

OFFICIAL MINUTES JUNE 15, 2015

The Regular Meeting of June 15, 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

Absent: *Mayor Matthew W. Fetick*
Junior Council Person Meliton Gomez

PUBLIC COMMENTS

John Thomas, 406 South Broad, stated that he still is against the new Historic Ordinance and recommended that Council rescind the ordinance and generate a new one. He questioned the contents of the agreement between the Borough and Jack McFadden.

Jim Davies, 222 Marshall Street, stated that the residents in his neighborhood would like to have a block party on July 18th.

The Manager and President Spencer advised Mr. Davies that he would need to submit a special event application. These forms are available at Borough Hall.

Tony Talamonti, 584 East Cypress Street, stated that he has observed a street light on State Street that has been not working since December and questioned why it has not been repaired. Mr. Talamonti shared his concern of the overflowing trash containers at the Spruce Apartments noting that the trash containers are clearly visible from Cypress Street. He questioned how many employees are permitted to take Borough trucks home with them.

PUBLIC SAFETY

POLICE DEPARTMENT

On behalf of Chief Edward Zunino, Corporal Christopher Wills reported the following statistics for the month of May, 2015:

- Traffic Citations – 59.
- Written Traffic Warnings – 53.
- Criminal Arrests – 15.
- DUI Arrests – 5.
- Total Calls – 611, compared to 680 in May, 2014.

Corporal Wills advised that employees from all of the departments within the Borough completed their CPR recertification on June 8th. Later the same day, Police Officers Gravina and Serrano and Steve Melton successfully deployed the AED device and performed CPR on a man in the Borough that was in cardiac arrest. He was pleased to announce that the patient was brought out of the arrest and is recovering.

FIRE COMPANY

Fire Chief Christopher Plumley reported the following calls for the month of May, 2015:

- Fire Calls – 32 total calls with 16 being in the Borough, 9 in Kennett Township and the remaining 7 in other municipalities.
- EMS Calls – 82 total calls with 35 being in the Borough, 33 in Kennett Township and the remaining 14 in other municipalities.

Chief Plumley congratulated the Police Officers and Mr. Melton on their life saving measures. He reported that the patient, who had a 99 percent blockage, was sitting up and talking to the EMS personnel upon their arrival.

He announced that the Fire Company will hold a chicken barbeque on July 26th.

KENNETT BEAUTIFICATION COMMITTEE

Prissy Roberts, 233 North Union Street, gave a summary of the purpose, history and activity of the Kennett Beautification Committee which was founded in 1965. She asked Council to have the planters in the downtown watered at least two (2) times a week and more during extremely hot weather.

President Spencer asked Ms. Roberts if the Committee has contacted Kennett High School to obtain student volunteers to assist with the planters.

Ms. Roberts replied no but noted that area Boy Scouts and other clubs have assisted.

President Spencer recommended that Ms. Roberts form a coalition with the High School to assist in the future.

Vice President Maffei commended the Beautification Committee for the lovely plantings in the downtown.

Council instructed that the Committee have more targeted conversations with Mary Hutchins, Historic Kennett Square, regarding the planters in the downtown.

The Manager advised that the Public Works Department has been watering the planters for years in the downtown and defined the amount of man hours and equipment required to do this.

Vice President Maffei asked if there are more planters this year.

Ms. Robert replied no, but questioned if there are grants available to purchase additional planters.

The Manager asked Ms. Roberts to provide him with the cost of a new planter.

AMENDMENT to the AGENDA

President Spencer advised that the agenda is being amended to include a presentation from Richard Cairns regarding the Southeastern Chester County Refuse Authority (SECCRA).

SOUTHEASTERN CHESTER COUNTY REFUSE AUTHORITY (SECCRA) 50 YEAR EXTENSION

Richard Cairns advised that he previously represented the Borough on the SECCRA Board. SECCRA began its operation in 1968 and was granted approval from the Commonwealth of Pennsylvania to operate for a period of 50 years. The time has come for SECCRA to submit a request to the State for a 50 year extension. As part of the request, SECCRA will need supportive documentation in the form of a resolution from the participating municipalities. Mr. Cairns advised that a template for the resolution was included in the packet of information he sent to Council.

President Spencer advised that Council will review the information the resolution will come before Council at a later date.

CONSENT ITEMS

MINUTES of MAY 18, 2015

President Spencer tabled the minutes from May 18, 2015.

BILLS

President Spencer presented the bills to be paid on June 15, 2015.

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

PRESENTATION – CANNERY ROW LAND DEVELOPMENT UPDATE

Mike Pia, Jr. gave an update of the land development of Cannery Row. The proposed project consists of mixed use buildings, apartments, a trail head and dog park. He advised that not much has changed since the preliminary plan but the footprint has been decreased. They plan to go before the Planning Commission by the end of the summer/early fall 2015.

Vice President Maffei questioned where the Dog Park would be located.

Mr. Pia replied that it will be in Kennett Township. The park will be completely fenced in, consist of natural or turf grass, and include elongated runs.

BID AWARD – WEST CYPRESS STREET PROJECT

President Spencer presented the bid award for the West Cypress Street Project.

The Manager advised that the opening was held on May 27th. The lone bidder was SJM Construction Company, Inc. with a base bid of \$1,027,562.40 which is nearly \$150,000 less than the last bid opening. Currently we need to budget for Alternate No. 2 (\$31,500) and Alternate No. 4 (\$27,170). The Manager has been unable to secure permission to work on private property at two (2) locations and therefore has proposed Alternate No. 2 to construct a retaining wall. If he is able to secure permission prior to the project then that line item will not be used. Alternate No. 4 replaces line item No. 33 and therefore only increases the base bid by \$800. The total construction cost including the Alternates is \$1,239,942.40.

The Manager advised that we need approximately \$1,325,000 to complete this project which includes \$956,000 in grant funding from the County. The \$100,000 shortfall can be made up through the use of Liquid Fuels monies which amount to \$145,000 in eligible costs therefore leaving approximately \$45,000 for change orders. The Manager is still working with the contractor and PennDOT to ensure that we can use Liquid Fuels.

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

The Manager advised that he has spoken with the County and it seems unlikely that more funding would be available that is why he is recommending that we decrease the paving this year and use the Liquid Fuels monies for this project. He added that we could ask for an extension but that would prevent us from applying for other grant funding from the County.

The motion carried with a vote of 6 to 1 with Plumley voting no.

2015 PAVING IN PLACE BID AWARD through the SOUTHERN CHESTER COUNTY MUNICIPAL COOPERATIVE

President Spencer presented the bid award for 2015 Paving in Place.

The Manager advised that the Paving in Place bid for the Southern Chester County Municipal Cooperative opened on May 24th. The lowest responsible bidder was Long's Asphalt, Inc. of Quarryville, PA. This year we were scheduled to pave using \$250,000 of Liquid Fuels monies, however the need for funds to complete the West Cypress Street Gateway Project took precedence. We are now looking to award \$110,000 to resurface Ridge Avenue.

It was moved by Councilmember Bosley and seconded by Councilmember Sinclair to approve the bid as presented. The motion carried with a vote of 6 to 1 with Councilmember Plumley voting no.

NEW SIDEWALK AMENDMENT MAGNOLIA PLACE SUBDIVISION LAND DEVELOPMENT

The Manager advised that despite the Borough's best efforts to provide Mike Pia, Jr. with our specifications to make the sidewalk in front of Victory match the West Cypress Street Gateway Project; the sidewalks installed are not per our specifications or Council's decision several months ago. Mr. Pia is requesting relief or a proposal incorporating matching sidewalks in a nearby location.

Vice President Maffei stated that due to a working relationship he has with Mr. Pia, he would abstain from voting on this item.

Mike Pia, Jr. advised that they built something that was outside what Council approved back in February. Mr. Pia stated that monetary contribution still stands and requested that the current sidewalk remain in place and proposes that the same be installed the same distance along the north side of West Cypress Street with the remainder of the sidewalks within the cypress Street Project per Borough specifications.

It was moved by Councilmember Plumley and seconded by Councilmember Bosley to approve the new sidewalk amendment as presented.

Councilmember Plumley stated that he approves of a little mix in the sidewalk pattern.

President Spencer stated that he is torn. Although the current sidewalk is functional, the fact is a mistake was made. Cosmetically, he is not comfortable with the current sidewalk and the use of mixed patterns does not appeal to him.

The Manager advised that he does not have a recommendation and noted that after the Cypress Street Project has been completed, property owners could install a different type of sidewalk.

Councilmember Taylor stated that the whole point of the Cypress Street Project was to make everything uniformed.

The Secretary took the roll call of votes. The motion to approve the new sidewalk amendment did not carry by a vote of 2 to 4. Councilmembers Plumley and Bosley voted yes, and President Spencer and Councilmembers Sinclair, Taylor and Irwin voted no with Vice President Maffei abstaining.

ARCHITECTURAL REVIEW BOARD (ARB) APPLICATION 111 WEST STATE STREET

President Spencer presented the ARB application from Philter for new signage for the building located at 111 West State Street. This property is owned by Horowitz-Payne, LLC.

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

Councilmember Bosley stated that he thinks the sign looks terrific and it is a great addition to the downtown.

Vice President Maffei concurred.

Motion carried unanimously.

RELIEF from STORMWATER REQUIREMENT 209 EAST MAPLE STREET

President Spencer presented the letter from T. S. Kauffman Roofing and Construction, LLC requesting relief from the stormwater requirement for a demolition project at 209 East Maple Street. The owner, MacElree Harvey Enterprises, plans to raze the current 1,500 square foot, one story structure which is in poor structural condition. In its place, the owner plans to landscape the area with topsoil and seed and leave it undeveloped.

The Manager stated that our new stormwater ordinance was adopted based on the County ordinance. The ordinance is strict when it comes to matters such as this which causes property owners to request relief from the ordinance. He added that this is an issue that the County would like to address in the future

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

Vice President Maffei stated that if they are removing the building then they are decreasing the amount of stormwater runoff.

Councilmember Sinclair questioned if they were removing the foundation.

The Manager replied yes, they are removing everything.

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

PRESIDENT'S REPORT

President Spencer thanked the members of the public that made comments this evening. He is guilty as anyone in this room for not reporting a street light that is not working properly. Your comments are not taken lightly and the concerns you have will be addressed.

As far as legal matters, President Spencer stated that he will not discuss these matters in public; people may contact him directly.

President Spencer encouraged both Council and the public to attend the premiere of Longwood Gardens Nightscape on Wednesday, July 1st.

He referred to past concerns regarding Victory Brewing coming to the Borough. President Spencer was pleased to announce that the Police Department reported that there have been zero incidents at Victory since the opening.

President Spencer advised that 319 students graduated from Kennett High School this year. It is nice to have a High School that recognizes their graduates.

He thanked the Boy Scouts for attending tonight's meeting.

President Spencer advised that the Mayor could not be with us this evening due to another commitment.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

Councilmember Sinclair announced that the Historical Commission awarded a \$1,000 scholarship to 2015 Kennett High School Graduate Elizabeth Zern.

ADJOURNMENT

It was moved by Vice President Maffei and seconded by Councilmember Sinclair to adjourn the meeting at 8:07 p.m.



Karen L. Scherer
Secretary