

Minutes
Borough Council Meeting
April 20, 2011

In attendance:

Holly Brown
Chuck Christy
Cassandra Jones
Jim Jones
Tom Paxson
John Manion
Mayor Carolyn Comitta

Ms. Brown called the meeting to order at 7 PM; Mr. Manion led those in attendance in the Pledge of Allegiance.

Stephanie Eckman, intern to the Mayor, made a presentation on her just completed internship with the Mayor noting she enjoyed every moment and thanked the Mayor, Council and the citizens of West Chester for the opportunity.

Mayor Comitta thanked Ms. Eckman for an excellent report and hoped that the internship was as meaningful for her as it was helpful for the Borough. Mayor Comitta presented Ms. Eckman with a citation as well as a key to the city.

Ms. Brown noted the Mayor hosted a small reception for representatives from West Chester University student organizations prior to this and many of them are still in the room and suggested the Mayor comment.

Mayor Comitta stated they just hosted a pizza party with representatives of the Off Campus Commuter Association, Student Government Assn., as well as the Residence Hall Association and proceeded to introduce a number of the students in attendance. Mayor Comitta explained that many of these students are newly elected officers of their associations and that she look forward to working with them future.

Ms. Brown thanked them for their involvement.

Mayor Comitta then noted that our own Diane Herrin of the BLUER committee is being recognized by the 4CP organization for her capable leadership on BLUER and environmental issues leading the Borough towards a sustainable future.

Next Mayor Comitta reported that West Chester was named a great place to retire by Retirement Magazine noting this community is diverse, vibrant, walkable and historic.

Mayor Comitta invited all to attend the West Chester Police Department Awards Ceremony at 5:30 PM here at the Municipal Building on May 2nd as well as the planned West Chester Community Conversation on Saturday, May 21, 2011 at Sykes Union building from 9am - 2 PM.

Mr. Jones noted the Goose Creek cleanup sponsored by the Chester Ridley Creek Watershed Association had a good turnout and thanked Courtney Finneran for organizing the cleanup event. He noted a good volunteer appreciation event at the Historic Society last Saturday and the upcoming Town & Village Walks series which starts in West Chester on June 16, 2011.

Ms. Jones noted the West Chester University Frederick Douglas Memorial project which held an event that honored Clifford DeBaptiste and was very well done. She noted with summer arriving there will be more activity and urged all to be aware and safe.

Mr. Christy agreed, there was a good turnout for the Goose Creek cleanup as well as the parks cleanup and thanked Alpha Sigma Tau as well as the Friars for their excellent assistance with those events.

Ms. Brown noted she and her grandchildren attended an excellent event that included a pizza party and moon bounce on the University campus where the student volunteers were very gracious and welcoming.

Ms. Brown opened the public hearing on proposed Ordinance #6 - 2011 amending Chapter 112 Zoning Code to amend the definition of party wall, revise the design requirements for parking areas with three or more spaces, revise parking requirements for gymnasium's and add an airport hazard area.

Court reporter Eleanor Schwandt present transcript made.

At the conclusion of the public hearing Mr. Jones moved to adopt proposed Ordinance #6 - 2011, motion was seconded by Ms. Jones and considered by roll call vote: Mr. Manion-yes; Mr. Paxson- yes; Mr. Jones- yes; Ms. Jones-yes; Mr. Christy- yes; Ms. Brown- yes, motion approved 6-0.

Ms. Brown opened the public hearing on proposed Ordinance #7 2011 authorizing incurrence of debt to refinance the Series 2003 University Parking garages debt, complete the financing of the Chestnut Street Parking Garage Project, accepting a proposal received 4-20-11 for sale of the bonds and providing for other matters in connection with issuance and sale of the bonds.

Gary Pulcini, financial advisor from Valco Capital reviewed the proposed financing explaining that an Internet auction was held today and that the low bidder for the bond issue was Janney Montgomery Scott. There were six bidders, 31 bids, and two time extensions. The net interest cost from the low bidder is 3.831% and the Borough was able to obtain a very favorable rate because it was able to hang on to the AA rating. There are three purposes for the \$8.61 million bond issue and they include refinancing of the debt incurred to build the garages on University property, additional expenses for completion of the Chestnut Street garage and parking improvements plus cost of issuance. He further explained that all of the University garages debt is being refunded except 2012 maturities and they were left alone to stay under the \$10 million bank qualified limit. He noted that in accord with an agreement with the University there is \$125,000 from the refinancing savings to be deposited to a project fund to reconstruct Church Street through the University campus. He further noted that a refinancing generally works if it has a net present value of 3% or more and this one has come in at 4.7%. He concluded that there is no extension of the term of the University debt, it still pays off in 2028 and this issue will pay back the \$803,000 that was loaned to the Chestnut Street project but which was originally intended for General Fund projects late last year.

David Unkovic, bond counsel from Cozen O'Connor then reviewed the proposed debt ordinance provisions being considered by Borough Council explaining this debt is being backed by the full faith and taxing power of the Borough along with the pledge of the University for the portion that refunds the University garages debt. He explained the ordinance makes the bonds callable in five years; it awards the contract to Janney Montgomery Scott and names TD Bank as the paying agent.

Mr. Manion asked about the Borough's debt limit?

Mr. Unkovic replied the Borough has a debt limit of around 51.9 million but only as net debt of less than 4 million since most of the Borough's outstanding debt is self-liquidating. These bonds are being issued as general obligation bonds rather than revenue bonds because that saves the Borough 25 to 30 basis points in interest cost.

Mr. Pulcini stated the Borough's general obligation debt is only approximately 3.4 million and all of the rest of the Borough debt is self-liquidating.

Mr. Jones moved to adopt proposed Ordinance #7 - 2011 authorizing incurrence of debt to refinance the Series 2003 University Parking garages debt, complete the financing of the Chestnut Street Parking Garage Project, accepting a proposal received 4-20-11 for sale of the bonds and providing for other matters in connection with issuance and sale of the bonds. Motion was seconded by Mr. Paxson and considered by roll call vote: Mr. Manion-yes; Mr. Paxson- yes; Mr. Jones- yes; Ms. Jones-yes; Mr. Christy- yes; Ms. Brown- yes, motion approved 6-0.

Ms. Brown opened the public hearing on proposed Ordinance # 8- 2011 amending Chapter 78 Parks & Playgrounds to clarify the closing hour for parks and amending Chapter 104 to remove a handicap space on E. Miner Street at Poplar St. and provide for a \$10 late payment fee for parking tickets before citation.

Mr. Manion explained the park closing provision is a semantics; a problem that is being corrected with this ordinance.

Ms. Jones noted the ordinance is also removing a handicap space and adding a \$10 warning letter fee and process to the parking ticket and citation procedure.

Borough Manager, Ernie McNeely, explained the \$10 fee is being added along with a warning letter before a ticket goes to citation which means the recipient will pay an extra \$10 instead of an extra \$46.50 at the citation level.

Mr. Manion moved to adopt proposed Ordinance # 8- 2011 amending Chapter 78 Parks & Playgrounds to clarify the closing hour for parks and amending Chapter 104 to remove a handicap space on E. Miner Street at Poplar St. and provide for a \$10 late payment fee for parking tickets before citation. Motion was seconded by Mr. Christy and considered by roll call vote: Mr. Manion- yes; Mr. Paxson- yes; Mr. Jones- yes; Ms. Jones-yes; Mr. Christy- yes; Ms. Brown- yes, motion approved 6-0.

Ray Ott and Jane Dorchester from Ray Ott and Associates then presented the West Chester Historic Preservation Plan which has been prepared using a grant from the Preserve America Program as well as matching funds from both the Borough and the West Chester BID.

Ray Ott reviewed the various recommendations in the report which he explained included suggested time frames for completion as well as responsible parties for the various action items. He noted one of the recommendations is the creation of what is being called "HARB light" a district where demolition would be controlled but not every renovation as it is in the existing Historic District.

Mr. Christy stated he hoped there would be follow-up on the various recommendations and action items in their report.

Mr. Ott explained that the plan shows many of the items taking up to three years for completion and the HARB is being charged with many of the action items but of course they could need assistance.

Mr. Christy moved to adopt the Historic Preservation Plan as drafted by Mr. Ott including

the addendum he indicated he would be attaching to the final report. Motion was seconded by Ms. Jones and considered by roll call vote: Mr. Manion- yes; Mr. Paxson- yes; Mr. Jones- yes; Ms. Jones-yes; Mr. Christy- yes; Ms. Brown- yes, motion approved 6-0.

Ms. Brown explained the next item is to consider creation of an ad hoc financial advisory committee.

Mr. Christy moved to propose an ordinance creating an ad hoc financial advisory committee with the following details:

West Chester Citizens Financial Advisory Ad-hoc Committee

The Committee shall consist of 7 members appointed by the Borough Council.

The term of this Committee shall run from June 1, 2011, and expire no later than December 31, 2011 except that Borough Council shall have authority to grant one time extension if necessary to March 31, 2012.

All members of the Committee shall be residents of the Borough of West Chester.

The purpose of the Committee is:

1. To examine all processes, procedures, services, and systems of the Borough of West Chester to reduce/avoid expenditures.
2. To examine all processes, procedures, services, and systems of the Borough of West Chester to suggest efficiencies in operation.
3. To identify any possible new or enhanced revenue sources.
4. To suggest methods to optimize Borough Assets.

The Board shall make progress reports to Borough Council at two month intervals. This can be done with a written report sent to Council members or by a Committee member presenting at a regular Council worksession.

The Commission shall elect officers consisting of at least a Chairperson, Vice Chair and Secretary.

The Committee shall set a meeting schedule independently from Borough Council.

Motion was seconded by Mr. Paxson and considered by roll call vote: Mr. Manion- yes; Mr. Paxson- yes; Mr. Jones- no; Ms. Jones-yes; Mr. Christy- yes; Ms. Brown- yes, motion approved 5-1.

Ms. Brown stated the next item is to consider the bids for the Chestnut Street Garage Solar Project which was discussed extensively last night at the worksession meeting. She noted the Finance Committee had recommended rejecting the bids and canceling the project however BLUER has recommended going forward with the project even though the numbers are close.

Ms. Jones noted that she was prepared to vote no on this project but the presentation last evening from BLUER, the architect and the solar expert plus the fact that the Borough would lose the state grant has convinced her to vote to go forward.

Mr. McNeely explained the financing for the project is included in the bond issue and that is a total of approximately \$368,000 towards the total bid cost of \$435,200. If Council wants to go forward with the project then the action this evening would be to award the low bid to USA Electrical Construction Inc. He noted the project could be cash positive from the start but it is all dependent upon the value of the SREC's and future electrical rates.

Ms. Brown noted the worst case scenario discussed last evening is that it could have a net cost to the Borough of \$4,000 per year but over a 20 year lifespan the Borough would make over \$300,000 in revenue.

Mr. Jones stated there are many variables that cannot be predicted including the price of the SREC's, future electric, the cost of steel, grants that might be available in the future, and other factors all factor into whether project works out okay or not. Some think the Borough should not build anything due its current financial strain and it is clear the higher cost of steel in this project is driving up the cost of the solar project in general.

Steve Krug, Spiezle Architects, noted the construction bids actually came in 20% under budget and that the project works because of the state grant paying a higher percentage of the project cost.

Mr. Paxson stated he agreed with Ms. Jones as he was originally leaning against doing the project but sees the long term benefits and the good chance that it pay off even from day one.

Mr. Jones stated that if Council is doing the project to make money perhaps there is a

better investment for the money and the question is really is this worth doing now or could it be revisited later?

Ms. Jones reiterated that if the Borough does not proceed with the project, the \$124,000 grant will be lost.

Mr. Manion stated he is concerned about spending these kinds of dollars, particularly when they are borrowed dollars.

Ms. Brown stated Council is not spending current tax dollars but is borrowing to invest in order to gain a fairly large payoff in the future.

Courtney Finneran reminded Council that there is an immediate savings off of electric rates.

Mayor Comitta recalled that the number one issue from the 2006 PZBID Workshop was environmental issues as expressed by West Chester citizens. This seems to be a responsible investment today and a very valuable investment for the future.

Mr. Paxson stated that if there is a net cost of \$3000-\$4000 per year in the early years there should be some way to offset that cost.

Mr. Jones stated SREC market is down to \$180 and that is mostly a supply and demand issue, however, most thinking is that will go back up in the future. He stated he was willing to bet his own dollars by putting solar panels on his home but is not willing to bet other folks tax dollars on the same speculation. The Borough is financially squeezed not because of projects but because of pensions and wages and other factors but it is in a situation where it cannot afford to do every good idea that comes along.

Ms. Brown stated the Pennsylvania Legislature should do more to encourage alternative energy in this state.

Steve Krug stated that most predictions show an increase in the demand for SREC's after 2012.

Mr. Christy moved to award the low bid for the Chestnut Street Garage Solar Project to USA Electrical for \$435,200. Motion was seconded by Mr. Paxson and considered by roll call vote: Mr. Manion- no; Mr. Paxson- yes; Mr. Jones- no; Ms. Jones-yes; Mr. Christy- yes; Ms. Brown- yes, motion approved 4-2.

Brown stated the next item is to consider the Public Works Committee recommendation to approve the request by the Public Works Department to fill a vacant driver- labor position.

Following discussion Ms. Brown noted and since there is no objection the matter is referred back to Committee for further consideration.

Brown stated the next item is to consider the Borough policy governing take-home vehicles.

Mr. Jones stated the Committee has discussed trying to define which individuals require emergency responses and which ones do not and create some type of charge for the commuting cost and benefit not related to emergency calls.

Ms. Brown stated that this may be a very valid policy to develop but it should be explained and detailed in writing by the Finance Committee and brought back to Council for appropriate consideration.

Mr. Jones stated he had offered at least two alternatives and there may be others but any policy developed should consider commuting distance.

Mr. Manion asked where the \$50 per week charge that was mentioned in the agenda item came from?

Mr. Jones replied that basically came out of the Tredyffrin Twp. Financial Advisory report.

Mr. Christy asked if it was the intention of the Finance Committee to exempt department heads from the fee?

Mr. Jones replied that was the discussion.

Following additional discussion Ms. Jones moved to refer the matter back to the Finance Committee for further discussion and development. Motion was seconded by Mr. Manion and considered by roll call vote: Mr. Manion- yes; Mr. Paxson- yes; Mr. Jones- no; Ms. Jones-yes; Mr. Christy- yes; Ms. Brown- yes, motion approved 5-1.

Mr. Jones moved to appoint Chuck Christy as voting delegate and Cassandra Jones or Tom Paxson as the alternate voting delegate for the PLCM annual business meeting. Motion was seconded by Mr. Paxson and considered by roll call vote: Mr. Manion- yes; Mr. Paxson- yes; Mr. Jones- yes; Ms. Jones-yes; Mr. Christy- yes; Ms. Brown- yes, motion approved 6-0.

Mr. Paxson moved to approve the Consent Agenda items a - w as follows:

a.	Accept the Planning Zoning Business & Industrial Development Committee recommendation to grant final land development plan approval for 701 E. Marshall Street, Chester County Hospital Expansion Project contingent on compliance with West Goshen Twp. storm water review, CC Planning Commission comment and Borough Engineer storm water review.
b.	Accept the Planning Zoning Business & Industrial Development Committee recommendation to grant final land development plan approval for 401 East Gay Street, West Chester Borough Police Department Expansion subject to compliance with Borough Engineer storm water review comments.
c.	Accept the Planning Zoning Business & Industrial Development Committee recommendation to grant preliminary/final plan approval for the minor subdivision plan application for 520 N. Matlack Street George & Adrianna Trajtenberg - two lot residential development.
d.	Accept the Planning Zoning Business & Industrial Development Committee recommendation to approve the request by Sarcone's Deli 230 W. Market Street to install planters in the sidewalk right-of- way for an outdoor café subject to execution of an appropriate indemnification agreement.
e.	<p>Accept the Planning Zoning Business & Industrial Development Committee and HARB recommendations regarding Certificates of Appropriateness:</p> <ol style="list-style-type: none"> 1. 1 East Chestnut Street, YMCA - façade & signs - approve with conditions. 2. 126 W. Gay Street, Gary Vincenzo - sign - approve as presented. 3. 239 East Market Street, James Morrissey - façade - approve with conditions. 4. 26 S. High Street, Kimber Schladweiler - awning - approve with conditions. 5. 21 S. Church Street, David Yarnall-railing, ramp, siding & shutters - approve ramp/railing, deny siding and shutters. 6. 231 E. Market Street, William Kyle - addition and façade - approve as presented. 7. 5-7 W. Gay Street, Martha White - windows - approve with conditions.
f.	Accept the Planning Zoning Business & Industrial Development Committee recommendation to adopt proposed Resolution # 4-2011 supporting state legislation to strengthen municipal rights to regulate billboards in the State Municipalities Planning Code.
g.	Accept the Planning Zoning Business & Industrial Development Committee recommendation to authorize the Borough Solicitor to oppose Zoning Hearing Board Appeal # 850 - 525 S. Matlack Street - student home.
h.	Approve a contract with Total Site Development as an emergency expenditure to demolish 110-112 S. Matlack Street at a cost of \$9,800.
i.	Accept the Planning Zoning Business & Industrial Development Committee recommendation to authorize a contract with Keystone Municipal Services to perform plumbing, HVAC and related building inspections to replace Gilmore Associates as they are leaving that business.
j.	Accept the Finance Committee recommendation to approve renewal of the lease with the Growers Market for use of Lot # 10 at Chestnut Street and Church Street on every Saturday between May 1 and November 30 plus two Saturdays a month from December 1 thru April 30 th .
k.	Accept the Finance Committee recommendation to approve a request to use remaining grant balance in the Bicentennial Garage LED Lighting Project to fund conversion of some lights in the Municipal Building to LED fixtures at an estimated cost of \$11,246.50 with 50% paid from the grant balance.

l.	Accept the Parks Recreation & Environmental Protection Committee recommendation to appoint Tracy Christman to the Recreation Commission term to expire January 2012.
m.	Accept the Public Works Committee recommendation to propose an ordinance to add towing to the automatic parking restricted zones after 4 inches of snow.
n.	Consider the bids opened for the following and accept the Public Works Committee recommendation to award to the low bidders as noted: <ol style="list-style-type: none"> 1. Tree Maintenance Services- Delchester Tree primary \$190/hr., Cm Jone secondary \$190/hr. 2. Alley Paving - Couzins Inc. \$24,287.35 3. Old Downingtown Pike Culvert Demolition - B&J Excavating \$36,500
o.	Accept the Public Safety Committee recommendation to approve the following parade special event permit applications subject to West Chester Police Department conditions. <ol style="list-style-type: none"> a. YMCA Healthy Kids Race 4/16/11. b. WC Area Senior Center 5K Run/Walk 5/21/11
p.	Accept the Public Safety Committee recommendation to approve acceptance of the Pennsylvania DCED Grant in the amount of \$75,000 for Police Quality of Life services.
q.	Accept the Public Safety Committee recommendation to adopt proposed Resolution # 5 -2011 supporting the bill proposed by Sen. Corman to increase fines for alcohol related violations and dedicate \$100 per violation for municipal alcohol enforcement/prevention activities.
r.	Accept the Public Safety Committee recommendation to adopt proposed Resolution # 6 -2011 supporting Pennsylvania legislation to allow a local option for a ten percent tax on alcohol.
s.	Accept the Public Safety Committee recommendation to adopt proposed Resolution # 7 -2011 supporting legislation that would allow local municipalities to prohibit firearms in municipal parks and buildings.
t.	Approve the minutes of the Borough Council Meeting of March 16, 2011.
u.	Accept the Parking Committee recommendation to approve the request by Paradise Transit to advertise in the Bicentennial Garage - \$20 / sign / month.
v.	Accept the Parking Committee recommendation to remove a handicap space at 130 East Barnard Street by 90 day order.
w.	Accept the Parking Committee recommendation to adopt proposed Resolution # 8-2011 to allow the Downtown Foundation to acquire a LCB permit to serve alcohol at the Up On The Roof event at the chestnut Street Garage.

Motion was seconded by Ms. Jones and considered by roll call vote: Mr. Manion- yes; Mr. Paxson- yes; Mr. Jones- yes; Ms. Jones-yes; Mr. Christy- yes; Ms. Brown- yes, motion approved 6-0.

Meeting adjourned at 9:39 PM.