

# OFFICIAL MINUTES

The Regular Meeting of August 17, 2009 of Kennett Square Borough Council was called to order at 6:30 p.m. in the Red Clay Room of the Kennett Fire Company No. 1, 423 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 held an Executive Session at 6:15 p.m. on August 17, 2009 to discuss legal matters in the case of Pflumm Contractors v. the Borough of Kennett Square, Chester County C.C.P. No. 08-08419.

## PUBLIC COMMENTS

Mr. Ed Thomas, 825 Taylor Street, distributed to Council copies of a petition regarding tractor trailers. He referred to a recent newspaper article stating that he does want tractor trailers banned from the Borough but is requesting that Council regulate them. Mr. Thomas stated that he knows that people love and want to come to Kennett Square and it is really important to him that truck traffic is regulated.

President Miller thanked Mr. Thomas for his comments.

## KENNETT SQUARE POLICE DEPARTMENT (KSPD)

The Mayor reported that the Police Department will take part in the 2009 Senior Expo hosted by Dominic Pileggi on September 11, 2009. He reported that truck inspections were conducted by Corporal Richard Bell and Police Officer Sarah London on August 7; Police Officer Oscar Rosado was recently trained and certified in the Wire Tapping Laws of PA; and Police Officer London attended Camp Cadet on August 16. Camp Cadet is a State Police youth program that includes instructors and volunteers from local police departments.

The Mayor thanked Ron Blittersdorf's Automotive, 200 West Cypress Street, for their donation of \$750 for police safety equipment.

The Mayor added to his report the following incidents for July 2009:

- 88 Traffic Citations were issued.
- 71 Written Traffic Warnings were issued.
- 16 Criminal Arrests.
- 1 DUI Arrest.
- Total number of calls was 711.

President Miller thanked the Mayor for his report.

## **AMENDMENT to the AGENDA**

President Miller announced the amendment to tonight's Council agenda to include the consideration of the Litigation Agreement in the suit of Pflumm Contractors v. the Borough of Kennett Square, Chester County C.C.P. No. 08-08419, Cypress Street Project.

## **CONSENT ITEMS**

### **MINUTES of AUGUST 3, 2009**

President Miller presented the August 3, 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 August 17, 2009 and the bills that were paid since the last meeting for approval.

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

## **SECOND QUARTER 2009 FINANCIAL REPORT**

The Manager presented an overview of the Borough's budget for the second quarter of 2009. The General Fund Balance and the top five (5) revenues consist of the following:

<u>General Fund Balance</u>	<u>Budget</u>	<u>YTD Actual</u>	<u>Percent</u>
Revenue	4,034,200	2,005,799	49.7%
Expenditures	4,034,200	1,592,297	39.5%
<b>Increase/Decrease</b>	-	<b>(413,502)</b>	-

<u>Top Five Revenues</u>	<u>Budget</u>	<u>YTD Actual</u>	<u>% Received</u>
Real Estate Tax	844,800	748,182	83.9%
EIT – Current Year	800,000	210,713	26.3%
EIT – Prior Years	424,000	282,438	66.6%
State Aid Pension	118,200	0	0%
Local Services Tax	84,000	17,941	21.4%
<b>Total</b>	<b>2,271,000</b>	<b>1,259,274</b>	<b>55.5%</b>

The Manager stated that we are right on target however there are items that we will need to discuss as the 2010 budget nears.

President Miller thanked the Manager for the report.

**LITIGATION AGREEMENT  
PFLUMM CONTRACTORS v. BOROUGH OF KENNETT SQUARE  
CHESTER COUNTY C.C.P. NO. 08-08419**

President Miller presented the litigation agreement between Pflumm Contractors and the Borough of Kennett Square, Chester County C.C.P. No. 08-08419.

The Manager advised that the Borough agrees to pay Pflumm \$125,000 on or before August 24, 2009 and Rettew shall pay the Borough \$37,000. This will not cost the Borough anything additional than the original cost of the project and will release all parties with no future repercussions. Cypress Street will then be milled and repaved by another contractor, Allan Myers.

**It was moved by Council Member Thomas and seconded by Council Member Avello to approve the litigation agreement as presented.**

Council Member Thomas commended Council and the Manager for standing firm on this issue. We will now get the road we wanted.

The Manager advised that the work should begin late September 2009.

**Motion carried unanimously.**

**RESOLUTION NO. 6-09  
SUPPORT of the PROPOSED REDEVELOPMENT of the  
CREAMERY SITE, INGERMAN AFFORDABLE HOUSING, INC.**

President Miller presented a resolution expressing Council’s support of the proposed redevelopment of the Creamery site on Birch Street by Ingerman Affordable Housing, Inc. for approval.

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

Council Member Thomas stated that he still has a major concern about the limited parking noting that most of the residents will have cars. He is not against the project but against the limited parking. He stated that he would be in support of the project only if adequate parking is addressed.

The Manager stated that if we focus on the problems first then we will not look at the complete project. He added the Planning Commission supported the proposed plans.

Council Member Thomas stated that fewer parking spaces would be okay if this was in an urban area with public transportation.

The Manager advised that the resolution Council is considering tonight states that they support the project but it does not say we approve of the parking. At this point and time, the Ingerman Group needs this resolution to be submitted with their application for State tax credits.

President Miller stated that he concurred with the Manager and reiterated that the Planning Commission approved this proposed project.

The Mayor asked if a member of the Planning Commission could make a comment.

Mr. Chip Plumley, Vice-Chairman of the Planning Commission, stated that it was the general conception of the Planning Commission that they liked the idea. He added that they did not have a considerable discussion regarding parking.

Council Member Carozzo questioned why the housing would not be completely for seniors 62 or older.

Mr. Holden stated that head of household is required to be at least 62 years of age. The spouse could be younger.

A discussion ensued.

The Manager stated that he is not trying to play down the parking but this is a unique opportunity to re-develop a property that is in blight.

Motion carried 6 to 1 with Council Member Thomas voting no.

The resolution was assigned No. 6-09

**PAYMENT NO. 1  
DOUG LAMB CONSTRUCTION, INC.  
SOUTH STREET PROJECT**

President Miller presented Payment No. 1 to Doug Lamb Construction, Inc. for the South Street Sidewalk for approval.

The Manager advised that this payment of \$49,002.30 mainly represents the costs associated with the tree and stump removals, installation of 25% of the sidewalks and driveway aprons, installation of 80% of the electrical conduit and half of the traffic control minus the ten percent (10%) retainage.

**It was moved by Council Member Carozzo and seconded by Council Member Thomas to approve payment as presented.**

The Mayor commended Council for taking care of a safety issue in the south part of town.

**Motion carried unanimously.**

**OLD BUSINESS**

**WORK SHOP – ML KING COMMUNITY ADVOCATES**

Council Member Cocks announced that the Martin Luther King, Jr. CommUNITY Advocates will hold a follow-up workshop to the Kennett Square: Colors of a Nation, Exploring Race Relations on August 22 from 9:00 a.m. to 1:00 p.m.

She advised that this free event will be held at the Kennett Area Senior Center, 427 South Walnut Street and encouraged the public to attend.

**COUNTY COMMISSIONER KATHI COZZONE**

Council Member Cocks advised that she hosted County Commissioner Kathi Cozzone on a tour of the Borough on August 10. She noted that the Commissioner visited several non-profit organizations and was quite impressed with the Borough as a whole.

**NEW BUSINESS**

**PUBLIC OFFICIAL COMMENTS**

Council Member Thomas stated that he chose to serve on Borough Council for one reason only – for the citizens of the Borough. He said that there is not one person on Council who has lived here longer than him who cares more about the citizens and senior housing. Council Member Thomas stated that he will continue to serve the people and do what is best for the Borough.

Council Member Darman recommended Roberts Rules be referred to when we have our say and be sure that old business and new business items be brought to the table appropriately.

President Miller stated that we are a small community and he wants to be fair and allow people to state their opinion.

The Mayor stated that the agenda currently contains a time for Public Comments; perhaps we should consider adding a segment for Council Members Comments.

## **2009 SENIOR EXPO**

President Miller announced that Senator Dominic Pileggi will host the 2009 Senior Expo on Friday, September 11 from 10:00 am to 1:00 p.m. This annual event will be held in the Red Clay Room of the Kennett Fire Company, 423 Dalmatian Street.

## **PUBLIC COMMENTS**

There were no public comments from the floor.

## **ADJOURNMENT**

**It was moved by Council Member Thomas and seconded by Council Member Carozzo to adjourn the meeting at 7:41pm. Motion carried unanimously.**

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Brant Kucera  
Borough Manager