

**BOROUGH OF YEADON
REGULAR MEETING
FEBRUARY 16, 2012
7:32 P.M.**

CALL TO ORDER

John Holden, Council President, called the meeting to order and led the Pledge of Allegiance.

ROLL CALL

John Holden, President	Present
Denise Stinson, Vice President	Present
Rosalind Johnson	Present
Asher Kemp, Jr.	Present
Deborah Robinson-Howell	Present
Gracie Snead	Present
Nelva Wright	Present
Dolores Jones-Butler, Mayor	Present
Caren Andrews, Manager	Present
Carl Ewald, Solicitor	Present, left early after the second series of Citizen Forums

President Holden announced there was no Executive Session held tonight.

PROCLAMATION FOR JULIUS GRANT, HONORARY MEMBER OF THE TUSKAGEE AIRMEN

Vice President Stinson read the proclamation. Photos were taken. Mr. Julius Grant thanked Council and the Mayor. Mr. Grant gave an introduction regarding the Tuskagee Airmen organization.

CITIZEN'S FORUM

Penny McDonald expressed her displeasure in not allowing the State Representative to set up office hours for constituent services. She said many of the services this time of the year pertain to tax and property rebate forms for seniors. Ms. McDonald asked when the vote was taken to disallow this service. President Holden said there was no vote.

MOTION: Council made a motion to amend the agenda under the President's report to consider waiving the fee for the use of Borough Hall for constituent services by the local State Representative and State Senator.

Councilor Johnson stated we have a hall rental fee policy. Councilor Kemp said there is a three tiered fee structure. Councilor Kemp said this will fall under the community organization fee. Councilor Johnson asked if there were ramifications when another organization asks for the same waiver. Councilor Wright thanked Ms. MacDonald and stated she welcomes this service in Borough Hall.

Motioned By: Councilor Kemp
Seconded By: Councilor Wright

The motion passed 6 to 1. Councilor Snead voted no.

Ms. MacDonald expressed concern about decisions being made without a vote. She asked when it was voted on to remove the videographer.

MINUTES

President Holden called for a motion to accept the December 15, 2011 minutes.

Motion: Council to accept the minutes of December 15, 2011.

Motioned By: Councilor Wright
Seconded By: Councilor Robinson-Howell

Councilor Johnson stated she was not on Council at the December 15th meeting but noticed an error on page 4, the sentence with the auditor's engagement letter for 2011. Councilor Johnson asked if it was Year 2012. Ms. Andrews stated it was a typographical error and will make the correction. Councilor Kemp asked to capitalize RFP on page 5.

Amended Motion: Council to amend the Motion to accept the minutes of December 15, 2011 with correcting Page 4, Auditing engagement letter to read Year 2012 and page 5, capitalize RFP.

Motioned By: Councilor Wright
Seconded By: Councilor Robinson-Howell

The motion passed 4 to 0 with 3 abstentions. Councilor Snead, Councilor Johnson, and Councilor Wright abstained because they were not on Council in December 2011.

Motion: Council to accept the minutes of January 3, 2012 Reorganization Meeting

Motioned By: Councilor Robinson-Howell
Seconded By: Councilor Wright

Councilor Kemp asked that the word aye be replaced with the word yes and the word nay be replaced with the word no. Everyone agreed.

The motion passed 7 to 0.

MAYOR'S REPORT

Mayor Jones-Butler announced that Congressman Brady will be in Yeadon Borough at a local restaurant doing a breakfast radio program on WURD on February 27, 2012.

Chief Molineux read the police report for the month of January 2012. Chief Molineux announced the arrest of a suspect in the July 8, 2008 murder of a long term resident.

The Mayor said the Borough is recruiting for a part time female police officer.

The Mayor announced the Delaware County Firemens Association is awarding posthumously to William "Bill" Neil the Harry Maitland Lifetime Achievement Award.

Councilor Johnson asked for the 2010 Bond Issue project analysis of what has been completed, what remains open, and a reporting on the funds. President Holden agreed this information is a priority. He has spoken to the staff. This is a complicated assignment because the previous staff has left inadequate historical data. Ms. Andrews handed out the analysis of the general obligation component. Ms. Andrews stated there is more to follow from the Finance Director.

PRESIDENT'S REPORT

Councilor Kemp stated the President's Report was amended to allow for a motion regarding constituent services. Mr. Ewald defined the motion to read as a waiver of hall rental fees for elected officials to perform constituent services in Borough Hall.

President Holden asked for a motion.

Motion: Council to waive hall rental fees for elected officials to perform constituent services in Borough Hall.

Motioned By: Councilor Wright

Seconded By: Councilor Kemp

The motion passed 6 to 1. Councilor Snead voted no.

ENGINEER'S REPORT

Ms. Mulvena asked for a motion to adopt the Year 2012 County Aid application.

Motion: Council to adopt the Year 2012 County Aid application in the amount of \$ 12,353.

Motioned By: Vice President Stinson

Seconded By: Councilor Kemp

The motion passed 7 to 0.

Ms. Mulvena said the Chapter 94 report regarding wastewater was filed with the Department of Environmental Protection. The Borough is working on the MS4 Stormwater application for permit renewal.

Ms. Mulvena explained the ordinary street and sewer maintenance contracts and requested a motion to proceed to advertise.

Motion: Council to advertise the street and sewer maintenance annual contract.

Motioned By: Councilor Johnson
Seconded By: Councilor Robinson-Howell

The motion passed 7 to 0.

Ms. Mulvena asked Council to authorize the Borough Engineer to represent Yeadon Borough as a member of the steering committee for the Eastern Delaware County DELCORA project. NDI Engineering will split the costs among their impacted municipal clients.

Motion: Council to have NDI Engineering represent Yeadon Borough as a member of the steering committee for the Eastern Delaware County DELCORA project.

Motioned By: Councilor Johnson
Seconded By: Councilor Wright

The motion passed 7 to 0.

Ms. Mulvena announced there is a free seminar for landscaping professionals called Caring for Managed Open Spaces on March 7th. This seminar qualifies for the MS4 mandates. Ms. Mulvena read aloud the storm water tip of the month which focused on the application of weed control.

Councilor Johnson asked if any community has done an audit on the metering fees for the sanitary sewer flow. Councilor Johnson asked if our sewer fees were reasonable.

BOROUGH MANAGER'S REPORT – No report

TREASURER'S REPORT

There was no report because the document needs to be revisited by the Treasurer. It was agreed to recess to February 23, 2012 at 6 pm to review the Treasurer's report.

TAX COLLECTOR'S REPORT – No report

FINANCE COMMITTEE REPORT

President Holden asked for a motion for the A/P List of February 16, 2012.

Councilor Johnson stated there is not enough transparency in the prepaid bills list. President Holden asked for suggestions. Councilor Johnson had concerns about receiving tonight the Tax Collector's report.

Motion: Council to approve A/P List of February 16, 2012.

Motioned By: Councilor Wright
Seconded By: Councilor Robinson-Howell

The motion passed 6 to 1. Councilor Johnson voted no.

COMMITTEE AND PROFESSIONAL SERVICES REPORTS

- A. Code Enforcement and Planning – No Report
- B. Recreation – Vice President Stinson read the recreation report. Councilor Stinson will follow-up on getting more information on the bleacher grant for Community Park.
- C. Education – No report
- D. Library – Councilor Robinson-Howell read the report. Councilor Johnson spoke about the recent confrontations provoked by some public high school students at the library. Councilor Johnson asked the Library and Education Committees to partner with the School District in developing prevention strategies. Councilor Robinson-Howell said the parents must get involved.
- E. Yeadon Economic Development Corp (YEDC) – Councilor Kemp announced the YEDC adopted their vision and mission statement. Councilor Kemp said the YEDC is preparing a Quality of Life survey. This survey will be circulated to the community. President Holden recognized the members of the YEDC.
- F. Flag Day – No report

SOLICITOR'S REPORT

Mr. Ewald reviewed the memorandum on what constitutes a public document. Mr. Ewald said deliberations about Borough topics must not occur through email because this is a violation of the Sunshine Act. Recently the Pennsylvania Supreme Court found that personal email accounts involving Borough business are considered a public document.

Mr. Ewald stated in November 2010 the Borough Council approved entering into the Elm Street grant program and partner with Lansdowne Borough. The State had funded a \$ 250,000 grant. The grant required the passage of an ordinance. At that time the draft ordinance was developed by the Solicitor but not acted upon by Council. The Solicitor asked for a motion to advertise the Elm Street Intergovernmental Agreement ordinance.

Motion: Borough Council to authorize the advertisement of the Elm Street Intergovernmental Agreement ordinance for the March public meeting.

Motioned By: Councilor Kemp
Seconded By: Councilor Wright

The motion passed 7 to 0.

Mr. Ewald described the property abatement program. If this service is to continue in Year 2012 a request for proposal (RFP) must be developed with bids being solicited. Mr. Ewald asked that Council direct the Code Department to develop the guidelines for the property abatement program and draft the RFP.

Motion: Borough Council to direct the Code Director to prepare the RFP documents for the Property Abatement Program.

Motioned By: Councilor Kemp

Seconded By: Councilor Robinson-Howell

Someone posed a question about property upkeep. Mr. Ewald stated the Borough has a Property Maintenance Code that establishes minimum property and housing standards.

Councilor Johnson spoke about Act 92 and the changes to the bidding thresholds. She asked if the activity is going to exceed the new bid threshold of \$ 18,500. Mr. Ewald said that is possible.

Councilor Snead questioned the Robert Jarrell invoices. President Holden stated this matter is being reviewed.

Mayor Jones-Butler asked if the abatement program was done in Year 2011. Mr. Ewald said yes. Mayor Jones-Butler asked if liens were filed. Mr. Ewald said yes. Mr. Ewald explained the lien process and the recovery of the property abatement charges by the mortgage companies and property owners.

President Holden called for a roll call vote. The motion passed 7 to 0.

Mr. Ewald announced that a coalition of municipalities have formed to oppose the fracking bill passed this week by the State legislature. The fracking bill strips from municipalities the ability to zone their own municipality for the extraction of natural gas. This takes away the local control of zoning on this issue. The coalition has asked for Yeadon Borough to participate as a plaintiff under the proviso that the Borough will not be responsible for financing the legal battle.

Motion: Borough Council agrees to join the fracking coalition to prohibit the State from taking zoning rights away from the local government. There will be no cost to the Borough.

Motioned By: Councilor Wright

Seconded By: Councilor Kemp

The motion passed 7 to 0.

Mr. Ewald reviewed the Tom Josiah, Financial Consultant, contract. Mr. Josiah agreed to all of the January changes proposed by Council. At the February workshop meeting Council asked that an indemnity clause be inserted into the contract. Mr. Josiah was not comfortable with the indemnity language.

President Holden asked if Mr. Josiah was a CPA. Mr. Ewald said yes. Mr. Ewald said they are subject to malpractice actions. President Holden asked for a motion

Motion: Borough Council hire Tom Josiah and his firm to provide financial consultant services on the Year 2011 audit.

Motioned By: Councilor Wright

Seconded By: Councilor Robinson-Howell

Councilor Johnson said we need to complete the audit. She said Mr. Josiah has been serving the Borough for a substantial time. Councilor Johnson said in future years, if this service is needed, the Borough must look for someone else.

The motion passed 7 to 0.

Councilor Kemp asked to have the Solicitor attend the Workshop meetings.

Motion: Borough Council authorizes the Solicitor to attend the Workshop meetings.

Motioned By: Councilor Kemp

Seconded By: Councilor Wright

Councilor Johnson said funds are tight. Councilor Kemp said some actions that occurred at an earlier workshop meeting would not have taken place had the Solicitor been present. Councilor Kemp said the Borough must be kept safe as they move through the agenda items. Councilor Johnson asked to table the motion because the financial reports are not available as of tonight's meeting.

President Holden called for a roll call vote. The motion passed 5 to 2. Councilor Snead and Councilor Johnson said no.

OLD BUSINESS

President Holden introduced the renovations to the Police Station renovations. President Holden asked for a motion.

Motion: Borough Council to move on the Police Station Renovations.

Motioned By: Vice President Stinson

Seconded By: Councilor Robinson-Howell

Councilor Snead asked about funding. President Holden said the resources are coming from the 2010 Bond issue. Chief Molineux said the proposed renovations include enlarging the patrol room, adding security cameras, upgrading the furniture, and replacing the technology. The Chief said in addition to the \$ 97,000 set aside in the Bond Issue there is \$ 50,000 from a DCED grant acquired by the Mayor, and a County grant in the \$ 15,000. The majority of the work will be done with in-house staff.

President Holden called for a roll call vote. Councilor Snead said yes if the Borough stays within the defined funding. Councilor Johnson asked if the motion assigned a cost value.

Amended Motion: Borough Council to amend the motion to approve the renovations to the Police Station at a cost not to exceed \$ 160,000. The monies defined by the Chief are to be used solely for this project and no other purpose.

Motioned By: Councilor Wright
Seconded By: Vice President Stinson

President Holden called for a roll call vote. The motion passed 6 to 1. Councilor Kemp stated this is a critical project for functioning in the new millennium. Councilor Johnson said there needs to be an accounting for the 2010 Bond Issue to confirm the funds are available for this project. President Holden said funds are available.

President Holden asked Vice President Stinson to announce the Council Committee assignments as follows:

1. Recreation – Chair Stinson, Vice Chair Holden, and Snead. First Thursday at 7 pm.
2. Code Department – Chair Holden, Vice Chair Wright, and Kemp. Second Tuesday at 7 pm.
3. Education – Chair Stinson. Third Tuesday at 7 pm.
4. Finance – Chair Wright, Vice Chair Robinson-Howell, and Holden. Tuesday before the Council meeting at 6:30 pm.
5. Public Safety – Chair Wright, Vice Chair Stinson, and Holden. First Tuesday at 1 pm.
6. Elm Street – Liaison Kemp, Alternate Liaison Holden, and Snead. First Tuesday at 6:30 pm.
7. Public Works – Chair Holden, Vice Chair Kemp, and Wright. Second Tuesday at 6 pm.
8. Library – Chair Robinson-Howell, Vice Chair Stinson, and Kemp. Fourth Thursday at 7 pm.
9. YEDC – Liaison Kemp, Alternate Liaison Wright, and Holden. Every three weeks on Tuesday at 7 pm.
10. Personnel and Search – Chair Wright, Vice Chair Johnson, and Stinson. As needed.

President Holden directed the Borough Manager to advertise the committees and make this list available to the public.

Councilor Johnson said she gave a list of residents interested in volunteering to serve on the committees to Council. She asked if there was a process in place to notify them. Vice President Stinson stated she will be in contact with the residents.

Councilor Kemp announced there is a vacancy on the Zoning Hearing Board.

Councilor Kemp said in order to continue this year's Summer Youth Employment Program Borough Council will need to develop a fundraising program.

NEW BUSINESS

President Holden introduced the motion to refund the civil service testing fees and asked the Chief to provide more detail. Chief Molineux stated that in November 2011 Council approved moving forward on the testing process for two new police officers. The candidates were required to submit a \$ 50 fee with their application. In the 2012 Budget there is no funding for the two new police officers. The Chief recommended the application fee be returned to the candidates with a letter of appreciation.

Motion: Borough Council to refund the \$ 50 application fee submitted by the candidates who registered for the Police Officer Civil Service Test.

Motioned By: Councilor Johnson

Seconded By: Councilor Robinson-Howell

The motion passed 7 to 0.

CITIZEN'S FORUM

President Holden noticed there were four citizens who wanted to speak from the 900 block of MacDade Boulevard on the subject of parking along the snow emergency route. Since it was late President Holden asked if this could be consolidated into a couple of spokespeople. They said yes.

Donna Hammond Little spoke about a recent community letter received regarding the snow emergency route. She said the citizens in the 900 block of MacDade Boulevard do not have any place to park their vehicles. She understands an alternate location is the municipal parking lots. Ms. Hammond Little works nighttime hours and finds this alternative unsafe.

Linda Ricketts spoke on prohibiting parking along the snow emergency route at the 900 block of MacDade Boulevard. Ms. Ricketts asked what constitutes a snow emergency. She said the Borough does not clear the rear alleys. Where do the seniors and disabled citizens park their vehicles? Ms. Ricketts stated this has been a concern within the last two years due to the enforcement of this law.

President Holden said he directed the Code Department to prepare and distribute the snow information in order to educate the public. President Holden asked that this get addressed at a Code Committee meeting.

Jacquelynn Puriefoy-Brinkley spoke on behalf of the Fellowship of the Doers (Doers). They are concerned about the business district on Church Lane and in particular the beer distributor. Their concerns center around the wrong messages being communicated to the youth and posted signs in violation of the Code. The Doers wrote a letter to the business owner. There has been improvement. The most offensive sign was not removed. Council President Holden said the property owner is taking the position this sign was grandfathered. Mr. Travers is researching this issue. Ms. Puriefoy-Brinkley said the signs are not grandfathered and are illegal.

Dr. Carolina Harris spoke on the Elm Street Project. She distributed to Councilor an information packet. The budget taskforce wants to meet with Council to discuss this project. She is appalled that Council signed an agreement without an ordinance but put into effect this grant. Yeadon had very little involvement in the Elm Street project. Dr. Harris is concerned about spending. She said the bills list must be structured by department. She stated if the Borough does not take control of its financial system the State is coming in. Dr. Harris asked when the Borough will get a new Solicitor.

Terry McGirth said the Zoning Hearing Board approved the laundromat use for the old Rite Aid property on Church Lane. Mr. McGirth said the community and Borough Council did not want

this laundromat. People spoke out from the audience. President Holden said there was no ordinance prohibiting this use. Ms. Puriefoy-Brinkley asked about the status of the proposed Year 2005 Zoning Ordinance. President Holden said he did not know. Mr. McGirth asked with the Borough funded projects can Council hire minority contractors and laborers. President Holden agrees, if it is legal. Mr. McGirth asked about why the meeting is not being videotaped. Ms. Andrews said in her tenure the system has not been operational. Councilor Johnson said in the past Comcast did the videotaping. President Holden said we are looking at alternatives.

Mr. Ewald left the meeting and did not return.

President Holden asked for a five minute recess. There was no response. President Holden said Council wants to discuss one more matter. He asked for a motion.

Motion: Appoint Michael Puppio Jr. as the Borough Solicitor.

Motioned By: Councilor Robinson-Howell

Seconded By: Councilor Wright

Councilor Johnson said the Council as a full group had not been given an opportunity to review the candidates. President Holden said there was a meeting with Vice President Stinson, Councilor Wright, and Councilor Johnson. Councilor Johnson said there was no meeting. Vice President Stinson said the meeting was held this past Tuesday. Councilor Johnson said the meeting lasted ten minutes with no discussion about the Solicitor.

President Holden called for a roll call vote. The motion passed 4 to 3. Councilor Snead, Councilor Johnson, and Councilor Kemp voted no. Councilor Johnson objected to the lack of the interview process. Councilor Kemp casted a no vote because of the selection process. Councilor Kemp noted this is the same process as was followed with the recent Borough Engineer appointment.

ADJOURNMENT

President Holden called for a motion to adjourn at 11:15 pm.

Motioned By: Councilor Wright

Seconded By: Councilor Robinson-Howell

Respectfully Submitted,



Caren Andrews
Borough Manager/Secretary