting; May 6th at 8:30 AM with the Steering Committee and May 13th with the Planning Commission.

D. Municipal Services – Mrs. Fryer reported that the School Board is currently engaged in the budget process. The William Penn School District has a \$2.5 million deficit and will need to borrow money. They are developing a zero base budget for 2005 that will cause some programs to be cut. Mrs. Fryer stated that the next Committee meeting will be held on May 3rd, 6:30 PM.

E. Public Safety – Ms. Hill gave the March Police Report: 463 incidents, 932 parking tickets, 7,227 miles traveled.

Ms. Hill reported that the number of library cards issued increased to 1000 in 2003.

No Fire Company report was given.

F. Community Development – Mr. Borgman gave the monthly Code Department report: 82 permits issued, 84 inspections, 57 contractors registered.

Mr. Borgman reported that 231 N. Lansdowne has been condemned.

Mr. Borgman stated that further pressure will be put on the Lansdowne Theater owner to comply with previous code issues. Mr. Bonenberger has developed an organizational document for the Codes

Department delineating the various responsibilities.

Mr. Borgman stated that the next Community Development Committee meeting will be held on May 11th.

G.Parks and Recreation – President Council gave a brief overview of the Parks and Recreation Committee plans:

1. A snack stand will be erected in Hoffman Park to the left of the pavilion.
2. The Girl Scouts have planted trees in Belmont Park and new basketball nets and boards have been installed in Interboro Park.
3. The Tree Advisory is looking to obtain new trees for Sycamore and Marlyn Parks.

Mr. Smith moved to suspend the Rules of Order. Mrs. Fryer seconded and the motion carried unanimously.

Visitors

Jack Covert

232 Jackson Avenue – Mr. Covert stated that the LSO's final concert will be held on May 2nd and will be filmed as part of Lansdowne's historical video.

Mr. Covert mentioned that a house in Lansdowne recently sold for \$300,000.

Mr. Covert asked that parking meter signs be more clearly posted.

Mr. Covert mentioned that the stop sign at Stratford and Highland Avenues is obscured.

Mr. Covert asked why a BYOB permit was needed. President Council stated that the current ordinance states that no liquor can be consumed in a public place but the Economic Development Committee will be looking further into this issue.

Mr. Covert reiterated his support of CCE and encouraged residents to do the same.

Mr. Jackson

88 S. Wycombe Avenue – Mr. Jackson asked if any litter laws exist banning the delivery of unwanted circulars in the Borough. Mr. Scott stated that one is being drafted.

Michael Marcavage

62 E. Stewart Avenue – Mr. Marcavage stated his dissatisfaction with Ordinance 1188 regarding the Borough's rental unit inspection fee program. He contended that his tenants' 4th Amendment rights were being violated because the code inspectors were arriving unannounced for inspections. He also felt that the \$56.00 yearly inspection fee was illegal because other municipalities charge a lower fee.

Mr. Marcavage started to quote from the Communist Manifesto. At this point President Council asked that Mr. Marcavage keep his comments directed to the ordinance objection and not to give philosophical beliefs and personal political ideology in support of that objection.

Mr. Marcavage was also asked to limit his time to another 5 minutes as he had already talked for 10 minutes.

Mr. Marcavage asked Borough Council to substantiate the disposition of the \$70,000 in fees that will be generated by this program. President Council stated that \$35,000 is the new code officer's salary and the remaining amount is already in the budget.

Mr. Marcavage asked if there was a written policy on how long a resident can speak at a public meeting. Mr. Scott stated that President Council has the right to set reasonable time limits on public comment.

Mr. Marcavage started to comment on the Patriot Act at which point President Council asked that Mr. Marcavage take his seat.

Mr. Marcavage refused to sit down and continued his harangue. Chief Kortan asked Mr. Marcavage to take his seat or leave the meeting.

Mr. Marcavage still refused and President Council adjourned the meeting. Ms. Hill moved to adjourn the meeting, seconded by Mr. Smith. The motion carried unanimously and the meeting adjourned at 9:45 PM.

The meeting reconvened into Public Session at 9:50 PM.

Joe Heath

55 W. Greenwood Avenue – Mr. Heath stated that the Borough’s public clocks need repair.

Mr. Heath asked if he can take trees down on his own property or is approval from the Tree Advisory Board necessary. President Council stated that the Board addresses shade trees in public spaces only and that Mr. Heath could take his tree down.

Edith Bassie

70 Sayers Avenue – Mrs. Bassie expressed her outrage at Mr. Marcavage’s behavior and comments. Mrs. Bassie stated that a large portion of tar still remains on Sayers Avenue from the previous road repairs.

John Callaghan

13 W. Greenwood Avenue – Mr. Callaghan asked if Lansdowne is subsidizing Yeadon’s Code department. President Council stated that Lansdowne does not subsidize anything and only shares the costs with Yeadon.

Mr. Callaghan asked why a U&O was needed for selling vacant land. President Council stated it was a transfer and asked that Mr. Callaghan give Mr. Bonenberger a call for clarification.

Mr. Scott then addressed some of the legal issues brought up by Mr. Marcavage:

1. There are several Pennsylvania Eastern District Court decisions that uphold the constitutionality of rental inspection ordinances.
2. The Sunshine Act requires that a reasonable opportunity at every regular meeting be provided for public comment. Mr. Scott stated this opportunity had occurred.
3. The \$70,000 for the Code Department is allocated to salaries among the entire Code staff as well as overhead costs.

Old Business – Ms. Hill moved to postpone the borough hall siren shutoff until May 31, 2004. Mrs. Fryer seconded and a roll call vote was taken. The motion carried unanimously. Mr. Smith asked about the cost sharing agreement. President Council stated that there will be no written agreement.

New Business – Mr. Borgman moved to reappoint Helen Marcarelli to the Tree Advisory Board, for a three year term expiring 4/30/07. Mr. Smith seconded and the motion carried unanimously. Mr. Borgman moved to reappoint Joseph Daniels to the Tree Advisory Board, for a three year term expiring 4/30/07. Mrs. Fryer seconded and the motion carried unanimously.

Ms. Hill moved to appoint Olivia Neely Gaskins to the Library Board, for a three year term expiring 3/31/07, filling one of two vacant positions. Mr. Smith seconded and the motion carried unanimously. Mr. Smith moved to approve the lease agreement with Celebration Theater for use of the Twentieth Century Club. Mr. Wayne seconded and the motion carried unanimously.

Mr. Borgman moved to approve "Amendment #1 to the Intermunicipal Agreement between the Borough of Lansdowne and Yeadon Borough. Mr. Smith seconded and the motion carried unanimously.

Ms. Hill moved to approve Ordinance 1194, an ordinance prohibiting truck traffic on Nyack Avenue, between Lansdowne Avenue and Union Avenue. Mr. Smith seconded and the motion carried unanimously.

Communications – None.

Bills – Mr. Smith moved to authorize payment of bills for the period. Mr. Wayne seconded and the motion carried unanimously.

Mr. Smith moved to adjourn to Executive Session to discuss a litigation issue. Mr. Borgman seconded and the meeting adjourned at 9:10 PM. There were no motions made upon reconvening into Public Session.

Mrs. Fryer moved to adjourn the Public meeting, seconded by Mr. Smith. The motion carried unanimously and the meeting adjourned at 9:21 PM.

Respectfully submitted,
Barbara Ann Henry
Borough Secretary