

OFFICIAL MINUTES

JUNE 2, 2014

The Regular Meeting of June 2, 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 D. Lynn Sinclair
Councilmember Patrick B. Taylor
Mayor Matthew W. Fetick
Manager Brant Kucera
Solicitor Marc Jonas

Absent: *Councilmember George P. Plumley, III*

EXECUTIVE SESSION

President Spencer announced that Council held an Executive Session in Red Clay Room of the Kennett Fire Company on Monday, June 2, 2014 at 6:30 p.m. The purpose of the meeting was to discuss a legal matter regarding the property at 120 East State Street.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, expressed his concern that the Victory building is too close to the roadway and there are no fire walls between apartments. In addition, he stated that making the 100 block of Center Street a one-way with angled, back-in parking does not make sense. Mr. Thomas commented that the since stop signs have been installed on Magnolia Street at the intersection with South Garfield Street, vehicles continue to park too close to the intersection. He stated that other intersections in the Borough have the same problem.

PROCLAMATION and CERTIFICATES of APPRECIATION PUBLIC WORKS DEPARTMENT

President Spencer presented a Proclamation to the staff in the Public Works Department for their hard work and dedication to the citizens of the Borough. He commended them for their hard work clearing the streets during this year's harsh winter in addition to their cooperation for special events such as the multiple festivals and parades. He also presented individual Certificates of Appreciation to Michael Meredith, Mark "Jake" Riggins, Troy Stevenson, Eric Petrucci, Steven Melton, John Morris, John Vernon and Joseph Scalise.

REPORTS

CODES DEPARTMENT

Russell Drumheller, Codes Enforcement Officer, reported the following activity in the Codes Department for the month of May, 2014:

- Completed 226 inspections.
- Received 233 telephone calls into the office.
- Received 58 visitors to the office.
- Issued 40 High Grass Warnings.
- Processed 42 permits – building/plumbing/electrical/mechanical.
- Completed 5 Resale Occupancy Inspections.
- Appeared in District Court for eight (8) separate Property Maintenance Code and Ordinance violations.
- Met outside of the office on three (3) occasions with landlords, tenants or property owners to review complaints.
- Continued plan review and code assessment for the new four (4) story mixed use building.

HISTORIC KENNETT SQUARE (HKS)

This was a written report only which was included in the Council packet.

On behalf of the Executive Director Mary Hutchins, the Manager reported the tickets went on sale for this year's Brewfest at 4:00 p.m. on Sunday, June 1st. Within the first 15 minutes, \$23,000 was raised; the connoisseur tickets sold out in one day.

HISTORICAL COMMISSION (HC)

Councilmember Sinclair, Chair, advised that the Commission did not meet in May 2014 and there is nothing to report.

CONSENT ITEM

BILLS

President Spencer presented the bills to be paid on June 2, 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.

SET PUBLIC MEETING – JULY 7, 2014, 7:00 PM AMENDMENT to the BOROUGH of KENNETT SQUARE MUNICIPAL CODE CHAPTER 11, MOTOR VEHICLES and TRAFFIC, SECTION 11-54

President Spencer announced that the public meeting will be held on July 7, 2014, at 7:00 p.m. to consider the amendment to the Borough of Kennett Square, Municipal Code, Chapter 11, Motor Vehicles and Traffic. The amendment pertains to the installation of stop signs on Magnolia Street at the intersection of South Garfield Street.

WAIVER REQUESTS

ROBINHURST HOMES, INC., 650 LINDEN CIRCLE

President Spencer presented the two (2) waiver requests from Robinhurst Homes, Inc., 650 Linden Circle. This first request is a waiver to Borough of Kennett Square Municipal Code, Chapter 18, Subdivisions, Section 18-21, requiring sidewalks along all streets. The second is to Section 18-28, requiring buffer yards for parking in the front yard.

The Mayor advised that he has a personal ownership in the property and would abstain from discussions on these items.

President Spencer advised that the waivers should be considered separately.

SECTION 18-21, SIDEWALKS - DENIED

It was moved by Vice President Maffei and seconded by Councilmember Sinclair to approve the waiver request, Section 18-21, from the required sidewalks along all streets.

Councilmember Bosley questioned the amount of the linear feet of the sidewalk.

Chester Diem, Register Associates, representing the applicant replied that it is 130 feet.

President Spencer referred to waiver request by a family on Irwin Street a couple of years ago. They too requested a waiver from the required sidewalks. Although that waiver was denied, he was in favor of the waiver at that time. He now agrees with the counter arguments made back then and supports the need to have sidewalks consistent throughout the Borough. President Spencer stated that he cannot approve this waiver.

Councilmember Sinclair questioned when sidewalks are required to be installed.

Russell Drumheller, Codes Enforcement Officer, replied that it is a requirement in all subdivision and land development plans however the Borough has the right to request that sidewalks be installed at any time.

David Williams, Robinhurst Homes, Inc. said that it should be a walkable community but this property is within the inner circle of Linden and the other properties do not have sidewalks.

Vice President Maffei commented that even if there are only four (4) properties in that circle, it is still important to make it safe for pedestrians: he does not recommend approving this waiver.

A discussion ensued.

The motion did not carry with of vote of 1 to 5 and the waiver was not granted. Roll Call of votes was as follows: Councilmember Sinclair voted yes; and President Spencer, Vice President Maffei and Councilmembers Taylor, Irwin and Bosley voted no.

SECTION 18-28, BUFFER- APPROVED

It was moved by Vice President Maffei and seconded by Councilmember Bosley to approve the waiver request, Section 18-28, from the required buffer yard. Motion carried unanimously.

SPECIAL EVENT APPLICATION THIRD THURSDAY on STATE STREET

President Spencer presented the following special event application:

- Third Thursday on State Street, June 19th, July 17th and August 21st, sponsored by Historic Kennett Square. The individual events will be held from 6:00 to 10:00 p.m. and will involve the closure of the 100 blocks of East State Street and West State Street, and North Union Street between West Linden Street and Cypress Street.

It was moved by Councilmember Bosley and seconded by Councilmember Taylor to approve the application as presented.

Vice President Maffei questioned if there was concern from the business owners regarding the closure of the streets.

The Manager replied that the comments he has received were mostly positive. The closures will allow for dining on State Street.

President Spencer questioned if this event is similar to the ones held in the Borough of West Chester and Media.

The Manager replied yes. He added that this past winter was harsh and was a difficult season for the merchants. The purpose of this event is promote and market Kennett Square and hopefully bring in more business.

Vice President Maffei noted that it consists of only three (3) Thursday evenings and believes that a trial run is worth the shot.

Motion carried unanimously.

CONTRACT NO. 1, PAYMENT NO. 2 and CHANGE ORDER NO. 1 YEATMAN WELL PROJECT

President Spencer presented the request for Contract No. 1, Payment No. 2 and Change Order No. 1 to Wickersham Construction.

The Manager advised the payment amount is \$98,843.00 and represents the installation of 75% of the six inch (6") ductile iron water main, abandoning two (2) monitoring wells and 75% of the mobilization and demobilization as per the contract. Changer Order No. 2 is for both additions and deletions which total \$1,317.00 as presented in the staff report.

It was moved by Councilmember Bosley and seconded by Councilmember Sinclair to approve the payment and change order as presented. Motion carried unanimously.

PRESIDENT'S REPORT

President Spencer announced the following events:

- The Graduation Ceremony for Kennett High School will be held on Friday, June 13th.
- The Baccalaureate Ceremony will be held on Thursday, June 12th at the Episcopal Church.
- The Gala for the Joseph and Sarah Carter Community Development Corporation, previously known as the Historic East Linden Street Project (H.E.L.P.) will be held on June 7th, from 10:30 a.m. to 12:30 p.m.
- National Night Out will also be hosted by the Joseph and Sarah Carter Community Development Corporation on East Linden Street sometime in August.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

The Manager referred to Mr. Thomas' regarding the 100 block of Center Street stating that back-in angled parking is not new and this type of parking was installed in the state of Michigan over seven (7) years ago. In fact, it is recommended by the Department of Transportation. He added that it is no more dangerous than backing into a parallel parking on State Street and with the back-in parking, people are able to access their trunks safely and PEO's are able read the license plates safely from the sidewalk. When people get used to it they will feel much safer.

Vice President Maffei advised that Pottstown installed back-in parking back in 2003 and it has proven to be quite successful.

President Spencer advised that a police officer reminded him that it is not safe to back into traffic. Back-in parking is much safer for families with small children. President Spencer stated that Mr. Thomas' points were very valid.

Vice President Maffei referred to a study by the state of Arizona. Before they installed back-in parking they averaged about four (4) to five (5) bike crashes per month. Since they installation of back-in parking, those numbers have reduced to zero.

The Manger thanked Mr. Thomas for pointing out that vehicles are being parked too close to the intersection of Magnolia and Garfield Streets. He advised that the curbing at intersections will soon be painted yellow clearly mark the no parking zones. This painting will be done by volunteers.

ADJOURNMENT

It was moved by Vice President Maffei and seconded by Councilmember Sinclair to adjourn the meeting at 7:46 p.m.

Karen L. Scherer

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Secretary