

OFFICIAL MINUTES NOVEMBER 3, 2014

The Regular Meeting of November 3, 2014 of Council for the Borough of Kennett Square was called to order at 7:15 p.m. in the Monroe Nute Room of the Kennett Fire Company No. 1, 301 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
Interim Manager Joseph C. Scalise
Solicitor Julie Von Spreckelsen*

INFORMATIONAL MEETING

President Spencer announced that Council held an Informational Meeting at 6:00 p.m. today. Said meeting was held in the Monroe Nute Room and was for informational purposes only regarding the Regional Police Study.

MOMENT of SILENCE EARL T. "RUSTY" JONES

President Spencer announced that Earl T. "Rusty" Jones passed away on October 25th. Mr. Jones was a lifelong resident of the community and a member of the Borough's Civil Service Commission. A Moment of Silence was held in Mr. Jones' memory.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, expressed his sadness to hear of the passing of Mr. Jones. He noted that this building was dedicated to Police Officers Posey and Davis who were slain in the line of duty. Mr. Thomas referred to the group homes ordinance that is being considered this evening and expressed his concern that some of these homes could be used as half-way houses for convicts. Facilities like these are run under Federal and State contracts and have a history of ruining a neighborhood plus there is no guarantee as to what type of group homes there will be in the Borough. Mr. Thomas is against a mill increase to buy a new fire truck.

Katherine Tavoni, 615 Worrall Avenue, expressed her appreciation for the repair to Worrall Avenue. She noted that the repairs are allowing the rain water to drain properly. Ms. Tavoni questioned if there will be public meetings regarding the Regional Police Force Study.

President Spencer stated that there will be a meeting held for the public in the future. For now, discussions continue on the municipal level to address questions and concerns.

Dr. Larry Bosley, 326 West Cedar Street, announced that the contamination of the ground at his property 410/414 West State Street has been addressed. The buried gasoline tanks and surrounding soil have been removed according to EPA standards followed by the proper testing. The EPA has received and accepted the final test result report; the ground is no longer a danger to the community. Dr. Bosley was advised of the acceptance through a letter from the EPA and the Borough was copied on this letter.

Ken Edwards, 412 Meredith Street, stated that he is against an additional tax for the purchase of a fire truck and does not know why an additional tax is needed. He expressed his concern of a cockroach infestation in the twin home adjacent to his. This home is vacant and in foreclosure. When the roach problem happened before, Mr. Edwards contacted the Chester County Health Department and the problem was addressed. Now the Health Department is telling him that there is nothing that can be done. Mr. Edwards wants to know how this issue can be resolved.

Steve Melton, Fire Chief, stated that both the Borough and Kennett Township see the Fire Company's financial statements on a quarterly basis. He noted that their current ladder truck is nearly 20 years old and is in need of replacement. A new ladder is not an item that the company just wants to purchase, it's a necessity.

PUBLIC HEARING
AMENDMENTS to BOROUGH of KENNETT SQUARE MUNICIPAL CODE
CHAPTER 23, ZONING, PERMITTING GROUP HOMES

The Borough Solicitor opened the public hearing at 7:29 p.m.

The hearing was conducted by Court Reporter William Handy and a transcript of this public hearing is available from the Chester County Court Reporters' office for a period of seven (7) years.

It was moved by Vice President Maffei and seconded by Councilmember Sinclair to close the public hearing at 7:56 p.m. Motion carried unanimously.

ORDINANCE No. 913
AMENDMENTS to BOROUGH of KENNETT SQUARE MUNICIPAL CODE
CHAPTER 23, ZONING, PERMITTING GROUP HOMES

President Spencer presented the ordinance amending the Borough of Kennett Square Municipal Code, Chapter 23, Zoning, Group Homes, adding provisions permitting Group Homes by right in residential districts and providing provisions for reasonable accommodations for persons with disabilities.

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

Council comments were recorded by the Court Reporter William Handy and the transcript is available from the Chester County Court Reporters' office for a period of seven (7) years.

Motion carried unanimously.

The Ordinance was assigned No. 913.

REPORTS

CODES DEPARTMENT

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

- Completed 281 inspections.
- Received 178 telephone calls into the office.
- Received 68 visitors to the office.
- Processed 31 permits – building/plumbing/electrical/mechanical.
- Completed four (4) Resale Use and Occupancy Inspections.

Mr. Drumheller noted that he has met with four (4) developers during that last couple of weeks who plan on investing 20 to 30 million dollars in the Borough over the next five (5) to ten (10) years.

HISTORIC KENNETT SQUARE (HKS)

Mary Hutchins, Executive Director, reported the following:

- HKS is working on First Friday – November 7th, the Holiday Parade – Friday, November 28th, Small Business Saturday, November 29th, the Holiday Art Stroll - Friday, December 5th, and the Horse Drawn Carriage Rides – Sunday, December 7th, 14th, 21st, and 28th. Other holiday events include movies at the Kennett Flash and a WXPN Holiday Concert on Sunday, December 14th.
- HKS has merchandise from American Express available to the merchants to promote the initiative “Shop Small”.
- Coordinating the holiday decorations with the Public Works Department.
- Finalizing the plans for the parking shuttle with Longwood Gardens.
- The Executive Committee is meeting with Bill Fontana, Executive Director of the PA Downtown Center, to give him a tour of Kennett Square. They will also talk to him about the economic development activity in the Borough and updating HKS’s Strategic Plan.
- She, along with Joe Scalise and Corporal Bell, met with representatives from a running management company about the potential of holding a Chester County Half Marathon in Kennett Square.
- No. 109, a woman’s boutique, will open in early December at 109 West State Street.
- The newest edition of Fig was delivered today. The launch party will be held at Bove Jewelers tomorrow, from 5 to 8 p.m.

HISTORICAL COMMISSION (HC)

Councilmember Sinclair, Chair of the Historical Commission, reported the following from the October meeting:

- The Commission reviewed and approved the design plan for 221 South Union Street.
- They have finalized the 10 properties for the 2014 Holiday Home Tour; the tour will be held on Sunday, December 14th.

CONSENT ITEMS

MINUTES of OCTOBER 20, 2014

President Spencer presented the minutes from October 20, 2014.

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

BILLS

President Spencer presented the bills to be paid on November 3, 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.

PUBLIC MEETING

BOROUGH CODE, CHAPTER 11, MOTOR VEHICLES and TRAFFIC

ONE-WAY THOROUGHFARES

100 BLOCK of CENTER STREET and

WILSON ROAD, between NORTH WALNUT STREET and HAZEL AVENUE

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, One-Way Thoroughfares, making the 100 block of Center Street and Wilson Road, between North Walnut Street and Hazel Avenue one-way thoroughfares.

The Solicitor advised that this Public Meeting was duly in the October 23, 2014 edition of The Kennett Paper.

The Manager advised that making both of these streets a one-way was a product of discussions during meetings of the Public Safety Committee. There was a sight distance problem when pulling out of Center onto West State Street. A trial period was conducted which also provided additional parking spaces. In addition, Mr. Scalise stated that there is a severe sight distance problem on Wilson Road when pulling onto North Walnut Street. The school's Transportation Department was consulted regarding these changes.

Councilmember Taylor stated that Wilson Road is a lightly travel road but turning onto Walnut Road from Wilson is a dangerous situation and an accident waiting to happen.

Chief Zunino stated that he has noticed only improvements on Center Street since the trial period. He agrees that Wilson Road should be made a one-way. In its current status, it's a tragedy waiting to happen.

Councilmember Plumley stated that he is not in favor of trial periods such as Center Street where it is made a one-way first and then the ordinance comes before Council for a vote.

The Mayor advised that the Public Safety Committee agreed to conduct this trial period on Center Street. It not only corrected the sight distance problem, it created additional parking as well.

President Spencer expressed his appreciation that the school was contacted.

Councilmember Irwin stated that it could be confusing for drivers if changes to the flow of traffic are made for trial period but then revert back to the way it was.

Councilmember Plumley is not against the one-way on Center but does not like the back in parking. He understands that it is considered to be safer but he does not think it is.

The Mayor noted that although we may not all agree that backing in to parking spaces is safer, studies prove this to be true.

Vice President Maffei expressed his support of conducting a trial period before adopting a traffic ordinance. This way we can see if the changes work and save ourselves a few hundred or a thousand dollars if we pass an ordinance first and the changes do not work so would then have to amend the ordinance again.

The Mayor stated that if everyone feels that a trial period should not be done then he has no problem with it.

The Solicitor opened the Public Meeting at 8:22 p.m.

John Thomas, 406 South Broad Street, questioned why we change traffic patterns without adopting the ordinance first. He has concerns that Council passes ordinances without most people knowing about it. Mr. Thomas recommended that the Borough pay for a section of the newspaper to place articles about upcoming ordinances. The public has the right to know about upcoming ordinances and the Borough should make sure that the public does.

Mary Hutchins advised that the Mainstreet organizations she is involved with support the studies that prove backed in parking is easier and makes it safer for people to get in and out their vehicles, especially people with small children.

The Solicitor reiterated that the Public Meeting to consider this ordinance was duly advertised.

Councilmember Bosley referred to some of the recent ordinances that Council adopted stating that they were all advertised as required.

President Spencer noted that Swift Reach is another way residents could be notified of upcoming ordinances and meetings.

It was moved by Vice President Maffei and seconded by Councilmember Sinclair to close the public meeting at 8:28 p.m. Motion carried unanimously.

ORDINANCE No. 914
BOROUGH CODE, CHAPTER 11, MOTOR VEHICLES and TRAFFIC
ONE-WAY THOROUGHFARES
100 BLOCK of CENTER STREET and
WILSON ROAD, between NORTH WALNUT STREET and HAZEL AVENUE

President Spencer presented the ordinance amending the Kennett Square Borough Code, Chapter 11, Motor Vehicles and Traffic, One-Way Thoroughfares, making the 100 block of Center Street and Wilson Road, between North Walnut Street and Hazel Avenue one-way thoroughfares.

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

The Ordinance was assigned No. 914.

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

President Spencer presented the Preliminary/Final Subdivision/Land Development Plan, Thomas J. and Lewis W. Manuel, 533 East State Street for reaffirmation.

The Solicitor advised that Council approved this two (2) lot plan on March 17, 2014, but the plans at that time showed that a homeowners association would be responsible for the common areas. There is no homeowners association associated with this plan and the approval needs to be reaffirmed by Council.

It was moved by Vice President Maffei and seconded by Councilmember Sinclair to reaffirm the approval as presented.

Vice President Maffei questioned if the drawings have been updated.

Russell Drumheller, Codes Enforcement Officer, replied yes.

Motion carried unanimously.

SPECIAL EVENT APPLICATION WINTERFEST, FEBRUARY 28, 2015

President Spencer resented the following special event application:

- Winterfest, Saturday, February 28, 2015, from 11 a.m. to 4 p.m.

It was moved by Councilmember Sinclair and seconded by Councilmember Plumley to approve the special event application as presented.

Vice President Maffei questioned if the event will be the same as this year's.

Ms. Hutchins replied, yes; there are no changes.

Motion carried unanimously.

RESOLUTION NO. 7-14 JUNIOR COUNCIL PERSON PROGRAM

President Spencer presented the resolution authorizing the Borough's participation in the Pennsylvania Association of Boroughs (PSABS) Junior Council Person (JCP) Program. The term of the JCP office shall run from September through May.

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

Councilmember Bosley stated that this is a good idea but he would like to see the period extended through the summer.

Motion carried unanimously.

The Resolution was assigned No. 7-14.

BALTIMORE PIKE WELCOME SIGN

President Spencer presented the proposed Baltimore Pike Welcome Sign.

Mary Hutchins advised that this is a joint venture between the Borough and Historic Kennett Square. The Borough's portion of the expense is \$2,995.00. Historic Kennett Square will pay for the rider and the installation.

Vice President Maffei advised that there was a welcome sign along Baltimore Pike at Hilton Garden Inn which has decayed. He noted that the Borough was established prior to 1855 but was incorporated in 1855.

Councilmember Sinclair stated that she would like to see the word "live" added to the sign.

It was moved by Vice President Maffei and seconded by Councilmember Bosley to approve the sign contingent upon replacing "Est. 1955" with "Inc. 1855, and replacing "SHOPPING & DINING DISTRICT" with "LIVE, SHOP AND DINE".

Motion carried with a vote of 6 to 1 with Councilmember Plumley voting no.

MEMORANDUM of UNDERSTANDING (MOU) with LONGWOOD GARDENS HOLIDAY PARKING PROGRAM

President Spencer presented the MOU between the Borough and Longwood Gardens for holiday parking in the Borough as it relates to the "Christmas in Kennett" shuttle. The shuttle will be offered by Longwood Gardens on Saturdays between November 29 and December 27, 2014. The shuttle will run approximately every 30 minutes from 3 p.m. to 8 p.m.

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

Vice President Maffei questioned the pick-up and drop-off locations.

Ms. Hutchins advised that the first three (3) parking spaces in front of the Michael Walker Building will be the location. She had discussed this matter with Chief Zunino and he approved using these spaces.

The Mayor questioned if there will be a greeter present.

Ms. Hutchins replied that a Longwood Gardens staff person will be stopping by and checking on the area on a regular basis.

Vice President Maffei questioned if Longwood Gardens would be providing signage.

Ms. Hutchins replied yes.

Councilmember Sinclair questioned what would happen if there is a snow event and the visitors need to be notified if the gardens close.

Ms. Hutchins advised that she did not know the answer but commented that the people could possibly be notified by email.

Vice President Maffei commented that Longwood Gardens only closes if a state of emergency has been declared by the State.

Councilmember Sinclair questioned if portable toilets will be available.

Ms. Hutchins replied that they are looking into the matter.

Motion carried unanimously.

**REVISION of RESOLUTION NO. 7-14
JUNIOR COUNCIL PERSON PROGRAM
TERM EXTENDED through AUGUST**

It was moved by Councilmember Bosley and seconded by Councilmember Irwin to amend Resolution No. 7-14, Junior Council Person Program extending the term through August. Motion carried unanimously.

PRESIDENT'S REPORT

President Spencer continued to remind the public to sign up for the emergency notification service known as Swift Reach. In the event of an emergency, Swift Reach is the most reasonable way to contact residents. Only 482 people have signed up so far; this number has not increased since the last Council meeting.

President Spencer announced that Boy Scout Troop 53 will hold a Flag Retirement Service on November 9th at 4 p.m. If anyone has a flag that needs to be disposed of and are unable to attend, please drop it off at Borough Hall and we will see that it is included in this service.

President Spencer announced that the Walk for Hunger and Homelessness will be held on Wednesday, November 19th. There are two (2) walks; one (1) at noon and the other at 4 p.m. Participants are to meet under the town clock on the Genesis HealthCare building, 101 East State Street. Food donations will be accepted during this event to benefit the Kennett Food Cupboard.

President Spencer announced the following vacancies on the Borough's Boards and Commissions:

- One (1) on the Architectural Review Board – required to be filled by an architect. This is a three (3) year term.
- Two (2) on the Historical Commission. This is a five (5) year term.
- Shade Tree Commission. This is a three (3) year term.

Interested individuals must be a Borough resident and should send their letter of interest along with their resume to Borough Secretary Karen Scherer.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

The Mayor stated that a lot of items are addressed during the Public Safety Committee meetings. To improve communications he will be giving a monthly report on behalf of the Public Safety Committee during the "Public Safety" segment of the Council meeting.

ADJOURNMENT

It was moved by Councilmember Plumley and seconded by Councilmember Bosley to adjourn the meeting at 8:54 p.m.

Karen L. Scherer

Karen L. Scherer
Secretary