

OFFICIAL MINUTES

The Regular Meeting of March 10, 2009 of Kennett Square Borough Council was called to order at 6:30 p.m. in the Monroe Nute Room of the Kennett Fire Company No. 1, 301 Dalmatian Street, Kennett Square, Pennsylvania with President David B. Miller in the Chair. Roll Call followed the Pledge of Allegiance. Present were:

President D. Miller
Council Member R. Pesce
Council Member E. Avello, Jr.
Council Member W. Carozzo
Council Member J. Cocks
Council Member J. Darman
Council Member J. Thomas
Mayor L. Spencer, Jr.
Manager B. Kucera

EXECUTIVE SESSION

President Miller announced that Council will hold an Executive Session immediately following tonight's Council meeting to discuss legal matters.

PUBLIC COMMENTS

Ms. Rosemary Malatesta, 221 South Union Street, announced that the First Annual Firefighter's Appreciation Day will be held on April 26, 2009 from 1:00 to 4:00 p.m. The Fire Company will also hold an Open House the same day. She questioned if Council could contribute funding to help with this event.

Council Member Thomas stated that he would like to see the Borough annually hold a Firefighter's Appreciate Month and as well as a Police Officer's Appreciation Month.

The Mayor advised that there is a National Law Enforcement Appreciation week in May.

Mr. Ron Bowman, 111 South Walnut Street, stated that he had sent an email to Council regarding the Kennett Business Park. He stated that in addition to the items in his email he also thinks that this project would create a dangerous situation at Mill Road and shared his concern of the increase of tractor trailers traveling on State Street.

Mr. Ed Thomas, 825 Taylor Street, stated that he is upset about Mr. Mike Pia building warehouses on Mill Road. He added that this is the first time he has heard about this project. Mr. Thomas believes that all trucks should be banned from going through Kennett Square. He noted that he knows from experience that State Street is not wide enough for tractor trailers.

The Manager advised that the process for Kennett Business Park first began in 2005 with the Planning Commission. There have been ample public meetings that included this project. This plan has received preliminary approval from the Planning Commission, the Borough Engineer, the Borough Solicitor and Kennett Township and their legal counsel.

Ms. Charla Watson, 523 Magnolia Street, stated that she feels strongly about Mr. Pia's building project and questioned the procedure Mr. Pia took to get approval. Ms. Watson stated that she did not hear dialogue about this previously. She advised the elected officials that they are to look out for the citizens of the Borough.

The Manager advised that Mr. Pia followed the appropriate procedure in the planning process.

President Miller reminded the public that they are limited to five (5) minutes for their public comments.

COMMITTEE REPORTS

HISTORIC KENNETT SQUARE

Ms. Mary Hutchins, Executive Director, reported that a couple businesses will be opening in the Borough in the next couple of months. Overall, the businesses are doing well although they have experienced some slow days. To her knowledge, no businesses are considering closing their doors. The first Art Stroll in 2009 was held March 7.

President Miller thanked Ms. Hutchins for her report.

ELM STREET PROJECT

Ms. Shannon Cortigine, Executive Director, Alliance for Better Housing, stated that she has nothing to add to her written report. She asked that she be notified of the date of the Spring Cleanup.

President Miller thanked Ms. Cortigine for her report.

KENNETT SQUARE POLICE DEPARTMENT (KSPD)

The Mayor advised that the statistics for enforcement actions of the Police Department are now being published in The Kennett Paper. He noted that the Drug Tip Hotline, 610-444-5580, was down for a period time but it is now back up and running and he encouraged the public to use it for any activity that is drug related. The Mayor instructed the citizens to be aware of scams and to contact the Police Department should they experience any possible scam activity. Patrolman Oscar Rosado has been honored and recognized by the Southeast PA Mothers Against Drunk Drivers for having the highest number of DUI arrests in 2008. The Department made 55 DUI arrests in 2008. Patrolman Rosado made 14 of those arrests. The Mayor also recognized Patrolman Kenneth Rongaus who made 13 DUI arrests and Patrolman Jason Francart who made 11 DUI arrest during 2008. The Department received a gift of \$4,475 from an anonymous donor for the purchase of another in-car recording system.

The Mayor added to his report the following incidents for the month of February 2009:

- 84 Traffic Citations were issued.
- 62 Written Traffic Warnings.
- 26 Criminal Arrests.
- 5 DUI Arrest.
- Total number of calls for February 2009 was 591.
- Total number of calls for February 2008 was 592.

President Miller thanked the Mayor for his report.

CONSENT ITEMS

MINUTES of FEBRUARY 17, 2009

President Miller presented the February 17, 2009 minutes for approval.

It was moved by Council Member Cocks and seconded by Council Member Darman to approve the minutes as presented.

Council Member Thomas stated that he wants it on the record that he would like to rescind his vote on the preliminary approval of Kennett Business Park.

The Manager stated research is needed to see if a vote can be rescinded.

Motion carried unanimously to approve the minutes as presented.

BILLS

President Miller presented the bills that were paid since the last meeting for approval.

It was moved by Council Member Thomas and seconded by Council Member Cocks to approve the bills as presented. Motion carried unanimously.

WAIVER of PARKING REQUIREMENT 101 WEST STATE STREET

President Miller presented a letter from Ms. Aimee Olexy and Mr. Bryan Sikora, owners of Talula's Table.

The Manager advised that Ms. Olexy and Mr. Sikora are requesting relief from parking for a small bistro they plan to open at 101 West State Street. He stated that staff recommends approval of the waiver. Other restaurants in the downtown were granted waivers for parking and this bistro will essentially serve a nighttime and weekend dinner crowd. A restaurant at this location meets zoning requirements.

It was moved by Council Member Darman and seconded by Council Member Cocks to approve the waiver as presented.

Council Member Thomas stated that he thinks Council is setting a bad precedence by continually granting waivers. He believes the solution to the parking problem would be that the employees of businesses purchase long term parking permits and the merchants do not park on the streets.

Council Member Darman encouraged Council to approve this waiver. This business will fill a vacancy that has been at this location for months.

Council Member Cocks stated that she approves the waiver but the overall parking issue needs to be addressed.

Council Member Avello stated that he supports this addition to the business district and noted that we have a dilemma with parking that needs to be resolved.

The Manager advised that he is working on the parking issue and that this problem has been around for years and he will not be able to correct it in a few months; it may take a year, possibly more.

Council Member Thomas stated that he will not grant another waiver after tonight.

Council Member Carozzo stated that it does not matter who the employees are but they need to park somewhere else and not on the street. He added that we need to stop talking about what we are going to do about the parking and just do it.

The Manager stated that the parking problem is not pleasant but he would rather see the need for parking in the downtown as the businesses flourish. He noted that the waivers Council has granted in the business district have encouraged the diversity and number of businesses we have.

Motion carried unanimously to approve the waiver as requested.

ARCHITECTURAL REVIEW BOARD (ARB) APPLICATION

President Miller presented the following ARB application:

- 110 South Union Street – signage.

The Manager advised that the application contains a wall sign that will go above the entranceway, the second one is a projecting sign that will go off the side of the building and there are two (2) window signs. This application meets all of the Code requirements.

It was moved by Council Member Cocks and seconded by Council Member Darman to approve the ARB application as presented. Motion carried unanimously.

**OLD BUSINESS
MR. BRANT KUCERA**

Council Member Cocks advised that the Borough has had three (3) Borough Managers in a year and that is traumatic for any community. She commended Mr. Brant Kucera stating that he is doing a stellar job at picking up and addressing anything that is thrown at him.

KENNETT BUSINESS PARK

Council Member Thomas expressed his concerned about the road damage that will be caused by tractor trailers. We will have to double the thickness of our roads in order to tolerate the trucks and we get no compensation for this. He stated that Kennett Township makes the money, as well as Kennett Business Park and the State by using our roads. Our roads are big enough for tractor trailers. He stated that these are the type of things that the Planning Commission needs to take into consideration. Council Member Thomas stated that we need to stop all tractor trailer traffic in the Borough with the exception of local deliveries. He added that before we pass this thing we need to get the Planning Commission to do research of what damage this development will cause our Borough. That is the reason he changed his vote.

Council Member Avello stated that a lot of the trucks that enter the Borough are making deliveries in the Borough. This is how the drivers make their living.

Council Member Darman stated that the legal parameters need to be researched as well.

Council Member Carozzo stated that the truck traffic on Mill Road was granted by Council after the bridge on South Street washed out in 2003. We need to find out if there was a time limit set for the use of Mill Road.

A discussion ensued.

President Miller stated that the Manager will research the legality of limiting truck traffic on Borough roads, research Council minutes regarding the granting use of Mill Road for truck traffic and provide Council with copies of the Kennett Business Park Traffic Study.

NEW BUSINESS

COMMENTS from the PUBLIC

Council Member Darman stated that the Borough is extremely liberal regarding public comments. Other organizations required that a person sign up in advance to present public comments during a meeting.

President Miller stated that the opportunity for the public to comment was added to the end of each Council meeting and the amount of time was increased to five (5) minutes. He asked the public not to monopolize the microphone and allow time for others to speak as well.

PUBLIC COMMENTS

Ms. Charla Watson, 523 Magnolia Street, stated that public comments allow for healthy debates. Ms. Watson questioned if the ARB still exists. She told Council not to abandon the right of ways. Ms. Watson said that we do not have to do Mr. Pia any favors. She expressed her concern of how the tax increase affected homeowners.

Ms. Leslie Whiteside, 802 Wayne Avenue, expressed her concern about the tractor trailer traffic with regards to the Kennett Business Park project.

Ms. Shannon Cortigine, Alliance for Better Housing, stated that there are two (2) ways that the Alliance can help homeowners. Their Housing Counselor is certified in foreclosure prevention and they can assist with the USDA home repair grants for low income families.

Ms. Rosemary Malatesta, 221 South Union Street, thanked Council for what they do stating that she knows that each one of them is doing their best. She asked everyone to listen to each other and be open, and to be thankful that we live in Kennett Square.

ADJOURNMENT

It was moved by Council Member Thomas and seconded by Council Member Carozzo to adjourn the meeting at 8:08 pm. Motion carried unanimously.

Brant Kucera
Borough Manager