

OFFICIAL MINUTES

MARCH 17, 2014

The Regular Meeting of March 17, 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
Mayor Matthew W. Fetick
Manager Brant Kucera

PUBLIC COMMENTS

There were no public comments from the floor.

REPORTS

CIVIL SERVICE COMMISSION

Mitchell Brison, Chair of the Civil Service Commission, presented the commission's annual report for 2013 as follows:

- The Commission adopted the Amended and Revised Rules and Regulations on January 14th; Council approved this adoption on January 22nd.
- On June 3rd, Council charged the Commission to begin the testing process to establish a Certified List to hire one (1) Entry Level Police Officer.
- On July 1st, Council appointed Bill Smith as a regular member of the Commission to fill the vacancy. Under the new Rules and Regulations, Council appointed the following Borough residents during the months of July, August and September to serve as alternate members of the Commission - Carlos Navarro, Earl Jones and Tony De Fazio.
- During their meeting on September 9th, the Commission appointed Michael Miller of Eckert Seamans as the Solicitor for the Commission.
- In September 2013, after the appointment of the three (3) alternates, the Commission was able to begin the testing process:
 - A total of 23 applications were submitted.
 - By the end of December 2013, after the completion of the Written and Physical Agility Examinations, 11 applicants were eligible to proceed to the Oral Examinations which were held on January 4, 2014.

- This was the first time that the Commission elected to have the Police Academy at the Delaware County Community College in Media, PA, conduct the Physical Agility Examination.

PUBLIC SAFETY

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

- Traffic Citations – 37.
- Written Traffic Warnings – 43.
- Criminal Arrests – 30.
- DUI Arrests – 5.
- Total Calls – 552, compared to 619 in February, 2013.

PUBLIC WORKS/FINANCE COMMITTEE

Councilmember Bosley reported the following from their meeting in February 2014:

- Reviewed and spot checked invoices.
- The Closed Loop Project is now underway.
- Finalized the submittal of the plans for the West Cypress Street Project.
- Final touches are being done at Grant Way with Vice President Maffei working on the landscape design pro bono.
- The contract has been executed for the Yeatman Well Project.
- Reviewed Capital Improvement Plan. Kathy Holliday, Finance Director, is updating the booklet and in April, the committee will finalize the plan and make recommendations to Council.

CONSENT ITEMS

MINUTES of FEBRUARY 26, 2014

President Spencer presented the February 26, 2014 minutes.

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

BILLS

President Spencer presented the bills to be paid on March 17, 2014 and the bills that were paid since the last meeting.

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

CERTIFIED LIST – ENTRY LEVEL POLICE OFFICER

President Spencer presented the Certified List generated by the Civil Service Commission on March 3, 2014. The Certified List consists of the following applicants:

- Boyer, Jeremiah
- Murtagh, Ryan
- Carlson, George

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

RESOLUTION NO. 1-14

SCHEDULE DISPOSITION of MUNICIPAL RECORDS

President Spencer presented the resolution containing the list of records scheduled for disposition in 2014. The disposition is in accordance with the Municipal Records Manual published by the Pennsylvania Historical and Museum Commission as adopted by Council on June 6, 2011.

It was moved by Councilmember Sinclair and seconded by Councilmember Taylor to approve the resolution as presented. Motion carried unanimously.

The resolution was assigned No. 1-14.

AUTHORIZE GRANT APPLICATION

2014 CHESTER COUNTY COMMUNITY REVITALIZATION PROGRAM (CRP) WEST CYPRESS STREET, EXPANSION of PROJECT and BIRCH STREET, PHASE 1

It was moved by Vice President Maffei and seconded by Councilmember Taylor to approve the CRP grant application.

The Manager recommended that the Borough apply for the CRP grant funding from the Chester County Department of Community Development. Staff has identified two (2) possible projects; the total project costs are listed as follows in order of priority:

1. West Cypress Street - expand the scope of the project to replace lead water main and storm sewer infrastructure in the amount of \$320,000.
2. Birch Street, Phase I - \$625,000 for water and stormwater repairs and upgrades.

The Manager advised that the Borough is required to match a minimum of 25% for the total project costs; \$62,500 for West Cypress Street and \$160,000 for Birch Street.

Motion carried unanimously.

CONTRIBUTION to KENNETT FIRE COMPANY AMBULANCE PURCHASE

President Spencer presented the contribution request form the Kennett Fire Company to assist with the purchase of an ambulance.

The Manager advised that the Fire Company is purchasing a new ambulance in May. The cost of the vehicle is approximately \$140,000 and that Kennett Township has contributed \$100,000 towards the purchase. This matter was brought before the Public Works/Finance Committee last month and the committee felt a \$20,000 contribution was a good idea. Although this was not budgeted, the Manager feels comfortable that he can save money on some work that was to be done at Borough Hall and use the community services line item to offset the cost.

It was moved by Councilmember Sinclair and seconded by Councilmember Bosley to approve the \$20,000 contribution as presented.

Councilmember Plumley questioned if there was a way the Borough could contribute additional monies.

The Manager advised that he is not comfortable with anything above \$20,000.

Motion carried unanimously.

SPECIAL EVENT APPLICATIONS 2014 COMMUNITY SHRED EVENT

President Spencer presented the special event application for the 2014 Community Shred Event to be held on Saturday, April 12th, from 9 a.m. to 1 p.m. This event is free to all Borough residents and surrounding community members. It is sponsored by Bayard Taylor Memorial Library in cooperation with the Borough and will be held in the municipal parking lot between the library and Borough Hall.

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

LETTER of SUPPORT – GRANT APPLICATION KENNETT AREA PARK and RECREATION BOARD (KAPRB) and KENNETT TOWNSHIP PENNSYLVANIA DEPARTMENT of CONSERVATION and NATURAL RESOURCES (DCNR)

President Spencer presented the request from Kennett Area Park and Recreation for a letter of support for a grant application being submitted by Kennett Township.

The Manager advised that the township is applying for a grant on behalf of KAPRB. The grant funding is through the PA DCNR to purchase eight (8) sets of aluminum bleachers. There is no financial impact on the Borough.

It was moved by Councilmember Sinclair and seconded by Vice President Maffei to approve the support letter as requested. Motion carried unanimously.

AUTHORIZED SIGNERS SCHOOL RESOURCE OFFICER (SRO) GRANT AGREEMENT

President Spencer presented the authorized signers to be Mayor Fetick and Chief Edward Zunino for the grant agreement between the Pennsylvania Department of Education and the Borough.

The Manager advised that the State requires proof that Council authorized the signers of the agreement, i.e. minutes. Because the grant funds the SRO position it makes sense to have the Mayor and Chief Zunino as the authorized signers.

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

WAIVER REQUESTS MANUEL, THOMAS J. and LEWIS E. 533 EAST STATE STREET

President Spencer presented the following waiver requests from Thomas J. and Lewis E. Manuel for their property located at 533 East South Street:

- A. A waiver from section 18-8(a) and (b) requiring a tentative sketch plan and a preliminary plan be submitted for all subdivisions. The submitted plan is a preliminary/final subdivision plan.
- B. A waiver from section 18-10(a)(6) and section 18-11(b)(1)(C) requiring that all lettering, words, and numbers on the plan be at least 0.1 inch in height.
- C. A waiver from section 18-11(a)(2)(A)(viii) requiring all utilities to be shown on a separate plan sheet.
- D. A waiver from section 18-18(d)(1) requiring the minimum cartway widths of all streets to be thirty feet.
- E. A waiver from section 18-28 requiring a front yard buffer. A pullback area is proposed in the front yards of both lots to allow vehicles to enter East South Street without backing out onto the road.

It was moved by Vice President Maffei and seconded by Councilmember Taylor to grant the waivers as requested.

PRELIMINARY/FINAL SUBDIVISION/LAND DEVELOPMENT PLAN APPROVAL MANUEL, THOMAS J. and LEWIS E. 533 EAST STATE STREET

It was moved by President Spencer and seconded by Councilmember Taylor to approve the preliminary/final subdivision/land development application of Thomas J. Manuel and Lewis E. Manuel based on the plans prepared by Register Associates, Inc. dated

November 4, 2013, last revised January 20, 2014, and consisting of 7 sheets. The motion is subject to the following conditions, each of which shall be satisfied prior to the signing and recording of the final plan unless otherwise stated herein:

1. Compliance with all comments contained in the Pennoni Second Review dated January 27, 2014 and in the Pennoni Third and Fourth Reviews dated February 20, 2014.
2. Submission of .pdf files of all drawings to Kennett Square Borough and Pennoni (SLDO section 18-10(e)(3)).
3. Execution of all certificates required by Kennett Square Borough (SLDO section 18-10(f)).
4. Receipt of all permits and approvals necessary for the completion of the project as stated on the Preliminary/Final Plans.
5. Receipt of all permits and approvals necessary from the Pennsylvania Department of Transportation, including a Highway Occupancy Permit for the driveway entrance and associated work.
6. Receipt of letters of endorsement from all utility providers, including, but not limited to electric, telephone, and cable television. The letter from the electric service provider shall confirm consent of relocation of the existing utility pole and installation of proposed underground electric and gas service connection points as shown on the Preliminary/Final Plans.
7. Payment of all Kennett Square Borough consultant review fees prior to signing and recording of the Preliminary/Final Plans.
8. Submission of revised Preliminary/Final Plans showing all necessary cross-easements for the commonly owned sidewalks, driveway, stormwater management facilities, and other similar improvements, to be approved by the Borough Engineer.
9. Execution of a Declaration of Covenants, Conditions, and Restrictions in a form acceptable to the Kennett Square Borough Solicitor. The Declaration shall contain provisions that the Declarant/legal owners and successor owners shall be responsible for the maintenance, repair, and replacement of commonly owned sidewalks, driveway, stormwater management facilities, and other similar improvements.
10. Execution of a Stormwater Operations and Maintenance Agreement, which shall provide, *inter alia*, for the perpetual maintenance obligation of the applicants and successor owners to ensure maintenance of all stormwater facilities, in a form acceptable to the Kennett Square Borough Solicitor.
11. Execution of a Stormwater Management Facilities Easement Agreement, in a form acceptable to the Kennett Square Borough Solicitor.
12. Execution of an Improvements Agreement and a Financial Security Agreement, in a form acceptable to the Kennett Square Borough Solicitor.
13. Posting of financial security, in accordance with section 509(a) of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10509(a), in an amount to be determined satisfactory by the Borough Engineer and in a form acceptable to the Borough Solicitor, to ensure completion of the proposed improvements.
14. Execution of water service agreements and payment of all required connection and tapping fees for water service to Kennett Square Borough.
15. Execution of sanitary sewer service agreements and payment of all required connection and tapping fees for service to Kennett Square Borough.

The following waivers from the Kennett Square Borough Subdivision and Land Development Ordinance are granted:

- A. A waiver from section 18-8(a) and (b) requiring a tentative sketch plan and a preliminary plan be submitted for all subdivisions. The submitted plan is a preliminary/final subdivision plan.
- B. A waiver from section 18-10(a)(6) and section 18-11(b)(1)(C) requiring that all lettering, words, and numbers on the plan be at least 0.1 inch in height.
- C. A waiver from section 18-11(a)(2)(A)(viii) requiring all utilities to be shown on a separate plan sheet.
- D. A waiver from section 18-18(d)(1) requiring the minimum cartway widths of all streets to be thirty feet.
- E. A waiver from section 18-28 requiring a front yard buffer. A pullback area is proposed in the front yards of both lots to allow vehicles to enter East South Street without backing out onto the road.

Motion carried unanimously.

**WAIVER REQUESTS
SAXTON-NICOL, LARA E.
213 SOUTH WILLOW STREET**

President Spencer presented the following waiver requests from Lara E. Saxton-Nicol for the subdivision of her property located at 213 South Willow Street:

- A. A waiver from section 18-8(a) and (b) requiring a tentative sketch plan and a preliminary plan be submitted for all subdivisions. The submitted plan is preliminary/final subdivision plan.
- B. A waiver from section 18-10(a)(6) and section 18-11(b)(1)(C) requiring that all lettering, words, and numbers on the plan be at least 0.1 inch in height.
- C. A partial waiver from section 18-10(c)(1) requiring certain man-made and natural features impacting the ability of the applicant to subdivide or develop the land in question to be shown on the plan. Applicant is granted a partial waiver of this section in that the applicant shall show the existing water main, gas main, water service and sanitary sewer service features on the plan.
- D. A waiver from section 18-10(c)(8) requiring the depth of the water table to be shown on the plan.
- E. A waiver from section 18-10(d)(10) requiring a preliminary grading plan.
- F. A waiver from section 18-21(a) requiring that sidewalks be provided along all streets. Sidewalks exist along the frontage of the property but not along the alley, Race Street.
- G. A waiver from section 18-33(a)(1) requiring survey monuments to be placed on the right-of-way lines at corners, angle points, the beginning and ends of curves, at all corners and changes in directions of the boundary of the tract under development, and at other points as required by the borough.

It was moved by Councilmember Bosley and seconded by Councilmember Sinclair to grant the waivers as requested.

**PRELIMINARY/FINAL SUBDIVISION PLAN APPROVAL
SAXTON-NICOL, LARA E.
213 SOUTH WILLOW STREET**

It was moved President Spencer and seconded by Councilmember Sinclair to approve the preliminary/final subdivision plan for Lara E. Saxton-Nicol, prepared by Register Associates, Inc. dated October 1, 2013, and consisting of 1 sheet, subject to the following conditions, each of which shall be satisfied prior to the signing and recording of the preliminary/final plans unless otherwise stated herein:

1. Compliance with all comments contained in the Preliminary/Final Plan Review, dated October 18, 2013, prepared by Pennoni Associates, Inc.
2. Execution and recording of a permanent 10' wide access easement agreement as shown on the Preliminary/Final Plan in a form acceptable to the Borough Solicitor. The access easement shall also be referenced in the deeds to both parcels.
3. Receipt of all permits and approvals necessary for the completion of the project as depicted on the Preliminary/Final Plan.
4. All Borough consultant review fees paid prior to signing and recording of Preliminary/Final Plan.

The following waivers from the Kennett Square Borough Subdivision and Land Development Ordinance are granted:

- A. A waiver from section 18-8(a) and (b) requiring a tentative sketch plan and a preliminary plan be submitted for all subdivisions. The submitted plan is preliminary/final subdivision plan.
- B. A waiver from section 18-10(a)(6) and section 18-11(b)(1)(C) requiring that all lettering, words, and numbers on the plan be at least 0.1 inch in height.
- C. A partial waiver from section 18-10(c)(1) requiring certain man-made and natural features impacting the ability of the applicant to subdivide or develop the land in question to be shown on the plan. Applicant is granted a partial waiver of this section in that the applicant shall show the existing water main, gas main, water service and sanitary sewer service features on the plan.
- D. A waiver from section 18-10(c)(8) requiring the depth of the water table to be shown on the plan.
- E. A waiver from section 18-10(d)(10) requiring a preliminary grading plan.
- F. A waiver from section 18-21(a) requiring that sidewalks be provided along all streets. Sidewalks exist along the frontage of the property but not along the alley, Race Street.
- G. A waiver from section 18-33(a)(1) requiring survey monuments to be placed on the right-of-way lines at corners, angle points, the beginning and ends of curves, at all corners and changes in directions of the boundary of the tract under development, and at other points as required by the borough.

Motion carried unanimously.

PRESIDENT'S REPORT

President Spencer advised that the County will be holding a hearing on Monday, March 24th, 6 p.m., at the Government Service Center to discuss housing issues in the County which include some homelessness initiatives. He plans to attend that meeting and will report back.

In addition, President Spencer advised that Kennett Area Community Service will also hold a meeting regarding the homelessness initiatives at the Friends Meeting House on March 26th, from 2 to 4 p.m.

President Spencer reported that the County will host several Household Hazardous Waste and E-Waste Collection Events this year. Karen Scherer, Borough Secretary, has hard copies of the schedule; the schedule is also posted on the Borough's website.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

Mayor Fetick reminded Council that the Kennett Fire Company will host their annual meeting for municipal officers on Monday, March 21st.

ADJOURNMENT

It was moved by Councilmember Sinclair and seconded by Councilmember Plumley adjourn the meeting at 7:48 p.m.

Karen L. Scherer

Karen L. Scherer
Secretary