

April 17, 2006
7:00p.m.

The regular meeting of the Doylestown Borough Council was held on the above date at the above time in Council Chambers with the following members present: President John ("Chip") Thome, Vice President Lou White, Council Members Darrin M. Hoffman, Mark D. Double, Detlev Ansinn, Jr., Melissa Bond, David Bull, Lori Clipner, and Jennifer Corr, Also present were: Mayor Libby White, Borough Manager John H. Davis, Assistant Borough Manager/Zoning & Planning Director Philip Ehlinger, Lieutenant Mike Cummings, Borough Solicitor Charles T. McIlhinney, Borough Engineer Robert G. Solarz, and Code Enforcement Officer/Fire Marshal David Cell. Director of Finance Caroline Leiter was absent.

Mr. Thome said there was a full Council Agenda and he knows most of the people in the audience are here to participate in the Courthouse plan so they would put that first on the Agenda.

NEW BUSINESS

1.) Proposed Bucks County Justice Center Presentation

Mr. Thome gave the floor to Commissioner James Cawley for a presentation of, what Mr. Thome called, a concept plan. Commissioner Cawley said they would agree that the presentation is a concept plan. The plan involves specifically a new parking facility project to service the County Office Complex, both the existing administration facility and the new Justice Center. He thanked Mr. Thome, Borough Council, and staff for the excellent way in which they have been able to work cooperatively on this plan. He also wanted to recognize their staff in particular Dave Sanko for the work that he has done on this project. He believes they will continue to work as they have in a very, very cooperative fashion to try to arrive at a project that will not only serve the county's needs but will be in

fitting with the unique character of Doylestown Borough. They recognize that a project as large as this is going to have impacts on a community the size of Doylestown Borough. They want to continue their commitment to minimize those impacts as best they can. This is but another step on the long journey to the completion of this project.

At this time, Commissioner Cawley recognized the President Judge for the Court of Common Pleas in Bucks County Dave Heckler who was present. He also recognized Mr. Tom Hecker, the special counsel for Bucks County, who would go through the details of the project.

Mr. Hecker thanked Borough Council for giving them the opportunity this evening to make this presentation and allowing them, for the better part of last year and this year to date, to take advantage of a Borough staff and professionals in meeting with us and addressing answers to questions we had, helping us in ordinance interpretations, and generally supplying information that was essential to us in getting this concept plan to the point that it is this evening. The plan everyone is looking at is one of at least eight variations we have been working on in terms of the layout. It is a concept plan but one that we hope Borough Council will be comfortable with. We have put a lot of work into trying to address not only ordinance provisions but, as well, the practical needs of constructing this facility and the parking facilities that are going to be required to serve the people that will be employed there and the public who visit there.

The concept plan starts with the idea that the Justice Center facility has been placed there to accomplish a certain visibility/presence on Main Street. The size of the building is approximately 285,000 sq.ft. With that comes the need to address the parking that's related to it. In order to address parking concerns we have looked at the former Dairy Site which will be a four (4) story structure. As everyone is probably aware, there is a significant grade differential between the front of the building on Union Street and the back of the

building on Doyle Street. This parking structure would house approximately 1,160 parking spaces. In addition to the Parking Garage facility, there will be surface parking in the area of the existing Parking Garage. The surface parking in that area encompasses 232 spaces. The county, during this process, has made certain acquisitions of real estate in order to make this plan work. One of the acquisitions is the property located at 102 North Main Street, the former Power, Bowen Law Office, then Fox Rothschild. There are some 18 spaces behind that facility which can also be incorporated into the parking requirements. The parking facility that, over the years, has become known as VIP Parking at Broad and East Court Streets is proposed to have one deck added to it so we can increase the parking that is available on that parking facility to 162 spaces. In addition, over the years, the county has acquired, with the cooperation of the Borough, 15 parking spaces along Broad Street currently in use by the county. Thirty (30) parking spaces, that would be secure parking spaces, are planned to be incorporated under the Justice Center and would be assigned to judges, department heads, and row officers. As a result of all of this, we get approximately 1,617 parking spaces.

Mr. Hecker said, through this plan, they have tried to address some practical issues such as the proximity of the spaces to the use they serve and that is why they are looking at increasing the spaces at the former VIP Parking Lot. The concept of parking at this location by adding a deck works fairly well. On Court Street it will be at ground level. You really wouldn't notice a structure on Court Street. From the back, at Garden Alley, there would be one deck that is visible on top of a small parapet wall. From Court Street it will look like a flat surface area and in the back it will look like a single story facility.

Mr. Hecker said it is early and obviously, as we continue to go through this process and continue to work with the Borough, we are going to be addressing items such as architectural appearance, architectural amenities, lighting, landscaping, etc. but right now

we are at the stage where we think we have been able to locate buildings and locate parking in such a manner that the distribution of parking will work in a way to facilitate the various uses around it.

Mr. Hecker said this is a general overview of the concept plan. What happens next, from our perspective, if Council believes we can work with this concept plan, we will focus on the design of the Parking Garage first. Obviously, before we can remove the existing garage we have to have some place to park the people while we continue to use the existing facility. We are required for the Parking Garage for the Justice Center to submit a formal Land Development Application. That application will include very detailed engineering plans which will address all the requirements under the Borough's Zoning and Sub-Division Ordinance. Our hope is that after this evening we will be in a position to make the submission of that application some time in July of this year. That will begin the development process with regard to the garage. There is a lot of work that has to occur before we can actually submit the formal Land Development Plans for the Justice Center.

Mr. Thome said this Concept Plan did not just magically appear. Our very talented staff and the county's very talented staff have been working on concepts for quite a while. This concept plan, submitted tonight, is the result of many months and perhaps years of cooperative effort on behalf of the Borough and the Commissioners and the Judges. As Mr. Hecker said, this plan has not been submitted formally yet so Council tonight does not have anything to act upon. This process will formally begin soon. Every aspect of the project will go through every preliminary Land Development Plan Approval that everything goes through. The process will be open to the public. We invite everybody to come to the meetings and to participate. There are a lot of issues as Mr. Hecker said; traffic patterns, pedestrian patterns, architecture, engineering, stormwater management, etc.

In response to Ms. Nancy McHale of the Borough, Mr. Hecker said the Justice

Center would be approximately 285,000 sq. ft. The Borough Ordinance permits 7 stories. Right now we are looking at 4 to 5 stories in order to accommodate that 285,000 sq. ft. It is difficult to answer that until we get into the formal engineering.

Mr. Hecker said one of the big issues in terms of siting this facility, where it is located, is that this location gives the ability for future expansion without “upsetting the apple cart”. Logical expansion can go into the surface parking. That was very important to Judge Heckler and his concern for 20 - 30 years down the road for the courthouse.

Mr. Thome said the architecture/style is very, very important to the Borough. The Commissioners have retained, and he is not sure if it is for the full project, a company called HOK, an architectural firm, who he thinks have designed 100 or more courthouses throughout the country. Borough Council is satisfied that the Commissioners and the Judges are sensitive to the character of the Borough. The architecture is very important to them. He can assure those in the audience that the new courthouse will not be as imposing as the existing building.

In response to Councilperson Bond, Mr. Hecker said with regard to the number of employees parking in the building being proposed they looked at that issue as well as the requirements. The ordinance basically requires us to provide 1 space for every 300 sq. ft. of gross area. It also requires us to provide 1 space for each employee. As a result, Judge Heckler spent a lot of time identifying the current number of employees and helping us arrive at our parking calculations. For purposes of our evaluation, we were using a figure of 595 court employees over a period of time which is also for the existing courthouse facility. Of course, we have county employees on top of that depending what use is made of the existing facility. Tonight we are probably about 20 spaces over that so we have a little bit of flexibility.

In response to a question from Ms. Carolyn Sadowski, President of the Village

Improvement Association, about the flat surface parking they are putting in, Mr. Hecker said there are going to be 232 spaces on the surface lot. The existing garage will also be the site of a significant number of accessible spaces because of the proximity to the courthouse. We anticipate that a portion of that parking will be available for the people who will be occupying the existing courthouse facility and a portion will be available for the new Justice Center as well.

Ms. Sadowski said with regard to the James Lorah Memorial Home her concern is the demolition of the old garage. Because of the historic value of the home what procedures will be taken to protect that home - engineering studies and things like that? It is in the Historic District of the Borough and is valuable to the Borough as well as to us. We paid for an engineering study when the garage was built in 1990 and it was approximately \$5,500 at that time. We estimate the engineering study now would probably be \$10,000 - \$11,000 which we feel we are not in a position to pay. We are looking to the county to take that on. Mr. Hecker said it is certainly something that the Commissioners are aware of and will be discussed. This facility being located where it is, there are a lot of issues that the county is aware of and are concerned about. We share your concern and it is certainly something we can address.

Mr. Dick Patterson said he lives at the end of Garden Alley on Church Street and for the first time he heard there was going to be a deck at the VIP Parking Lot which causes great concern for them because it will have a dramatic effect on the appearance of their neighborhood. Mr. Hecker said it will be surface level from Court Street and 1 deck on top of that on which cars will park. Mr. Thome said that property slopes about 14½' down toward Garden Alley so the lower level will actually be sub-grade from Court Street. The Court Street deck will be street level and there will be some excavation for the lower deck so it will actually be just street level from Court Street. From Court Street the appearance

will not be all that different than it is now. Mr. Hecker said obviously fitting that into the community is another concern they talked about. Doing something with that architecturally is going to be important to make it fit in. There will be 1 ramp servicing the sub-grade and there will be 1 ramp servicing the deck.

In response to a question from Mr. Neil Samuels from Doylestown Township, Mr. Hecker said it was just pointed out to him by Mr. Tom Gockowski, the engineer, that in looking at the plan there are 4 houses at Broad and Doyle Streets which are being incorporated into this plan.

In response to Ms. Sue Grogan of the Borough about the Parking Garage, Mr. Hecker said regarding the traffic pattern they are not showing an entrance on Broad Street. They are showing it on Union Street and Doyle Street. You will have the ability traveling in either direction on Broad Street to make a turn and enter it off of Union or Doyle Streets.

Mr. Hecker said for security reasons it is extremely, extremely important that there be one general entrance for the public to the Justice Center. That will be at the front of the new facility.

In response to Mr. Aldrich of 53 Church Street Mr. Thome said historically the Borough has given a break in the form of waiver of fees to any other taxing authority such as the school district and that is an ingredient that is on the table and will be part of the discussion with the county.

Council Vice-President Lou White said he just wanted to say that he appreciates the fact that all 3 Commissioners and President Judge Heckler came out tonight. This is a cooperative venture we are entering and this is a good start.

Mr. Neil Samuels said he is very appreciative that they are sharing this with the public. Mr. Samuels asked how many years they are talking about for the parking lot, then the courthouse to be completed? Mr. Hecker said right now they have to get through the

Land Development process for the parking facility. That process we hope will start in July and hopefully conclude the latter part of the Fall or maybe into early Winter of this year. While that is going on, we will also be looking at the other issues that we will have to address in dealing with the Justice Center. We would anticipate constructing the parking facility next year. Hopefully, as early as possible, assuming everything falls into place for us. In terms of the Justice Center, it is difficult to predict with any certainty because of the extensive amount of planning. We are all now goal oriented and want to accomplish this as soon as possible.

Mr. Thome thanked Mr. Hecker. He also thanked the people in the audience for coming to the meeting. He said they are certainly invited to participate in the process as it goes along. He then thanked the Commissioners and Judge Heckler.

APPROVAL OF MINUTES

1.) March 27, 2006 Council Meeting

Upon motion (White-Clipner) to approve the minutes of the March 27, 2006 Council Meeting all Council Members were in favor.

FINANCE AND ADMINISTRATION - Mr. White

Mr. White said they will meet the first Thursday of May and at that time they will have the quarterly report and will review it.

WATER - Mr. Bull

Mr. Bull said they discussed plans to continue the water meter replacements within the Borough. They got some positive information on the Chem Fab facility on Broad Street. The PADEP finally got an engineer on board (URS Company) and they have a preliminary piece of information and a proposal together. Mr. Davis is going to try to schedule a meeting, if not this month, early next month to get back together with DEP and hopefully the new engineer (URS) and try to get a clear understanding of a schedule and impact to

the community. Also, we discussed the water system modeling and mapping of the existing system in the Borough which we apparently are pulling some proposal information together and going to be looking at that over the next couple of months.

COMMUNITY AND GOVERNMENTAL AFFAIRS - Ms. Clipner

Ms. Clipner said since she did not have a lot to report on this evening she would like to report more fully on the following:

1.) Fire Marshal/Building Inspector's Report - March 2006

Building Permits, Reviews, & Inspections for the month of March 2006 are as follows:

<u>Type of Action</u>	<u>Total</u>
Issued Permits	193
Plan Reviews	91
Construction Inspections	273

Fire Prevention & Investigation

<u>Type of Action</u>	<u>Total</u>
Emergency Responses	7
Fire Safety Inspections	4
Fire Investigations	1

Ms. Clipner said also before Borough Council are the following reports:

- **Doylestown Fire Co. No. 1 Report - March 2006**
- **Central Bucks Ambulance and Rescue Unit Report**

2.) Code Enforcement Report - March 2006

72	Use and Occupancy Inspections completed and permits issued
3	Complaints investigated
7	Fire Safety reinspections completed
4	Fire Safety inspections completed
	Extensive follow ups on incomplete repairs for permits

Mr. Thome said he thinks they should all congratulate Mr. Dave Cell and Ms. Kelli Scarlett.

We don't usually read the above numbers but you get a concept of how much work these good people do.

PUBLIC SAFETY - Mr. Hoffman

1.) Consideration of Ordinance # 2006 - 4; Prohibiting Parking on Both Sides of Maple Avenue at Maple Lane

Mr. Hoffman said this is in response to a pedestrian safety issue for the Linden Elementary School. This ordinance will prohibit parking, stopping, and standing on both sides of Maple Avenue in the area of the crosswalk at Maple Lane between the hours of 8:00a.m. and 9:00a.m. and between the hours of 3:00p.m. and 4:00p.m., Monday through Friday. The ordinance has been duly advertised.

Upon motion (Hoffman-Douple) to adopt Ordinance #2006 - 4 prohibiting parking, stopping, and standing on both sides of Maple Avenue in the area of the crosswalk at Maple Lane between the hours of 8:00a.m. and 9:00a.m. and between the hours of 3:00p.m. and 4:00p.m., Monday through Friday all Council Members were in favor.

2.) Consideration of Resolution #2006 - 4; Regulation of Towing Services

Mr. Hoffman said this is to increase the towage and storage fees for vehicles towed only from private parking lots. The towage fees would increase from \$45.00 to \$65.00 and the storage fees would increase from \$10.00 per day to \$25.00 per day.

Upon motion (Hoffman-White) to adopt Resolution #2006 - 4 to increase the towage fees from \$45.00 to \$65.00 and the storage fees from \$10.00 per day to \$25.00 per day for towing and storage of vehicles towed only from private parking lots discussion followed.

Mr. Herb Elsner of Elsner's Towing said they had a meeting earlier on with the Chief and these costs are a lot less than when they had their meeting with the Chief. Mr. Hoffman said they had a discussion about that at the Public Safety Meeting. It is a real balancing act. Not wanting to attract a wide radius of towers if the price were set at \$100.00 or \$150.00. It would be more economically feasible for someone from a far distance to come and tow. We wanted to set it at a reasonable rate so the local towers would get more of the business and if someone does get towed they do not have to go so

far for their vehicle. Mr. Elsner said the issue is to remove a car from a parking lot without keys. The expense incurred by someone like myself is a lot more than \$65.00. It is very hard to remove a car without keys and then when you get it back to your place, you can't move it around there. It takes about 1 hour to 1 1/2 hours to tow a car without keys and it is a big responsibility. To remove a \$50,000 car for \$65.00 is cheap. Mr. Hoffman said he assumes they would have one day's storage also so that would be \$90.00. Mr. Elsner said he doesn't think the Borough will get anyone to tow out of the private parking lots for \$65.00. Mr. Thome said the fee before was \$45.00 and were we successful in finding people to tow at the old fee, Lt. Cummings? Lt. Cummings said he does not know who is getting towed off private lots unless they just tell us they have taken a vehicle. He does not know what is going on there. There have been instances where people have called us and complained about what they say is an excessive fee and he thinks that is what this is all about. Mr. McIlhinney asked Mr. Elsner if he is aware that there is an ordinance that requires you get a license to tow from private lots? Mr. Elsner said he has a license. Mr. McIlhinney asked Mr. Elsner if he knew that previously there were restrictions with respect to the pricing for storage as well as towing off of private parking lots? Mr. Elsner said he was aware of that. Mr. McIlhinney said they assume that all the towers comply with that ordinance. Mr. Elsner said right but what he is saying is they had a meeting with the Chief a couple months back and we thought it was going to be raised to a lot more than \$65.00. Mr. McIlhinney asked Mr. Elsner if he is suggesting that the amounts here are still not reasonable? Mr. Elsner said yes. In response to Mr. White, Mr. Elsner said the charge for removing a car should be \$125.00.

Mr. Dave Ketterdine of Fred Beans Towing said he thinks everyone is in agreement that the rate needs to be increased. He just does not think \$65.00 for towing and \$25.00

for storage per day is enough. He said more or less you are forcibly taking a car from a parking lot. If we damage that car we are liable for it. It is not worth the risk for \$65.00.

Mr. Thome said up until now, of course, your towing from the private lots has been at the rate of \$45.00 and \$10.00 a day right? That's all you have been charging? Mr. Elsner said he will be honest with him he didn't even know that ordinance existed. Mr. Thome said okay, so what we have established is that you have been violating our ordinance up to now. Mr. Ketterdine said the ordinance does not regulate whether or not he can charge for special equipment, labor charges, etc. so, yes, he will put a \$45.00 towing charge on it and charge you for everything under the sun. Mr. Thome asked if what he was saying to them is that he will find a way around the \$45.00 towing fee? Mr. Elsner said towing means taking it from point A to point B once it is on the truck. It doesn't mean how you get it up there.

Mr. Ansinn asked if they should table this pending a little further due diligence? Mr. McIlhinney said since this is a resolution, and does not require advertising and can be modified at any time at the pleasure of Council, and if we are at least in agreement that it ought to be raised from its current level to this level, you might consider passing this resolution and then having Mr. Elsner and Mr. Ketterdine come to the committee meeting and make their argument for why it should be more. Mr. Hoffman said he thought that was an excellent idea.

Mr. Thome said there was a motion and a second and he calls for a vote at this time. All Council Members were in favor of the motion except Ms. Bond who was opposed.

Mr. Duple asked if they are going to have to define what the definition of towing is? If it is \$65.00 and they are going to charge \$65.00 and hit all these extras he does not know. Mr. McIlhinney said our interpretation of towing is an all

inclusive charge for the purposes of taking the vehicle from the parking lot to wherever they take it for storage. Mr. Thome said now that we have been forewarned we might want to sharpen up our language in our ordinance.

3.) Authorization to Draft and Advertise Ordinance Prohibiting Brake Retarders on Swamp Road

Mr. Hoffman said this prohibition would be between Smoke Road and East State Street.

Upon motion (Hoffman-White) to draft and advertise an ordinance prohibiting brake retarders on Swamp Road (Route 313) between Smoke Road and East State Street (Route 202) Mr. Douple said they have been working on this issue for some period of time. We have finally gotten to a point where PennDot will allow us to make this prohibition. Mr. Thome called for a vote and all Council Members were in favor of the motion.

In response to Mr. Hoffman, Lt. Cummings said over the weekend reporters from both the Inquirer and the Intelligencer were in town. Mr. Pat Lester of the Intelligencer, after he had walked around, approached me to say he had approached many groups hanging out in town and they told him they were very aware of our efforts. They do know what they are supposed to be doing and not doing. I have personally seen them moving out of the way for people walking down the street. We are still writing warnings and have issued some citations. It is going very well out in town.

Mr. Hoffman said they are continuing to look for people for the Town Watch. We have started a training process and the security cameras are in the works as well.

In response to Mr. Douple, Lt. Cummings said First Friday in town went very nice. There was a good mix of adults and kids in town. Everybody seemed to be enjoying themselves. We had no major problems of any kind. He said at Main and State Streets, by Lilies of the Field, it was congested because there was a glass blower that attracted

both adults and kids. He would suggest, in the future, that something like that not be put on a corner.

Mr. Thome said he did want to congratulate Lt. Cummings. He has spent a lot of time on the Town Watch Program. He has held several training sessions which have been well attended. He has personally gone out with a lot of the Town Watch people for on the job training. The people are enthusiastic and Lt. Cummings is enthusiastic.

RECREATION, SHADE TREE AND PROPERTY - Ms. Corr

1.) Consideration of Resolution #2006 - 2; Naming Community Fields Park as William E. Neis Park

Upon motion (Hoffman-White) to adopt Resolution #2006 - 2 naming Community Fields Park as William E. Neis Park all Council Members were in favor.

2.) Consideration of Resolution #2006 - 3; Urging the Establishment of a Countywide Bike and Hike Trail Plan

Ms. Corr said a similar resolution was recently passed by Doylestown Township and is being considered by other municipalities in Bucks County. The Doylestown Township Board of Supervisors has requested that Council adopt the resolution.

Upon motion (Corr-White) to adopt Resolution #2006 - 3 urging the County to establish a Countywide Bike and Hike Trail Plan discussion followed.

Mr. Hoffman said he sits on the Bucks County Planning Commission and he thinks the County position is that they do have a Greenways and Trail Plan. He would urge that the County enhance their plan.

In response to Mr. Ansinn, Mr. Davis said this issue really grew out of a Trails Forum that the Borough and Township Joint Bike/Hike Committee sponsored. We received a grant to help educate other municipalities in the County with regard to the success that we have been having. We have had a lot of requests over the years from other municipalities that either want to tie into our path or want to know how we have

gotten as far as we have. At the forum were people from Montgomery talking about their Greenway Planning which seemed to be a bit ahead. Out of that grew a recognition that maybe we could do some more on a County level.

With no other questions/comments Mr. Thome called for a vote. All Council Members were in favor of the motion.

**3.) Doyle Elementary School Playground Funding Request:
Doyle Home and School Association**

Ms. Corr said the Doyle Elementary School Home and School Association is undertaking a project to upgrade the play equipment at the school. Because Doyle Elementary is adjacent to the Borough's William E. Neis Park and because the park has no play equipment of its own, the Park and Recreation Board and the Recreation, ShadeTree, and Property Committee believe a donation to the project is appropriate. The board and committee are recommending that Council donate \$500.00 toward this project. The funds would come from the Capital Budget's Maplewood Park Tot Lot Project which is under budget.

Upon motion (Corr-Ansinn) to approve a donation of \$500.00 toward the Doyle Elementary School Playground discussion followed.

In response to a question from Ms. Carolyn Sadowski in the audience, Mr. Davis said this was not a request from the school district but from the Doyle Elementary School Home and School Association. The school district is putting up approximately half the cost of the upgrade of the play equipment at the school and doing the in-kind work. We have not participated previously in school district projects of this kind. Given the modest amount requested, and the fact that Community Fields or Neis Park is a Borough Park and people move back and forth between there and Doyle Elementary using that play equipment, the thought is that the Borough does have a stake in it. Perhaps a rationale for participating is in making sure there is good play equipment.

With no other questions/comments Mr. Thome said there was a motion and a second and called for a vote. All Council Members were in favor of the motion.

STREETS - Mr. Ansinn - no report

ZONING AND PLANNING - Mr. Douple - no report

ENGINEER'S REPORT- no report

SOLICITOR'S REPORT - no report

ZONING HEARING BOARD REPORT - Mr. Ehlinger

Mr. Ehlinger said the Zoning Hearing Board would hold a Public Hearing on Wednesday April 19, 2006 to consider the following applications:

1. Vicki Serravallo of 114 Shewell Avenue is requesting a Variance from Section 514 and 514(1) to permit the enlargement of an existing residential garage structure.
2. Edward J. Boyle of 77 West Ashland Street is requesting a Special Exception to permit the alteration of an existing nonconforming use.
3. Elizabeth H. Buchanan, Michael B. Histan, Nancy Bitzer, and W. E. Histan Investments, L.P., who are the applicants concerning the subject property at 125 West Oakland Avenue. They are requesting multiple Variances from the Dimensional Requirements to convert a residential accessory structure into a house and to permit the subdivision of the property into two nonconforming lots.

PERSONNEL - Mr. Thome

1.) Appointments to Revitalization Board

Mr. Thome said the Personnel Committee and the Revitalization Board Nominating Committee interviewed applicants to fill vacancies on the Revitalization Board. There are two (2) current vacancies and an additional vacancy as of June 30, 2006. As a result of the interviews, the committees are recommending the following: Ms. Leslie Balzer to a term that will expire December 31, 2006. That term will commence July 1, 2006; Mr. Andy Happ to a term that will expire December 31, 2008; Mr. James Litts to a term that will expire December 31, 2008.

Upon motion (Thome-White) to appoint the above applicants to the Revitalization Board for the terms indicated all Council Members were in favor.

Mr. Davis said he wanted Council to know that Alan Sexton, a long time member of the Park and Recreation Board passed away suddenly on Friday. He was a really great guy. A real inspirational guy to be around. He was always upbeat. Every year he

provided us a report on some of the “critters”, he liked to call them, that lived in our parks. It was a real love of his. His wife called me this morning. It was kind of her to think of us. She said he was finishing his report for this year and she is going to provide it to us. He believes the service for Alan will be on Thursday at 11:00a.m. at Reed and Steinbach. He will be greatly missed by the Park and Recreation Board and the staff.

MAYOR'S REPORT

Mayor Libby White gave the Police Report of incidents for the month of March 2006. She also talked about what she has been doing otherwise as Mayor. Mr. Thome thanked her from all of Council for getting involved in so many things on behalf of the Borough.

OLD BUSINESS

Mr. Douple said we still need to advertise for the teen member of the Park and Recreation Board. Mr. Davis said it has been sent to the Intelligencer. The first ad will go in on May 3rd and the second one will be the middle of May. The deadline is June 2, 2006.

PUBLIC COMMENT

Judge Ludwig said he wanted to make a personal statement with regard to Footsteps to Learning Nursery School at Salem United Church of Christ. He submits that the applicant is asking Council to rewrite the Zoning Ordinance and the Comprehensive Plan through this vehicle of an appeal from the variance denial. He further submits that this amounts, in affect, to spot zoning. He has no objection to a much smaller Nursery School. His question is if that is really necessary to have 90 students with 12 shifts of vehicular traffic a day? He knows it has been said with that many students the operation will barely break even. He submits that this could be a lot smaller school and still produce for the church a very nice return. More, in fact, than when the Community Conservatory paid. He said he knows a number of people on Court Street go along with this view and a few on Mechanic Street. Although, the people on Mechanic Street think

they may wind up with the playground and equipment back on Mechanic Street which is the last thing they want.

Mr. Thome said Council will be going into Executive Session, as we are obligated to do, because this matter is in litigation. At various times we have held three neighborhood meetings at which most of Council has been at one if not more of those meetings. We have heard the different sides. Since we are going into Executive Session, we should not comment openly now because, in essence, we have to deliberate. We have indeed heard the position Judge Ludwig stated eloquently by many of you. We have heard differing views from other neighbors. We have now received two differing legal opinions. Our job is to go into Executive Session and deliberate on the various legal positions and we will do that and then announce what we have decided.

Ms. Joan Doyle read a petition signed by twenty-nine (29) neighbors from eighteen (18) properties objecting to the size and scope of the proposed nursery school at Freeman Hall. Ms. Doyle said within the community both on East Court Street and Mechanic Street there are differing opinions as to the question of size. Because of that she authored a questionnaire but not all of the property owners had a chance to fill it out. It was given to property owners that adjoin Freeman Hall on the front, on the back, to the side, except for the Fitzpatrick's who were not home and not reachable. There were seventeen (17) people who answered the questionnaire from ten (10) properties. She is missing three (3) properties. Ms. Doyle then read the questions for Council and gave the results of her questionnaire.

Mr. Hoffman said a lot of the discussion is about the size of the school. Is the applicant willing to reduce the number to anything under ninety (90)? Mr. John Hartzel, Esquire, attorney for the applicant, said they have a spreadsheet where they have exhaustively run the numbers on what it would take to make this work. Fifteen per session, or ninety (90) total is the minimum number.

With no other questions/comments, Mr. Thome asked if everybody in the audience, including the applicant, is satisfied, with regard to this issue, that you have been given the opportunity to be heard either during the neighborhood meetings or tonight. The answers from th audience were - yes.

TREASURER'S REPORT - Ms. Leiter

In Ms. Leiter's absence, Mr. Davis said he would give the Treasurer's Report for the period ending March 31, 2006.

Beginning Balance as of February 28, 2006	\$790,642.11
Total Revenues (General/Water)	\$345,002.40
Total Expenditures (General/Water)	(\$493,398.23)
Ending Balance as of March 31, 2006	\$642,246.28
Vouchers Payable (General/Water)	\$149,044.20
Fanny Chapman Pool Invoices	\$ 1,016.92
Road Tax Invoices	\$ 110.92
Transfer to Buck County Water/Sewer Authority	\$196,231.68

Upon motion (White-Clipner) to approve the expenditures all Council Members were in favor.

EXECUTIVE SESSION

- 1.) **Real Estate**
- 2.) **Litigation**

Upon returning from Executive Session, Mr. Thome said no action would be taken with respect to the stipulation concerning the Salem United Church of Christ until such time as the issue of intervention of the parties has been resolved.

ADJOURNMENT

Upon motion (White-Clipner) to adjourn the April 17, 2006 Council Meeting all Council Members were in favor.

Respectfully submitted,
John H. Davis
Borough Manager

