

## OFFICIAL MINUTES

The Regular Meeting of April 6, 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*

### **MOMENT of SILENCE**

President Miller announced the death of Mr. Angelo Zunino, Chief of Police Zunino's father and requested a Moment of Silence for the Zunino family.

### **PUBLIC COMMENTS**

Mr. Walker Brown, Bethel A. M. E. Church, 300 East Linden Street, stated their church building is having problems with water leaking into the basement. The church lies within the Elm Street Project area and the problem started after infrastructure was done.

The Manager advised Mr. Brown that this situation was investigated by the Public Works Director with a possible solution forthcoming. The Manager instructed Mr. Walker to contact him or the Public Works Director at Borough Hall.

President Miller thanked Mr. Walker for his comments.

Ms. Leslie Whiteside, 802 Wayne Avenue, expressed her concern regarding three (3) incidents of graffiti. She noted that the police are doing a fantastic job but would like to have dialogue regarding this because education is the key to solving this issue.

President Miller thanked Ms. Whiteside for her comments.

Ms. Charla Watson, 523 Magnolia Street, asked for accountability for the people who served on the boards including their qualifications and addresses. She asked why we are meeting here and not at Broad and Linden Streets. Ms. Watson said as citizens we deserve these answers. She added that we should have copies of the amendments to the ordinances.

President Miller thanked Ms. Watson for her comments.

Mr. Marc Pevar, 606 Ridge Avenue, commended Council for doing the right thing by taking the Public Hearings off of the agenda this evening. He referred to the PA Borough Code stating that the Comprehensive Plan needs to be updated with changes in zoning.

President Miller thanked Mr. Pevar for his comments.

## **COMMITTEE REPORTS**

### **HISTORICAL COMMISSION**

Mr. Dan Maffei, Chairman, highlighted his report with the following:

- The Commission did not receive any applications in March.
- The Town Walk will be June 25, 6:00 – 8:30 pm. Businesses are being encouraged to remain open that evening.
- Two (2) free lectures remain, April 16 and May 21.
- There are two (2) vacancies on the Commission.

President Miller thanked Mr. Maffei for his report.

### **KENNETT AREA PARK and RECREATION BOARD (KAPRB)**

Ms. Claire Finrock, Program Director, highlighted her report with the following:

- They are well underway preparing Pennock Park for the 2009 season.
- She thanked Council for their assistance with the purchase of the field grooming equipment.
- Exelon has agreed to contribute \$10,000 over the next two (2) years.
- Genuardi's is donating \$1,000.
- Registration for the 2009 Summer Camp is full. The camp will be held at Greenwood Elementary.
- Softball leagues start at the end of April.

President Miller thanked Ms. Finrock for her report.

### **KENNETT SQUARE POLICE DEPARTMENT (KSPD)**

The Mayor advised that the monthly statistics are now being published in The Kennett Paper.

The Mayor noted the following for the first quarter in 2009:

- 15,000 miles have been registered on the patrol vehicles.
- 40 domestic disturbances have occurred with 17 in March.
- There were 163 Foot Patrols in the East Linden and North Willow Streets area.

He added that the public's trust appears to be increasing with significant increase of inquiries this year. The Mayor stated that the Police Department is not naïve to drug and gang related activity and that they work closely with other municipalities and the State.

The Mayor gave a summary for the month of March as follows:

- Criminal mischief is up to 17 in March 2009 with only 5 in March 2008. Most of these incidents were due to paintballs.
- Theft is up to 16 in March 2009 with only 12 in March 2008.
- Total number of calls for March 2009 was 647.

President Miller thanked the Mayor for his report.

## **CONSENT ITEMS**

### **MINUTES of MARCH 10, 2009**

President Miller presented the March 10, 2009 minutes for approval.

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

### **MINUTES of MARCH 16, 2009**

President Miller presented the March 16, 2009 minutes for approval.

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

## **BILLS**

President Miller presented the bills to be paid April 6, 2009 and the bills that were paid since the last meeting for approval.

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

## **APPROVAL of COOPERATIVE BIDS MUNICIPAL COOPERATIVE OF SOUTHERN CHESTER COUNTY**

President Miller presented the Municipal Cooperative of Southern Chester County Highway Materials Bid 2009 Awards consisting of the following:

- Fuel Oil awarded to Alger Oil, Inc.
- Line Painting awarded to Alpha Space Control Co., Inc.
- Stone awarded to D. M. Stoltzfus, Division of Independence Construction Materials
- Black Top awarded to Highway Materials, Inc.

The Manger advised that these bids are part of the ongoing Southern Chester County Municipal Cooperative.

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

## **MAIN STREET FESTIVAL SPECIAL EVENT APPLICATION**

President Miller presented the Special Event Application for the Main Street Festival to be held May 15 through May 17, 2009

The Manager advised that this event is part of the Main Streets of the Brandywine Valley. The Borough is one (1) of three (3) municipalities chosen by the Chester County Conference and Visitors Bureau to hold this event. There is no cost to the Borough.

**It was moved by Council Member Cocks and seconded by Council Member Thomas to approve Special Event Application as presented contingent upon the application being completed. Motion carried unanimously.**

## **OLD BUSINESS**

### **KENNETT BUSINESS PARK**

**It was moved by Council Member Thomas and seconded by Council Member Carozzo to send the Preliminary Plan of the Kennett Business Park back to the Planning Commission advising the Commission to explore any and all alternative routes for truck traffic.**

Council Member Carozzo questioned what the time frame was for Mr. Pia being granted permission to use Mill Road.

The Manager advised that the agreement regarding the use of Mill Road did not include a length of time. The Comprehensive Plan names Mill Road as a truck route.

Council Member Thomas stated that we have the right to change things.

President Miller stated that the plan is currently in the hands of the Planning Commission.

Council Member Thomas stated that the PA Municipal Code states that the Planning Commission is only an advisory board.

Council Member Darman stated that he believes that we cannot undo something that is already done.

Council Member Thomas stated that we need to advise the Planning Commission that we want them to look for alternatives for truck routes. We can change our minds because more trucks are using this road than before. He added that Council needs to guide the Planning Commission.

Council Member Pesce stated that he does not feel comfortable voting on something when he does not have enough information.

Council Member Carozzo concurred with Council Member Pesce.

A discussion ensued.

Council Member Carozzo noted that Council voted on the preliminary plan knowing that it has to come back to Council for final approval.

There was discussion of whether this should be done by a motion or letter to the Planning Commission.

The Manager stated that he sees no problem with Council requesting that the Planning Commission look for alternatives for truck traffic.

Council Member Thomas stated that we only have one chance at this and it will affect the town forever.

Council Member Pesce stated that he would feel better if the Planning Commission was present for Council to ask them questions.

The Manager recommended that Kennett Business Park be a discussion item on the next Council agenda and that the Planning Commission be present.

Council Member Carozzo noted that Council should follow through and advise the Planning Commission.

The Mayor stated that we have the opportunity to make right any ills of the past.

**Motion carried with a 4 – 3 vote with Council Member Darman, President Miller and Council Member Pesce voting no.**

## **NEW BUSINESS**

### **INTERGEN COALITION SURVEY**

Council Member Cocks advised that the Intergen Coalition will hold a workshop for completing surveys for persons waiting for affordable housing in Kennett Square. The workshop will be held at the Kennett Area Senior Center on April 25, 2009 from 2:00 to 4:00 p.m.

### **2009 SPRING CLEAN-UP**

President Miller announced the 2009 Spring Clean-up schedule is as follows:

- April 13 - tires will be collected curbside.
- April 20 - appliances will be collected curbside.
- April 25 - nine (9) refuse dumpsters will be placed throughout the Borough from 8 to 3 pm.

The Spring Clean-up is for Borough residents only.

### **PUBLIC COMMENTS**

Mr. Ron Bowman, 111 South Walnut Street, stated that the truck traffic on Mill Road should have been revisited after Kennett Canning burned down.

President Miller thanked Mr. Bowman for his comments.

Ms. Charla Watson stated that when people call 911 that they need to remain available to the police and keep them informed of the situation. She spoke about the use of Mill Road as a truck route and noted that the development is in another municipality. Ms. Watson said that if we carry insurance, then let them sue us; we need to be on alert about Mill Road and the magnitude of trucks. We have the right to restrict any road in the Borough. Ms. Watson expressed concern of the recent homicide and the homeless in the adjacent township.

President Miller thanked Ms. Watson for her comments.

Ms. Theresa Bass, Historic East Linden Project (H.E.L.P.), questioned if additional Elm Street Project money will be coming from the State.

The Manager advised that there is \$250,000 for operational and public improvements. This money cannot be used for façade or home improvements.

President Miller thanked Ms. Bass for her comments.

Mr. Ed Thomas, 825 Taylor Street, stated that he cannot believe that no traffic study has been done. He told Council that they need to be working right next to the Planning Commission. Mr. Thomas expressed his disagreement with tonight's three (3) no votes. He stated that Mr. Pia should have had a traffic study done. Mr. Thomas told Council that they should be looking out for the citizens. He reiterated that all tractor trailers should be banned from the Borough. Mr. Thomas urged the public to attend the next Planning Commission meeting this Wednesday, April 6, at 7:30 p.m.

President Miller thanked Mr. Thomas for his comments.

Mr. Marc Pevar stated that it is Council's responsibility to direct the Planning Commission. He stated that having a trucking facility and the consequences does not meet the Comprehensive Plan. Mr. Pevar noted that the Borough had a traffic study done in the past.

President Miller thanked Mr. Pevar for his comments.

## **ADJOURNMENT**

**It was moved by Council Member Thomas and seconded by Council Member Cocks to adjourn the meeting at 8:17 pm. Motion carried unanimously.**

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Brant Kucera  
Borough Manager