

OFFICIAL MINUTES

The Special Meeting of May 21, 2010 of Kennett Square Borough Council was called to order at 4:00 p.m. in Borough Hall, 120 Marshall Street, Kennett Square, Pennsylvania with Vice-President Danilo P. Maffei in the Chair. Roll Call followed the Pledge of Allegiance. Present were:

Vice-President Danilo P. Maffei
President David B. Miller, via conference call
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

PUBLIC COMMENTS

There were no public comments from the floor.

SETTLEMENT AGREEMENT and RELEASE

CIVIL CASE NO. 2:08-CV-00373-JCJ

DERRICK FLAX v. BOROUGH of KENNETT SQUARE, POLICE DEPARTMENT

Vice-President Maffei presented the settlement agreement and release in the matter of Civil Case No. 2:08-CV-00373-JCJ, Derrick Flax v. Borough of Kennett Square for approval.

It was moved by Council Member Cocks and seconded by President Miller to approve the settlement agreement and release in the matter of Civil Case No. 2:08-CV-00373-JCJ filed in United States District Court; Derrick Flax v. Borough of Kennett Square, Police Department. The motion carried with a 4 to 3 vote with President Miller, Vice-President Maffei, Council Member Cocks and Mayor Fetick voting yes and Council Members Avello, Bosley and Carozzo voting no.

JOINT VENTURE AGREEMENT

GATEWAY PROJECT

Vice-President Maffei presented the joint venture agreement for the Gateway Project for approval.

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

It was moved by Council Member Carozzo and seconded by Council Member Cocks to approve the agreement as presented.

The Manager advised that the Borough Solicitor approves of this agreement.

Motion carried unanimously with Council Member Bosley abstaining from the vote.

COUNCIL and MANAGER COMMENTS

Council Member Bosley recommended that the approval of the settlement agreement and release be announced at the next Council meeting.

PUBLIC COMMENTS

Ms. Charla Watson, 523 Magnolia Street, questioned why this meeting was held.

The Manager stated the reason was to consider the settlement agreement and release in the Civil Case of Derrick Flax v. the Borough of Kennett Square.

Vice-President Maffei added to also consider the joint venture agreement with a group of non-profit agencies regarding the Gateway Project.

The Manager stated that the non-profit group consists of representatives from the Bayard Taylor Memorial Library, the YMCA and the Kennett Area Park Authority (KAPA).

Ms. Watson questioned where the citizens will be represented in the 501CS.

The Manager advised that the 501C3 has not been established at this time. He added that Mr. Leon Spencer, a resident of the Borough, is a member of the non-profit group.

Mr. David Adamson, 621 Miller's Hill, presented questions regarding the Gateway Project which were responded to by Council and the Manager.

ADJOURNMENT

It was moved by Council Member Bosley and seconded by Council Member Cocks to adjourn the meeting at 4:19 p.m. Motion carried unanimously.

Brant Kucera
Borough Manager