

Yeadon Borough Council

Minutes of Regular Legislative Meeting held January 20, 2011

Borough Hall, Bailey Road and Church Lane

The regular meeting of Borough Council was held pursuant to public notice. The meeting was called to order at 8:05PM. Members present were Councilor Stinson, Vice President Thomas, Councilor Holden, President Kemp, Councilor Robinson Howell, Councilor McDonald and Councilor Byrne. Mayor Butler, Engineer Todd Frey, Chief Molineaux and Carl Ewald, Esq. from the Solicitor's office were also present. Councilor McDonald led a prayer and the meeting was commenced after a moment of silence and the Pledge of Allegiance.

Council announced they held an executive session for the purposes of considering personnel matters and litigation issues.

President Kemp asked for a moment of silence to remember the people lost in the tragedy in Arizona.

Public comment – the Public comment period was opened.

Clara Johnson asked when Yeadon will have a Borough Manager and who is making decisions on how taxes are spent. President Kemp stated the department heads are running the departments and Council approves the spending. He also stated the Borough Manager's position was up for a decision at the December meeting and none of the candidates received enough votes to be hired. At this time, Council is looking at other ways of finding a new Borough Manager.

Terry McGirth asked about the accounts payable General Code 401.45. Steve Travers stated the payment was for the 2010 audit by Thomas J. Anderson and Associates. Mr. McGirth stated it should be tabled until better described. Vice president Thomas stated the labels reflect the general ledger account and those labels are set by the governor's office. She agreed the description section should be clearer.

Rosalyn Hepburn complained that the snow removal on Rose and Fern Street is not being completed adequately. Also, she asked who is responsible for vacant homes, Steve Travers responded that the Borough cites owners who do not clear snow or cut grass. They can be fined and if they fail to complete, a contractor may be hired and the home owner billed. Ms. Hepburn also complained that Fern Street needs to be paved.

Linda Osinupebi stated the contractor doing the snow removal is lousy. She also stated she is concerned about conditions in Borough Hall. She said she rented the auditorium for the NAACP Kwanza celebration. The kitchen was left dirty and trash was left in the auditorium by the prior renter. She said whoever uses the auditorium needs to be held more accountable.

President Kemp said the Borough staff plows the public roads.

Borough Council approved the minutes for the November 4, 2010 workshop meeting, the November 18, 2010 regular meeting, the December 6, 2010 workshop meeting, and the December 16, 2010 regular meeting with amendments proposed by President Kemp.

Motion – Councilor McDonald made a motion to “approve the Minutes for November 4, 2010 workshop meeting, November 18, 2010 regular meeting, December 6, 2010 workshop meeting, and December 16, 2010 regular meeting as amended.” Councilor Stinson seconded the motion. There was no discussion. A roll call vote was taken.

Councilor Stinson - Yes
Vice President Thomas - Yes
Councilor Holden - Yes
President Kemp - Yes
Councilor Byrne - Yes
Councilor Robinson Howell - Yes
Councilor McDonald - Yes

The Motion carried 7-0.

Mayor’s Report – Mayor Butler reported the Police Chief is requesting the Borough to hire two part-time police officers. He is recommending the hire of Patrice Brown and Ali Bryant.

Motion – Councilor Holden made a motion that “Borough Council hire Patrice Brown and Ali Bryant to the position of part-time Police Officers on condition they pass all required tests and certifications.” Councilor Stinson seconded the motion. There was no further discussion. A roll call vote was taken.

Councilor Stinson - Yes
Vice President Thomas - Yes
Councilor Holden - Yes
President Kemp - Yes
Councilor Byrne - Yes
Councilor Robinson Howell - Yes
Councilor McDonald - Yes

The Motion carried 7-0.

Mayor Butler summarized the Police Chief's written report and stated she is working with the Chief to reduce the miles driven on police vehicles. She also said the police are always on the job even when we are sleeping. In addition, she read a letter commending the police department for their help with a couple trapped outside their car.

Mayor Butler apologized for losing her temper and walking out at the last meeting. She stated Council needs to hire a Borough Manager.

Councilor Holden stated that he has been having problems with 911 dispatch and asked how to fix the problem. The Police Chief said to write a letter being very specific about the problem. If there are unprofessional dispatchers, he will contact the Chief's Association.

President's Report

President Kemp announced that Elm Street project funding was approved for a three year project addressing blight near Union Avenue, as well as storm water management and neighborhood beautification. He stated the Borough is working hard to get block grants - \$50,000 towards Administration and \$249,500 for Implementation. Steve Travers stated the money can be used for many infrastructure benefits.

Mayor Butler asked who will be implementing the project. The Elm Street manager has been hired and they are looking for neighbors to serve on the Board.

President Kemp reported a newsletter has been distributed regarding snow removal in the Borough. It is the resident's responsibility to clear the snow from his/her sidewalk and driveway, and not to reserve parking spaces. Steve Travers stated the article explains why the snow needs to be removed and that residents are not permitted to leave things in the street to reserve spaces. He also stated the newsletter explains that residents should shovel around fire hydrants, but are not permitted to throw snow into the street. There are programs to help seniors with snow removal.

President Kemp reported that people need to be aware that during snow emergency events declared by the Borough, cars are ticketed if parked on snow emergency streets.

Carl Ewald reported that Borough ordinances forbid people from throwing snow back into the street or putting articles of furniture or debris into the street. There is a potential fine of up to \$300. It may be tempting to try to reserve a space, but those spaces are open to anyone.

Councilor Holden asked how to enforce this ordinance. He inquired if the Borough can confiscate furniture left in the street. Mr. Ewald stated that those articles could be collected and the owner ticketed.

Councilor Stinson asked about the vacant homes. Mr. Travers stated the owners get cited for non-shoveled sidewalks. If someone slips and falls, they can call the Borough and ask about the owner of record.

Council discussed hiring a public relations professional to support Flag Day. Councilor Stinson requested the hiring of a public relations specialist. Councilor Holden stated he did not believe the expense was worth it. Mayor Butler also did not agree with hiring a public relations specialist. President Kemp stated a PR person may help promote events. He asked if anyone had a motion. No motion was offered.

President Kemp stated a Utility Fair is planned for February to teach residents ways of saving money.

Engineer's Report – The Engineer reported that the Blunston Road Interceptor work is near completion and there are only minor cleanup issues such as work verification.

The Cobbs Creek Interceptor and the Sewer lining projects still have no progress. The Borough will terminate the contract or take other appropriate measures. The Borough has not paid for any incomplete work.

Mr. Frey reported that the 2011 Road Restoration project is now in the process of identifying roads and specifications for the 2011 bid.

The Mayor asked who hired the contractor that needs to be terminated. Attorney Ewald reported it goes to the lowest bidder. Mr. Frey stated this is a new procedure and the Borough does not have past history for evaluation purposes.

Councilor Holden requested the Engineer to withdraw the request for a 2% increase in 2011 to the billing rates. Mr. Frey will discuss with his supervisor.

Treasurer's Report - No report.

Tax Collector's Report – The tax collector was not present. No report.

Finance Committee – Vice President Thomas presented the Accounts Payable. President Kemp stated the pages should be numbered. Council discussed the high cost of animal control since the SPCA sends the bill to Yeadon if animal control picks it up in Yeadon or if a resident says the animal is from Yeadon when dropped off. The Borough will need another solution for animal control because the SPCA is closing the shelter in July.

Motion – Vice President Thomas made a motion that "Borough Council approve the accounts payable through January 18, 2011." Councilor Holden seconded the motion. There was no discussion. A roll call vote was taken.

Councilor Stinson - Yes
Vice President Thomas - Yes
Councilor Holden - Yes
President Kemp - Yes
Councilor Byrne - Yes
Councilor Robinson Howell - Yes

Councilor McDonald - Yes

The Motion carried 7-0.

Vice President Thomas reminded residents to file for Earned Income Tax. There are copies of the form in the lobby. The EIT kept the Borough from raising property taxes, and sewer or trash fees.

Code Enforcement – There is a handicapped parking spot for review at 872 Rundale Avenue. The applicant has multiple sclerosis, and the house has 11 steps in the back and only 3 in the front.

Motion – Councilor McDonald made a motion that "Borough Council approve the application for a handicapped parking space." Councilor Byrne seconded the motion. Councilor McDonald asked if the spot is reserved only for that person. Any handicapped person can use the spot and collected fees are for the signs. A roll call vote was taken.

Councilor Stinson - Yes

Vice President Thomas - Yes

Councilor Holden - Abstained

President Kemp - Yes

Councilor Byrne - Yes

Councilor Robinson-Howell - Yes

Councilor McDonald - Yes

The Motion carried 6-0.

Councilor Byrne explained the various developments happening in the Borough. The Carrols Florist building on Cedar and MacDade Blvd is being presented to the Planning Commission for a new Family Dollar store. Also, a contractor wants to build additional twin houses at the Myra Avenue site. A Planning Commission meeting is scheduled for February 9, 2011.

Public Works – Councilor Byrne stated the highway department has been very busy and the salt budget is spent for the year. The Borough will go over budget if it continues to snow. Councilor McDonald asked if small streets get salted. All streets are salted using eight trucks.

Public Safety – The meeting was postponed because of the weather. Councilor McDonald hopes residents are even tempered and do not fight over parking spots.

Recreation – A top notch stage production of *A Christmas Carol* was held.

Education – No report.

Library – Councilor Howell summarized Library events. There will be free tax preparation assistance for people making less than \$50,000 per year. Also, PECO will assist residents with their energy audits and a history book company wants to do a pictorial history of Yeadon.

The Mayor stated she will be working with Jeff Cabrell to promote a historical society in Yeadon and protect historical sites.

Yeadon Economic Development Corporation – President Kemp reported a few resumes are in this month's council packet for review.

Personnel – No report. The meeting has been moved to the third Wednesday of the month.

Search Committee – Interviews have been completed for the treasurer and solicitor positions. The treasurer has been hired.

Motion – John Holden made a Motion for the Borough to hire Theo Robinson as Borough Manager. There was no second.

Flag Day – No report.

Solicitor's Report – Two zoning ordinances are advertised: the Cell Tower Ordinance and the ZHB Ordinance. Cell Tower Ordinance establishes where towers are located. They are having setbacks and trying to adhere to construction standards. A hearing was opened and public comment was allowed. The Borough has to allow the use as a legal use to allocate where the tower can be allowed. By right, cell towers can be allowed on municipal owned property, or by special exception in the Industrial District, the Regional Commercial District and the Institutional District. They can also be allowed in enclosed areas in existing buildings like steeples and bell towers. The comment period was closed.

The solicitor and planning commission are recommending approval since it is required by the Supreme Court. Councilor McDonald asked if Council was designating locations and if there were any health consequences. Attorney Ewald responded this is the proposed ordinance and if the Borough does not pass it, the towers could be located anywhere.

Motion – Vice President Thomas made a motion that "Borough Council enact the Cell Tower Ordinance." Councilor Holden seconded the motion. There was no discussion. A roll call vote was taken.

Councilor Stinson - Yes
Vice President Thomas - Yes
Councilor Holden - Yes
President Kemp - Yes
Councilor Byrne- Yes

Councilor Robinson Howell - Yes
Councilor McDonald - Yes

The Motion carried 7-0.

The ZHB Ordinance needs to be amended to comply with the Municipalities Planning Code with reference to how the Zoning Hearing Board is organized. The amended ordinance will stagger the Board seats and appointments for empty seats for unexpired terms. The current ordinance is not in compliance with the MPC. A hearing was opened. No comment was given. The hearing was closed.

Motion – Councilor Holden made a motion that "Borough Council enact the ZHB Ordinance." Councilor Stinson seconded the motion. There was no discussion. A roll call vote was taken.

Councilor Stinson - Yes
Vice President Thomas - Yes
Councilor Holden - Yes
President Kemp - Yes
Councilor Byrne- Yes
Councilor Robinson Howell - Yes
Councilor McDonald - Yes

The Motion carried 7-0.

Attorney Ewald reported that AT&T is proposing to lease a portion of the Swim Club property for a cell tower. It will pay \$1,600 per month. The original offer was \$1,200 and the negotiations raised it to \$1,600. This is their best offer.

Motion – Councilor Holden made a motion that "Borough Council approve the contract to lease land to AT&T." Vice President Thomas seconded the motion. There was no discussion. A roll call vote was taken.

Councilor Stinson - Yes
Vice President Thomas - Yes
Councilor Holden - Yes
President Kemp - Yes
Councilor Byrne- Yes
Councilor Robinson Howell - Yes
Councilor McDonald - Yes

The Motion carried 7-0.

Attorney Ewald also explained the State of Pennsylvania is establishing overlay districts through the Airport Overlay Ordinance to prevent erection of a building so high as to interfere with flight patterns. Because of the distance from the airport, Yeadon

Borough will not be impacted too much. The planning commission must review the ordinance.

The Borough has been requested to allocate funds to send a delegate to the USTA community development workshop.

Motion – Councilor Holden made a motion that “Borough Council approve the funds to send a delegate to the workshop.” Councilor Stinson seconded the motion. Councilor McDonald asked to table the Motion. President Kemp stated that USTA would reimburse. A roll call vote was taken.

Councilor Stinson - Yes
Vice President Thomas - Yes
Councilor Holden - Yes
President Kemp - Yes
Councilor Byrne- Yes
Councilor Robinson Howell - Yes
Councilor McDonald - No

The Motion carried 6-1.

Attorney Ewald reported the insurance company has agreed tentatively to a settlement of litigation.

Motion – Councilor McDonald made a motion that “Borough Council approve the settlement as recommended by the insurance carrier.” Councilor Stinson seconded the motion. There was no discussion. A roll call vote was taken.

Councilor Stinson - Yes
Vice President Thomas - Yes
Councilor Holden - Yes
President Kemp - Yes
Councilor Byrne- Yes
Councilor Robinson Howell - Yes
Councilor McDonald - Yes

The Motion carried 7-0.

The Public Works Pension Board has requested that the Borough increase the contribution to the public works pension fund at the rate of eight cents per hour in 2012 and nine cents per hour in 2013.

Motion – Councilor McDonald made a motion that “Borough Council increase the contribution to Public Works pension fund at the rate of eight cents per hour in 2012 and nine cents per hour in 2013.” Councilor Byrne seconded the motion. Vice President Thomas asked if it was previously negotiated. A roll call vote was taken.

Councilor Stinson - Yes
Vice President Thomas - Abstain
Councilor Holden - Abstain
President Kemp - Yes
Councilor Byrne- Yes
Councilor Robinson Howell - Yes
Councilor McDonald - Yes

The Motion carried 5-0.

There will be a Zoning hearing for the Family Dollar land development regarding the width of the driveway, and to allow larger signs than ordinance standards. Borough Council has to decide whether to oppose the variance requests. Councilor Holden asked if it can be tabled.

Attorney Ewald stated the Solicitor's Office is recommending the Borough to update the zoning ordinance to protect the Borough because the current ordinance is outdated. The Solicitor's office questioned Council about pursuing the update that was abandoned in a prior administration or start a new update. Councilor Holden stated he needs more time.

New Business – No new business.

Public Comment – Public comment was opened.

Clara Johnson stated they need to appoint a Borough Manager. Also, she wanted to know why Council had two Christmas trees. President Kemp stated this was answered at the beginning of the meeting.

Gaynelle Lewis stated that parking space savers must be removed. She believes Yeadon Avenue needs to be added to the Snow Emergency Routes. Also, she asked how a snow emergency is declared.

Mr. Travers stated that a press release is issued to all newspapers, and TV and radio stations. The information is on the Borough station as well.

Maxine Brown stated to put in the newspaper that parking space savers are illegal. Mrs. Graham stated the Borough should not have two trees lit for Christmas.

Tina Osinupebi says the Borough needs to appoint a Borough Manager. President Kemp stated the new Borough Council started in January 2010. They established a search committee in March and resumes have been reviewed. Borough Council asked for more time to review resumes in November 2011. When they voted in December, none of the candidates could get a majority. The process started over again. He said new resumes are being received and he hopes the position will be filled soon.

Tina Osinupebi asked how decisions are made. President Kemp stated a vote was taken in August to dismiss the interim Borough Manager. The department heads have been dividing those responsibilities.

Councilor Holden left the meeting.

Tina Osinupebi stated the lights near the train station are dim. She feels they need to be upgraded on Myra, Fern and Rose streets. She has to drive because she does not feel safe walking.

Reverend Trevor Woolridge, Pastor of Mt. Sinai Church stated his members are worried that the Borough will need the State to take over the local government because there is no Borough Manager. Also, he asked whether the settlement information is available. Attorney Ewald stated the lawsuit settlement is public record, and if he comes in to request the document, he can review it.

Rev. Woolridge stated the purpose needs to be identified. Attorney Ewald stated there was a lawsuit that alleged the Borough discriminated against an employee. The Borough's insurance company agreed to pay the settlement. It does not admit liability.

Attorney Ewald also stated there is absolutely no risk of the Borough being taken over by the State. He said department heads are temporarily handling Borough Manager's duties, and also respond to emergencies in their segment.

Councilor John Holden returned at 10:34pm.

Donna Samuel asked when the phone alert system will be running again. Councilor McDonald stated the Borough was only having problems with the computer and it will be back up.

John Holden asked if citizens have access to the Minutes. Attorney Ewald stated the minutes are public record once approved.

There were no other matters on the agenda. Councilor McDonald moved that the meeting be adjourned. Councilor Stinson seconded. The meeting was adjourned at 10:38PM by unanimous vote.

Respectfully Submitted,



Donna Turner
Borough Secretary