

MINUTES
BOROUGH OF DOWNINGTOWN
WORK SESSION
SEPTEMBER 21, 2011

The Downingtown Borough Council met in work session on September 21, 2011 at the Municipal Government Center, 4 W. Lancaster Ave., Downingtown, PA. Members present: President Bruton, Vice President Brinton, Councilors Benner, Smith and Feldman. Also attending were Mayor Maxwell, Solicitor Rau and members of Borough staff. Councilor Gazzo did not attend.

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 August 31, 2011) – Vice President Brinton made a motion to approve the expenditures for period ending August 31, 2011; motion carried 4-1 (Councilor Feldman opposed).

Approval of Council Minutes (August 17, 2011) – Vice President Brinton made a motion to approve the minutes of August 17, 2011; motion carried 4-1 (Councilor Feldman opposed).

Citizens to be Heard

Sarah Brown, East Brandywine Twp., read a letter in reference to the August 3rd meeting discussion pertaining to the rocks in the stream from Kardon Park to first lake and debris in the millrace along Norwood Rd.

Deferred Business

Nothing to discuss.

New Business

Ordinance 2011-09 Vacation/Abandonment of a Portion of Cox Alley – Solicitor Rau reviewed the prior action taken by Council on the Main Street Village Land Development approvals authorizing the advertisement to proceed on the vacation/abandonment. No further action required by Council today.

Ordinance 2011-10 Brandywine Avenue & 100 Block of Washington Avenue (Map & Zoning Change) – Defer

Request of Chester County Parks re: Struble Trail Engineering Study – After discussion, by Council consensus the Borough will not be participating in the study.

Ordinance 2011-11 DMWA re: Service Wells/Permits – After discussion, Councilor Benner made a motion to table action; motion carried unanimously.

Banner Applications – Vice President Brinton made a motion to approve the banner applications for the Downingtown Area Senior Center Harvest Hop on Saturday, November 19 and Downingtown West Cross Country Booster Club Turkey Trot on Thursday, November 24; motion carried unanimously.

Kardon Park Update – Pat O'Donnell, Special Counsel, provided a status report on the various matters involving Kardon Park. The basic appeal of the Kardon Park decision by Judge Platt is scheduled for argument on October 18, 2011 in Commonwealth Court. The appeal with respect to the seven acre parcel in East Caln Twp. pending in the Commonwealth Court. Ms. Feldman's brief is due October 4, 2011 and the Borough and developer's brief will be due 30

days after the filing of Ms. Feldman's brief. Vice President Brinton made a motion to authorize the solicitor and staff to offer the Kardon Park property, including the seven (7) acres for a total of 47.5 acres, to bid by publishing an RFP substantially like the one drafted and before us. In the event that no bids are received, then to authorize the solicitor and staff to re-advertise the property a second time using a substantially similar RFP. To accept and hold an offer of assignment from the current Buyer and to authorize the staff and solicitor to answer inquiries from interested bidders and to report back to Council on the outcome of the process. Motion carried 4-0 (Councilor Feldman abstained).

Municibid Award – Mr. Law requested Council's authorization to proceed with selling the vehicles advertised on Municibid at a cost of \$9,174 for six vehicles. Councilor Smith made a motion to approve the sale of the six vehicles for a total of \$9,174.00; motion carried unanimously.

For The Good of the Order

Mayor Maxwell, on behalf of Council, thanked everyone for the incredible job they did during the recent flooding caused by the storms.

Councilor Smith stated the Police Department received the new Emergency Response Team vehicle and it is impressive.

Councilor Feldman inquired if there is anything scheduled regarding the Green Street Plans, Mr. Sullins said not at this time.

Adjournment

Vice President Brinton made a motion to adjourn the meeting at 8:05 p.m.; motion carried 4-1 (Councilor Feldman opposed).

Stephen T. Sullins

Borough Secretary