

OFFICIAL MINUTES

The Regular Meeting of October 5, 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

SPECIAL RECOGNITION

MR. JOSEPH A TETI

The Mayor presented a Certificate of Appreciation to Mr. Joseph A. Teti. The Mayor stated that Mr. Teti generously donated his time and equipment to construct the emergency access road along the railroad between South Broad Street and Center Street.

PUBLIC COMMENTS

There were no public comments from the floor.

COMMITTEE REPORTS

HISTORIC KENNETT SQUARE

Ms. Mary Hutchins, Executive Director, reported the following:

- The Fermentation Festival will be held during the Farmers Market on October 9, from 2 p.m. to 6 p.m.
- Their annual fundraising events, "An Enchanted Evening" and Brewfest will be held October 9 and 10, respectively.
- Plans are underway for the 2009 Halloween Parade to be held on October 28, with the town being decorated with scarecrows in the middle of the month.

President Miller thanked Ms. Hutchins for her report.

HISTORICAL COMMISSION

Mr. Dan Maffei, Chairman, reported the following:

- The 2009 Candlelight Holiday Home Tour will be December 13.
- 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 Finfrock, Program Director, highlighted her report with the following:

- She thanked the Borough of Kennett Square and the Kennett Township Police Departments for their assistance during the Mushroom Festival 5K Race.
- The 2009 Adult Softball League has ended.
- Willowdale Chapel has selected Pennock Park as their day of service. They will work on the bleachers and foundations.
- She has submitted a grant proposal for the construction of dugouts.

President Miller thanked Ms. Finfrock for her report.

SPECIAL RECOGNITION MR. J. MICHAEL DEFAZIO

The Mayor presented a Certificate of Appreciation to Mr. J. Michael DeFazio. Mr. DeFazio donated his time and equipment to assist with the construction of the emergency access road along the railroad in the Borough.

The Mayor also noted that Mr. DeFazio and his company, M and P Custom Design, provided to the Police Department heavy duty shelving for the evidence locker, donated the labor to fabricate and paint the shelves. Mr. Mario Lorenzut also donated his time to help with this project.

M and P Custom Design also donated steel pipe for the bollards around the Police Department's newly installed generator. The estimated cost of these projects was approximately \$5,000.

Council Member Thomas commented that Mr. DeFazio has been instrumental in revitalizing the American legion Building. He wished that we had more volunteers like Mr. DeFazio and Mr. Teti.

CONSENT ITEMS

MINUTES of SEPTEMBER 21, 2009

President Miller presented the September 21, 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 SEPTEMBER 22, 2009

President Miller presented the September 22, 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 October 5, 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 Darman to approve the bills as presented. Motion carried unanimously.

SPECIAL EVENT APPLICATION 2009 HALLOWEEN PARADE

President Miller presented the special event application for the 2009 Halloween Parade to be held on October 28 at 6:30 p.m.

It was moved by Council Member Thomas and seconded by Council Member Darman to approve the special event application as presented. Motion carried unanimously.

PARKING RELIEF 314 EAST STATE STREET BALLYHARA, INC.

President Miller presented a request from Mr. William Sinton, Ballyharra LLC, 314 East State Street, for relief from the parking requirements.

Mr. Sinton stated that the potential tenant is an existing financial institution and retail business currently located on South Union Street near the High School. He noted that this is an "in and out" type of business that does not need the Borough's required parking space of approximately 10 to 13 spaces.

It was moved by Council Member Thomas and seconded by Council Member Cocks to approve the relief of parking as presented.

Council Member Carozzo questioned the parking spaces needed for the business' employees.

Mr. Sinton state that that only two (2) spaces are needed for the employees. He added that a majority of their business occurs after normal business hours.

The Manager advised that this is in the Tall Building Overlay (TBO) District and staff recommends that we waive the parking requirement.

Council Member Thomas stated that he has often complained about waivers but Mr. Sinton has been a business person in the Borough for over 30 years and he needs this waiver to fully utilize his building.

Council Member Darman questioned if the parking relief is granted to this tenant only.

The Manager stated that the parking relief would be a use-by-right and would transfer to a new tenant if it is the same type of business.

There was discussion regarding financial institutions and required number of parking spaces.

Council Member Cocks recommended that this issue be re-evaluated.

Motion carried unanimously.

CONDITIONAL RELIEF 128 EAST STATE STREET FRANKLIN CENTER

President Miller presented the conditional relief request from Mr. Sean Walker for the Franklin Center, 128 East State Street.

Mr. Sean Walker, Asset Manager for Franklin Realty Trust LP, stated that per the terms of the Kennett Center LP (formerly SAC Realty LP) Land Development Agreement, dated June 6, 2006, Item No. 8, Kennett Center LP has completed the 27 month period of which it agreed to hold and market 3,600 square feet of shell space for restaurant, personal service, commercial or retail use. At this time, Kennett Center LP asks Borough Council for its approval to lease the existing space in the Franklin Center to any and all businesses that are allowed in the C-1 Zoning District.

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

Council Member Thomas stated that there are several other conditions on the agreement and questioned if they have the all been met.

Mr. Walker stated that to the best of his knowledge they have been met.

The Manager advised that the remaining conditions have been met.

Motion carried unanimously.

**SOLICITOR ATTENDANCE at ZONING HEARING BOARD
608 WEST SOUTH STREET
CRISTOBAL and MARIANA CASTANÉDA**

President Miller presented the consideration request for Council to approve the attendance of the Borough Solicitor at the Zoning Hearing Board meeting that will consider the relief request of Cristobal and Mariana Castaneda, 608 West South Street.

The Manager advised that applicants, Mr. and Mrs. Castaneda, are seeking relief in the R-2 District to convert the house into a rooming house. The applicant will also need relief to the off street parking requirements.

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

OLD BUSINESS

RECOGNITION AWARD

The Mayor advised that on September 14, 2009 he was honored to have dinner with Governor Juan Manuel Oliva Ramirez of the State of Guanajuato, Mexico. During the dinner, the Governor presented the Mayor with a recognition award commending Kennett Square for their noble and compassionate commitment to the Hispanic community. The award will be displayed in Borough Hall.

CLOSED LOOP SYSTEM

Council Member Thomas stated that the Borough's match of the total cost to install the Closed Loop System is approximately \$170,000.

NEW BUSINESS

HIV/AIDS COMMUNITY INTERFAITH SUMMIT

Council Member Cocks announced that the HIV/AIDS Community Interfaith Summit will be held on October 10, 2009 at Kennett Friends Meeting from 8:30 a.m. to 12:30 p.m. This event is open to the public.

MEET the CANDIDATES

Council Member Cocks announced that County Commissioner, Ms. Kathi Cozzone, will be the keynote speaker at the "Meet the Candidates" being hosted by the Kennett Area Democrats. The event will be from 7:00 to 9:30 p.m., Wednesday, October 21, 2009 at the Hilton Garden Inn.

HISTORIC EAST LINDEN PROJECT (H.E.L.P.)

The Manager stated that he had the opportunity to tour the H.E.L.P. neighborhood during their annual gala. Through this project, the residents have made many improvements to the properties. The Manager advised that Mr. Joe Scalise and Mr. John Morris were able to install the historic plaques on specific homes in the neighborhood prior to the gala.

PENN PRIME CONFERENCE

The Manager advised that he was able to obtain useful information while attending the Penn Prime Conference. He noted that as a first time attendee, Penn Prime paid for his registration and hotel accommodations.

PECO PRESENTATION

Council Member Cocks advised that last week she attended PECO's presentation for local government officials. She noted that she received a lot of valuable information that she will pass on to the other Council Members.

PUBLIC COMMENTS

Ms. Charla Watson, 523 Magnolia Street, questioned when Cypress will be completed. She continued with her comments questioning why the Solicitor will be attending the Zoning Hearing Board meeting when the ZHB has their own Solicitor. Ms. Watson believes that we are not following protocol.

The Manager advised that Cypress Street will be completed next week.

President Miller stated that the Solicitor will represent the Borough at the ZHB meeting.

ADJOURNMENT

It was moved by Council Member Carozzo and seconded by Council Member Cocks to adjourn the meeting at 7:20 p.m. Motion carried unanimously.

Brant Kucera
Borough Manager