

MINUTES

BOROUGH OF DOWNINGTOWN

AUGUST 3, 2011

The Downingtown Borough Council met in regular session on August 3, 2011 at the Municipal Government Center, 4 W. Lancaster Ave., Downingtown, PA. Members present: President Bruton, Vice President Brinton, Councilors Smith, Feldman, Benner and Gazzo. Also attending were Mayor Maxwell, Solicitor Rau and members of Borough staff.

President Bruton called the meeting to order at 7:00 p.m. The purpose of the Executive Session was to discuss real estate and legal issues.

Approval of Expenditures (Period Ending July 31, 2011) – Vice President Brinton made a motion to approve the expenditures for period ending July 31, 2011; motion carried 5-1 (Councilor Feldman opposed).

Approval of Council Minutes (July 20, 2011) – Councilor Benner made a motion to approve the minutes of July 20, 2011 as amended; motion carried unanimously.

Citizens to be Heard

Sarah Brown, 4 Bell Lane, Downingtown (East Brandywine Twp.), asked Council why the rocks were in the stream from Kardon Park to first lake. Councilor Benner stated the water is at the lowest levels he has seen in 18 years and things that were not visible before will be noticeable now. Ms. Brown also asked about debris in the millrace along Norwood Road. Mr. Sullins and Mr. Law informed Ms. Brown that vegetation is being trimmed to ensure the public's safety and they cannot control where debris from trimming falls. The street sweeper is used during the trimming process.

Deferred Business

Good Neighbor Award – Mayor Maxwell presented Mr. Andre Cuebas with a plaque for exemplifying the spirit of our good neighbor community.

New Business

Resolution 2011-10 Main Street Village Final Plan Approval (Phase 2B) – Councilor Gazzo made a motion to adopt Resolution 2011-10 based on the solicitor's final review and comments; motion carried unanimously.

Ordinance 2011-08 Non-Uniformed Pension Plan Vesting Schedule – Vice President Brinton made a motion to advertise with the intent to adopt Ordinance 2011-08 updating the vesting schedule; motion carried unanimously.

Green Street Plan Review – Mr. Sullins provided background information regarding the conceptual plans Council received from Mr. Hicks (Tri Point Properties, Inc.) for proposed upgrades to Green Street. After discussion, President Bruton requested a Council work session for an in depth review and discussion of the proposed Green Street plan.

Victory Brewery Co. (Fence) – Mr. Yuhas provided an informational update to Council regarding the construction of a fence to reduce the noise level from the existing equipment located along Chestnut Street. After discussion, by consensus, Council authorize Mr. Yuhas to oversee the construction of a fence or noise barrier at Victory Brewery.

Downingtown Eagle Scout Awards – Defer

Resolution 2011-11 Support for the Kardon Park Redevelopment Project & Removal of Project 70 Deed Restrictions – Vice President Brinton made a motion to adopt Resolution 2011-11, motion carried 5-0 (Councilor Feldman abstained).

Councilor Gazzo made a motion to have Special Counsel (Patrick O'Donnell) represent the Borough of Downingtown in the Commonwealth Court appeal filed by Ann Feldman, regarding the Kardon Park project, East Caln Township conditional use decision, upheld by Judge Nagel in the Court of Common Pleas; motion carried 5-0 (Councilor Feldman abstained).

Vice President Brinton made a motion to have Special Counsel (Patrick O'Donnell) file a second petition to Orphan's Court for the transfer of Kardon property located in East Caln Township and to have the Borough Manager sign the verification of same; motion carried 5-0 (Councilor Feldman abstained).

For the Good of the Order

Mayor Maxwell stated Johnsontown Community Group held their second annual National Night Out on August 2, 2011. They also dedicated the Born Learning Trail in Johnsontown Park and the events were a huge success.

Steve Ketchum, Johnsontown Town Watch, informed Council they are continuing their watch around the neighborhood. There has been interest from other neighborhoods in forming town watch programs.

Adjournment

Vice President Brinton made a motion to adjourn the meeting at 7:45 p.m.; motion carried unanimously.

Stephen T. Sullins

Borough Secretary