

OFFICIAL MINUTES

The Regular Meeting of December 14, 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 6:00 p.m. on December 14, 2009 to discuss legal matters.

PRESIDENTIAL COMMENTS

President Miller spoke about the rhetoric during the public comments segments at the last meeting and asked everyone to calm down and think before they speak. He stated that Council and the public can take different positions on items but we all need to agree to disagree.

President Miller announced that he is going to strictly adhere to the public comments rules stating that they have a five (5) minute time limit to speak. He advised that Ms. Karen Scherer will announce when the speaker has one (1) minute remaining. At the end of the five (5) minutes, the speaker is to end their comments. If they do not, then President Miller will instruct a representative of the Police Department to escort the person from the meeting.

PUBLIC COMMENTS

Mr. Rudy Steinberger, 332 South Broad Street, stated that discussions so far have been about the budget and he has not heard any discussion about the trash fee. The trash fee is a monstrous new tax on the people of the Borough and he questioned what justifies such a large tax increase.

President Miller thanked Mr. Steinberger for his comments.

COMMITTEE REPORTS

HISTORIC KENNETT SQUARE

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

- It has been her pleasure working with the Mayor and the Council as it sits tonight.
- They have been awarded \$8,000 marketing grant from the Chester County Conference and Visitors Bureau.
- The carriage rides were cancelled yesterday due to the weather. They will continue, weather permitting, for the next two (2) Sundays.
- This Friday is “Shop Like Mad Men” in the downtown.
- Their annual meeting is January 21, 2010.
- There are four (4) vacancies on the board.

President Miller thanked Ms. Hutchins for her report.

HISTORICAL COMMISSION

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

- The Holiday Home Tour was held yesterday with approximately 300 plus attendees.
- He thanked the merchants and Historic Kennett Square for selling tickets and stated that there was positive reaction to the reduced ticket price for those residing in the 19348 zip code.
- Mr. Maffei advised that he will be stepping down from the Historical Commission at the end of this year.
- Ms. Lynn Sinclair will be the new chairperson.

Council Members Pesce and Cocks thanked Mr. Maffei for his service on the Historical Commission.

President Miller thanked Mr. Maffei for his service and report.

KENNETT AREA PARK and RECREATION BOARD (KAPRB)

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

- She thanked each member of Council and wished luck to those whose terms are ending.
- KAPRB could not do what they do without the help of the Borough.
- The flag football season finished yesterday.
- She plans to serve on the Senior Olympics Board.
- They are actively looking to add additional lights to Pennock Park in 2010.

Council Member Thomas suggested that Ms. Finrock speak to Mr. Russell Drumheller regarding additional lighting at Pennock Park.

President Miller thanked Ms. Finrock for her report.

KENNETT SQUARE POLICE DEPARTMENT (KSPD)

The Mayor welcomed members of Cub Scout Troop 131.

The Mayor reported that three (3) Kennett Square Police Officers attended two (2) days of specialized training in sexual assault cases. He added that there were several accidents directly related to the icy roadways this past Sunday but quick response by our Streets Department treating the roadways prevented further accidents.

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

- 101 Traffic Citations were issued.
- 75 Written Traffic Warnings.
- 20 Criminal Arrests.
- 5 DUI Arrest.
- Total number of calls handled was 596

The Mayor announced the passing of Chester County District Attorney Carroll's father yesterday. Service information will be forthcoming.

President Miller thanked the Mayor for his report.

BUDGET DISCUSSION

The Manager reported the following:

- The EIT cannot be raised.
- There are four (4) vehicles outside of the Police Department that are being taken home in the evenings; three (3) in Public Works and one (1) in Codes. The annual fuel cost for this is \$2,500.
- The total cost for health insurance in 2010 is projected to be \$321,780.

- He spoke of the survey conducted by the Chester County Consortium comparing municipal employees' wages and benefits noting that the Borough has the second lowest insurance plan cost.
- Of the 29 participating municipalities, only eight (8) charge their employees for health insurance.
- The Borough's salaries are on the lower side to average.

Council Member Thomas stated that the comparison is not apples to apples as the Borough is only one square mile and the population has not grown in 15 years.

A discussion ensued regarding the survey and how other municipalities compare to the Borough.

The Manager advised that he realizes that it is not apples to apples but other municipalities in the County are our competitors. He is not advocating for wage increases or improved health benefits.

Council member Darman spoke of benchmarking.

Council Member Carozzo stated that we as a Borough do the majority of the work ourselves and he feels that we fall into the circle of comparison.

Council Member Thomas spoke of cutting employees benefits.

RESOLUTION NO. 12-09 2010 FEE RESOLUTION

President Miller presented the resolution setting the 2010 Fee Schedule for approval.

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

Council Member Thomas stated that the Borough has too many fees. He thinks that we need to take into consideration a senior discount. He does not agree with the water and sewer increase. He says the water and sewer makes money if we do not do the transfers into the general fund. He stated that he wants to see a reserve fund for parking, water and sewer; a reserve fund that is not touched unless approved by Council.

Council Member Carozzo stated that we have senior citizens that are on a fixed income and he does not want them to pay the same amount for trash collection. He stated that he agrees with Council Member Thomas and we need to start reserve funds.

The Manager advised that with the proposed fee schedule reserve funds will be generated.

It was moved Council Member Thomas and seconded by Council Member to amend the resolution giving a ten percent (10%) discount to the trash fee to citizens that are 62 years of age and older and are head of household.

The Manager advised that the Borough works with residents having financial hardship. He added that there are County and other agencies that can assist residents.

Council Member Pesce quoted previous Interim Manager Peter Marshall from the CIP stating that that the property owners are going to benefit from the \$55.00 quarterly trash fee.

Council Member Avello stated that he would like to see the Pay as You Throw trash program implemented and agrees with implementing a trash fee.

The motion to amend the resolution carried with a 5 to 2 vote with Council Members Darman and Pesce voting no.

It was moved by Council Member Darman and seconded by Council Member Cocks to approve the resolution as amended giving a ten percent (10%) discount on the trash fee to citizens that are 62 years of age and older and are head of household.

It was moved by Council Member Thomas and Council Member Avello to amend resolution by raising the parking fees for the garage and surface lots by \$50 annually.

The Manager advised that the parking study states that the parking garage was not to make money.

Council Member Avello questioned the maintenance to the garage.

The Manager advised that the money to do the structural maintenance is in the parking reserve fund and is scheduled to be done in 2011.

A discussion ensued.

The Manager advised that our parking rates are competitive.

The motion did not carry with a 2 to 5 vote with Council Members Carozzo, Darman, Miller, Cocks and Pesce voting no.

The motion to approve the resolution as amended giving a ten percent (10%) discount on the trash fee to citizens that are 62 years of age and older and are head of household carried unanimously.

The resolution was assigned No. 12-09

**ORDINANCE NO. 881
2010 BOROUGH TAX**

President Miller presented the ordinance establishing the 2010 Borough Tax Rate at 3.85 mills.

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

The ordinance was assign No. 881.

ADOPTION of the 2010 BUDGET

The Manager presented the 2010 Preliminary Budget for adoption which includes the adoption of Ordinance No. 881 Setting the Tax Rate for Fiscal Year 2010 and adoption of Resolution No. 12-09 Setting the Schedule of Fees for Service, effective January 1, 2010.

The balanced budget is as follows:

General Fund	\$4,430,800
Water Fund	\$1,137,300
Sewer Fund	\$1,925,900
Parking Fund	\$515,300
Liquid Fuels Fund	\$110,900
Emergency Management Fund	\$36,500
General Capital Improvement Fund	\$398,100
Water Capital Improvement Fund	\$1,155,000
Solid Waste	<u>\$369,000</u>
Total All Funds with Transfers	\$10,078,800
Less Interfund Transfers	<u>-\$1,541,400</u>
Total All Funds Less Transfers	\$8,537,400

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

Council Member Thomas stated that it is appalling that we have no reserves and we are raising the water and sewer rates. He added that 90% of our costs are service related and we do not cut anything.

Council Member Darman stated that he respectfully disagrees. He quoted that minutes last year and noted that Council knows the process. He urged the new Council to begin to speak with the Manager in April on the following year's budget.

President Miller stated that the Manager has done an extraordinary job. The 2010 budget has been cut 11% and the Manger has addressed issues that were not addressed for a number of years.

Council Member Cocks agreed with President Miller and thanked the Manager for his hard work.

Council Member Pesce thanked the Manager and expressed his support of the budget.

Council Member Avello stated that fees and taxes have not been increased for a ten (10) year period and he believes this budget will put us where we need to be financially.

The motioned carried with a 6 to 1 vote with Council Member Thomas voting no.

2010 – 2012 HOUSEHOLD HAZARDOUS WASTE (HHW) COLLECTION PROGRAM

President Miller presented the agreement to participate in the 2010-2012 HHW Collection Program for approval.

The Manager advised that the Southeast Regional Household Hazardous Waste Collection Program holds five (5) collection events throughout the year with three (3) within Chester County. The fee is based on each individual municipality's 2000 Census.

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

2010 AGREEMENT with the SOCIETY for the PREVENTION of CRUELTY to ANIMALS (SPCA)

President Miller presented the 2010 SPCA agreement for approval.

The Manager advised that the annual cost of Service Agreement is \$2,322.50. The annual average of stray animals collected from the Borough by the SPCA is 23.

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

BOARDS and COMMISSIONS

President Miller presented the re-appointments and appointment to the Boards and Commissions as follows:

Architectural Review Board (re-appointments)

Myra Miller; this 3 year term will expire on January 1, 2013

George Plumley; this 3 year term will expire on January 1, 2013

Landfill Authority (re-appointment)

Richard Cairns; this 5 year term will expire on January 1, 2015

Planning Commission (re-appointments)

Myra Miller; this 4 year term will expire on January 1, 2014

David Myers; this 4 year term will expire on January 1, 2014

Shade Tree Commission (re-appointment)

Richard Lyon; this 3 year term will expire on January 1, 2013

Vacancy Board (appointment)

Richard Pesce; this 1 year term will expire on January 1, 2011

Zoning Hearing Board (re-appointment)

Jennifer Duffy; this 3 year term will expire on January 1, 2013

It was moved by Council Member Darman and seconded by Council Member Cocks to approve re-appointments and appointment as presented.

Council Member Thomas stated that he opposes acting on the Vacancy Board this evening and that it should be chosen in January by the new Council. He stated that he has a problem with Council Member Pesce serving on the Vacancy Board because the Council as a whole is from the north side of town.

The Manager advised that the term of the Vacancy Board expires on January 1, 2010.

Council Member Pesce stated that he has no problem waiting until January 2010 for action on this item.

Council Member Carozzo stated that he has no problem with Council Member Pesce but he feels that the new Council should vote on this appointment.

Council Member Darman withdrew his previous motion.

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

Motion carried unanimously.

It was moved by Council Member Cocks and seconded by Council Member Darman to appoint Council Member Richard Pesce to the Vacancy Board.

President Miller stated that he cannot see anyone else more qualified to fill this position.

Council Member Avello stated that he does not like being profiled as being from the north side of town. He said he received more votes from the polls at the school.

Council Member Cocks stated that she does not separate the town into section. We are one (1) Borough.

The Mayor commented that a ward system for elected officials could be considered in the future.

The motion carried with a 6 to 1 vote with Council Member Thomas voting no.

BOARDS and COMMISSIONS VACANCIES

President Miller noted that the following vacancies will occur on the Boards and Commissions effective January 1, 2010:

- One (1) vacancy on Architectural Review Board
- Four (4) vacancies on the Historical Commission
- Vacancies on Kennett Area Park and Recreation Board
- One (1) vacancy on the Planning Commission
- One (1) alternate vacancy on the Zoning Hearing Board

He advised anyone interested in serving on a board or commission to send a letter of interest to the Manager.

OLD BUSINESS

POSADA

Council Member Cocks announced that a Posada will be held on Friday, December 17, 2009 from 6:00 to 8:00 p.m. They will gather at the Kennett Friends Meeting House and will walk through East Linden Street and the center of town ending at The Garage Community and Youth Center.

NEW BUSINESS

PRESIDENTIAL COMMENT

President Miller thanked Council Members Pesce, Darman and Thomas and Mayor Spencer. He stated that each one of them cares about the community and they have demonstrated that through their service.

COMMENTS from COUNCIL MEMBER DARMAN

Council Member Darman quoted Martin Luther King saying, "The means we use must be as pure as the ends we seek". He stated that sitting here for the last 9 ½ years he has seen the Borough become a great community. He thanked the staff for their work and stated that they are superior and a hard working group who do their jobs with confidence. Council Member Darman gave a special thank you to Ms. Karen Scherer. He thanked KAPRB and KAPA noting that we have a magnificent park. He also thanked all the boards, commissions, Council and the Mayor. Council Member Darman stated that he has made wonderful friends who he may have never met. He reflected on the time ran against and lost to Council Member Pesce noting that Council Member Pesce was a more qualified candidate. He thanked Council Member Pesce for his friendship.

COMMENTS from COUNCIL MEMBER PESCE

Council Member Pesce thanked the staff and those he worked with during his tenure on Council. He stated that staff does their work with enthusiasm. Council Member Pesce thanked Council Member Darman for his kind words and thanked the public.

COMMENTS from MAYOR SPENCER

The Mayor stated that he came across an award that was given to him in which says "If you don't scale the mountain you can't see the view." His encouragement to the oncoming Council is to scale the mountain. The Mayor stated that he is very grateful to live here and proud to call Kennett Square his home.

COMMENTS from COUNCIL MEMBER THOMAS

Council Member Thomas thanked the public and the ones who had the nerve to show up and speak up. He was born in this town and has lived in this town longer than anyone on Council. Council Member Thomas said that he scaled the mountain and ran for Council. There was a lot of good and he learned a lot while serving on Council but there was also a lot of bad. He does not care for government and believes that Council has not always done what was right. Council Member Thomas said that he walks away from here with his head held high but also walks away with things undone. He encouraged the new Council to disagree and not to be petty. He thanked all of those who voted for him.

PUBLIC COMMENTS

On behalf of the Police Department, Chief of Police Edward Zunino thanked Mayor Spencer and Council Members Pesce, Darman and Thomas for their service and their interest in public safety.

ADJOURNMENT

It was moved by Council Member Thomas and seconded by Council Member Cocks to adjourn the meeting at 8:30 p.m. Motion carried unanimously.

Brant Kucera
Borough Manager