

# OFFICIAL MINUTES

## FEBRUARY 18, 2014

The Regular Meeting of February 18, 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*  
*Julie Von Spreckelsen, Esquire, Borough Solicitor*

Absent: *Mayor Matthew W. Fetick*

### EXECUTIVE SESSION

President Spencer announced that Council held an Executive Session in Borough Hall on Wednesday, February 5, 2014 at 7:00 p.m. The purpose of the meeting was to discuss legal matters.

### PUBLIC COMMENTS

There were no public comments from the floor.

### ADJUSTMENT in AGENDA

President Spencer advised that Julie Von Spreckelsen, Esquire with Eastburn and Gray, PC has been delayed in traffic. The public hearing for the Stormwater Management Ordinance will be delayed until she arrives.

### REPORTS

#### HISTORIC KENNETT SQUARE (HKS)

Ms. Mary Hutchins, Executive Director, reported the following:

- HKS is working on the following events – Farmers Market on the 1<sup>st</sup> and 3<sup>rd</sup> Fridays, the next First Friday Art Stroll to be held on March 7<sup>th</sup>, and the Evening of the Arts to be held on Friday, April 4<sup>th</sup>.
- Finalizing the details for WinterFest that will take place this Saturday. Tickets have been sold out and they are expecting about 1,200 people.

- The Economic Development Committee led by new board member Tom Sausen is working on updating the Economic Development Plan.
- She is working with the owner of the 110 East State Street building to find a new tenant.
- The latest issue of Fig Kennett will be out this Thursday, February 20<sup>th</sup>. A launch party is planned from 5:30 to 8:00 p.m. at the Kennett Square Inn.

## **HISTORICAL COMMISSION (HC)**

Councilmember Sinclair, Chair of the Historical Commission, reported that no permit applications were reviewed by the commission in January or February, 2014.

## **PUBLIC SAFETY**

Chief of Police Edward Zunino reported the following crime statistics for the month of January 2014:

- Traffic Citations – 30.
- Written Traffic Warnings – 49.
- Criminal Arrests – 14.
- DUI Arrests – 6.
- Total Calls – 599 compared to 641 in January, 2013.

## **PUBLIC WORKS/FINANCE COMMITTEE**

Councilmember Bosley reported the following from their meeting on January 31, 2014:

- The invoices were reviewed.
- Cypress Street Project – Meliora continues to work on the design. The project will be done this year.
- Closed Loop Project will start in March.
- Public Works Facility (Grant Way) – Tying up loose ends. Vice President Maffei will design the entrance way “pro bono” which includes a community vegetable garden sponsored by KATA.
- Yeatman Well – Received the permit from PA DEP; project to be completed by the end of the summer.
- Walnut Street Neighborhood Improvements Project – Project is complete with Council considering the final payment this evening.
- Established their schedule for 2014.
- The Water Meter Replacement Project will begin this year.

Councilmember Bosley thanked the Public Works Department for their phenomenal work clearing the snow this winter.

President Spencer thanked the Public Works, Police and Fire Departments for their commendable work during the recent snow and ice storms noting that we live in a town that is full of very dedicated people.

## **CONSENT ITEMS**

### **MINUTES of JANUARY 27, 2014**

President Spencer presented the January 27, 2014 minutes.

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

## **BILLS**

President Spencer presented the bills to be paid on February 18, 2014 and the bills that were paid since the last meeting.

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

## **COLLECTIVE BARGAINING AGREEMENT 2014, 2015 and 2016**

President Spencer presented the Collective Bargaining Agreement between the Borough of Kennett Square and the Kennett Square Police Association for the years 2014, 2015 and 2016.

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

## **SPECIAL EVENT APPLICATIONS**

### **2014 CINCO de MAYO, MAY 4<sup>th</sup>**

President Spencer presented the special event application for the 2014 Cinco de Mayo Festival to be held on Sunday, May 4<sup>th</sup>, from noon until 6 p.m. This event is sponsored by Casa Guanajuato and will be held in the 100 block of East State Street, 100 and 200 blocks of West State Street, Center and Meredith Streets between State and Cypress Streets, and North Union Street between Cypress and Maple Streets.

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

Arturo Gomez-Rubio, President of Casa Guanajuato, explained that the only significant change in the application is the addition of the closure of the 100 block of East State Street.

Motion carried unanimously.

## **KARS for KACIE CAR SHOW**

President Spencer announced that Andy Rumford, Kacie's Kause, withdrew this special event application on February 18<sup>th</sup> at 4:56 p.m. via email due to time restraint for planning the event.

## **AUTHORIZE AUCTION of PATROL VEHICLE**

President Spencer presented the request from Chief of Police Edward Zunino to auction off the 2008 Dodge Charger with Police Package.

It was moved by Councilmember Plumley and seconded by Councilmember Sinclair to approve the auction of this vehicle. Motion carried unanimously.

## **ARCHITECTURAL REVIEW BOARD (ARB) APPLICATIONS 203 B EAST STATE STREET**

President Spencer presented the ARB application from Steven Warner for new signage at his property 203B East State Street, Honey Badger Woodworks.

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

## **205 SOUTH UNION STREET**

President Spencer presented the ARB application from 205 South Union, LLC for their conceptual design only for exterior alterations and additions to their property located at 205 South Union Street.

It was moved by Councilmember Bosley and seconded by Councilmember Plumley to approve the application for conceptual design only and does not include the approval of materials and colors. Motion carried unanimously.

## **PAYMENT APPLICATION NO. 6/FINAL WALNUT STREET NEIGHBORHOOD IMPROVEMENTS PROJECT**

President Spencer presented Payment Application No. 6/Final to Malloy Paving for the Walnut Street Neighborhood Improvements Project.

The Manager advised that this is the sixth (6<sup>th</sup>) and final payment in the amount of \$31,730.92 which is the full amount of the five percent (5%) retainage withheld throughout the project. The County has closed out the project as well and sent their final payment in the amount of \$26,500.00.

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

## **RECESS**

President Spencer announced that Council recess at 7:24 to allow time for Julie Von Spreckelsen, Esquire to arrive for the public hearing.

President Spencer called the meeting back in session at 7:37 p.m.

## **PUBLIC HEARING**

### **AMENDMENTS to BOROUGH of KENNETT SQUARE MUNICIPAL CODE REPEALING CHAPTER 24, STORMWATER MANAGEMENT ORDINANCE ADDING a NEW CHAPTER 24, STORMWATER MANAGEMENT ORDINANCE**

Julie Von Spreckelsen, Esquire, Eastburn and Gray, PC opened the public hearing at 7:38 p.m.

The hearing was conducted by Court Reporter Nancy Sage and a transcript of this public hearing is available from the Chester County Court Reporters' office for a period of seven (7) years.

Julie Von Spreckelsen, Esquire, Eastburn and Gray, PC closed the public hearing at 8:32 p.m.

## **PROPOSED ORDINANCE**

### **AMENDMENTS to BOROUGH of KENNETT SQUARE MUNICIPAL CODE REPEALING CHAPTER 24, STORMWATER MANAGEMENT ORDINANCE ADDING a NEW CHAPTER 24, STORMWATER MANAGEMENT ORDINANCE**

President Spencer presented the ordinance amending the Municipal Code of the Borough of Kennett Square, Chapter 24, Stormwater Management Ordinance in its entirety, and by adding a new Chapter 24, Stormwater Management Ordinance consistent with the Chester County-wide Act 167 model ordinance.

It was moved by Councilmember Plumley and seconded by Vice President Maffei to adopt the ordinance as presented.

There was discussion regarding the disturbance of more than 500 square feet of undeveloped ground and making impervious coverage. Also discussed was implementing the use of the simplified method for calculating stormwater runoff.

Vice President Maffei stated that the intent of this ordinance to protect our water resources is correct however the ordinance still needs some tweaking.

The Borough Secretary called the roll of votes for the adoption of this ordinance: Councilmember Plumley voted yes.

President Spencer, Vice President Maffei and Councilmembers Sinclair, Taylor, Irwin and Bosley voted no.

The motion did not carry.

## **PRESIDENT'S REPORT**

President Spencer stated that during "Public Comments" Council is often chastised that they are not addressing residents' concerns. To help alleviate this problem, Council will be holding a Resident Forum next Wednesday, February 26<sup>th</sup> at 7:00 p.m. in the Red Clay Room. He advised that the meeting has been advertised in The Kennett Paper and encouraged the public to attend.

President Spencer announced that he has appointed Councilmember Taylor to serve on two (2) Council committees, Public Works/Finance Committee and the Public Safety Committee.

## **PUBLIC COMMENTS**

There were no public comments from the floor.

## **COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS**

There were no comments or announcements.

## **ADJOURNMENT**

*It was moved by Vice President Maffei to adjourn the meeting at 8:38 p.m.*

*Karen L. Scherer*

Karen L. Scherer  
Secretary