

**MINUTES  
BOROUGH COUNCIL MEETING  
JUNE 5, 2019**

The Downingtown Borough Council met in regular session June 5, 2019 at the Municipal Government Center, 4 W. Lancaster Ave., Downingtown, PA. Members present: President Gazzerro, Vice President Rakoff, Councilors Dague and Feldman. Also attending were Solicitor O'Keefe and members of Borough staff. Mayor Maxwell, Councilors McGlone and Thomas did not attend.

President Gazzerro called the meeting to order at 7:00 p.m. The purpose of the Executive Session on May 1, 2019 was to discuss the potential lease of property and potential litigation.

The Executive Session this evening was to discuss hiring of police personnel.

**Recognition/Awards** - None

**Approval of Expenditures for Period Ending May 31, 2019** – Councilor Dague made a motion to approve the expenditures for the period ending May 31, 2019, Vice President Rakoff seconded; motion carried unanimously.

**Approval of Borough Council Minutes (May 1, 2019)** – Vice President Rakoff made a motion to approve the Borough Council minutes of May 1, 2019, Councilor Dague seconded. Councilor Feldman requested a correction be made. Motion carried unanimously; with correction.

**Citizens to be Heard**

Ted Roehrig, 124 Lake Dr., thank Borough Council for the new crosswalk at Green Street and Pennsylvania Ave.

Ginny Pierce, 356 Washington Ave., presented a replica of the Log House created from plastic crafting material made by Frances and Riley Hess. It will be displayed in the Borough Administration lobby.

The Downingtown Historic Commission, Downingtown Area Historical Society and St. Anthony's Lodge are sponsors for the Chester County 2019 Town Tours & Village Walks. Johnsontown was selected as one of the tour stops; tour will be held on August 22, 2019. Additional information listing all the tour stops scheduled during this year is available at <http://www.chescoplanning.org/HisResources/TownToursAug.cfm>.

**Deferred Business**

**Parks & Rec Commission (Membership)** – Defer

**Ordinance 2019-01 Creating Shade Tree Commission** – Councilor Dague made a motion to adopt Ordinance 2019-01, Vice President Rakoff seconded; motion carried unanimously.

Councilor Dague made a motion to appoint Rick, Webb, Adrian Martinez and Joe Ferris as members of the Shade Tree Commission, Vice President Rakoff seconded; motion carried unanimously.

**New Business**

**2018 Borough Audit** – Edmund Fosu-Laryea/Joseph Manfre, Barbacane Thornton & Company LLC, provided a summary of the 2018 Borough audit. There was a recommendation to review the sewer rates. The sewer fund is a proprietary fund that should pay for itself.

Councilor Dague made a motion to accept the Borough audit as presented, Vice President Rakoff seconded; motion carried unanimously.

Conditional Use Hearing – Applicant/Anthony J. Ricci Estate (38 ½ W. Lancaster Ave.) – Solicitor O’Keefe opened the conditional use hearing and provided an overview of the hearing process. He entered the Borough’s exhibits into the record. David Crouthamel, NBC Builders, the Applicant’s representative, stated the conditional use application is for a fee in lieu of parking. Testimony was provided by Mr. Crouthamel. After discussion and questions, Solicitor O’Keefe announced the conditional use hearing will be continued on July 17, 2019 at 7 p.m.

*(Note: A transcript of the public hearing will be available for review at the Borough Administration office.)*

Conditional Use Hearing – Applicant/44 Central Ave. LLC (112 Washington Ave.) - Solicitor O’Keefe opened the conditional use hearing and provided an overview of the hearing process. He entered the Borough’s exhibits into the record. Daniel Rowley, law firm of Kaplan Stewart, is representing the Applicant. He stated the conditional use application is for a fee in lieu of parking. Mr. Rowley entered the Applicant’s exhibits into the record and testimony was provided by the Applicant.

After discussion and questions, Vice President Rakoff made a motion to approve the conditional use application of 44 Central Ave., LLC for a fee in lieu of parking, Councilor Dague seconded; the motion resulted in a tie vote 2-2 (Councilors Dague and Feldman opposed). Mayor Maxwell was not in attendance to cast the tie-breaking vote. Solicitor O’Keefe announced the conditional use hearing will be continued on July 17, 2019 at 7 p.m.

*(Note: A transcript of the public hearing will be available for review at the Borough Administration office.)*

Armor Alley Pocket Park – Georgio Malle, requested two feet of property owned by the Borough at the Armor Alley pocket park to allow additional access needed for a walkup counter at 137 E. Lancaster Avenue. The property is currently available for lease and Handel’s Ice Cream is interested if they are able to build a walkup counter on the side of the building.

After questions and discussion, President Gazzo asked for a motion to recess into Executive Session to discuss potential threats of litigation. Vice President Rakoff made a motion to recess into Executive Session at 8:32 p.m., Councilor Dague seconded; motion carried 3-1 (Councilor Feldman opposed).

Solicitor O’Keefe announced Borough Council recessed into Executive Session to discuss potential litigation and legal issues. The meeting was called back to order at 8:42 p.m.

Comments were made by Hank Hamilton, Dana Petruzzio, Owner of Farmhouse Coffee & Espresso Bar and Farmhouse Creamery, Colby Martin (202 Jefferson Ave.) and Sean McGettigan. After discussion, Councilor Feldman made a motion to approve allowing the two feet of Borough property requested by Mr. Malle at the Armor Alley pocket park to be utilized for an addition of a customer walkup counter on the side of the building at 137 E. Lancaster Ave. A lease agreement for the use of the two feet of Borough property, similar to Amani’s, will be drafted with the understanding that Mr. Malle will maintain the two feet of property, Councilor Dague seconded. After discussion, Councilor Feldman withdrew her motion.

Downingtown Police Association Contract Negotiations – Borough Council agreed, by consensus, to authorize Mr. Sullins to handle the Police Association contract negotiations, on behalf of Borough Council.

Borough Council Summer Meeting Schedule – Borough Council will hold their summer meetings on July 17 and August 7, 2019 at 7 p.m. President Gazzo asked if any Council member is not able to attend, please notify him prior to the meeting night.

### **Executive Session**

Councilor Feldman made a motion to extend an offer of employment to Jackson Giedgowd, contingent on passing the psychological and medical exams, Vice President Rakoff seconded; motion carried unanimously.

### **Mayor & Council Updates**

President Gazzo announced the next Borough Council meeting will be held on July 17, 2019. The July 3 and 24 Borough Council meetings are cancelled.

Councilor Dague reported the Log House will not be opened on Sunday, July 7 since it will be opened during Good Neighbor Day on July 4<sup>th</sup>.

Hank Hamilton was approached by an individual interested in making a movie.

### **Adjournment**

Vice President Rakoff made a motion to adjourn the meeting at 9:30 p.m., Councilor Dague seconded; motion carried unanimously.

Respectfully submitted,



Millie Byerly  
Assistant Secretary