

## OFFICIAL MINUTES

The Regular Meeting of June 7, 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*  
*Vice-President Danilo P. Maffei*  
*Council Member Enrico H. Avello, Jr.*  
*Council Member Geoffrey R. Bosley*  
*Council Member William A. Carozzo*  
*Council Member Jessie Cocks*  
*Mayor Matthew W. Fetick*  
*Manager Brant Kucera*  
*Solicitor Marc Jonas*

### EXECUTIVE SESSION

President Miller announced that Council held an Executive Session at 5:00 p.m. on Wednesday, June 2, 2010. The purpose of this meeting was to discuss personnel matters.

### CANCELLATION of SPECIAL MEETING - JUNE 8, 2010

President Miller announced that the Special Meeting scheduled for 7:00 p.m. on Tuesday, June 8, 2010 has been cancelled.

### PUBLIC COMMENTS

Mr. John Thomas, 406 South Broad Street, expressed his concern of the number of Executive Sessions being held and that the public does not know what is going on. He said that 60% of residents in the Borough are low income and we do not need any more low income housing. Increasing the population by 28% is huge and he wants Council and the Planning Commission involved. Mr. Thomas said he would like a committee formed to review the Rockhopper development. This development will affect the Borough more than anything else and it is vitally important that it's done right. This could be a win/win situation for the developer and the Borough.

Ms. Charla Watson, 523 Magnolia Street, stated that she has concern of the number of trucks going in and out of the Pia property. She said Council needs to be more accountable. Ms. Watson expressed concern of the profanity used at the Frisbee course in Anson B Nixon Park. She stated that we should be worried about low income housing that

will be constructed at the Pia property. Ms. Watson complained about the change in location of the mailboxes from Church Alley to East State Street.

Due to the five (5) minute limit, President Miller asked Ms. Watson to end her comments.

Mr. George Reinas, owner of Bove Jewelers, stated that he does support the LGB Properties project however he asked Council to reconsider leasing the West State Street parking lot as a whole.

### **TRANSFER of the CHAIR**

President Miller announced that the Chair will now be transferred to Vice-President Maffei. He stated that due to his employment with the Chester County Public Defender's Office that he is abstaining from action on the amendment to the agenda and action on Patrol Officer Jose Santiago's resignation.

### **AMENDMENT to the AGENDA to include CONSIDERATION of PATROL OFFICER JOSE SANTIAGO'S RESIGNATION**

It was moved by Council Member Cocks and seconded by Council Member Bosley to add the consideration of Patrol Officer Jose Santiago's resignation to the agenda. Motion carried with a vote of 5 to 0, with President Miller abstaining.

### **RESIGNATION of PATROL OFFICER JOSE SANTIAGO**

Vice-President Maffei presented the resignation of Patrol Officer Jose Santiago, dated June 5, 2010 effective immediately.

It was moved by Council Member Cocks and seconded by Council Member Bosley to accept Patrol Officer Jose Santiago's resignation as presented. Motion carried with a vote of 5 to 0, with President Miller abstaining.

### **TRANSFER of the CHAIR**

The Chair transferred back to President Miller.

### **SPECIAL RECOGNITION PATROL OFFICER KENNETH RONGAUS HIGHEST DUI ARRESTS in 2009**

Mayor Fetick presented Patrol Officer Kenneth Rongaus with the MADD "Cookies for Cops" Award for the Department's highest number of DUI arrests in 2009. There were a

total of 55 arrests in 2009 with 16 being made by Officer Rongaus. The Mayor stated that this shows the Department's and Officer Rongaus' commitment to their job.

## **COMMITTEE REPORTS**

### **HISTORIC KENNETT SQUARE**

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

- The Borough is featured in the current issue of Signature.
- Their first spring fundraiser, Beers on Broad Street, was held this past Saturday.
- The Buy Local, Buy Fresh Festival is July 16.
- The Murder Mystery Art Stroll is August 6, 2010
- She will be attending the Main Street Conference next week.
- Senator Pileggi will be visiting Borough in July. He will feature this site visit on his website.

President Miller thanked Ms. Hutchins for her report.

### **HISTORICAL COMMISSION**

This was a written report only which was included in the Council packet.

President Miller announced that there are four vacancies on the Historical Commission. Any citizens interested in serving on the commission should contact the Borough Manager.

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

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

- She thanked the Borough and KAPA for the work done at Anson B Nixon Park. She stated that the basketball court is an excellent addition.
- Pennock Park is busy with the leagues.
- Summer Camp starts on June 18 at Greenwood Elementary School.
- The Kids Run will be held in Anson B Nixon Park on July 27.
- Registration remains open for summer basketball.
- The Over 55 Olympics was held last week.

President Miller thanked Ms. Finfrock for her report.

## **CONSENT ITEMS**

### **MINUTES of MAY 3, 2010**

President Miller presented the May 3, 2010 minutes for approval.

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

### **MINUTES of MAY 17, 2010**

President Miller presented the May 17, 2010 minutes for approval.

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

### **MINUTES of MAY 21, 2010**

President Miller presented the May 21, 2010 minutes for approval.

It was moved by Vice-President 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 June 7, 2010 and the bills that were paid since the last meeting for approval.

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

## **SPECIAL EVENT APPLICATION**

President Miller presented the special event application for the 25<sup>th</sup> Annual Mushroom Festival to be held September 10 – 12, 2010.

It was moved by Vice-President Maffei and seconded by Council Member Cocks to approve the application as presented.

Council Member Carozzo questioned if a no dog policy will be enforced.

Ms. Kathi Lafferty, Festival Chairman, stated that advertising of the festival includes “no dogs allowed with the exception of service dogs”.

Mayor Fetick stated that he and Chief Zunino will work with the festival committee to enforce this policy.

Motion carried unanimously.

## **144/146 WEST STATE STREET**

President Miller presented the Parking Space Lease Agreement between the Borough and LGB Properties, Inc. for the municipal lot located at 144/146 West State Street.

Council Member Bosley stated that he is abstaining from discussion and action on this item due to the fact that LGB Properties is his employer.

It was moved by Council Member Cocks and seconded by Vice-President Maffei to approve the agreement as presented.

Council Member Carozzo noted Mr. Reinas' concern and would like to have further discussion and table the matter.

Dr. Larry Bosley, LGB Properties, Inc. stated that the signed agreement is a requirement of the Zoning Hearing Board. If Council does not approve the agreement then he will not be able to finalize the purchase of the 148 West State Street property.

Mr. Reinas says that lack of parking affects all of the merchants.

President Miller stated that if Council does not move on this agreement then it will kill the project.

Dr. Bosley stated that he is not anxious to have problems with any of the merchants. He added that the Gateway Project consists of enlarging the parking garage. When they did the preparations for the ZHB they counted 805 parking spaces on State and Cypress Streets Race Street to Mill Road.

Council Member Cocks expressed her support of the LGB Properties project and noted that we are in motion to create more parking because everyone needs it.

President Miller stated that there are long term solutions being considered but it is not going to happen overnight. He added that the Borough should not pass up the opportunity revitalize the property.

Vice-President Maffei stated that the repair and maintenance of the parking lot would be the responsibility of LGB Properties.

The Mayor stated that the agreement is not effective until October 2010 which leaves us five (5) months to come up with the solutions.

**Motion carried with a vote of 5 to 0 with Council Member Bosley abstaining.**

## **ARCHITECTURAL REVIEW BOARD (ARB) APPLICATIONS**

President Miller presented the following ARB applications for approval:

- 101 West State Street – awnings and signage.
- 208 West State Street – window rehab.
- 213 East State Street – awnings and signage.
- 120 South Willow Street – wall mural.

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

## **ARB APPEAL – 202 SOUTH UNION**

Mr. Drumheller stated that the ARB denied the application for vinyl replacement windows at 202 South Union Street. Mr. Tom Getty with Applebee Systems and representative for the property owner has come before Council to appeal this denial.

Mr. Getty advised that the application is for seven (7) vinyl triple pane replacement windows that are guaranteed for 55 years. He stated that he can appreciate the historical value however you cannot tell the windows are vinyl from street level.

Mr. Drumheller stated the property is in the ARB Overlay District. The ARB has struggled for a year on how to permit alternative materials and have not been able to come up with solutions.

A discussion ensued.

It was moved by Council Member Bosley and seconded by Council Member Avello to overturn the ARB ruling and approve the installation of the replacement windows as presented and that they be consistent with current outward appearance. Motion carried unanimously.

## **PUBLIC COMMENTS**

Ms. Charla Watson stated that Council only talks about what they can do for the merchants and residents have to foot the bill. No one should have a monopoly on a municipal parking lot. We do not want to have another beer fest in our town. She said we had to fight for the basketball court. Ms. Watson stated that she wants to know the name of the group formed for the Gateway project. If you do not live in Kennett then the money does not stay here. She said trucks and potholes need to be addressed and Council is not representing them right.

Mr. John Thomas stated that tonight's meeting was interesting. The reason everyone got a letter is that this item was not discussed in public. He supports Dr. Bosley's project but he believes all of the merchants should have been notified. Mr. Thomas questioned if the Mayor is not here then the President should fill in for the Mayor. He asked Council to take it seriously the way the Rockhopper and Pia proposes development. We cannot afford low income housing.

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

The Manager advised that the Kennett Area Community Development (KACD) is a non-profit organization consisting of a representative from the YMCA, the Kennett Area Park Authority, a borough resident and the Borough. Mr. Leon Spencer is the chairperson.

The Manager announced that the Borough was awarded a \$2,000 grant from Penn PRIME for safety equipment.

Council Member Bosley recommended that a committee be formed to deal with the development of the old NVF property.

President Miller advised that he has implemented an ad-hoc Rockhopper Project Oversight Committee. The committee is comprised of Vice-President Maffei, Council Member Walker, Fire Chief Steven Melton and Codes Enforcement Officer Russell Drumheller.

The Mayor commented that many aspects of the Mr. Jose Santiago's arrest are personnel issues and that he cannot comment. He added that there are rules that must be followed. The confines of the Collective Bargaining Agreement and the Civil Service Commission Rules and Regulations must be, and were, followed. The Mayor stated that they responded to the matter as quickly as possible.

President Miller thanked the Mayor and the Chief noting that they did a very good job handling this matter.

## **PUBLIC COMMENTS - Continued**

Mr. Darryl Hall, owner of 122 South Willow Street, thanked Council for approving the ARB Application for the mural at his property.

## **ADJOURNMENT**

**It was moved by Council Member Cocks and seconded by Council Member Maffei to adjourn the meeting at 8:26 .pm. Motion carried unanimously.**

---

Brant Kucera  
Borough Manager