

OFFICIAL MINUTES APRIL 4, 2016

The Regular Meeting of April 4, 2016 of Council for the Borough of Kennett Square was called to at 7:00 p.m. in the Monroe Nute Room of the Kennett Fire Company No. 1, 301 Dalmatian Street, Kennett Square, Pennsylvania with President Danilo P. Maffei in the Chair.

ROLL CALL

Present: *President Danilo P. Maffei*
Vice President Geoffrey R. Bosley
Councilmember Wayne Braffman
Councilmember Ethan Cramer
Councilmember Douglas Doerfler
Councilmember James Mallon
Councilmember LaToya M. Myers
Mayor Matthew W. Fetick
Manager Joseph C. Scalise
Solicitor Marc D. Jonas

Absent: *Jr. Council Person Meliton Gomez*

PUBLIC COMMENTS

Clara Saxton, 120 West Linden Street, expressed her support of the Memorial Day Parade and gave a brief history of Memorial Day and Veteran's Day. She would like to see the overhead street banner for the Memorial Day Parade note that this is in honor of all veterans, especially those who had fallen. She would also like a banner displayed in honor of Veteran's Day.

REPORTS

CODES DEPARTMENT

On behalf of Russell Drumheller, Code Enforcement Officer, the Manager reported the following activity for March, 2016:

- Completed 242 inspections.
- Received 449 telephone calls into the office.
- Received 215 visitors to the office.
- Completed eight (8) Resale Use and Occupancy Permits.
- Processed 45 permits – Building/Plumbing/Electrical/Mechanical.
- Issued a total of 66 late notices for non-payment commercial and residential rental units.
- Issued one (1) stop work order for illegal construction on South Broad Street.

- Investigated a complaint from Child Services regarding unsanitary conditions for children.
- Working with the Planning Commission and Solicitor on several ordinance amendments or additions – lot sizes and coverages, fence heights, park and recreation fee, signage and proposed zoning changes.

PLANNING COMMISSION

On behalf of Russell Drumheller, Code Enforcement Officer, the Manager reported the following current activities/discussions of the Planning Commission:

- Working on rezoning of the old NVF Site.
- Cannery Row Subdivision and Land Development.
- Lot line change for Kennett Business Park.
- Sketch plan of townhouse development on Cope Road.
- Park and Recreation Fee.
- Fence height amendment.
- Sign ordinance amendments.
- Air B & B's - online bed and breakfast site.

HISTORIC KENNETT SQUARE (HKS)

Ms. Mary Hutchins, Executive Director, highlighted her report with the following:

- The Evening of the Arts, held on April 1st, was very successful.
- The second public meeting for the Economic Development Study will be held on Thursday, April 7th at 7 p.m. at the American Legion Hall.
- HKS Board of Directors continues to work with Bill Fontana from the PA Downtown Center on a business plan.
- Meeting with representatives of Kennett Township and the Borough on creating a Kennett Area Heritage Tourism Program.
- Working on these upcoming events - Art Strolls, Farmers Market, Third Thursday, Memorial Day Parade, and the Victory Block Party and Food Truck Festival.

KENNETT AREA PARK AUTHORITY (KAPA)

Richard Lyon, Chair of KAPA, gave a report of the improvements and cleanup of Anson B. Nixon Park. The have retained a consultant and started the beginning phase of structuring a strategic plan. Their new treasurer is Laurie Mohler. He continued his report with the upcoming events for 2016 in Anson B. Nixon Park as follows:

- 21st Annual Trout Rodeo, May 7th.
- Annual Kennett Run, May 14th.
- Bark in the Park Festival, May 21st.

- Boy Scout Camp Week, June 20th – 24th.
- Summer Concert Series will begin on June 22nd.
- The 2nd Annual Rock the Park, September 18th.

KENNETT AREA PARK and RECREATION BOARD (KAPRB)

Claire Finfrock, Recreation Coordinator, advised that KAPRB Jr. Basketball League finished on March 5th. Spring programs are underway which include the following:

- Blue Demons Lacrosse.
- High School Basketball League.
- Men's Adult Softball and Adult Co-ed Softball.
- Golf Clinic.
- The Kennett Run, May 14th.

Summer programs include:

- Summer Camp.
- Basketball Camp, week of June 20th and July 18th.
- Field Hockey Clinic.
- Volleyball Clinic, July 5th – 8th.
- Free Kids Cross Country Race, July 14th.

A new event that KAPRB will be helping with this year is "Run the Runway" on August 21st. This is 5K run that will be held at the New Garden Airport.

CONSENT ITEMS

MINUTES of MARCH 7, 2016

President Maffei presented the minutes from March 7, 2016, for approval.

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

BILLS

President Maffei presented the bills to be paid April 4, 2016, and the bills that were paid since the last meeting.

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

PUBLIC MEETING
AMENDMENTS to the KENNETT SQUARE BOROUGH CODE
CHAPTER 11, MOTOR VEHICLES and TRAFFIC
ARTICLE VI, SNOW EMERGENCY ROUTES

President Maffei advised that the purpose of this public meeting is to discuss the proposed ordinance amending the Kennett Square Borough Code, Chapter 11, Motor Vehicles and Traffic, Article VI, Snow Emergency Routes.

The Manager advised that Section 1 of the amendment pertains to a "Winter Warning" and that it shall be in effect when roads are covered with freezing rain, snow, sleet, hail, or ice. Section 2 pertains to the designated "Snow Emergency Routes".

President Maffei opened the public meeting at 7:23 p.m.

John Thomas, 406 South Broad Street, questioned how residents will be notified.

The Manager advised that the Borough must make the best efforts to notify the public; this is done via Swift Reach, the Borough's website and Facebook page.

The Mayor advised that the "Winter Warning" pertains only to certain streets – East Linden Street, North Willow Street and approximately four (4) blocks of South Walnut Street.

Penny D'Otavio, 516 East South Street, questioned if no direction is listed for a specific street, is the entire street part of the route.

The Manager replied yes.

President Maffei closed the public meeting at 7:27 p.m.

ORDINANCE NO. 927
AMENDMENTS to the KENNETT SQUARE BOROUGH CODE
CHAPTER 11, MOTOR VEHICLES and TRAFFIC
ARTICLE VI, SNOW EMERGENCY ROUTES

President Maffei presented the ordinance amending the Kennett Square Borough Code, Chapter 11, Motor Vehicles and Traffic, Article VI, Snow Emergency Routes.

It was moved by Councilmember Cramer and seconded by Councilmember Myers to approve the ordinance as presented. Motion carried unanimously.

The ordinance was assigned No. 927.

PUBLIC MEETING
AMENDMENTS to the KENNETT SQUARE BOROUGH CODE
CHAPTER 11, MOTOR VEHICLES and TRAFFIC
LONG TERM PARKING

President Maffei advised that the purpose of this public meeting is to discuss the proposed ordinance amending the Kennett Square Borough Code, Chapter 11, Motor Vehicles and Traffic, Long Term Parking.

The Manager advised that we have some spaces that are underutilized and includes housecleaning items. Section 11.51 are being used. List spaces.

President Maffei opened the public meeting at 7:30 p.m.

Sally Warren, 217 South Broad Street, questioned the type of long term parking. The Manager replied that this pertains to permit parking only.

President Maffei closed the public meeting at 7:31 p.m.

ORDINANCE NO. 928
AMENDMENTS to the KENNETT SQUARE BOROUGH CODE
CHAPTER 11, MOTOR VEHICLES and TRAFFIC
LONG TERM PARKING

President Maffei presented the ordinance amending the Kennett Square Borough Code, Chapter 11, Motor Vehicles and Traffic, Long Term Parking.

It was moved by Councilmember Cramer and seconded by Councilmember Doerfler to approve the ordinance as presented. Motion carried unanimously.

The ordinance was assigned No. 928.

PUBLIC MEETING
INTERGOVERNMENTAL COOPERATION AGREEMENT between the
BOROUGH of KENNETT SQUARE and KENNETT TOWNSHIP
JOINT LAW ENFORCEMENT SERVICES

President Maffei advised that the purpose of this public meeting is to discuss the proposed ordinance authorizing an Intergovernmental Cooperation Agreement between the Borough of Kennett Square and Kennett Township for the Provision of Joint Law Enforcement Services.

The Mayor advised that this allows the Borough Police to provide law enforcement of Herb Pennock Park and Anson B. Nixon Park. This agreement will also allow the Borough Police to enforce weight limits in Kennett Township. It is a great cooperation opportunity and the revenue from the fines will be split between the Borough and the Township. The Mayor also noted that the Borough and the Township worked cooperatively together to purchase portable scales.

The Manager advised that although our focus was on the bridge on West State Street, this agreement will allow the Borough Police to enforce weight restrictions throughout Kennett Township.

President Maffei opened the public meeting at 7:37 p.m.

Tony D'Ottavio, 516 East South Street, expressed his concern about farm equipment that travels in the Borough although they are not required to be tagged.

The Mayor advised that the police cannot enforce this type of equipment if it is within 50 miles of the location of the farm.

John Thomas, 406 South Broad Street, questioned if there is level spot designated for truck inspections.

The Mayor advised that the scales are portable and can be setup in minutes. He noted that there are two (2) Kennett Square Police Officers that are certified to conduct truck details.

President Maffei closed the public meeting at 7:41 p.m.

ORDINANCE NO. 929 INTERGOVERNMENTAL AGREEMENT with KENNETT TOWNSHIP LAW ENFORCEMENT SERVICES

President Maffei presented the ordinance authorizing an Intergovernmental Cooperation Agreement between the Borough of Kennett Square and Kennett Township for the Provision of Joint Law Enforcement Services.

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

Councilmember Braffman noted that per the agreement, the Borough is providing enforcement services in the Township, however we are bearing the costs for our officers.

Councilmember Mallon agreed with Councilmember Braffman.

The Mayor advised that the Borough initially approached the Township regarding this agreement so we could enforce the weight limit of the bridge on West State Street; it was about us enforcing the truck traffic.

The Manager advised that the revenue from the fines are split between the Borough and the Township when weight details are conducted in the Township. When the details are conducted in the Borough, then we receive all of the revenue.

A discussion ensued with regards to reciprocity of enforcement services.

The Mayor advised that Kennett Township shared the \$30,000 cost to purchase the portable scales, however they are unable to use the scales because none of their officers are certified to conduct truck details.

Vice President Bosley shared his thought that we approve the agreement tonight and based on the faith of our relationship with the Township, we can get the language in order later with regards to reciprocity. This will allow us to move forward to enforce the truck traffic.

Councilmember Cramer agreed that it is appropriate to approve the agreement now. It seems to him that the due course of police matters is for the departments to work together and this tool will make that relationship work better.

Motion carried with a vote of 5 to 2 with President Maffei, Vice President Bosley, Councilmembers Cramer, Myers and Doerfler voting yes, and Councilmembers Braffman and Mallon voting no.

HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB) APPLICATIONS 220 NORTH UNION STREET

Andy Froning advised that the HARB has reviewed the application and recommends that Council approve the Certificate of Appropriateness as follows:

- 220 North Union Street, Jayne Bair and David Francis – Demolition/Renovation due to fire damage.

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

360 CREAM STREET

Andy Froning advised that the HARB has reviewed the application and recommends that Council approve the Certificate of Appropriateness as follows:

- 360 Cream Street, 401 Birch, LLC – Placement of temporary sign.

It was moved by Councilmember Mallon and seconded by Councilmember Braffman to approve the application as presented. Motion carried unanimously.

HISTORICAL ARCHITECTURAL REVIEW BOARD UPDATE

Mr. Froning advised that the HARB has received nine (9) formal applications since the inception of the board. They have acted on five (5), they will review three (3) during their April meeting and one (1) application did not require action by the HARB.

BRANDYWINE BATTLEFIELD TASK FORCE TWO (2) APPOINTMENTS

President Maffei presented the following letters of interest/resume for the following Borough residents who have expressed interest in serving on the Brandywine Battlefield Task Force:

- John Thomas, 406 South Broad Street.
- Sally Warren, 217 South Broad Street.

It was moved by Councilmember Braffman and seconded by Councilmember Cramer to approve the appointments as presented.

President Maffei advised Mr. Thomas and Ms. Warren that by serving on this Task Force they will be acting on our discretion of Council and asked if they were willing to do so.

Both agreed.

Motion carried unanimously.

BOARDS and COMMISSIONS LANDFILL AUTHORITY

President Maffei presented the following appointment to the Boards and Commissions:

- Landfill Authority - SECCRA
Liam Warren, 217 South Broad Street.

The Manager advised that Scott Mengle, Director of SECCRA supports this appointment. The appointment will fill the remainder of the current term which is currently vacant and will expire January 1, 2020.

Mr. Warren stated that he is currently studying Energy and Environmental Policy at the University of Delaware. This will be a good learning experience for him and at the same time he will be able to serve his community.

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

Councilmember Braffman advised that Borough resident Thomas Trendelenburg has background in this type of field and has offered to provide support to Mr. Warren.

Motion carried unanimously.

**RESOLUTION NO. 2016-13
AUTHORIZE SIGNER, DISASTER ASSISTANCE APPLICATION
FEMA-4267-DR**

President Maffei presented the resolution authorizing Randy Behmke, Director of Public Works, to be the signer of the Disaster Assistance Application, FEMA-4267-DR.

The Manager advised that this pertains to winter storm Jonas, January 22 and 23, 2016. It has been determined that the Borough is eligible for reimbursement of some of our expenses related to this storm. As part of the process, the Borough is required to adopt a resolution authorizing the signer of the Public Disaster Assistance Application.

It was moved by Councilmember Mallon and seconded by Vice President Bosley to adopt the resolution as presented. Motion carried unanimously.

The resolution was assigned No. 2016-13.

**SPECIAL EVENT APPLICATIONS
THIRD THURSDAYS, MAY through SEPTEMBER**

President Maffei presented the following special event application:

- Third Thursdays, sponsored by Historic Kennett Square will be held on May 19th, June 16th, July 21st, August 18th and September 15th. The event starts at 6 p.m. and will be held on State Street between Broad and Center Streets.

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

MEMORIAL DAY PARADE, MAY 30th

President Maffei presented the following special event application:

- Memorial Day Parade, Monday, May 30th, sponsored by Historic Kennett Square and organized by Bill Taylor. The parade will kick off at Kennett High School at 10 a.m.

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

BREWFEST, OCTOBER 1st

President Maffei presented the following special event application:

- Brewfest to be held on Saturday, October 1st, from noon until 6:00 p.m. The event is sponsored by Historic Kennett Square and is held in the parking lot of the Genesis HealthCare property located at 600 South Broad Street. Street closings include South Broad Street, from Birch to South Street, and Church Alley from Birch to South Street.

It was moved by Councilmember Mallon and seconded by Vice President Bosley to approve the special event applications as presented.

Councilmember Cramer questioned the ways attendees will be handled who may have consumed too much beer.

Ms. Hutchins noted that there people who attend the Brewfest with a Designated Driver ticket so they are able to transport others home from the event. There are also limousines and buses to transport attendees. In addition, she advised that there are staff members and volunteers who monitor as the attendees exit the event and do their best to observe any potential risks.

Councilmember Myers questioned who holds the liquor license.

Ms. Hutchins advised that Historic Kennett Square does; PA legislation allows HKS to apply for a liquor license for special events.

President Maffei thanked HKS for putting on the Brewfest; as its major annual fundraiser, it allows them to sponsor other events such as Third Thursdays and the Memorial Day Parade.

Motion carried unanimously.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, referred to the special event application for Brewfest and asked if the Borough is named as an insured party.

Mary Hutchins replied yes.

Mr. Thomas referred to the Intergovernmental Agreement with Kennett Township, stating that he agrees with the Kennett Square Police Officers conducting weight details in the Township but not patrolling the parks.

David Francis, a partner of 220 North Union, thanked the HARB for their assistance and Council for approving the application.

Ken Edwards, 410 Meredith Street, suggested that we switch the ownership of Pennock Park with Kennett Township for Anson B. Nixon Park in its entirety.

PRESIDENT REPORT

President Maffei noted that the conduct of tonight's meeting was very conducive even though there were a lot of diverse topics on the agenda. He allowed for back and forth comments and will continue to do so as long as the conduct remains civil.

President Maffei advised that he attended the Municipal Breakfast at the Kennett Area Senior Center this morning. The municipalities represented all have residents that use the services at the Center. He announced that there will be a free tax service available for seniors at the Center on April 5th, 8th and 11th. Another service offered by the Center is Neighbors in Action that serve home bound seniors by helping with repairs, both interior and exterior, snow removal, housekeeping, etc. He noted that this service is under staffed and they are looking for volunteers. Anyone interested in volunteering should contact the Anita O'Connor at the Center.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

Councilmember Cramer advised that the draft suggestion form is attached to tonight's agenda. He instructed that the completed forms are to be submitted to President Maffei.

Councilmember Braffman advised that the form to sign up for the Swift 911 Program is also included with the agenda. He added that there have been 82 new subscribers to this service as a result of advertising on Facebook.

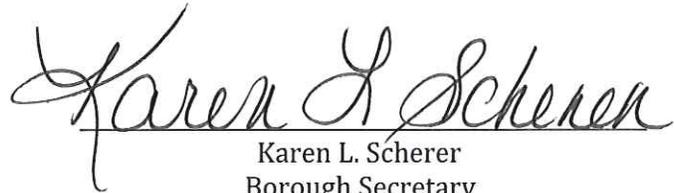
The Mayor, with regards to the MOU with Kennett Township, stated that although we are not actively patrolling the parks, he took notes of the comments from Council and will work on the ways to improve the agreement.

The Manager advised that the newsletter will be going out this week.

In addition, the Manager advised that the Borough is required to test the water for lead and copper every three (3) years from different sample points throughout the Borough and we are well below the allowed concentrations. He reported that little to no lead and copper was detected at any of the 20 sample points and we will be testing again in 2016.

ADJOURNMENT

It was moved by Councilmember Braffman and seconded by Vice President Bosley to adjourn the meeting at 8:41 p.m.



Karen L. Scherer
Borough Secretary