

July 19th, 2006
Borough Council Meeting

In Attendance:

H. Paul Fitzpatrick
Steve Bond
Sue Bayne
Holly Brown
Chuck Christy
Carolyn Comitta
Scott Smith
Mayor Dick Yoder

Mr. Fitzpatrick called the meeting to order at 7:00 pm and Ms. Comitta led those in attendance in the pledge of allegiance.

Mayor Yoder stated West Chester has a wonderful, professional Police Department and this is a special time allowed for the awarding of individual commendations to a number of Police Officers.

Mayor Yoder called Police Chief Bohn to make the presentations.

Chief Scott Bohn reported that commendations are being awarded to Officers, Gotthold, Whiteside, O'Hare, Heidelbaugh and O'Neill along with dispatcher Widmeyer for a May 29, 2006 incident that involved shots fired between rival youths from West Chester and Coatesville. There was a pursuit to Coatesville and arrest of the perpetrators due to the alert response and good police work by these Officers and their Dispatcher. Also receiving a commendation is Sgt. Marty Deighan who could not be here this evening.

Mayor Yoder assisted by Mr. Fitzpatrick and Chief Bohn presented commendations to the Officers.

Chief Bohn relayed the details of another incident from January 25, 2006 involving an armed robbery of two individuals and thanks to the quick response of Det. McFarlane and Sgt. DeShullo the perpetrators were arrested and a weapon was recovered. Both Officer McFarlane and DeShullo are to be presented with a commendation.

Commendations were presented by Mayor Yoder assisted by Mr. Fitzpatrick and Mr. Bond.

Chief Bohn then called forward Officer Harry O'Neill for a commendation for a January 24, 2006 event at Henderson High School where there was a large fight, 70 - 100 people involved with shots fired in the parking lot. Officer O'Neill observed the armed individual and was able to take the subject into custody without injury or further use of force exercising discretion and professionalism.

Mayor Yoder assisted by Mr. Fitzpatrick and Mr. Bond presented the commendation to Officer O'Neill.

Chief Bohn called forward Stan Billie and relayed that Sgt. Morehead received a request for assistance from the Birmingham Police on April 4th, 2006 and responded along with other members of the Emergency Response Team. Officer Billie conducted in a 2 ½ hour negotiation that resulted in the subject being arrested without the use of force. Officer Billie is being awarded a commendation for his professional conduct.

Mayor Yoder assisted by Mr. Fitzpatrick and Mr. Bond presented the commendation to Officer Billie.

Mayor Yoder summarized this is sometimes dangerous work and on behalf of all the residents he would like to say that the work done by the West Chester Police Department is appreciated.

Mr. Fitzpatrick opened the public hearing on proposed Ordinance #10-2006 granting Verizon a television franchise agreement as negotiated and recommended by the West Chester Area Council of Governments.

Mr. Fitzpatrick introduced Michael Gill from the Borough's Solicitors office. Mr. Gill introduced Exhibits C-01 - the notice to the Daily Local News, C-02 - proof of publication, C-03 - correspondence to the Daily Local News confirming the Ordinance is on file for public inspection and C-04 - correspondence to the Chester County Law Library confirming the Ordinance is on file for public inspection.

Mr. Gill summarized the agreement with Verizon as negotiated by the West Chester Council of Governments and noted that three municipalities have already approved the agreement so West Chester will be the fourth out of six to act.

The agreement grants Verizon the right to sell cable television in West Chester in accord with the federal telecommunications act.

Mr. Gill concluded that the COG has worked well with Verizon representatives including Stan Shuck, Chad McCauley and Ann Broder. The agreement is a 10 year agreement with an automatic renewal for 5 years. It includes a 5% franchise fee and PEG provisions that can be implemented with other COG members.

Holly Brown asked if there were limited hours for PEG programming.

Mr. Gill explained there is a minimum number of hours of original PEG programming consisting of 8 hours a week in order to implement and use the channel that Verizon has to reserve for PEG programming.

Mr. Fitzpatrick asked if there were any public comments.

Joe Norley, 327 S. Walnut Street asked if this would allow Council to televise Council meetings.

Mr. Gill replied that if the COG members elect to implement the PEG channel programming could include municipal meetings.

Mr. Fitzpatrick asked if there were any more comments; there being none the hearing was closed.

Ms. Bayne moved to adopt proposed Ordinance #10-2006, motion was seconded by Mr. Christy.

Mr. Bond asked if there was any cost to the Borough.

Mr. Gill replied there is no initial cost to the Borough only the cost of negotiating the agreement itself.

Mr. Fitzpatrick noted there is a list of municipal buildings and schools that are slated for free cable service and Verizon has worked very hard with the Borough and COG to arrive at a fair and equitable agreement.

Mr. Christy stated he is glad to see competition come to the world of cable tv.

Mr. Fitzpatrick noted that Stan Shuck from Verizon is here this evening and asked if he had any comments.

Mr. Shuck stated that Verizon is delighted to be able to serve West Chester and that other COG communities and are working hard all across the state to negotiate

new television agreements. He stated they are pleased and honored to have the agreement with West Chester Borough and thanked Council for the support.

Considered by Roll Call Vote: Mr. Smith - yes; Ms. Comitta - yes; Mr. Christy - yes; Ms. Brown - yes; Ms. Bayne - yes; Mr. Bond - Yes, Mr. Fitzpatrick - yes - motion approved 7-0.

Mr. Fitzpatrick noted the next item is to have been a public hearing on the conditional use application by Society Hill Club Inc., to utilize the height option at 129 W. Market Street however the applicant has requested and offered an indefinite continuance for the hearing while they await a Zoning Hearing Board decision so unless there is any objection by Council the continuance will be granted.

Mayor Yoder reported he and Chief Scott Bohn met with representatives of the East End Neighborhood Association to discuss creating a Neighborhood Watch Program and is very excited this partnership with local residents to discourage crime is being discussed. He stated it helps neighbors from becoming victims and empowers citizens.

Mr. Smith stated he was glad for the commendations to Police officers and appreciated the work the Police Department does on behalf of residents.

Ms. Comitta agreed with Mr. Smith's comments about the Police Department and while it is nice to hear about heroic events by the Police Department, the Officers also do the many more mundane duties. She recalled an excellent experience with Officer Gotthold when he was the DARE teacher at Hillsdale.

Mr. Christy stated on a sad note he would like to remark the passing of Roz Abrahms and Doctor Naidu, both of whom will be missed in the community. And he thanked all for attending the development proposals meeting on Thursday.

Ms. Brown thanked the Police Department for the work they do on behalf of residents and recognized the department has a tremendous job to handle particularly late at night. Secondly, she reported the Parks, Recreation Environmental Protection Committee is working on a voluntary smoke-free night initiative in West Chester and encouraged everyone to talk it up with restaurant owners. She noted 75% of the population does not smoke and they deserve one night smoke free.

Ms. Bayne thanked the Police Department for all of their good work and the Police and Public Works for their response over the last 24 hours following the severe storms that caused damage.

Mr. Bond stated he appreciated the support of Council for the East End Neighborhood Association initiatives, they have come a long way but still need plenty of additional help. He also noted the Police Department nips a lot of problems before they actually hurt residents but it helps to get everyone involved in solutions.

Mr. Fitzpatrick stated all residents depend on the Police Department and hopes that they are never taken for granted.

Secondly he reported the Turks Head Festival was an excellent event.

Finally Mr. Fitzpatrick he read a letter he received from the Pennsylvania Historic Museum Commission formally approving the Historic Boundary increase. This is significant for historic preservation in West Chester and also opens the possibility of additional grant opportunities.

Creighton Rabs, 222 N. New reported he got his power back around 5:00 am this morning from the previous evening and suggested West Chester needs more portable stop signs for events when the traffic signals are out.

Diane Horvath, West Union Street stated she did not like the new trash policy as she had several cans that were too large and her trash set out for weeks.

Mr. Christy noted that trash that has not been collected due to unapproved cans can be put in the appropriate size can for disposal or placed into the special bags that can be purchased at several locations.

Mike Henry, 112 W. Barnard Street stated he is doing some remodeling on his home and doesn't like the new trash policy because he can't get rid of construction materials.

Hariett (?), 316 N. Darlington Street stated she is opposed to the new regulations because she went to the expense a year ago of buying new cans with lids but now residents are limited to only two cans and have to buy bags for over that amount.

Josh Gruden, 108 Price Street stated he had cans that were too large and bought the right size cans so has no personal problem to present but is opposed to the trash that is sitting around and left at locations from non-compliance.

Mr. Christy stated that Council passed this matter late in 2005 and there was a 6-month lead for the regulations. He suggested that anyone with extra cans because

of the new regulations should use those cans to store the special blue bags that must be stored in cans until the day of collection. He noted the Recycling and Solid Waste Coordinator is looking into the possibility of a collection to recycle trash cans that residents no longer want. Trash that is sitting around should be reported to Codes Enforcement as that would be considered a violation.

Mike Henry, 112 W. Barnard stated the church at the corner of Church and Barnard is not taking care of their dumpster and it is a mess with all sorts of trash. He noted Codes Enforcement has been contacted but has not resolved the matter.

Ms. Brown noted the next Public Works Committee meeting where trash is discussed is August 7, 2006.

Council reviewed the bids received July 18, 2006 for street signs and Mosteller Garage roof repairs as follows:

Street Signs:

<u>Bidder</u>	<u>Bid</u>
Garden State Highway	\$20,520.78
Griffin Signs	No Bid
US Municipal Supply	No Bid
Keystone Sign	No Bid
Traffic & Safety Signs	No Bid
Hall Signs	\$23,153.68
Atlas Flasher & Supply	No Bid
Rocal Inc.	\$22,465.10

Mosteller Garage:

<u>Bidder</u>	<u>BasePrice</u>	<u>Alternate Bid</u>
Datum Restoration Inc.	\$145,208.00	\$146,350.00
Masonry Preservation Group.	\$142,895.00	\$51,020.00
Old Philadelphia Associates	\$76,134.00	\$103,540.00

Premier building Restoration	\$188,213.00	\$32,100.00
Shared Systems Technology Inc.	\$226,036.00	\$112,100.00
Structural Maintenance Systems	\$126,684.00	\$126,684.00

Ms. Bayne moved to award the bid for street signs to the low bidder, Garden State Signs and the bid for Mosteller Garage repairs to Old Philadelphia Associates as recommended by the Public Works Directions.

Motion was seconded by Mr. Smith.

Considered by Roll Call Vote: Mr. Smith - yes; Ms. Comitta - yes; Mr. Christy - yes; Ms. Brown - yes; Ms. Bayne - yes; Mr. Bond - Yes, Mr. Fitzpatrick - yes - motion approved 7-0.

Mr. Fitzpatrick noted the next item is to consider the request by the Brotherhood of West Chester Police to name the unnamed alley between the 700 blocks of S. Penn and S. Adams street for Sgt. Thomas Yarnall for his retirement after 40 years of service.

Ms. Bayne noted she spoke with some of the Officers as well as some neighbors and the suggestion for the alley is Yarnall Alley.

Ms. Bayne moved to propose an ordinance naming the alley between the 700 Block of S. Adams and S. Penn Yarnall Alley.

Motion was seconded by Mr. Christy.

Officer Andrew McFarlane stated the Brotherhood appreciated the action being taken as it is an honor for Sgt. Yarnall.

Considered by Roll Call Vote: Mr. Smith - yes; Ms. Comitta - yes; Mr. Christy - yes; Ms. Brown - yes; Ms. Bayne - yes; Mr. Bond - Yes, Mr. Fitzpatrick - yes - motion approved 7-0.

Mr. Fitzpatrick noted the next item is the consent agenda where all items will be considered together unless there is any request for separate consideration.

Ms. Bayne moved to approve the consent agenda items a-p as follows:

a.	Approve authorizing a Request For Qualifications and samples for a consultant to perform strategic planning.
b.	Accept the offer by CGI Communications to provide the Borough with video cuts to use on the web site in exchange for commercial video link buttons on the Borough site.
c.	Approve the Planning Zoning Business & Industrial Development Committee recommendation to authorize and support the grant request by the West Chester Railroad for funds to support track maintenance and upgrades.
d.	Accept the Planning Zoning Business & Industrial Development Committee recommendation to approve HARB recommendations regarding applications for Certificates of Appropriateness. <ol style="list-style-type: none"> 1. 223 W. Gay Street St Agnes, addition for elevator & lavatories - approve with conditions. 2. 9 N. Walnut Street Limoncello, sign & awning - approve as presented.
e.	Accept the Public Safety Committee recommendation to approve the Parade or Special Event permit application for the WCU Homecoming Parade - 9/30/06 subject to Police Department comment and conditions.
f.	Accept the Public Safety Committee recommendation to approve the request by the Police Chief to donate the old Sewer Camera Truck to Eastown Township for use by the West Chester Regional Emergency Response Team.
g.	Accept the Public Works Committee recommendation to approve the request for a driveway curb cut at 115 Magnolia Street that will require the elimination of an on street parking space.
h.	Accept the Public Works Committee recommendation to propose an ordinance as recommended by the Public Works Director and Borough Solicitor amending the trash ordinance to make that enforcement section consistent with the Nuisance Ordinance.
i.	Accept the Public Works Committee recommendation to approve an extension of the High Concrete Maintenance Contract for the Bicentennial Garage.
j.	Accept the Public Works Committee recommendation to approve the request by William Ferrier 521 Marshall Drive for reimbursement in the amount of \$7,645 for expenses he incurred in 2005 related to sewer line repairs that were discovered to actually be Borough sewer main line related subject to the appropriate release.
k.	Accept Parking Committee recommendation to designate a handicap parking space at 221 W. Biddle Street by 90-day order.
l.	Approval of the minutes of the Borough Council Meeting of June 28, 2006.
m.	Approve the request by Habitat for Humanity to use the Borough Seal on a ceremonial gift.
n.	Table the bids received July 18, 2006 for a West Chester Fire Department

	pumper engine.
o.	Approve accepting the resignation of Ann Mintz from the Business Improvement District Authority Board with regret.
p.	Authorize the Lamb McErlane firm to file for reconsideration of the Commonwealth Court panel decision as recommended in the ongoing rental permit fee litigation.

Motion was seconded by Mr. Christy.

Considered by Roll Call Vote: Mr. Smith - yes; Ms. Comitta - yes; Mr. Christy - yes; Ms. Brown - yes; Ms. Bayne - yes; Mr. Bond - Yes, Mr. Fitzpatrick - yes - motion approved 7-0.

Meeting adjourned 8:07 pm.