

OFFICIAL MINUTES

AUGUST 4, 2014

The Regular Meeting of August 4, 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 George P. Plumley, III
Councilmember D. Lynn Sinclair
Councilmember Patrick B. Taylor
Solicitor Marc Jonas

Absent: *Councilmember Brett M. Irwin*
Mayor Matthew W. Fetick
Manager Brant Kucera

PUBLIC COMMENTS

President Spencer reminded the public that when speaking they are to state their name, address and limit their comments to five (5) minutes.

Robert Whiteside, 802 Wayne Avenue, thanked the residents and their children for attending tonight's meeting. He urged Council to make the intersection of Wayne and Worrall a three (3) stop for the safety of the children in the neighborhood. Mr. Whiteside also recommended increasing the fees for code violations and believes this will reduce the number of repetitive offenders.

President Spencer responded to Mr. Whiteside stating that Chief Zunino supports making the intersection a three (3) way stop. He noted that drivers often use Wayne Avenue to avoid traffic around the High School. President Spencer advised that this item will be discussed at the next Public Safety Committee meeting.

Leslie Whiteside, 802 Wayne, reiterated the concerns expressed by her husband. She asked for feedback from the Public Safety Committee and the results of the traffic study. Ms. Whiteside commended the children for attending tonight's meeting so they can observe their government at work.

President Spencer addressed the children in attendance and commended them for attending.

John Thomas, 406 South Broad Street, stated that he likes this Borough Council and thinks they have potential. However, he believes that they hold too many Executive Sessions referring to the one they held a couple of weeks ago regarding the funding request from the Kennett Fire Company. Mr. Thomas said that the Borough is in the position of losing the \$500,000 grant funding from the State for Jack McFadden's building. He stated that the

Borough needs to take into account that this is the taxpayers' monies and he is concerned That Mr. McFadden will claim bankruptcy and the funds will not be repaid to the Borough for others to use.

Tony Talamonti, 584 East Cypress Street, stated that after reviewing the water consumption and billing history for the YMCA, he believes that they are not be billed the correct amount and that their bill should be higher. Mr. Talamonti stated that the YMCA does not pay any taxes to the Borough and reiterated his opinion that there should be a fee included in the membership fee that is dedicated to the Borough, i.e. "amusement tax". Mr. Talamonti questioned if the Borough is making money when it sells water in bulk from the fire hydrants. He referred to the new well and questioned if rent money is being paid to Kennett Township.

President Spencer replied to Mr. Talamonti stating that he has already entered into conversations with a representative from the YMCA and will schedule a meeting with Mr. Talamonti.

REPORTS

CODES DEPARTMENT

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

- Completed 251 inspections.
- Received 106 telephone calls into the office.
- Received 62 visitors to the office.
- Processed 36 permits – building/plumbing/electrical/mechanical.
- Completed seven (7) Resale Use and Occupancy Inspections.
- There were 15 indoor furniture violations and approximately 99% of the items have been removed.
- Continue inspections on the 19 new homes under construction.
- Issued nine (9) High Grass Violation Letters.
- Continued plan review and code assessment for the new four (4) story mixed use building including the 33 apartments.
- Ester Perez, Permit Technician, continues to issue permits for the use of pavilions in Anson B. Nixon Park.
- Attended one (1) zoning hearing.

HISTORIC KENNETT SQUARE (HKS)

Mary Hutchins, Executive Director, reported the following:

- She thanked the Kennett Fire Company and the Police Department for their quick response today when the transformer caught fire at the corner of State and Union Streets. She noted that several businesses are still without power.
- There was a great crowd at the Murder Mystery Art Stroll this past Friday.
- HKS is working on the third and final Third Thursday for 2014. They are pleased with the results and have received positive feedback about the events.

- The owners of the new gift boutique, Terra Cotta, plan to open their store at 112 East State Street on August 23rd.
- Tickets continue to sell for the 2014 Kennett Brewfest and they are expecting another sold out event.

HISTORICAL COMMISSION (HC)

Councilmember Sinclair advised that none of the members attended although three (3) residents interested in serving on the Commission residents were present. She went over the duties and responsibilities of the Commission with them.

CONSENT ITEMS

MINUTES of JULY 21, 2014

President Spencer presented the minutes from July 21, 2014.

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 August 4, 2014, and the bills that were paid since the last meeting.

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

PUBLIC MEETING

INTERGOVERNMENTAL COOPERATION AGREEMENT with NEW GARDEN TOWNSHIP for FIRING RANGE

The Solicitor advised that this ordinance authorizes the Borough to enter into an Intergovernmental Cooperation Agreement with New Garden Township. The agreement provides the use of the New Garden Township Firing Range by the Kennett Square Police Department.

The Solicitor opened the Public Meeting at 7:28 p.m.

John Thomas, 406 South Broad Street, believes this is one of the best ordinances to be adopted and he hopes that the Borough is protected.

Tony Talamonti, East Cypress Street, questioned the annual fee for the agreement.

Karen Scherer, Borough Secretary, advised that Section 7.B. states that the fee is waived should the user provide annual maintenance or in-kind work; the Borough has provided in-kind services so the fee will be waived.

Mr. Talamonti stated that the use of the range should be free especially with all of the mushroom industries we have in the area and the monies raised by the Mushroom Festival.

President Spencer stated that there are numerous agencies that are recipients of the monies raised from the Mushroom Festival on an annual basis. The services provided by the Police and Public Works Departments are paid for by the Mushroom Festival.

President Spencer advised Mr. Talamonti that Council is listening to his comments and questions and that the answers he has been given are based on research.

The Solicitor closed the Public Meeting at 7:34 p.m.

ORDINANCE NO. 912 INTERGOVERNMENTAL COOPERATION AGREEMENT with NEW GARDEN TOWNSHIP for FIRING RANGE

President Spencer presented the ordinance authorizing the Borough to enter into an Intergovernmental Cooperation Agreement with New Garden Township. The agreement provides the use of the New Garden Township Firing Range by the Kennett Square Police Department.

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

The Ordinance was assign No. 912

PAYMENT APPLICATION NO. 4 KENNETT SQUARE SIGNAL SYSTEM - CLOSED LOOP PROJECT

President Spencer presented Payment Application No. 4 to Lenni Electric for the Kennett Square Signal System – Closed Loop Project.

Joseph Scalise, Director of Public Works, advised that the payment amount is \$14,234.03 which is solely for pavement adjustments which is the permanent blacktop restoration around the curb. This payment will be submitted to PennDOT for reimbursement.

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

President Spencer questioned the status of the completion of this project.

Mr. Scalise replied that we are only about 20% into the project and noted that the expenses for this project are reimbursed to the Borough by PennDOT. Trenching will begin next week and it will take 16 to 18 weeks for construction of the traffic light poles.

Motion carried unanimously.

SPECIAL EVENT APPLICATION

NORTH BROAD STREET BLOCK PARTY, AUGUST 30th

President Spencer presented the special event application for the North Broad Street Block Party to be held on Saturday, August 30th, from 11:00 a.m. to 1:00 p.m. North Broad Street between Fairthorn and Sickle Streets will be closed for this event.

Joe Mulry, 302 North Broad Street, stated that this is their second annual block party.

President Spencer questioned the number of people attending.

Mr. Mulry replied approximately 60.

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

PRESIDENT'S REPORT

President Spencer advised that the Borough of Kennett Square received an award, Recognition for Outstanding Achievement 2014, from the Professional Recyclers of Pennsylvania and the Solid Waste Association of North America for its commitment to recycling. This award was based on the two (2) electronics recycling events the Borough held in 2013 with nearly 32 tons of electronics being collected. The Borough was also awarded a citation from House of Representatives for this achievement which President Spencer read aloud.

President Spencer announced that the National Night Out will be held tomorrow evening on East Linden Street. This is a great community event sponsored by the Carter Development Corporation and recognizes our Police Officers. He invited the press and public to attend.

President Spencer advised that he attended a meeting at the Church of the Advent on July 22nd dealing with the issue of family homelessness. Family Promise hosted this meeting with approximately 60 people in attendance. This is an initiative of churches in the area including Avondale and Oxford. During this meeting four (4) committees were formed and he will continue to give updates as this organization moves forward.

President Spencer advised that he agreed to serve on the committee Decade to Doorways. Their initiative is to eliminate homelessness and is geared more towards individuals. A seminar will be held in September for local landlords to help them understand their rights and to make them more aware of the challenges tenants face. There is an event scheduled for November 20th at the Intermediate Unit on Boot Road where presentations will be given to help people better understand how this initiative is taking place. President Spencer will continue to give updates.

President Spencer deferred to the Solicitor to comment on the topic of Executive Sessions.

The Solicitor advised that the Borough Code contains six (6) stated reasons for Executive Sessions; the five (5) that pertain to a borough council include discussions related to employment, strategy negotiations related to collective bargaining agreements, to

consider purchase or lease of real estate, litigation matters and any discussions that could lead to disclosure of confidential information. There is another way that a borough council can meet which is by an Information Session. This is not a public meeting and there are no deliberations held during the session.

President Spencer announced that there is only one (1) Council meeting in August. The next Council meeting will be held on Tuesday, September 2nd, due to Labor Day.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

There were no comments or announcements.

ADJOURNMENT

It was moved by Vice President Maffei and seconded by Councilmember Plumley to adjourn the meeting at 7:51p.m.

Karen L. Scherer

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Secretary