

# OFFICIAL MINUTES

## APRIL 21, 2014

The Regular Meeting of April 21, 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*  
*Borough Solicitor Julie Von Spreckelsen, Esquire*

### AMEND AGENDA – MINUTES TABLED

*It was moved by Vice President Maffei and seconded by Councilmember Taylor to amend the agenda by tabling the consideration of the minutes from the Council meeting on April 7, 2014. Motion carried unanimously.*

### PUBLIC COMMENTS

John Thomas, 402 South Broad Street, referred to the Borough's debt and financial losses over the years. He is concerned because the debt will increase with the construction of the well and the addition to parking garage. Mr. Thomas said that we have to prepare for 10 years down the road and believes that the taxes will be so high that no one will want to live here. In addition, he stated that our infrastructure needs to be repaired and we also need to work on how to cut some of these expenses and debt. Mr. Thomas noted that he now pays more in Borough taxes than in County taxes.

Renna Van Oot, Executive Director of Friends Home, 147 West State Street, gave a brief history of their facility which has been in operation since 1898. She noted that the Board of the Friends Home will need to make significant changes to their buildings to ensure the comfort and safety of the residents. While the Board currently does not have specific plans formalized, it is their hope that the Borough and the Historic Commission will work with them in partnership for the good of the community. They also hope that balance can be struck between preserving the essential character of the buildings, and preserving the long-standing tradition of service the Friends Home provides.

Bill Fenstermacher, 115 South Broad Street, stated that he does not support the proposed historic ordinance. He noted that he started his business in 1973 and the building

was renovated a few years ago. Although regulations are well intended, he believes the regulations in the proposed historic ordinance would have delayed his renovation project immensely. Mr. Fenstermacher stated that Council needs to take into consideration that we are a small community and vote against the ordinance.

Katherine Tavoni, 615 Worrall Avenue, presented photos of Worrall Avenue that show the condition of her street when it rains. She believes the road was never properly graded and has continuously deteriorated over the years. Ms. Tavoni asked Council to visit the street.

Ann Einstein, 119 East Linden Street, stated that she has reviewed the newest draft of the proposed historic ordinance. She is concerned that her building will be less valuable in the future if people will have to go through so much red tape to do alterations. She remains concerned about the impact this will have on the community and questioned what makes the building historic.

## **REPORTS**

### **PUBLIC SAFETY**

Chief of Police Edward Zunino announced that the National Prescription Drug Take Back Program will be held this Saturday, April 26<sup>th</sup>. The Kennett Square Police Department is a collection site and the public is encouraged to dispose of all unwanted and unneeded prescription medication at the department from 10:00 a.m. to 2:00 p.m. He continued his report with the following crime statistics for the month of March 2014:

- Traffic Citations – 50.
- Written Traffic Warnings – 41.
- Criminal Arrests – 26.
- DUI Arrests – 2.
- Total Calls – 675, compared to 685 in March, 2013.

### **PUBLIC WORKS/FINANCE COMMITTEE**

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

- The Closed Loop Project will soon be underway.
- We are moving forward on the West Cypress Project.
- The final touches are being done to Grant Way.
- The Yeatman Well should be on line by the end of summer.

## **CONSENT ITEM**

### **BILLS**

President Spencer presented the bills to be paid on April 21, 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.**

Councilmember Bosley advised that these bills were approved at the Public Works/Finance Committee in April.

**Motion carried unanimously.**

## **QUARTERLY FINANCIAL REPORT FIRST QUARTER of FISCAL YEAR 2014**

The Manager gave an overview of the Financial Report for the first quarter 2014 by reviewing each fund.

## **PUBLIC PRESENTATION PROPOSED HISTORIC DISTRICT ORDINANCE, ACT 167 COMPLIANCE**

Ray Ott of Ray Ott Associates commended Council for the multiple opportunities for public input over the course of the Task Force working on the proposed historic ordinance through public presentations and workshops. One of the public's concerns was that this ordinance would be an impediment to obtaining a Certificate of Use and Occupancy when a building is sold. To address this, one of the items included in this proposed ordinance is a provision that anything required to obtain a Certificate of Use and Occupancy Permit that involves health, safety and welfare issues is exempt from the Historic Architectural Review Board (HARB) process. Another provision added to the ordinance is that the Building Inspector may exempt a project from the HARB review process if the proposed project is truly an in-kind replacement and/or repair by using the same material and the building maintains the same appearance as prior to the proposed work.

Mr. Ott advised that there are two (2) zones to the proposed historic district. Zone A is the Downtown Historic District and Zone B includes the Residential Districts within the National Historic Register District. The buildings within the National Historic Register District have been determined by the Secretary of Interior and the National Park Service as being historically significant.

Another exception to the HARB review process is when an applicant is doing alterations or a project to a historic building/property that qualifies for a tax credit under the Tax Act Project.

Mr. Ott noted additions to the ordinance include the submission of photographs in the application process and the requirement of HARB to look at the financial feasibility of their recommendations. There is a separate section that provides a procedure for the demonstration of unreasonable economic hardship.

In addition, Mr Ott advised that he has been a resident of the Borough of West Chester since 1978 and noted that West Chester adopted an historic ordinance in 1987 and there is no evidence that it was detrimental to the growth of the borough or the value of the buildings.

Mr. Ott ended his presentation by answering questions presented by Council, the Mayor and Manager.

Vice President Maffei added that this ordinance has no bearing on any proposed work to be done on the interior of any building.

**SET PUBLIC MEETING – MAY 19, 2014, 7:00 PM  
FAIR HOUSING AMENDMENTS, BOROUGH CODE, CHAPTER 3,  
ANIMALS and FOWL, and CHAPTER 11, MOTOR VEHICLES and TRAFFIC**

President Spencer announced that the public meeting will be held on May 19, 2014, at 7:00 p.m. to consider the Fair Housing Amendments to the Borough Code, Chapter 3, Animals and Fowl, and Chapter 11, Motor Vehicles and Traffic.

**LETTER of INTENT  
REGIONAL POLICE FORCE FEASIBILITY STUDY**

President Spencer presented the Letter of Intent to conduct a Feasibility Study regarding a regional police force.

The Manager advised that the study includes the Borough, Kennett and New Garden Townships. In order to move forward with the study, Council is required to approve the execution of the Letter of Intent which will be signed by the Mayor.

The Mayor advised that this is just a beginning step to authorize the study and does not commit the Borough to forming a regional police force.

Chief Zunino advised that there is no cost associated with the study.

**It was moved by Councilmember Irwin and seconded by Councilmember Plumley to approve the Letter of Intent as presented.**

Councilmember Irwin questioned the primary reason for this study.

The Mayor advised that when the same type of study was approached several years ago, many municipalities were involved and only a few showed interest. It appears to be more conducive to do the study on a smaller scale of just the three (3) municipalities, the Borough, Kennett and New Garden Townships.

**Motion carried unanimously.**

**SPECIAL EVENT APPLICATION  
THE WOUNDED WARRIOR TRACTOR PARADE, APRIL 27<sup>th</sup>**

President Spencer presented the special event application for the Wounded Warrior Tractor Parade to be held on Sunday, April 27<sup>th</sup>, from 2:00 until 3:00 p.m.

President Spencer advised that this item was presented to Council a couple of months ago by Ivan Stoltzfus of the Wounded Warrior Project and Pastor Jim Olsen of the First Baptist Church of Kennett Square. Since then, the event has taken on a lot more interest with many more tractors participating. In addition, the American Legion Color Guard will lead the parade and when pedestrians are involved, streets are required to be closed.

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

## **PRESIDENT'S REPORT**

President Spencer noted that Cinco de Mayo Festival will be held in the Borough on Sunday, May 4<sup>th</sup>. This year's focus is on education.

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

The Manager advised that the Closed Loop is now underway and all of the fiber has been installed. The construction will begin at Mill and State Streets on May 15<sup>th</sup>.

The Manager reported that the auditors are at Borough Hall this week to begin working on the 2013 Audit.

The Manager pointed out that the Yeatman Well is a million dollar project but the Borough's responsibility is only \$300,000. The Public Works facility was budgeted by a dedicated millage. He noted that as we take on new debt our old debt is being eliminated and we have done a fine job reducing our debt.

The Manager advised that the Public Works Director Joseph Scalise looked at Worrall Avenue with the engineers. The engineers are working on an assessment report of Worrall so we can work on this particular issue. He noted that we do not want streets to go unrepaired for 20 years.

The Mayor thanked the public for attending this evening and for sharing their comments and thoughts.

## **ADJOURNMENT**

It was moved by Vice President Maffei and seconded by Councilmember Plumley adjourn the meeting at 8:12 p.m.

*Karen L. Scherer*

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Secretary