

OFFICIAL MINUTES NOVEMBER 2, 2015

The Regular Meeting of November 2, 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
Borough Manager Joseph C. Scalise
Junior Council Person Meliton Gomez
Solicitor Marc Jonas

Absent: *Councilmember D. Lynn Sinclair*
Councilmember Patrick B. Taylor
Mayor Matthew W. Fetick

INFORMATIONAL MEETING

President Spencer announced that two (2) members of Council held an Executive Session on Monday, November 2, 2015, at 6:30 p.m. The meeting was held in Bayard Taylor Room of the Kennett Fire Company No. 1, 423 Dalmatian Street. The purpose of this meeting was to discuss a real estate matter.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, stated that it is his understanding that the water, sewer and trash fees are being raised for 2016. He is against these increases as well as the reimbursement of employees' co pays. Mr. Thomas said there are a lot of people on limited incomes who can't afford the increases.

Jessie Cocks, 807 South Walnut Street, stated that she is happy to see both LaToya Myers and Lenda Carrillo are being considered to fill the vacancies on Borough Council.

REPORTS

CODES DEPARTMENT

On behalf of Russell Drumheller, Codes Enforcement Officer, President Spencer reported the following activity in the Codes Department for the month of October, 2015:

- Completed 233 inspections.
- Received 166 telephone calls into the office.
- Received 74 visitors at the office.
- Processed 51 permits – Building/Plumbing/Electrical/Mechanical.
- Completed seven (7) Resale Use and Occupancy Inspections.
- Condemned an apartment located at 316 East Linden Street for electrical fire issues.
- Met with several landlords to discuss safety issues within their respective properties.

HISTORIC KENNETT SQUARE (HKS)

Mary Hutchins, Executive Director, reported the following:

- HKS is gearing up for the holidays and the Longwood Gardens Christmas in Kennett Shuttle by finalizing plans for the holiday parade, carriage rides, decorating the tree and the pop up park – “Meet Me at the Tree”.
- Also working on Small Business Saturday to be held on November 28th.
- They held a kick off meeting for the Economic Development Study a few weeks ago. The study committee met with the two consultants and took a driving tour of the seven (7) focus areas.
- HKS met their fundraising goals with the Kennett Brewfest. She thanked the Police and Public Works Departments for their help and support.
- There is a First Friday Art Stroll planned for this Friday. The galleries are all planning special exhibits.
- The HKS Board is holding a special meeting with Bill Fontana from the PA Downtown Center to lead a discussion on planning for the future of the organization.
- She continues to work with several business owners wanting to open a business in Kennett Square.

CONSENT ITEMS

BILLS

President Spencer presented the bills to be paid on November 2, 2015, 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.

Councilmember Plumley questioned why there are checks for water, sewer and trash refunds.

The Manager advised that the refunds are for properties that have been sold but the sellers had a credit because they had paid their bill in advance.

Motion carried unanimously.

RESIGNATIONS – TABLED COUNCILMEMBER TAYLOR COUNCILMEMBER SINCLAIR

The Solicitor advised that per the Pennsylvania Borough Code, Council has 45 days to accept a resignation from a Councilmember. From the date of acceptance, Council then has 30 days to fill the vacancy by appointment.

It was moved Councilmember Bosley and seconded Vice President Maffei to accept the resignations from Councilmembers Taylor and Sinclair.

President Spencer recommended that the Council postpone the acceptance of the resignations. This will allow time for the newly elected Councilmembers to be a part of the appointment process.

Vice President Maffei stated that delaying the acceptance is something that holds merit.

Councilmember Bosley stated that he thinks it would be hasty to appoint new Councilmembers tonight.

President Spencer stated that he does not think it would be hasty to appoint new Councilmembers this evening however, with tomorrow's elections, the new Councilmembers will be able to be a part of the appointment process.

It was moved by Councilmember Bosley and seconded by Councilmember Irwin to table the motion to accept the resignations. The motion carried with a vote of 4 to 1 with Councilmember Plumley voting no.

BOARDS and COMMISSIONS SHADE TREE COMMISSION

President Spencer presented the appointments to fill the two (2) vacancies on the Shade Tree Commission as follows:

- Steven Melton, 605 Ridge Avenue, this term expires January 1, 2016.
- Thomas Schrier, 400 Center Street, this term expires January 1, 2018.

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

AUTHORIZE AUCTION of POLICE VEHICLE

President Spencer presented the request from Chief Edward Zunino to auction the Police Department's 2004 Ford Crown Victoria.

The Chief advised that this vehicle has very high mileage and is in need of a power steering system repair. The vehicle will be auctioned through the website Municibid.com.

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

SPECIAL EVENT APPLICATION**HOLIDAY PARADE AND TREE LIGHTING, NOVEMBER 27TH****CARRIAGE RIDES, DECEMBER 6TH, 13TH, 20TH and 27TH****2016 WINTERFEST, FEBRUARY 27TH**

President Spencer presented the special event applications as follows:

- Holiday Parade and Tree Lighting, Friday, November 27th, from 6:15 p.m. to 9:00 p.m. The parade will begin at the corner of Lafayette and West State Streets, proceeds east on State Street and ends in the 100 block of South Broad Street.
- Horse Drawn Carriage Rides, Sunday, December 6th, 13th, 20th and 27th, from noon until 3:00 p.m. The rides begin in the 100 block of East State Street, proceed west to Lincoln Street, north on Lincoln Street, east on Linden Street to North Broad Street, then south to State Street and returning to the 100 block of East State Street.
- Winterfest, Saturday, February 27, 2016, from 11:00 a.m. to 4:00 p.m. The event will be held in the 100 block of South Broad and will also include the closure of Apple Alley between Sycamore and Church Alleys.

Mary Hutchins, Executive Director of Historic Kennett Square, advised that the applications are the same as last year.

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

TEMPORARY USE PERMIT**112 EAST STATE STREET, P2K COMPANY, LLC****CLUB STUDIO ARTS**

President Spencer presented the request from P2K Company, LLC for Club Studio Arts to operate a dance studio at 112 East State Street, Area A.

The Solicitor stated that Section 23-38 of the Borough of Kennett Square's Municipal Code provides the right for Council to issue a temporary permit which is good for one (1) year. It can then be extended annually up to five (5) years.

It was moved by Vice President Maffei and seconded by Councilmember Bosley to grant the temporary use permit as requested.

Donna Toires, a Club Studio Arts partner, advised that the studio is considered a recreational and social dance studio. They will be opened in the evenings, approximately 4:00 to 10:00 p.m., and will open a little earlier on the weekends. She noted that the studio is only for adults and the social aspects include dance parties geared towards certain themes such as "Singles Night" and "Date Night". Her partners are professional dance instructors. In addition, Ms. Toires stated that small dance merchandise will be for sale in the front of the building and gradually they want to bring in artisans to sell their items.

Councilmember Irwin questioned if they had considered other towns.

Ms. Toires replied yes, but Kennett Square is the kind of town they were looking for culturally.

Vice President Maffei questioned if this temporary use request is exempt from zoning.

The Solicitor replied yes, but only zoning; all other permit applications apply.

Motion carried unanimously

AUTHORIZE ADVERTISEMENT PUBLIC MEETING 2016 PROPOSED BUDGET and TAX ORDINANCE

President Spencer presented the advertisement for the public meeting to consider the 2016 Preliminary Budget and the enactment of an ordinance establishing the Borough Tax Rate for Fiscal Year 2016.

The Manager advised that the meeting will be held on December 7th, at 7 p.m. He noted that the preliminary budget does not include an increase of the current Borough tax rate however it does include minimal increases in some fees including water, sewer and solid waste.

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

**AUTHORIZE ADVERTISEMENT
PUBLIC MEETING AMENDING CHAPTER 25, HISTORIC DISTRICT
MEMBERSHIP TERMS**

President Spencer presented the advertisement to hold the public meeting on November 16th, 7 p.m., for the proposed ordinance amending Chapter 25, Historic District, Membership Terms.

Vice President Maffei advised that the terms for the Historical Architectural Review Board (HARB) needed to be adjusted.

It was moved by Vice President Maffei and seconded by Councilmember Irwin to authorize the advertisement as presented.

Councilmember Bosley asked if the appointments to the HARB made by Council during their last meeting were done properly.

Vice President Maffei replied yes; only the terms of future appointments and reappointments needed to be adjusted.

Motion carried with a vote of 4 to 1 with Councilmember Plumley voting no.

**AUTHORIZE ADVERTISEMENT
PUBLIC MEETING
TOTAL MAXIMUM DAILY LOAD STRATEGY (TMDL)**

President Spencer presented the advertisement to hold a public meeting to consider the Total Maximum Daily Load (TMDL) Strategy for the Borough of Kennett Square.

The Manager advised that the strategy describes proposed measures to be taken to address impaired surface waters within the Borough and is part of our MS4 permit. The TMDL Strategy will be available for review for a minimum of 30 days as required. The public meeting will be held on December 7, 2015 at 7 p.m.

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

**AGENDA AMENDMENT
REMOVAL of CONSIDER APPOINTMENTS - BOROUGH COUNCIL**

It was moved by Vice President Maffei and seconded by Councilmember Plumley to remove Item # 10, "Consider Appointments - Borough Council", from the agenda. Motion carried unanimously

PRESIDENT'S REPORT

President Spencer announced that the installation of the cannon known as "Old Ben Butler" has been completed by Eagle Scout Candidate Mark Haftl. The cannon and the Borough's time capsule were relocated from the old Borough Hall, 120 North Broad Street, to the current Borough Hall, 120 Marshall Street.

President Spencer also announced the following:

- Tomorrow, November 3rd, is Election Day. There are six (6) people on the ballot for Borough Council.
- Boy Scout Troop will hold their Annual Flag Fire Retirement on Sunday, November 8th.
- The November 16th Borough Council meeting will be held in the Kennett/Pennsbury Room at the Genesis HealthCare building, 101 East State Street.
- The Community Thanksgiving Service will be held on Sunday, November 22nd, at St. Patrick Church. The proceeds from this year's service will go to the Humanitarian Club at Kennett High School.
- The Residential Electronics Collection and Document Shred Event will take place on Saturday, December 5th, from 9:00 a.m. to 1:00 p.m. This is a joint partnership with Kennett and New Garden Townships and will be held at Kennett High School, 100 East South Street. There is a \$20 collection fee for each TV and computer monitor.

President Spencer referred to the recent incident of the tainted Halloween candy stating that he was notified of this by an automated telephone call through Swift Reach 911 at 8:10 a.m. on Sunday morning. President Spencer urged the public to enroll in this program; forms are available at the Secretary's table. He also implored the reporters to publish a copy of the form in their respective newspapers.

President Spencer noted that there were three (3) individuals that were going to be considered for appointment to Borough Council this evening. He believes that postponing the appointments was the best thing to do for our community and urged them not to give up on their dream. He encouraged others persons to also come forward and be counted if they are interested in being considered for an appointment to Council.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

Vice President Maffei thanked the three (3) individuals that have expressed interest and are willing to serve on Borough Council. He added that by Council not voting on this item this evening, shows respects for them and all citizens of Kennett Square. Vice President Maffei also encouraged other residents who have the heart and are willing to do the work to throw their hat into the ring.

Councilmember Bosley concurred with both President Spencer and Vice President Maffei. In addition, he stated that he wants to make it mandatory for all residents to sign up for Swift Reach noting that there is no down side to doing so.

The Manager extended kudos to the Police Department, Chief Zunino and Corporal Wills in the way they handled the Halloween candy incident. He also thanked the Secretary for posting the news release on the Borough Facebook page and Borough Hall Receptionist Denise Rodriguez for activating the Swift Reach call very quickly after the incident was reported. He also thanked Mary Hutchins for sharing it on HKS's Facebook page and everyone else who shared the posts.

The Solicitor introduced Mike Peters, an attorney with Eastburn and Gray. Mr. Peters works with him and will be attending the HARB meetings on his behalf.

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
Secretary