

OFFICIAL MINUTES JUNE 1, 2015

The Regular Meeting of June 1, 2015, 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
Borough Manager Joseph C. Scalise
Mayor Matthew W. Fetick
Solicitor Marc D. Jonas

Absent: *Junior Council Person Meliton Gomez*

INFORMATIONAL MEETING

President Spencer announced that Council held an Informational Meeting regarding the Bayard Taylor Memorial Library at 6:30 p.m. on June 1, 2015. The meeting was held in the Bayard Taylor Room of the Kennett Fire Company No. 1, 423 Dalmatian Street.

PUBLIC COMMENTS

John Thomas, 46 South Broad Street, stated that he does not understand why Council approved the Historic District Ordinance at their last meeting. He referred to President Spencer's comments regarding the requirement of an applicant having to provide financial documentations and yet President Spencer voted in favor of the ordinance. Mr. Thomas would like to see Council re-address the Historic District Ordinance stating that he is not against an historic ordinance but felt that this ordinance was pushed through.

Prissy Roberts, 223 North Union Street, advised that the Beautification Committee will be at the next Council meeting to give a report on their activities. She asked Council to be sure that the planters will be watered.

The Manager advised that the Public Works Department has watered the planters on a regular schedule for years and will continue to do so.

Albert McCarthy, 219 South Broad Street, advised that he received a lot of compliments during his retirement celebration yesterday and wanted to share that credit. Mr. McCarthy thanked the Borough residents for their support during his 35 year career with the Kennett Square Police Department. He noted that policing is expensive and he thanked Council for the proper funding of the Police Department and for making the Borough a safe place to live. Mr. McCarthy congratulated Council on their decision to appoint Joe Scalise as the Borough Manager noting that Mr. Scalise is the right man for the job. He also thanked the Codes Department for their diligent work keeping the Borough safe.

REPORTS

CODES DEPARTMENT

Russell Drumheller, Codes Enforcement Officer, reported the following activity in the Codes Department for the months of April and May, 2015:

- Completed 598 inspections.
- Received 475 telephone calls.
- Received 265 visitors to the office; many for park reservations.
- Completed 18 Resale Use and Occupancy Inspections.
- Attended District Court regarding one (1) non-payment of rental registration.
- Issued 21 High Grass Violations letters.
- Processed 79 permits – Building/Plumbing/Electrical/Mechanical.
- He attended four (4) days of training in fire/building code safety inspections.

HISTORIC KENNETT SQUARE (HKS)

Mary Hutchins, Executive Director, reported the following:

- The RFP for the Economic Development Study was released on Friday, May 8th and is due back by Friday, June 12th at 3 p.m.
- Working with the following new businesses – Kennett Brewing Company at 109 South Broad Street, Blown Away at 110 South Union Street, Houppette at 101 West State Street, and Red Clay Studio at 123 East State Street.
- The Food Network was filming for a new show at Nomadic Pies and spent some time at the Farmers Market. The new show will premier in August.
- Working with the Kennett Trails Alliance and the Chester County Arts Association on a grand opening event for the Red Clay Trails near Magnolia Place. The event is planned for Saturday, August 29th.
- Third Thursday will be held on June 18th.
- Tickets for the Brewfest went on sale today with the Connoisseur Tasting selling out in less than four (4) hours.
- Ms. Hutchins will be attending the PA Downtown Conference next week in Lancaster.

HISTORICAL COMMISSION 2015 CERTIFICATES of APPRECIATION and HISTORIC PRESERVATION AWARD

Susan Myers, 312 Marshall Street and member of the Historical Commission, presented the 2015 Certificates of Appreciation for Historic Preservation to the following property owners:

- Andrew W. Munter and Theresa M. Callahan, 106 North Lincoln Street
- Heather Vinton Robitzer, 109 West State Street.
- Kuzo and Grieco Funeral Home, Inc., 250 West State Street

The 2015 Historic Preservation Award was given to Philip K. and Mary C. Duncan for the extraordinary renovation of their home located at 251 North Union Street.

CONSENT ITEMS

MINUTES of APRIL 20, 2015 and MINUTES of MAY 4, 2015

President Spencer presented the minutes from April 20, 2015, and May 4, 2015.

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

BILLS

President Spencer presented the bills to be paid on June 1, 2015, and the bills that were paid since the last meeting.

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

LETTER of INTENT

REGIONAL STREETLIGHT PROCUREMENT PROGRAM

President Spencer presented the Letter of Intent for Regional Streetlight Procurement Program.

The Manager advised that the Delaware Valley Regional Planning Commission, in partnership with the Pennsylvania Energy Finance Program, has created the Regional Streetlight Procurement Program (RSLPP). The RSLPP will facilitate municipalities in the four-county region to design, procure, and install LED street lights funded completely out of the savings in energy from the more efficient technology. At this point, there is no responsibility or obligation for the Borough to move forward in the program; Council is only approving the submittal of the Letter of Intent to participate in the RSLPP'S request for an Energy Service Company to perform a pre-contract audit. After the completion of the audit and Council reviews the costs involved, the item will be brought to Council for a vote to proceed further along in the process.

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

**AGREEMENT
BOROUGH of KENNETT SQUARE and
JOHN P McFADDEN, YVONNE McFADDEN and
120 EAST STATE STREET, INC.**

President Spencer presented the agreement between the Borough of Kennett Square and John P. McFadden, Yvonne McFadden and 120 East State Street, Inc.

It was moved by Vice President Maffei and seconded by Councilmember Bosley to approve the agreement as presented. Motion carried with a vote of 6 to 1 with Councilmember Plumley voting no.

**SIDEWALK WAIVER REQUEST
BARBARA PIZZALA and TOM HAMMER
312 NORTH WASHINGTON STREET**

President Spencer introduced Barbara Pizzala, owner of 312 North Washington Street.

Ms. Pizzala advised that she and her husband Tom Hammer are building a new home at 312 North Washington and are seeking a waiver of sidewalk requirements. Currently there are no sidewalks in this entire block on either side and they are very concerned that they would be wasting their money. In return, Ms. Pizzala and Mr. Hammer would pay a sum of money, to be determined by the Borough, to be placed in escrow to be used on sidewalk projects as the Borough and Council see fit.

Russell Drumheller, Codes Enforcement Officer, advised that the SDDL Ordinance states that if a property has street frontage then the installation of a sidewalk is required.

It was moved by Vice President Maffei and seconded by Councilmember Irwin to approve the waiver request as presented.

Vice President Maffei reported that he had the opportunity to meet with Mr. Hammer and their architect. He agrees that if the applicants installed a sidewalk, then it would take some time for their sidewalk to connect to another sidewalk. In the last few years there have been two (2) applicants that were denied their sidewalk waiver request. We want to hold on to the planning aspect that we have adopted in Comprehensive Plan regarding a walkable community; however, this applicant has offered another option. Vice President Maffei noted other areas in town that need sidewalks such as North Walnut Street to walk safely to Anson B. Nixon Park. Perhaps there are better uses for the escrow monies but the mechanics are not in place at this time.

A discussion ensued regarding the requirement to install a concrete apron, grading level along the curb, and time frame for using the escrow sidewalk in another location in the Borough.

President Spencer stated that Council has denied other sidewalk waiver requests and he cannot approve this waiver.

Councilmember Bosley said that the key difference here is that this applicant is financially contributing towards the Borough's goal of maintaining and installing sidewalks. He congratulated Ms. Pizzala and Mr. Hammer for coming up with this idea.

President Spencer noted that this option was not offered to the other applicants.

It was moved by Vice President Maffei and seconded by Councilmember Irwin to amend the original motion as follows: Approve the waiver request of the sidewalk requirement; the applicant is required to pay an escrow to the Borough in lieu of the cost of installing a sidewalk with the escrow amount being determined by the Borough; the applicant is required to grade the property as if this sidewalk was to be installed; the applicant is required to install a concrete apron; and put into place a three (3) year time limit to determine how and where this escrow monies will be used for sidewalks within the Borough.

The Secretary took the roll call of votes to amend the motion.

Councilmember Taylor, Vice President Maffei, and Councilmembers Irwin and Bosley voted yes. Councilmembers Sinclair and Plumley, and President Spencer voted no. The motion to amend the original motion carried with a vote of 4 to 3.

The Secretary took the roll call of votes for the motion as amended.

Councilmember Taylor, Vice President Maffei, and Councilmembers Irwin and Bosley voted yes. Councilmembers Sinclair and Plumley, and President Spencer voted no. The motion as amended carried with a vote of 4 to 3.

CONSULTANT SERVICES - EMERGENCY MEDICAL SERVICES (EMS)

The Manager advised that with the increase in requests of financial support from local fire and ambulance services, several local municipalities have been actively meeting to discuss important related topics, including, but not limited to, operational efficiencies, billing practices, ambulance recovery costs, capital purchases, fair shares and equipment needs. Since most municipalities are admittedly unfamiliar with the EMS operation, practices and laws, the group has elected to hire consultants to evaluate these services and ensure tax dollars are being spent wisely.

It was moved by Vice President Maffei and seconded by Councilmember Sinclair that the Borough of Kennett Square participate in a regional study with East Marlborough, Newlin, Pennsbury, Pocopson and Kennett Townships to hire consultants to perform, conduct and produce a study of Emergency Services. There will be two (2) studies done; one (1) for Fire Service performed by Raymond Stackhouse at an hourly rate of \$65 and the other for Ambulance Service performed by Gary Vinnacombe at an hourly rate of \$50. The Borough approves up to \$5,000 (based on a 16.7% proportionate share) of the total cost for the studies. A Memorandum of Understanding will be signed by the participating municipalities resulting in an Inter-Municipal Cooperation Agreement outlining the payment structure and naming Kennett Township as the lead municipality for the study.

Councilmember Plumley reported that he has spoken to two (2) local Fire Chiefs and it seems that they want the study done but they want consultants from outside of the area.

President Spencer questioned if it would be feasible for Council to consider this item with the stipulation that the consultants are from outside of the area.

Vice President Maffei advised that he had a similar discussion the Manager last week and would like to know if there are other consultants available and if their rates would be reasonable.

Fire Chief Christopher Plumley advised that the two (2) consultants listed are from the area and he feels that they may not be able to be impartial. He also noted that one (1) of the consultants may have a conflict of interest.

The Manager advised that the group met with three (3) of the local fire companies and at that time they seemed to be agreeable with the consultants listed. It wasn't until after that meeting that he heard of their concerns.

Vice President Maffei moved to withdraw his original motion, seconded by Councilmember Sinclair withdrawn.

It was moved by President Spencer and seconded by Vice President Maffei for the Borough of Kennett Square to participate in a regional study with East Marlborough, Newlin, Pennsbury, Pocopson and Kennett Townships to hire consultants to perform, conduct and produce a study of Emergency Services. There will be two (2) studies done; one (1) for Fire Service and the other for Ambulance Service. The Borough approves up to \$5,000 (based on a 16.7% proportionate share) of the total cost for the studies. A Memorandum of Understanding will be signed by the participating municipalities resulting in an Inter-Municipal Cooperation Agreement outlining the payment structure and naming Kennett Township as the lead municipality for the study. The motion carried with a vote of 6 to 1 with Councilmember Plumley voting no.

PRESIDENT'S REPORT

President Spencer announced that Council has been invited to attend the Grand Opening of Nightscapes at Longwood Gardens on July 1st. You can RSVP through the Borough Secretary before June 26th.

President Spencer reiterated that it is that time of year to exercise caution with children playing in your neighborhood.

President Spencer stated that he believes we can preserve human dignity with the new Historic District Ordinance. He noted that the HARB serves at the will of Borough Council and that Borough Council will decide the make-up of that board. President Spencer urged anyone interested in serving on the HARB to make themselves known.

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

There were not comments or announcements.

ADJOURNMENT

It was moved by Councilmember Plumley and seconded by Councilmember Sinclair to adjourn the meeting 8:03 p.m.



Karen L. Scherer
Secretary