

OFFICIAL MINUTES

JANUARY 27, 2014

The Regular Meeting of January 27, 2014 of Council for the Borough of Kennett Square was called to order at 7:00 p.m. in the Red Clay Room of the Kennett Fire Company No. 1, 423 Dalmatian Street, Kennett Square, Pennsylvania with President Leon R. Spencer, Jr. in the Chair.

Present: *President Leon R. Spencer, Jr.*
 Vice President Danilo P. Maffei
 Councilmember Geoffrey R. Bosley
 Councilmember Brett M. Irwin
 Councilmember George P. Plumley, III
 Councilmember D. Lynn Sinclair
 Councilmember Patrick B. Taylor
 Manager Brant Kucera

Absent: *Mayor Matthew W. Fetick*

PUBLIC COMMENTS

Leslie Whiteside, 802 Wayne Avenue, stated that she wanted to be on the next Council agenda and will submit her request tomorrow. She said that she and her husband are having a difficult time selling their home because of the condition of their neighborhood, Stenning Hills. Ms. Whiteside expressed her belief that many ordinances are being neglected and it is negatively affecting the value of their home as well as those of other neighborhood residents. Her concerns included that many residents place more than one (1) trash can out for collection, vehicles are parked on the sidewalks and lawns, appliances are stored outside and chickens run loose. In addition, Ms. Whiteside stated that holding the Brewfest in a residential area and across from the high school is a nuisance.

Robert Whiteside, 802 Wayne Avenue, stated that they had a showing of their home last week. When the potential buyers left, they traveled south on Wayne Avenue and were not impressed by the quality of the neighborhood and chose not to make an offer. In addition, Mr. Whiteside expressed his frustration that vehicles parking illegally on residential properties are not being addressed. He also expressed his concern for the safety of children that often play in the street. Mr. Whiteside commended Chief Zunino stating that the Chief's door is always open and he has always listened to his concerns. He would like to see the Chief and Codes Department meet with Judge Maisano to evaluate how penalties are enforced so the illegal parking can be alleviated. Also, Mr. Whiteside would like Council to form a group that consists of the councilmembers, residents, Chief, Mayor and Manager to evaluate the neighborhood and work together to fix these problems. He offered to be a liaison between the group and the neighborhood.

Reverend James Olsen, Senior Pastor of First Baptist Church, 415 West State Street, advised that his church is hosting "Bring Your Tractor to Church Weekend" on their

property, April 26th and 27th. This event is in support of Ivan Stoltzfus' journey, "Across America for Wounded Warriors" which will include a Tractor Parade at 2:00 p.m. on Sunday, the 27th. The parade will begin at Exelon and end at the church.

Ivan Stoltzfus advised that in April 2014 he will embark on a trip of a lifetime traveling coast to coast across the United States of America on a two (2) cylinder John Deere tractor. His mission is to raise awareness and funds for the Wounded Warriors Project. Mr. Stoltzfus thanked Council and the merchants for their support.

REPORTS

PUBLIC SAFETY

Chief of Police Edward Zunino provided a comparison of the crime statistics from past two (2) years as follows:

	<u>2012</u>	<u>2013</u>
• Traffic Citations	799	622
• Written Traffic Warnings	692	631
• Total Calls	8,033	7,757

CONSENT ITEMS

MINUTES of JANUARY 6, 2014

President Spencer presented the January 6, 2014 minutes.

It was moved by Vice President Maffei and seconded by Councilmember Sinclair to approve the minutes as presented. Motion carried unanimously.

BILLS

President Spencer presented the bills to be paid on January 27, 2014 and the bills that were paid since the last meeting.

It was moved by Councilmember Bosley and seconded by Vice President Maffei to approve the bills as presented. Motion carried unanimously.

COLLECTIVE BARGAINING AGREEMENT YEARS 2014, 2015 and 2016

President Spencer recommended that the Collective Bargaining Agreement be removed from the agenda.

It was moved by Vice President Maffei and seconded by Councilmember Plumley to remove the agreement from the agenda. Motion carried unanimously.

PAYMENT APPLICATIONS

HERB PENNOCK PARK WALKING TRAIL PROJECT PAYMENT NO. 1/FINAL

President Spencer presented Payment Application No. 1/Final to Gessler Construction for the Herb Pennock Park Walking Trail Project.

The Manager advised that this payment, in the amount of \$59,032.00, represents the full contract amount. The project consisted of a walking trail around Pennock Park and installation and relocation of new fencing at the Wastewater Treatment Plant. He noted that the crosswalk markings on South Street have been installed by Kennett Township. The Borough fiscal responsibility is \$7,663.27.

It was moved by Vice President Maffei and seconded by Councilmember Sinclair to approve the payment as presented. Motion carried unanimously.

GRANT WAY – PUBLIC WORKS FACILITY IMPROVEMENTS PROJECT PAYMENT APPLICATION NO. 3

President Spencer presented the Payment Application No. 3 to Agpoint Construction Services for Grant Way – Public Works Facility Improvements Project.

The Manager advised that Payment No. 3, in the amount of \$225,242.83, is the full amount of the work completed to date minus the ten percent (10%). This payment mainly represents costs associated with paving and the construction of the storage bins. The Public Works crew has moved the majority of the equipment to the new site.

It was moved by Councilmember Bosley and seconded by Vice President Maffei to approve the payment as presented. Motion carried unanimously.

SPECIAL EVENT APPLICATIONS

2014 HEALTHY KIDS DAY, APRIL 26th

President Spencer presented the special event application for the 2014 Healthy Kids Day, Saturday, April 26th, 11 a.m. to 2 p.m. This event is sponsored by the Kennett Area YMCA and will be held in the 200 and 300 blocks of South Broad Street.

It was moved by Vice President Maffei and seconded by Councilmember Plumley to approve the application as presented. Motion carried unanimously.

2014 ART on the SQUARE and PLANT SALE, APRIL 26th

President Spencer presented the special event application for Art on the Square and Plant Sale, Saturday, April 26th, 10 a.m. to 4 p.m. This event is sponsored by the Kennett Area Restaurants and Merchants Association (KARMA) and the Kennett Area Arts Coalition (KAAC) in cooperation with Historic Kennett Square. It will be held in the 100 block of South Broad Street, Genesis walkway, and on the sidewalks of State Street between Union Street and the Bayard Taylor Memorial Library.

It was moved by Councilmember Sinclair and seconded by Councilmember Plumley to approve the application as presented.

Kathleen Caccamo, Bedbugzz and KARMA, advised that event area has changed a little due to requests from the community and merchants. The area includes the sidewalks on State Street between Union Street and the Library, the Genesis walkway and the closing of the 100 block on Broad Street.

Vice President Maffei questioned if the ten foot (10') path for emergency equipment was at the request of Chief Zunino.

Karen Scherer advised this ten foot (10') right-of-way is now a permanent stipulation of all special event applications at the request of Fire Chief Steven Melton.

Motion carried unanimously.

**RELEASE of ESCROW FUNDS
REPLACED with IRREVOCABLE LETTER of CREDIT
KENNETT SQUARE REALTY, LP**

President Spencer presented the request from Kennett Square Realty, LP for the release of escrow funds to be replaced with an Irrevocable Letter of Credit.

The Manager advised that the amount of escrow funds to be released is \$156,488.80.

It was moved by Vice President Maffei and seconded by Councilmember Plumley to approve release of the escrow funds as presented.

Vice President questioned if the Letter of Credit is already in place.

The Manager replied yes.

Motion carried unanimously.

**WAIVER REQUEST of PARKING REQUIREMENTS
OFFICES, GOTS 4, LLC, 112 SOUTH UNION STREET**

President Spencer presented the letter from Olen Grimes, owner of 112 South Union Street, requesting relief of two (2) required parking spaces.

The Manager advised that in his request letter, Mr. Grimes stated that the Borough Zoning Ordinance allows relief for two (2) parking spaces per Article VII, Table 7.1, Section 23-65(a)(5)(d) with payment of the one-time In-lieu of Parking Requirement Fee of \$460.00 per space.

It was moved by Councilmember Bosley and seconded by Councilmember Sinclair to approve the relief for parking as requested.

Vice President Maffei questioned if the handwritten letter from Mr. Grimes is adequate or is there a Borough form that needs to be completed.

The Manager replied that Mr. Grimes' letter is adequate.

Motion carried unanimously.

**BID AWARD
YEATMAN WELL PROJECT
CONTRACT NO. 1, WICKERSHAM CONSTRUCTION and ENGINEERING, INC.,
and CONTRACT NO. 2, GREG A. VIETRI, INC.**

President Spencer presented the recommendation and bid award for the Yeatman Well.

The Manager advised that the bid contains two separate contracts as follows:

- Construction - Contract No. 1 including Bid Alternates 1, 2, and 3, to Wickersham Construction and Engineering, Inc., total amount of this contract and alternates is \$1,014,425.00
- Electrical - Contract No. 2 to Greg A. Vietri, Inc. with a bid amount \$179,475.00.

He noted that the construction is slated for this spring.

It was moved by Vice President Maffei and seconded by Councilmember Sinclair to award the bid as presented.

Vice President Maffei noted that this bid award is based on the Borough receiving a permit for the well from Pennsylvania DEP.

The Manager stated that Borough staff does not foresee a problem that we will not receive the permit.

Motion carried unanimously.

PUBLIC COMMENTS

John Thomas, 406 South Broad, congratulated the new councilmembers and encouraged them to speak up, ask questions and vote accordingly. He recommended that that the Borough encourages interested people to obtain a permit, without a fee, to remove snow from sidewalks and driveways in addition to collecting leaves. The people with permits should then be placed on a list available to the residents who are looking for someone to provide these services. In addition, Mr. Thomas would like the bills reviewed by the Finance Committee prior to approving payment. Lastly, he would like to know why the new Public Works facility had two (2) flat screen televisions installed.

Leslie Whiteside, 802 Wayne Avenue, asked if the Borough will review the ordinance that would ban chickens from the Borough. She would like an open discussion on relocating the Brewfest outside of the Borough.

The Manager replied to Ms. Whiteside advising her of the process and timeline of enacting ordinances.

Robert Whiteside, 802 Wayne Avenue, questioned if the Borough has received other complaints about chickens.

The Manager replied yes but that they are not that common.

Mr. Whiteside would like to see the Brewfest event be relocated from in front of the High School and suggested having it in a township or Anson B. Nixon Park. He would like to attract other businesses to the Borough besides breweries to promote the Borough as a great place to raise a family. Mr. Whiteside asked the young members of Council to take a look at the senior residents in the audience and compare them to their parents and asked if they would want their parents to take a loss on their properties.

Don Quinn, 705 Wayne Avenue, commended Chief Zunino on referring him to a drug investigator. He stated that he has also observed chickens running loose in his neighborhood. He invited Council to stop by his home and he offered to walk the neighborhood with them.

Janet Wilson, 126 Scarlett Avenue, has observed chickens running out of a house on Scarlett Avenue. She suggested that people who violate the Borough Code be listed in the newspapers so residents are aware of the violators.

Tony Talamonti, 584 East Cypress Street, expressed his concern that the Borough holds so many festivals but does not financially benefit from these festivals. He also expressed his concern that Council does not say anything, they just vote. He also suggested that the YMCA pays a monthly amusement tax, or a similar tax, based on membership.

Janet Wilson complained that she has to listen to the music from the Brewfest and has seen people walking to their vehicles and throwing beer bottles after the event.

Jane Bazzano, 807 South Mill Road, asked if the services provided for special events by the Public Works and Police Departments are reimbursed.

The Manager advised that the Borough recovers the full cost of these services by the organization that sponsors the event.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

Vice President Maffei stated that his New Years wish, as published in an article in The Kennett Paper, was that more people show up to council meetings. The only time we work as a team is when people participate. He thanked the public for their comments and participation. He advised the public that he is available to talk about Borough issues by phone, email or his home in addition to the two (2) nights per month that he attends the council meetings.

President Spencer stated that blight in any neighborhood is unacceptable. He noted that he visited the South Walnut Street neighborhood after the recent snowstorms and despite the fact that most residents were not in favor of the sidewalks being installed, the residents removed the snow and he commended them for doing so. In addition, President

Spencer stated that he often drives through the neighborhoods of the Borough but has not witnessed skateboarders on Ridge Avenue nor chickens coming out of a house. He advised that he took notes from the public's comments tonight and stated that there is work to be done.

ADJOURNMENT

It was moved by Vice President Maffei and seconded by Councilmember Plumley to adjourn the meeting at 8:28 p.m.

Karen L. Scherer

Karen L. Scherer
Secretary