

## **OFFICIAL MINUTES**

The Regular Meeting of May 17, 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 B. 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  
Manager Brant Kucera*

### **PUBLIC COMMENTS**

There were no public comments from the floor.

### **POLICE DEPARTMENT REPORT**

Chief Edward Zunino reported that the Police Department is seeing a rise in vehicle break-ins and reminded the public not to leave valuable items in plain sight.

He added to his report the following incidents for April 2010:

- 115 Traffic Citations were issued.
- 77 Written Traffic Warnings.
- 19 Criminal Arrests.
- 1 DUI Arrests.
- Total of 654 calls.

### **AMENDMENT to AGENDA**

President Miller stated that the Lease Agreement for the Municipal Parking Lot at 144-146 West State Street has been removed from the agenda.

## EXECUTIVE SESSIONS

### MAY 15, 2010

President Miller advised that Council held an Executive Session at 3:30 p.m. on May 15, 2010 to discuss the possible acquisition real estate.

### MAY 17, 2010

President Miller advised that Council held an Executive Session at 6:00 p.m. on May 17, 2010 to discuss Civil Case No. 2:08-CV-00373-JCJ filed in United States District Court; Derrick Flax v. Borough of Kennett Square, Police Department.

## CONSENT ITEMS

### MINUTES of APRIL 19, 2010

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

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

### MINUTES of SPECIAL MEETING on MAY 3, 2010

President Miller presented the minutes from Special Meeting held on May 3, 2010 for approval.

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

## BILLS

President Miller presented the bills to be paid May 17, 2010 and the bills that were paid since the last meeting for approval.

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

## QUARTERLY FINANCIAL REPORT

The Manager presented an overview of the Borough's budget for the first quarter of 2010. 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	4,430,800	484,970	11.0%
Expenditures	4,430,800	863,575	19.5%
Increase/Decrease	-	(378,605)	-

<u>Top Five Revenues</u>	<u>Budget</u>	<u>YTD Actual</u>	<u>% Received</u>
Real Estate Tax	872,800	71,908	8.2%
EIT – Current Year	800,000	561	.07%
EIT – Prior Years	300,000	62,671	20.9%
State Aid Pension	128,200	0	0%
Local Services Tax	97,000	4,373	4.5%
<b>Total</b>	<b>2,271,000</b>	<b>219,301</b>	<b>9.7%</b>

## **ADOPTION of the RULES and REGULATIONS of the CIVIL SERVICE COMMISSION**

President Miller presented the Rules and Regulations of the Civil Service Commission (CSC) for approval.

President Miller advised that these Rules and Regulations were adopted by the Commission during a special meeting on May 11, 2010. This updated version of the Rules and Regulations makes the sentence regarding the requirement of the Selective Service Number consistent throughout the Rules and Regulations.

**It was moved by Council Member Walker and seconded by Council Member Bosley to approve bids as presented. Motion carried unanimously.**

## **LEASE AGREEMENT BOROUGH and LGB PROPERTIES, INC. PORTION of 146 WEST STATE STREET**

President Miller presented the lease agreement between the Borough and LGB Properties for approval.

The Manager advised that the agreement is for a portion of land used for the HVAC and utilities for the structure at 148 West State Street. This is a 99 year lease with the annual fee of \$3,400.

Council Member Bosley stated that he will abstain from any discussion and action on this item do to the fact that LGB Properties, Inc. is his employer.

**It was moved by Council Member Cocks and seconded by Council Member Maffei to approve the agreement as presented. Motion carried with a vote of 6 – 0 with Council Member Bosley abstaining.**

## **PUBLIC COMMENTS**

Mr. John Thomas, 406 South Broad Street, suggested that the lease agreement be contingent upon the property being sold to LGB Properties. He shared his sincere hope that there should not be any increases in fees for the next budget year. Mr. Thomas stated that any time the Borough spends money that is

not in the budget then that money should be made known to the public. He said that if money is missing from the Borough then that information must be may known to the public. Mr. Thomas questioned how Council can have a meeting without announcing it.

## **COUNCIL and MANAGER COMMENTS and ANNOUNCEMENTS**

The Manager stated that we have not spent any legal fees outside of our budget.

Council Member Walker referred back to the lease agreement noting that it has a July 2010 date.

Dr. Larry Bosley of LGB Properties, Inc. stated that a July 2010 date is needed.

Council Member Walker stated that he does not want the current agreement with Genesis to be voided if the property is not sold.

## **ADJOURNMENT**

**It was moved by Council Member Cocks and seconded by Council Member Walker to adjourn the meeting at 7:36 p.m. Motion carried unanimously.**

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Brant Kucera  
Borough Manager