

# OFFICIAL MINUTES

The Regular Meeting of March 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 David Miller  
Council Member Danilo P. Maffei  
Council Member Enrico H. Avello, Jr.  
Council Member Geoffrey R. Bosley  
Council Member William A. Carozzo  
Council Member Jessie Cocks  
Council Member F. Sean Walker  
Mayor Matthew W. Fetick  
Manager Brant Kucera  
Borough Solicitor Marc Jonas*

## PUBLIC COMMENTS

There were no public comments from the floor.

## COMMITTEE REPORTS

### HISTORIC KENNETT SQUARE

Ms. Mary Hutchins, Executive Director, highlighted her report with the following:

- Their next board meeting is this Friday, March 5.
- They are in the process of interviewing a new booking agency for the Kennett Flash.
- Plans are underway for the Memorial Day Parade.
- The Farmers Market will open May 14 with Ms. Abby Morgan, Ms. Sarah Reese and Ms. Claire Murray overseeing the operations and marketing.
- The First Friday Art Stroll is March 5.
- A boutique will be opening in July at 101 West State Street.
- Mrs. Robinson's Tea Shop is now open at 108 North Union Street.
- An old fashion general store will be opening soon at 131 East State Street.
- He and She Vintage Clothing and the Rusty Hinge are going out of business.

- Several persons have contacted her with regards to opening new businesses in the downtown.

President Miller thanked Ms. Hutchins for her report.

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

Mr. Michael Goudy, Board Member of KAPRB, highlighted his report with the following:

- The new lights were delivered to Pennock Park in February and he thanked Mr. Joe Scalise, Director of Public Works, for snow removal in the parking lot.
- KAU and Adult Softball leagues start in April.
- There are still accepting registrations for Summer Camp
- The Adult Spring Flag Football will start this weekend.
- The High Spring Basketball League begins March 10 and runs through May 12.
- Registration is open for Kindergarten Kickers. This program runs from April to May.
- Girls Junior Lacrosse will meet on Wednesdays during April and May.

President Miller thanked Mr. Goudy for his report.

## **CONSENT ITEMS**

### **MINUTES of FEBRUARY 16, 2010**

President Miller presented the February 16, 2010 minutes for approval.

*It was moved by Council Member Walker and seconded by Council Member Cocks to approve the minutes as presented.*

*It was moved by Council Member Maffei and seconded by Council Member Cocks to amend the minutes by removing the following sentence from page 3, paragraph 1, Council and Manager Comments and Announcements: "As far as color restrictions, this item will remain the same".*

*The motion as amended carried unanimously.*

## **BILLS**

President Miller presented the bills to be paid March 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 Carozzo to approve the bills as presented. Motion carried unanimously.

**SET PUBLIC HEARING  
AMENDMENTS to CHAPTER 11A, NUISANCE of the  
MUNICIPAL CODE of the BOROUGH of KENNETT SQUARE**

President Miller presented the advertisement setting the public hearing for April 5, 2010 to consider the amendments to Chapter 11A, Nuisance, in the Municipal Code of the Borough of Kennett Square.

The Manager advised that the proposed amendments are regarding graffiti by expanding the enforcement area beyond the business districts to include the entire Borough and adding the Police Department to assist with the enforcement.

It was moved by Council Member Maffei and seconded by Council Member Cocks to approve the advertising and set the date for April 5, 2010. Motion carried unanimously.

**SPECIAL EVENT APPLICATION  
MEMORIAL DAY PARADE**

President Miller presented the special event application for the Memorial Day Parade. The event will begin at 10:00 a.m. on Monday, May 31, 2010.

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

**SPECIAL EVENT APPLICATION  
MUSHROOM FESTIVAL PARADE**

President Miller presented the special event application for the Mushroom Festival Parade to begin at 7:00 p.m. on Friday, September 10, 2010.

It was moved by Council Member Maffei and seconded by Council Member Carozzo to approve the special event application as presented.

Ms. Kathi Lafferty, Chair of the Mushroom Festival, advised that this special event application is for the parade only. She will submit a separate application for the Mushroom Festival.

Motion carried unanimously.

## **OLD BUSINESS**

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

Mr. Michael Goudy, Board Member of KAPRB, shared Ms. Claire Finfrock's response to Council's questions and recommendations regarding millings and the recycling of the old lights. Millings are not available from the Borough and the high cost to recycle the lights is not financially feasible for KAPRB.

Mr. Goudy advised that KAPRB is re-presenting their request to Council for the Borough to pay for the following:

- One 20-yard dumpster at the price of \$115 per haul plus tipping fees at \$52 per ton for the removal of the old lights.
- Four loads of ¾ inch stone with an approximate cost of \$1,300 to \$1,450.

Council Member Carozzo stated that he will continue to investigate the availability of free millings and/or crushed concrete provided that the Borough would assist in spreading of these materials throughout the parking lot area.

**It was moved by Council Member Walker and seconded by Council Member Cocks to approve the request with the stipulation that the cost is defrayed with potential donations of millings and/or crushed concrete. Motion carried unanimously.**

## **PUBLIC COMMENTS**

Mr. John Thomas, 406 South Broad Street, stated that we keep spending money on the Pennock Park when there are grants available. He expressed concern of moving the earth in the park that once was a refuse dump. Mr. Thomas stated that we cannot hand pick businesses to come into the Borough and shared concern of a legal standpoint.

Mr. Michael Goudy stated that Pennock Park is run on grants and that the lighting system has been reviewed by engineers and they are aware of the previous use of this property.

Ms. Mary Hutchins advised that we cannot regulate what businesses move into town and noted that she receives a number of calls from people that are unable to follow through with the building owners.

## **COUNCIL and MANAGER COMMENTS and ANNOUNCEMENTS INTERFAITH HIV SUMMIT on WOMEN and GIRLS**

Council Member Cocks announced that the Church of the Open Door's Hope HIV/AIDS Ministry and Lincoln University Counseling Services and Women's Center are sponsoring the Coatesville Community Interfaith HIV Summit on Women and

Girls to be held on March 13, 2010 from 8:30 a.m. to 3:00 p.m. This free event is open for ages 13 and older and will take place at the Second Baptist Worship Center, 856 Merchant Street in Coatesville.

## **TOTER DELIVERY**

The Manager advised that Allied Waste will begin delivery of the 96 gallon refuse toter on Tuesday, March 2 to all the properties covered by the Residential Waste Collection Contract. The deliveries will continue on a daily basis for approximately the next two (2) weeks. Old refuse containers may be discarded by simply placing them inside the new toter.

## **NEW BUSINESS**

### **SKID LOADER PURCHASE**

The Manager advised that the Borough has the opportunity to purchase a 2005 Skid Loader from West Goshen Township for \$10,000. The loader is 2-speed with heat and air conditioning and equipped with a milling machine. The milling machine is not currently operating. The Manager noted that the Borough's current loader is used to remove snow in the downtown and continually breaks down. The Finance Committee has discussed this matter and recommends that the Borough takes advantage of this opportunity with funds from the vehicle replacement fund.

**It was moved by Council Member Cocks and seconded by Council Member Carozzo to approve the purchase of the skid loader as presented. Motion carried unanimously.**

## **EXECUTIVE SESSIONS**

### **FEBRUARY 24, 2010**

President Miller advised that Council held an Executive Session at 6:00 p.m. on Wednesday, February 24, 2010 to discuss litigation matters for Civil Case No. 2:08-cv-00373-JCJ filed in United States District Court; Derrick Flax v. Borough of Kennett Square, Police Department.

### **MARCH 1, 2010**

President Miller advised that Council will hold an Executive Session immediately following tonight's Council meeting to discuss litigation matters for Civil Case No. 2:08-cv-00373-JCJ filed in United States District Court; Derrick Flax v. Borough of Kennett Square, Police Department.

## **ADJOURNMENT**

It was moved by Council Member Walker and seconded by Council Member Maffei to adjourn the meeting at 7:40 pm. Motion carried unanimously.

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Brant Kucera  
Borough Manager

Council convened into an Executive Session.