

OFFICIAL MINUTES NOVEMBER 16, 2015

The Regular Meeting of November 16, 2015, of Council for the Borough of Kennett Square was called to order at 7:00 p.m. in the Kennett/Pennsbury Room of the Genesis HealthCare building, 101 East State 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
Mayor Matthew W. Fetick
Borough Manager Joseph C. Scalise

Absent: *Councilmember D. Lynn Sinclair*
Councilmember Patrick B. Taylor
Junior Council Person Meliton Gomez

MOMENT of SILENCE **MEMORY of KENNETT SQUARE POLICE OFFICERS** **WILLIAM W. DAVIS and RICHARD J. POSEY**

President Spencer requested that a Moment of Silence be observed in memory of Kennett Square Police Officers William W. Davis and Richard J. Posey. The officers were slain in the line of duty 43 years ago on November 15, 1972.

President Spencer also noted that Borough residents, Tony and Elaine Oleck, lost their son, John, suddenly on November 10th. Mr. Oleck was a former member of the Civil Service Commission.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, referred to ordinances being developed in East Marlborough and Kennett Townships stating that we should do the same. East Marlborough is proposing to limit heavy trucks from traveling the roadways with the exception of local deliveries; Kennett Township is proposing an ordinance mandating developers to pay their fair share for road maintenance and water and sewer infrastructure. He is against raising water, sewer and trash fees as well as the annual transfer of \$700,000 into the General Fund. He believes that every member of the community has the right to apply for the vacancies on Council however the Councilmembers should appoint two (2) Borough residents that are the most qualified to fill these vacancies.

LaToya Myers, 331 East Linden Street, stated that when a person is called upon to do something then they should step up. This is an opportunity for anyone to express their interest and be considered to serve on Council.

President Spencer stated that all three (3) people who have expressed their interest to serve on Borough Council have been active on our community and have also served on several boards.

PUBLIC HEARING
AMENDMENT to KENNETT SQUARE BOROUGH CODE, CHAPTER 23
ZONING, ARTICLE III, ZONING DISTRICTS and REGULATIONS
REPEALING SECTION 23-26
MAIN STREET DEVELOPMENT (MSD) OVERLAY DISTRICT

A public hearing was held for the proposed ordinance amending the Kennett Square Municipal Code, Chapter 23, Zoning, Article III Zoning Districts and Regulations, Repealing Section 23-26, Main Street Development (MSD) Overlay District.

President Spencer opened the public hearing at 7:11 p.m.

The public hearing was conducted with Court Reporter Kim Kercher. A transcript of this public hearing is available from the Chester County Court Reporter's office for a period of seven (7) years.

The Solicitor closed the public hearing at 7:19 p.m.

ORDINANCE NO. 923
AMENDMENT to KENNETT SQUARE BOROUGH CODE, CHAPTER 23
ZONING, ARTICLE III, ZONING DISTRICTS and REGULATIONS
REPEALING SECTION 23-26
MAIN STREET DEVELOPMENT (MSD) OVERLAY DISTRICT

President Spencer presented the ordinance amending the Kennett Square Municipal Code, Chapter 23, Zoning, Article III Zoning Districts and Regulations, Repealing Section 23-26 Main Street Development (MSD) Overlay District.

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

The ordinance was assigned No. 923

PRESENTATION of the 2014 AUDIT/ COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

Mr. Don Pierce of Maillie, Falconiero and Company, LLP presented the Borough's Audit/Comprehensive Annual Financial Report (CAFR) for the year ending December 31, 2014.

Mr. Pierce referred to page eight (8) showing the Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ending December 31, 2013. This award was presented to the Borough by the Government Finance Officers Associations (GFOA).

Mr. Pierce stated that the basic financial statement for the fiscal year ending December 31, 2014, was prepared under the U. S. General Accounting Principles and his firm has presented the Borough with a clean accounting statement. He continued his PowerPoint presentation with a summary of the 96 page audit.

Mr. Pierce thanked management and staff for their cooperation and assistance with the preparation of the audit.

PUBLIC SAFETY

POLICE DEPARTMENT

On behalf Chief Edward Zunino, Corporal Richard Bell reported the following statistics for the month of October, 2015:

- Traffic Citations - 59.
- Written Traffic Warnings -43.
- Criminal Arrests - 32.
- DUI Arrests -4.
- Total Calls - 670, compared to 615 in October, 2014.
- Total Calls Year-to-date - 6,145 compared to 6,284 in 2014.

Corporal Bell also reported that there were no robberies in October, 2015 however they made two (2) arrests for prior incidents.

The Mayor Reported that year-to-date calls are down about two percent (2%).

FIRE COMPANY

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

- EMS Calls - 90 total calls with 35 being in the Borough, 47 in Kennett Township and the remaining 8 in other municipalities; 837 total calls year-to-date.
- Fire Calls - 32 total calls; 311 year-to-date.

Fire Chief Plumley advised that half of the ladder truck committee traveled to Wisconsin to see the truck mid-build. They expect delivery of the new truck in June 2016. He also thanked those that were able to attend their annual banquet this past Saturday.

President Spencer congratulated Tony Talamonti for his 50 years of volunteer service with the Kennett Fire Company.

PUBLIC SAFETY COMMITTEE UPDATE

The Mayor advised that he had nothing to report.

PUBLIC WORKS and FINANCE COMMITTEE

Councilmember Bosley reported the following for the month of October, 2015:

- Reviewed and spot checked invoices.
- Closed Loop Project – working on obtaining the correct timing of the signals.
- Yeatman Well – should be able to avoid litigation by coming to a settlement which includes an extended warranty.
- Maintenance of the water tank on Maple Street has been completed.
- Cypress Street moving along well – installation of the new water main is complete and the installation of the curbs and sidewalks are underway.
- Scheduled to begin the ground water remote sampling in 2016.

CONSENT ITEMS

MINUTES of OCTOBER 19, 2015 and NOVEMBER 2, 2015

President Spencer presented the minutes from October 19, 2015, and November 2, 2015.

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

BILLS

President Spencer presented the bills to be paid on November 16, 2015, and the bills that were paid since the last meeting.

It was moved by Councilmember Irwin and seconded by Councilmember Bosley to approve the bills as presented.

Councilmember Plumley questioned the reasoning for the purchase of solar salt.

The Manager advised that the salt is used for water softening at the Yeatman Well.

Motion carried unanimously.

2015 – 2019 CAPITAL IMPROVEMENT PROGRAM (CIP)

The Manager gave a summary of the key components to the proposed 2015 – 2019. Capital Projects for 2016 include the following:

- Public Works include \$25,000 for sidewalks on North Walnut Street and \$256,000 for the completion of West Cypress Street.
- Water Utility includes \$40,000 for the Water Meter Replacement Program, \$75,000 for the East South Street Water Main Project and \$40,000 for Ground Water Rule (GWR) Improvements.
- Sewer Utility includes \$41,000 for Anaerobic Digestion Energy Investigation.
- Parking Utility includes \$150,000 for Parking Meters Upgrade and \$3,200,000 for Parking Garage Expansion. The expansion is contingent upon being awarded grant funding.
- Other projects include \$150,000 for Financial Software Package and \$300,000 Park Land Project in the south side of the Borough.

PRESENTATION of PROPOSED 2016 BUDGET

The Manager gave a PowerPoint presentation of the proposed 2016 Budget with the following highlights:

- The balanced budget includes a 3% increase in uniformed and a 2.5% in non-uniformed wages.
- No Borough Tax increase; maintain a level of 6.35 mills.
- Water, Sewer and Solid Waste Fees include a 3% increase for continued Fund Reserves growth and infrastructure improvements.
- No increases in the Parking Fees.

President Spencer stated that he would like to see a line item for the Mayor for a small discretionary fund, around \$500, to cover the cost of banquets and similar functions throughout the year. While he was Mayor, he was required to pay for these items out of pocket.

Councilmember Bosley concurred.

Vice President Maffei asked the Manager to respond to the comments regarding the practice of transfers into the General Fund.

The Manager advised that the Solicitor and Auditor have assured him that there is nothing wrong with transferring funds internally. He also noted that the \$750,000 transfer would be equivalent to approximately 3.5 mills in taxes.

Vice President Maffei questioned how our service fees compare to other municipalities.

The Manager replied that we are right in the middle.

Councilmember Plumley stated that he understands that it is perfectly legal to transfer funds into the General Fund but he does not like the perception; it appears that the increase in fees is being used to pay the debt.

Councilmember Bosley noted that we have not taken any additional long term debt with the exception of the fire truck purchase. In that past few years the Borough took advantage of the lower interest rates and refinanced the bonds.

PUBLIC MEETING
AMENDMENT to KENNETT SQUARE BOROUGH CODE, CHAPTER 25
ARTICLE IV, HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB)
MEMBERSHIP

The Solicitor advised that the purpose of this public meeting is to discuss the proposed ordinance amending the Kennett Square Borough Code, Chapter 25, Historic District, Historical Architectural Review Board (HARB) Membership Terms.

President Spencer opened the public meeting at 8:18 p.m.

There were no public comments from the floor.

President Spencer closed the public meeting at 8:18 p.m.

ORDINANCE NO. 924
AMENDMENT to KENNETT SQUARE BOROUGH CODE, CHAPTER 25
ARTICLE IV, HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB)
MEMBERSHIP

President Spencer presented the ordinance amending the Kennett Square Borough Code, Chapter 25, Historic District, Historical Architectural Review Board (HARB) Membership Terms.

It was moved by Vice President Maffei and seconded by Councilmember Irwin to approve the ordinance as presented. The motion carried with a vote of 4 to 1 with Councilmember Plumley voting no.

TEMPORARY USE PERMIT EXTENSION - OUTDOOR BEER GARDEN
FORMER CANNERY BUILDING, 360 CREAM STREET
401 BIRCH LLC, MICHAEL BONTRAGER

Russell Drumheller, Codes Enforcement Officer, advised that 401 Birch, LLC is requesting an extension of the Temporary Use Permit granted by Council in August, 2015. The one (1) year extension would expire on December 31, 2016.

Sandra Mulry and Joseph Mulry, 401 Birch, LLC, gave a PowerPoint presentation of "The Creamery on Birch" project.

It was moved by Councilmember Bosley and seconded by Councilmember Irwin to grant an extension of the Temporary Use Permit until December 31, 2016.

Councilmember Bosley commended that this project is creative and displays "outside of the box" thinking.

Councilmember Irwin stated that it was great presentation.

Councilmember Plumley commented that he feels a lot better about the project after seeing tonight's presentation. He also asked to see the Phase One and Phase Two Studies.

Ms. Mulry replied that she would make the studies available to Council.

President Spencer expressed the concerns that he has heard from members of the community regarding this project. They are apprehensive about another establishment that serves alcohol opening in the Borough.

President Spencer commended 401 Birch, LLC for working on improving this part of town.

Vice President Maffei questioned the time period for business operations.

Ms. Mulry replied that they are planning to be opened from April through October, 2016; perhaps longer if the days remain warmer. She stated that as a Borough resident, she is impressed with the tremendous amount of money that has been, and will continue to be, invested into the property. At this time, the roof is being replaced.

Mr. Drumheller advised that the Outdoor Beer Garden is the only use permitted under the Temporary Use Permit and the applicant must comply with the Borough's ordinances. He noted that this extension is only for one (1) year and if Council does not like the project, then they can chose not to renew the permit.

Motion carried unanimously.

PRESIDENT'S REPORT

President Spencer also announced the following:

- "Walk for Hunger" will take place on Wednesday, November 18th. There will be two (2) separate walks – one at 12:00 p.m. and the other at 4:00 p.m.
- The Community Thanksgiving Service will be held on Sunday, November 22nd, at St. Patrick Church.

- The next Council meeting will be held on Monday, November 23, in the Red Clay Room, 423 Dalmatian Street. This meeting includes a public comment period exclusively regarding the proposed 2016 Budget.
- 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.

DEADLINE - LETTERS of INTEREST and/or RESUMES TWO (2) BOROUGH COUNCIL VACANCIES

It was moved Councilmember Bosley and seconded by Vice President Maffei to set a deadline of 4:30 p.m., Tuesday, December 15, 2015, for residents to submit letters of interest and/or resumes in order to be considered for an appointment to Borough Council.

President Spencer announced that any residents that desire to be considered for appointment to Borough Council to fill the two (2) vacancies, which were generated by the resignations of Councilmembers Taylor and Sinclair, must submit their letters of interest and/or resumes to Borough Hall by 4:30 p.m., Tuesday, December 15, 2015.

Motion carried unanimously.

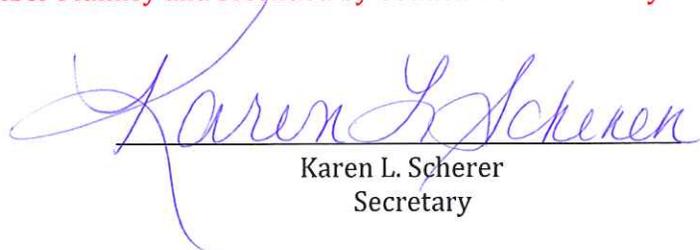
President Spencer implored the reporters to publish this information in their respective newspapers.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

The Manager noted that the Borough is still seeking a resident to serve on the Library Board as well as a person to serve on the Library Task Force. Any interested persons should submit their letter of interest/resume to Borough Hall.

ADJOURNMENT

It was moved by Councilmember Plumley and seconded by Councilmember Bosley to adjourn the meeting at 8:52 p.m.



Karen L. Scherer
Secretary