

OFFICIAL MINUTES

The Regular Meeting of February 1, 2010 of Kennett Square Borough Council was called to order at 7:00 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 D. Maffei
Council Member E. Avello, Jr.
Council Member G. Bosley
Council Member W. Carozzo
Council Member J. Cocks
Council Member F. Walker
Mayor M. Fetick
Manager B. Kucera

PUBLIC COMMENTS

Mr. Howard Porter, 221 Meredith Street, welcomed the new members of Council. He announced that the Haiti Relief Auction will begin at 9:00 a.m. on Saturday, February 13, 2010 at Kennett Friends Meeting. Mr. Porter thanked Council Member Cocks and Reverend Anita Powell for their assistance with this project. Mr. Clarke Green will serve as the auctioneer.

COMMITTEE REPORTS

HISTORIC KENNETT SQUARE

Ms. Mary Hutchins, Executive Director, reported that during their annual meeting on January 21, 2010 Ms. Carrie Freeman, Ms. Nicole Grebloskie and Mr. David Haradon were appointed to the board. Mr. Matthew Grieco was elected President, Ms. Ginger Meadows was elected Vice-President and Mr. David B. Myers was elected Treasurer.

She added to her report the following:

- The Kennett Flash celebrated their first anniversary on January 22 with a sold out show.
- She submitted a grant application for the Kennett Flash to the Citizens for the Arts of Pennsylvania.
- They are working on a spring fund raiser.

- The tentative date for the opening of the Farmers Market is May 14.
- A Winter Art Stroll will be this Friday, February 5.

President Miller thanked Ms. Hutchins for her report.

HISTORICAL COMMISSION

The Historical Commission's report was written only and included in the Council packet.

KENNETT AREA PARK and RECREATION BOARD (KAPRB)

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

- They are preparing to install the final sets of lights at Pennock Park.
- The basketball league is underway with 70 children enrolled.
- Registration has begun for Summer Camp which is currently at 60% capacity.
- The adult softball and flag football leagues are accepting teams.
- The Kennett 55 and Over Games and Picnic will be held on June 3, 2010 in Anson B. Nixon Park.

President Miller thanked Ms. Finrock for her report.

KENNETT AREA PARKS and RECREATION BOARD (KAPRB) REQUEST for STONE and DUMPSTER

Ms. Finrock stated that KAPRB is asking the Borough to consider donating stone to expand the parking lot. The estimated cost \$1,500. They are also asking the Borough to provide a 20-yard dumpster for the discarding of the old lights at Pennock Park.

It was moved by Council Member Cocks and seconded by Council Member Walker to approve donating these items to KAPRB.

Council Member Bosley recommended that the option to recycle the old lights be researched.

Council Member Carozzo suggested that the millings be donated. As a contractor, Council Member Carozzo stated that he knows of possible contractors that may be able to donate the millings.

President Miller tabled this item until Ms. Finrock investigates the recommendations presented by Council. She will report back to Council in March.

CONSENT ITEMS

MINUTES of JANUARY 4, 2010

President Miller presented the January 4, 2010 minutes for approval.

It was moved by Council Member Walker and seconded by Council Member Carozzo to approve the minutes as presented. Motion carried unanimously.

MINUTES of JANUARY 19, 2010

President Miller presented the January 19, 2010 minutes for approval.

It was moved by Council Member Bosley and seconded by Council Member Maffei to approve the minutes as presented. Motion carried unanimously.

BILLS

President Miller presented the bills to be paid February 1, 2010 and the bills that were paid since the last meeting for approval.

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

INTERVIEW PLANNING COMMISSION CANDIDATES

President Miller advised the following individuals have expressed interest to serve on the Planning Commission:

Mr. John Thomas, 406 South Broad Street.
Mr. Rory Burkhart, 118 West Sickle Street.
Ms. Rosemary Malatesta, 221 South Union Street.

President Miller and other Council Members presented questions to each of the individuals.

APPOINTMENT to the PLANNING COMMISSION MR. RORY BURKHART

President Miller asked for a roll call of votes to fill the vacancy on the Planning Commission.

President Miller and Council Members Cocks, Maffei and Walker voted for Mr. Burkhart to be appointed to the Planning Commission.

Council Members Avello, Bosley and Carozzo voted for Mr. Thomas to be appointed to the Planning Commission.

There were no votes for Ms. Malatesta.

President Miller announced that per Council's votes, Mr. Rory Burkhart is appointed to the Planning Commission. His term will expire on January 1, 2014.

**RESOLUTION NO. 10-02
AMENDMENT NO. 5 to the RULES and REGULATIONS of the
CIVIL SERVICE COMMISSION**

President Miller presented a resolution approving Amendment No. 5 to the Rules and Regulations of the Civil Service Commission.

Mr. Mitch Brison, Secretary of the Civil Service Commission, advised that this amendment eliminates the requirement of a physical agility test as part of the promotional testing process.

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

The resolution was assigned No. 2-10.

**ARCHITECTURAL REVIEW BOARD (ARB) APPLICATION
200 NORTH UNION STREET, SIGNAGE**

President Miller presented the ARB application for signage at 200 North Union Street.

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

**120 EAST STATE STREET
RELIEF from PARKING REQUIREMENTS**

President Miller presented the request from Mr. John and Ms. Yvonne McFadden for the relief from the Borough's parking requirements for 120 East State Street.

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

The Manager advised that the request is for relief of the parking requirements for 120 East State Street.

Motion carried unanimously.

OLD BUSINESS

PAYMENT of ADMINISTRATIVE ORDERS NVF PROPERTY

Council Member Carozzo stated that he wants to see this money put aside into a separate fund.

Council Member Walker questioned if the fund needs to be dedicated.

The Manager advised that if the fund is designated, then it must be done by adopting a resolution. This income is part of the fund balance and would simply carry over to next year because the 2010 budget is balanced.

A discussion ensued.

Mr. Marc Jonas, Borough Solicitor, advised that a special fund must be done by ordinance.

The Manager advised Council that by passing the budget they approve of how monies are spent. This income is not part of the budget and will not be spent. He also advised that the Borough's windfalls in the past were used to balance the budget instead of raising taxes and utility fees.

Council agreed that a special fund policy be generated.

Council agreed to direct the Finance Committee to work on developing a policy for a reserve fund and report back to Council at the second meeting in March 2010.

PUBLIC COMMENTS

Mr. John Thomas, 406 South Broad Street, stated that reserve fund is so simple but we have none. He thanked Council for the opportunity to be part of the rig appointment to the Planning Commission. If the candidates had half of his qualifications then he would not have a problem with their decision tonight. Mr. Thomas began verbal attacks on Council Member Cocks and requested that she resign.

President Miller instructed Mr. Thomas to end his comments.

Ms. Charla Watson, 523 Magnolia Street, stated that she would like a hard copy of the agenda. She said that we are paying so much money on recycling that we should build a recycling center. Ms. Watson hopes that there are dumpsters throughout the town for the large cleanup event. She questioned why the Borough Solicitor was present. Ms. Watson said the Borough should be the first lien holder on 120 East State Street to reduce the financial burden on the citizens.

Mr. Tony Talamonti, 524 East Cypress Street, questioned who gets free water and sewer. Mr. Talamonti said that Capozzoli's gets free water and sewer and

questioned if other restaurants in the Borough do. He stated that he wants answers and will continue to ask these questions.

President Miller stated that the Council Members are available before and after the meetings to answer questions.

Ms. Rosemary Malatesta, 221 South Union Street, stated that she loves Kennett Square but she is so embarrassed. She added that there is no reason to create disturbances and ridicule during the meetings and that public comments are not for slandering and goading people. Ms. Malatesta said that she has received responses to her questions from Council and the Manager and in order to have freedom, we need to follow guidelines.

COUNCIL and MANAGER COMMENTS and ANNOUNCEMENTS

The Manager stated that we have \$400,000 remaining from the sale of the Yeatman field. The \$500,000 that we received for Mr. McFadden was given to us by the state. The Manager stated that the Fire Company, the Borough buildings and churches are not billed for water and sewer. He noted that this practice was not his decision and has been in place for many years.

Council Member Walker questioned if the approved parking relief was for a restaurant only.

Mr. Russell Drumheller, Codes Enforcement Officer, stated that the proposed plans he has seen for 120 East State Street were for a restaurant.

President Miller asked all of those that attend these meetings to express themselves with civility. Personal attacks and inappropriate comments will not be tolerated. He stated that there are proper ways to address questions and concerns. This can be done by calling Borough Hall or through email.

Council Member Bosley would like to have an RFP for engineering and auditor services.

Council Member Avello questioned if there is a minimal requirement for attendance to Planning Commission meetings.

The Borough Solicitor cited Section 206 of the PA Borough Code stating that a member of the Planning Commission may be removed for malfeasance, misfeasance or nonfeasance. He suggested that the Borough create a policy for minimal attendance at meetings.

Council Member Bosley recommended this policy be a requirement for Council and all Boards and Commissions.

ADJOURNMENT

It was moved by Council Member Maffei and seconded by Council Member Cocks to adjourn the meeting at 8:57 pm. Motion carried unanimously.

Brant Kucera
Borough Manager