

OFFICIAL MINUTES

JULY 7, 2014

The Regular Meeting of July 7, 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
Solicitor Marc Jonas

INFORMATIONAL MEETING

President Spencer announced that Council held an Informational Meeting at 6:30 p.m. this evening. This meeting was for informational purposes only regarding a funding request from the Kennett Fire Company.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, stated that the Borough has the second highest tax rate in Southern Chester County and residents pay more Borough taxes than they do County taxes. He asked Council to consider this when working on the 2015 budget. In addition, Mr. Thomas expressed his concern that five (5) of the most wanted persons in Chester County are from Kennett Square.

REPORTS

CODES DEPARTMENT

On behalf of Russell Drumheller, Codes Enforcement Officer, the Manager reported the following activity in the Codes Department for the month of June, 2014:

- Completed 247 inspections.
- Received 203 telephone calls into the office.
- Received 49 visitors to the office.
- Processed 62 permits – building/plumbing/electrical/mechanical.
- Completed eight (8) Resale Use and Occupancy Inspections.
- Issued nine (9) High Grass Violation Letters.
- Continued plan review and code assessment for the new four (4) story mixed use building.

- Continue to work on proposed ordinance amendments for Fair Housing Act and Property Maintenance.
- Ester Perez, Permit Technician, has issued 48 permits for the use of pavilions in Anson B. Nixon Park.

HISTORIC KENNETT SQUARE (HKS)

Mary Hutchins, Executive Director, reported the following:

- The first Third Thursday was held on June 19th and most of the restaurants reported a busier than normal Thursday night.
- HKS is working with the Public Works and Police Departments on ways to improve traffic control.
- There is a new tenant at 112 East State Street, the former Mystique space; the new gift boutique will open later this summer.
- A new business will open at 109 East State Street, formerly Pinklily. MC, the new business, will carry unique accessories all hand made in Columbia. This is a partnership between Maribel Sabas-Owens, Pinklily, and Marcela and Eduardo Cruz.
- Kennett Brewing Company will open later this month.
- HKS will have a booth at the XPN Music Festival later this month.
- The newest edition of FIG is out. HKS has completed the initial contract with FIG but Longwood Gardens and HKS plan to sponsor future issues after meeting to review the current contract.
- Working on the Murder Mystery Art Stroll to be held August 1st.
- Continue to work to update the Economic Development Plan. Over 800 people responded to the consumer survey.
- She met with representatives of Victory to plan some soft openings that will benefit HKS and the Fire Company.

HISTORICAL COMMISSION (HC)

Councilmember Sinclair, Chair, reported that during their June meeting, the Commission reviewed and approved two (2) building permit applications. One was for 332 South Broad Street for repairs to a stone porch and the other for 241 North Broad Street for new vinyl windows replicating the dividers that are in the current windows.

KENNETT AREA PARK AUTHORITY (KAPA)

Richard Lyon, Chair of KAPA, reported the following:

- Anson B. Nixon Park was named the best park in the area in an editorial by Chester County Press and named sixth (6) out of top ten (10) disc golf courses in the nation by The Ski Bum.
- The Trout Rodeo was held on May 3rd. This was a joint effort between the Red Clay Valley Association and KAPA.
- The 2014 Kennett Run was a success, despite the downed wires that resulted in power outage the day before.
- KAPA was awarded a grant in the amount of \$14,600 from the Dockstader Foundation for improvements to the former Public Works site. This funding

will go towards the estimated \$35,000 - \$40,000 for initial restoration and re-adaptation of site.

- The park's trailer has been emptied and the trailer will be removed shortly. The park's office is now in the brick building.
- Pavilion reservations are in full swing. Other reservations for the park include My Serve Tennis Camp, the Boy Scouts, Willowdale Chapel and Holcomb Behavior Health.
- The concerts series started on June 25th and will continue each Wednesday through August 13th. Sponsors include the Hadley Fund, Mushroom Festival, Neil Joines Fund, Aaron Martin Fund, Hutton Family HeLP Fund, Historic Kennett Square and other local businesses.
- The Mill Race Dam was damaged during the rain storms this spring and the water flow into the ponds is at an all-time low.
- KAPA has retained Aaron Clauser, PhD to submit an application for a Growing Greener Grant. This grant will be used to restore/rehabilitate a 3,000 foot section of the stream bank of the main stem of the Red Clay Creek. The project also includes planting native trees and shrubs that will provide wildlife habitat and help filter pollutants from the stream.
- A Boy Scout project proposal was submitted to and approved by the KAPA Board to create trail markers and measure the different trails. The Board requested that a 5K route also be identified.
- A major storm hit the Anson B. Nixon Park on July 3rd resulting in excessive damage to trees resulting in the cancellation of a reservation at pavilion no. 3. Chadds Ford Tree Service has been retained to assist with cleanup.
- There has been some minor vandalism at the park with rails being kicked in on the stage and a weed trimmer was stolen.

CONSENT ITEMS

MINUTES of JUNE 16, 2014

President Spencer presented the minutes from June 16, 2014.

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

Councilmember Taylor stated that he would abstained from voting because he was absent from June 16th meeting.

Motion carried with a vote of 6 to 0 with Councilmember Taylor abstaining.

BILLS

President Spencer presented the bills to be paid on July 7, 2014, and the bills that were paid since the last meeting.

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

PUBLIC MEETING
AMENDMENTS to KENNETT SQUARE BOROUGH CODE
CHAPTER 11, MOTOR VEHICLES and TRAFFIC
ARTICLE V, THROUGH HIGHWAYS, ETC., SECTION 11-54
NEW STOP INTERSECTION MAGNOLIA and GARFIELD STREETS

President Spencer advised the purpose of the Public Meeting is to discuss the proposed ordinance amending the Kennett Square Borough Code, Chapter 11, Motor Vehicles and Traffic, Article V, Section 11-54, Intersections Where Signs to be Placed: Magnolia Street and South Garfield Street; and Streets on Which Traffic to Stop: Magnolia Street, east and west bound.

President Spencer opened the Public Meeting at 7:19 p.m.

John Thomas, 406 South Broad Street, questioned why stop signs were not installed at other intersections and included in this ordinance. He has observed an SUV parking too close to this intersection who ever he noted that the stops signs are an improvement and Mr. Thomas stated that he is grateful that the curbs have also been painted.

President Spencer reminded the public to report to the Police Department any vehicles parking illegally.

The Solicitor closed Public Meeting at 7:21 p.m.

ORDINANCE NO. 909
AMENDMENTS to KENNETT SQUARE BOROUGH CODE
CHAPTER 11, MOTOR VEHICLES and TRAFFIC
ARTICLE V, THROUGH HIGHWAYS, ETC., SECTION 11-54
NEW STOP INTERSECTION MAGNOLIA and GARFIELD STREETS

President Spencer presenting the ordinance amending the Kennett Square Borough Code, Chapter 11, Motor Vehicles and Traffic, Article V, Section 11-54, Intersections Where Signs to be Placed: Magnolia Street and South Garfield Street; and Streets on Which Traffic to Stop: Magnolia Street, east and west bound.

It was moved by Councilmember Maffei and seconded by Councilmember Sinclair to adopt the ordinance as presented.

Councilmember Bosley stated that adopting this ordinance is a good thing. He noted that painting the curbs is a merely a maintenance issue.

Motion carried unanimously.

The Ordinance was assign No. 909

BOARDS and COMMISSIONS

NEW APPOINTMENT to ARCHITECTURAL REVIEW BOARD (ARB) and PLANNING COMMISSION

President Spencer presented the following Borough resident for appointment to the ARB:

- Susan Holloway, 303 Walnut Court Way; this appointment will fill the vacancy due to the resignation of Eleanor Feit and will expire January 1, 2017.

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

President Spencer presented the following Borough resident for appointment to the Planning Commission:

- Susan Holloway, 303 Walnut Court Way; this appointment will fill the vacancy due to the resignation of Rory Burkhart and will expire January 1, 2018.

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

Ms. Holloway thanked Council for her appointments.

SPECIAL EVENT APPLICATIONS

NATIONAL NIGHT OUT, AUGUST 5th

President Spencer presented the special event application for the National Night Out to be held on Tuesday, August 5th, from 6:00 to 8:00 p.m. The 200 and 300 blocks of East Linden Street will be closed for this event.

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

Chief Edward Zunino advised that this event began over three (3) ago and this event was the first National Night Out held in Kennett Square.

Motion carried unanimously.

CARTER CDC BLOCK PARTY, AUGUST 23rd

President Spencer presented the special event application for the Carter CDC Block Party to be held on Saturday, August 23rd, from noon until 3:00 p.m. The 200 and 300 blocks of East Linden Street will be closed for this event.

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

President Spencer advised that this event is held each year before school starts and is a model of what a neighborhood can do when they work together.

Vice President Maffei noted that Carter CDC is the new name for the Historic East Linden Project (H.E.L.P.)

Motion carried unanimously.

MUSHROOM FESTIVAL PARADE and DINING, SEPTEMBER 5th

President Spencer presented the special event application for the Mushroom Festival Parade and Dining and Dancing on State Street, Friday, September 5th, from 5:30 p.m. until 10:00 p.m. The following streets will be closed for the parade: State Street from Walnut to Meredith Street, Willow and Elm Streets, Church Alley, North and South Broad Street, North and South Union Street, Maiden Lane, Center, Meredith, Lincoln, Lafayette and Garfield Streets.

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

President Spencer stated that he would abstain from voting due to the fact that his band will be performing at the event.

Motion carried with a vote of 6 to 0 with President Spencer abstaining.

MUSHROOM FESTIVAL, SEPTEMBER 5th – 7th

President Spencer presented the special event application for the 29th Annual Mushroom Festival to be held Friday, Saturday and Sunday, September 5th through the 7th. The carnival will be opened on Friday from 6:00 to 10:00 p.m., Saturday from 3:00 to 10:00 p.m., and Sunday from 1:00 to 6 p.m. The festival will run from 10:00 a.m. to 7:00 p.m. on Saturday and from 10:00 a.m. to 5:00 p.m. on Sunday. The following streets will be closed: State Street from Race to Garfield Street, Willow and Elm Streets, Church, Apple and Sycamore Alleys, Broad Street between State and Cypress Street, Broad Street between Cypress and Mulberry Streets on Saturday only, Union Street between Cypress and Sickie Streets, Maiden Lane between State and West Linden Streets, Meredith Street Between State and Cypress Streets, Lincoln Street between State and West Linden Streets, Lafayette Street between State and Cypress Streets, and Garfield Street will used for the bus route.

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

KENNETT HIGH SCHOOL HOMECOMING PARADE, SPETEMBER 16th

President Spencer presented the special event application for the Kennett High School Homecoming Parade to be held on Friday, September 19th, from 6:15 to 6:45 p.m. The following streets will be closed for the event – East South Street to Taylor Street, South Broad Street between Mulberry and Cypress Streets, East Mulberry Street between Broad and Union Streets, and South Union Street between Cypress Street and Kennett High School.

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

**AGREEMENT between DOWNINGTOWN BOROUGH and the
BOROUGH of KENNETT SQUARE
USE of FIRING RANGE**

President Spencer presented the agreement between Downingtown Borough and the Borough of Kennett Square for the Kennett Square Police Department's use of Downingtown's Firing Range.

It was moved by Councilmember Maffei and seconded by Councilmember Bosley to approve the agreement as presented.

The Mayor advised that the Police Department currently utilizes Downingtown's Firing Range. There is a waiting list to use the range and if we do not renew at this time, then we will lose our slot. The annual cost is \$300.

Motion carried unanimously.

**CONTRACT NO. 1, PAYMENT APPLICATION NO. 3 and
CONTRACT NO. 2, PAYMENT APPLICATION NO. 1
YEATMAN WELL PROJECT**

President Spencer presented the request for Contract No. 1, Payment Application No. 3 to Wickersham Construction and Contract No. 2, Payment No. 1 to Greg A. Vietri, Inc.

It was moved by Councilmember Maffei and seconded by Councilmember Taylor to approve the payments as presented.

The Manager advised the payment amount of \$44,626.00 to Wickersham Construction for work completed up to June 30, 2014 including 80 percent of the 36 inch water main.

The payment amount of \$23,337.45 to Greg A. Vietri, Inc. is for work completed up to June 30, 2014 and is largely for underground conduit to the wellhead as well as SCADA engineering submittals.

Vice President Maffei asked if the project is progressing on scheduled.

The Manager replied yes.

Motion carried unanimously.

**PAYMENT APPLICATION NO. 3
KENNETT SQUARE SIGNAL SYSTEM - CLOSED LOOP PROJECT**

President Spencer presented Payment Application No. 3 to Lenni Electric for the Kennett Square Signal System – Closed Loop Project.

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

The Manager advised the payment amount is \$100,643.29 which is largely for concrete curb and sidewalk work completed up to July 1, 2014 as well as 50% of mobilization and inspector office facilities. The payment will be reimbursed by PennDOT. The temporary asphalt will be removed once the new street lights are installed. The lights will not be delivered before September. Quality has been superior and they have moved along faster than expected.

Vice President Maffei questioned how far ahead the project is.

The Manager replied that ADA ramps have already been installed and they were not expected to be until August.

Motion carried unanimously.

LETTER of INTENT FUNDING from PA DCED INDUSTRIAL SITES REUSE PROGRAM 410 WEST STATE STREET

President Spencer presented the sample Letter of Intent to PA DCED for their Industrial Sites Reuse Program regarding 410 West State Street.

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

The Manager advised that 410 West State Street at one time was a service station and the current owner, LGB-410 West State Street, LLC is developing it into a parking lot. During the construction, three (3) underground gasoline storage tanks were discovered. It was also discovered that the tanks have been leaking and the site will need to be remediated. Because of the high cost of clean up the developer sought sources of grant funding and found the Industrial Sites Resource Program.

The Manager added that the program requires that there be a public and private partnership between the Borough and LGB-410 West State Street, LLC and that the Borough would need to apply for the funding. This is brownfield funding and he has seen these types of public/private agreements in other states. The Manager stated that this is an opportunity to cleanup this area of the Borough and he is only seeking approval from Council to sign and send this Letter of Intent to PA DCED; the letter does not bind the Borough in any way. If PA DCED agrees to fund this project then the partnership agreement between the Borough and LGB-410 West State Street, LLC will be brought to Council for consideration.

Councilmember Bosley stated that he would abstain from voting on this item due to the fact that he is employed by LGB-410 West State Street, LLC.

Councilmember Sinclair stated that she is uncomfortable with the wording in the letter "the Borough plans to develop the property" when in fact it is a private property that is being developed.

Councilmember Irwin questioned what the ballpark cost is for the remediation.

The Manager replied \$50,000.

The Manager stated that he understands Councilmember Sinclair's concern about the wording but this type of funding must come to the municipality so the property will be deeded to the Borough until the completion of the cleanup project and then it would go back to the private owner.

Councilmember Sinclair noted that there are also low interest loans for these types of projects.

President Spencer concurred that this is a good opportunity to rid the Borough of a brownfield site.

Councilmember Irwin asked if we are opening the door for other private developers to come to us for assistance.

The Manager replied that we want other developers to come to us for this type of funding because the money is not available to them without a public entity being involved.

Motion carried with a vote of 5 to 1 with Councilmember Sinclair voting no and Councilmember Bosley abstaining.

TEMPORARY USE PERMIT at the ONE-TEN BUILDING, AREA A, 112 EAST STATE STREET for use by BAYARD TAYLOR MEMORIAL LIBRARY

President Spencer presented request from Sander Cohen, President of Industrial Valley Development Corp., Agent for a Temporary Use Permit for the One-Ten Building, Area A, 112 East State Street. This space will be used by the Bayard Taylor Memorial Library to operate a student computer camp from early July to mid August, 2014.

Donna Murray, Director of the Bayard Taylor Memorial Library, stated that the camp is sponsored by Google.

The Manager advised that in order to obtain a temporary use permit the request must be brought before Council for approval.

It was moved by Vice President Maffei and seconded by Councilmember Sinclair to grant the Temporary Use Permit as presented. Motion carried unanimously.

PRESIDENT'S REPORT

President Spencer announced the following:

- The Public Meeting scheduled for this evening for the proposed ordinance regarding the Inter-Governmental Cooperation Agreement with New Garden Township has been rescheduled for Monday, August

4, 2014, at 7:00 p.m. This agreement pertains to the Kennett Square Police Department's use of the New Garden Township Firing Range.

- Council will hold a Public Meeting on Monday, July 21, 2014 at 7:00 p.m. The meeting is in regards to an ordinance amending the Kennett Square Borough Code, Chapter 3, Animals and Fowl:
 - Amends Article I, in general, Section 3-1 Definitions, to include a definition of fowl; and amending section 3-2 prohibiting livestock to run at large in the Borough or to be present at special events in the Borough, by adding a new subsection 3-2.1 regulations for the keeping of fowl.
- Council will hold a Public Meeting on Monday, July 21, 2014 at 7:00 p.m. The meeting pertains to an ordinance amending the Kennett Square Borough Code, Chapter 4, Buildings and Plumbing, by amending Article II, property maintenance code, section 4-3, additions, insertions, and changes:
 - Amends the text of Chapter 4, Buildings and Plumbing, Article II, Property Maintenance Code, by the prohibition of indoor furniture from exterior property areas.

President Spencer stated that it was called to his attention that a resident of the Borough used social media to attack the Kennett Square Police Department. President Spencer encouraged the public to follow the proper procedure if they have an issue with the government or any department within the Borough; social media is not the way to address any issues they may have.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

Councilmember Bosley asked the public to report any illegally parked vehicles to the Police Department.

The Manager referred to the storm on July 3rd which at one point knocked out power to the entire Borough. He spoke with the Borough's PECO representative, Greg Cary, this morning. Mr. Cary informed him that at the peak of the outages there were 300,000 customers in the region without power. All of the customers in the Borough were restored by Saturday evening and the downtown was restored by mid day on Friday. Due to the severity of the storm, PECO had retained outside contractors to assist with restoring power. John Morris, the Borough's Emergency Management Coordinator, worked with PECO on July 4th and did a very good job working with PECO.

The Manager referred to Mr. Thomas' comments stating that you cannot discount Oxford because their residents pay 12 mills in taxes. We do levy a 5.35 mill tax which is higher than Avondale and West Grove boroughs but you must remember that we have a police department in operation 24/7. The Manager shared his opinion that the Borough of Kennett Square is doing the best economically in this area and the amount of services we provide are more than other boroughs and townships. The assessed values in the Borough

have increased substantially over the last ten (10) years and by reinvesting those tax dollars back into the Borough we have made this a very desirable community to live in. The Manager noted that he resides in the Borough and does not want to see his taxes go up but he also thinks that there are times when you need to reinvest in your community.

The Mayor stated that he will never engage in any type of debate via social media. He advised that he reached out to the person who made the initial post and offered to meet with them. He will only use social media as a way to professionally manage the Police Department. In addition, the Mayor noted that he will not entertain any second hand comments or allegations.

ADJOURNMENT

It was moved by Vice President Maffei and seconded by Councilmember Plumley to adjourn the meeting at 7:56 p.m.

Karen L. Scherer

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Secretary