

## **OFFICIAL MINUTES DECEMBER 7, 2015**

The Regular Meeting of December 7, 2015 of Council for the Borough of Kennett Square 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 Leon R. Spencer, Jr. in the Chair. Roll Call followed the Pledge of Allegiance.

Present: *President Leon R. Spencer, Jr.*  
*Vice President Danilo P. Maffei*  
*Councilmember Geoffrey R. Bosley*  
*Councilmember Brett M. Irwin*  
*Councilmember George P. Plumley, III*  
*Mayor Matthew W. Fetick*  
*Borough Manager Joseph C. Scalise*  
*Solicitor Marc D. Jonas*

Absent: *Councilmember D. Lynn Sinclair*  
*Councilmember Patrick B. Taylor*  
*Jr. Council Person Meliton Gomez*

### **SPECIAL RECOGNITION – CARTER COMMUNITY YOUTH BRITNEY ESTHER BAUTISTA and ZANYLA MONAE MITCHELL**

President Spencer and the Mayor presented a Certificate of Recognition and Appreciation to Britney Esther Bautista and Zanyla Monae Mitchell. The awards were a direct result of the National Night Out held in August, 2015 in the East Linden Street Neighborhood by the Carter Community Development Corporation. Both girls were recognized for their commitment to their neighborhood and to the Kennett Square Police Officers.

### **AMENDMENT to the AGENDA**

President Spencer advised that there is an amendment to tonight's agenda. Item #10, Consider Adoption of 2016 Budget and Tax Ordinance, will be placed before Item #9, Consider Resolution – 2016 Fee Schedule.

**PUBLIC COMMENTS**

John Thomas, 406 South Broad Street, expressed his concern that General Fund is broke and something must be done. The budget should be cut and \$750,000 be put back in the Water and Sewer Fund. He added that we do not need new parking meters or a new computer program. Mr. Thomas also stated that we don't need a new truck. He would like the co-pay reimbursements to stop and for us to sell the current Borough building and move back to the old Borough building. Mr. Thomas said Council should not pass the budget without cutting something.

Charla Watson, 523 Magnolia Street, stated that we must discontinue using water and sewer funds for the General Fund. She shared her concern that the Borough tax is higher than the County's and we cannot provide the services the County does. Ms. Watson stated that we should nix the Director of Public Works position and that there is no reason that we need another person in the Codes Department. She recommended that a cap be placed on the amount of the co-pay reimbursements. Ms. Watson said to nix the parking garage and the new parking meters. She added that we need to meet in our municipal building and that we should have a state of the art municipal building which includes the Police Department.

Penny D'Ottavio, 516 East South Street, stated that she hopes the budget is not passed this evening. She asked Council to cut contributions to KAPRB, KAPA and the Library. She would like to see the Borough enact an entertainment tax.

Robert Whiteside, 802 Wayne Avenue, expressed his concern that not all Public Works employees are hard workers.

Tony Talamonti, 584 East Cypress Street, stated that we do not need to replace a truck every 10 years. He does not like watching the YMCA use the Borough's property without the Borough receiving any tax revenue from the place. Mr. Talamonti agrees with Ms. D'Ottavio's comments that the Borough should implement an entertainment tax. He does not like that employees drive Borough vehicles home stating that it is not fair to the taxpayers.

Jeannie Jims, 548 Richards Road, stated that at the age of 70 she continues to work part time to make ends meet. When the fees and taxes are increased she is forced to take measures to reduce her expenses. The increases are difficult for Senior Citizens, especially the ones on limited incomes. She stated that she would like Council to hold a meeting for the residents where they are able to ask questions and receive answers. In addition, Ms. Jims stated that she opposes the 2016 budget in its present form.

Tracy Martin, 512 East South Street, compared the Borough Manager's salary and his assistant's to the Governor's salary and his assistant's salary, noting that there are only 6,000 residents in the Borough. She would like to see research done to find ways to cut costs of the Borough's insurance and benefits packet. She questioned who decides which Borough employees receive raises. Ms. Martin said that the Borough residents cannot afford to live here. She added that the budget should also be available in Spanish.

Anthony D'Ottavio, 516 East South Street, stated that the residents do not have the opportunity to speak every time Council brings something up for a vote; they are only allotted five (5) minutes during the Public Comments portion of the meeting. Mr. D'Ottavio said that he would like to retire but he can't afford to retire here.

## **REPORTS**

### **CODES DEPARTMENT**

On behalf of the codes enforcement officer Russell Drumheller, the Manager reported the following activity in the Codes Department for the month of November, 2015:

- Completed 221 inspections.
- Received 208 telephone calls into the office.
- Received 60 visitors at the office.
- Processed 53 permits – Building/Plumbing/Electrical/Mechanical.
- Completed five (5) Resale Use and Occupancy Inspections.

### **HISTORIC KENNETT SQUARE (HKS)**

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

- We are off to a very busy and event filled holiday season. The Holiday Parade had record breaking attendance.
- This past weekend the Longwood Shuttle doubled the number of visitors they transported last year.
- Work continues on the Economic Development Study.
- The HKS Board is working with Bill Fontana from the PA Downtown Center to lead an organizational development series of workshops in early 2016.
- Club Studio Arts, 112 West State Street, will hold their grand opening in mid January.
- Winterfest tickets went on sale Black Friday and the VIP tasting sold out very quickly.
- She continues to work with several business owners wanting to open a business in town.

## **CONSENT ITEMS**

### **MINUTES**

President Spencer presented the minutes from November 23, 2015.

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

### **BILLS to be PAID DECEMBER 7, 2015**

President Spencer presented the bills to be paid December 7, 2015, and the bills that were paid since the meeting.

*It was moved by Vice President Maffei and seconded by Councilmember Bosley to approve the bills as presented. Motion carried unanimously.*

## **TOTAL MAXIMUM DAILY LOAD (TDML) STRATEGY – STORMWATER**

Edward Rasiul, Pennoni Associates, gave a PowerPoint presentation of the Borough's Total Maximum Daily Load (TDML) Strategy in accordance with the Pennsylvania DEP's Stormwater Best Management Practices (BMP) Manual.

## **PUBLIC MEETING**

*President Spencer opened the public meeting at 8:12 p.m.*

John Thomas, 406 South Broad Street, questioned if there is a way the Borough is protected if new developments do something wrong with regards to stormwater management. He said the developers are the producers and they need to pay the fines, not the Borough.

The Manager advised that the stormwater ordinance we adopted last year addresses the fines.

Mr. Rasiul advised that if developers are in violation, then the Borough has to stop construction and the PA DEP will fine the developers who do not implement stormwater management in accordance to the law.

Jeannie Jims, 548 Richards Road, stated that this is the first she ever heard of this and it seems to be very important. She added that this needs to be addressed before building a parking garage.

*President Spencer closed the public meeting at 8:15 p.m.*

## **COUNCIL DISCUSSION**

Vice President Maffei questioned the cost involved.

The Manager advised that the estimated cost to implement the strategy is \$40,000 over the next five (5) years.

Vice President Maffei asked Mr. Rasiul what would happen if we do not do anything.

Mr. Rasiul replied that there will be harsh penalties against the Borough.

The Manager stated that this plan goes back to 2003 and we have already addressed some items such as marking the stormwater drains and publishing articles in our newsletters.

## **RESUBMISSION**

### **TOTAL MAXIMUM DAILY LOAD (TDML) STRATEGY – STORMWATER**

President Spencer presented the resubmission of the Total Maximum Daily Load (TDML) Strategy.

**It was moved by Vice President Maffei and seconded by Councilmember Bosley to approve the resubmission as presented.**

Vice President Maffei noted that the one thing that has not been mentioned is that this is an unfunded mandate by PA DEP.

**Motion carried unanimously.**

## **RESOLUTION NO. 7-15**

### **ACCOUNT SIGNERS, FULTON BANK**

President Spencer presented the resolution for the authorized signers of the account with Fulton Bank.

The Manager advised that we opened this account for the purchase of the new fire truck. The account requires two (2) signers from the following authorized persons:

- Joseph C. Scalise.
- Kathy M. Holliday.
- Leon R. Spencer, Jr.
- Danilo P. Maffei.
- Geoffrey R. Bosley.

It was moved by Councilmember Bosley and seconded by Councilmember Irwin to approve the resolution as presented. Motion carried unanimously.

The resolution was assigned No. 7-15.

## **RESOLUTION NO. 8-15 BOROUGH SUPPORT of CARTER CDC**

President Spencer resented the resolution expressing the Borough's support of the Joseph and Sarah Carter Community Development Corporation. He advised that an item like this is not a budget item and we are in a position to show our support of this organization

It was moved by Vice President Maffei and seconded by Councilmember Irwin to approve the resolution as presented.

Vice President Maffei stated that this organization is an outstanding example of neighbor helping neighbor.

Motion carried unanimously.

The resolution was assigned No. 8-15.

## **AUTHORIZE AUCTION of PUBLIC WORKS VEHICLE 2005 FORD F550 DUMP TRUCK**

President Spencer presented the request from Randy Behmke, Director of Public Works, to auction off a Public Works vehicle.

The Manager advised that this is a 2005 Ford F550 Dump Truck with a nine (9) foot Meyers Snow Plow and will be auctioned via the Munibid.com website.

It was moved by Councilmember Bosley and seconded by Vice President Maffei to authorize the auction as presented.

Councilmember Plumley stated that he would like to see the item tabled until the new Council takes office.

The Manager advised that this vehicle has already been replaced. If we keep it then it would be a spare vehicle.

Motion carried with a vote of 4 to 1 with Councilmember Plumley voting no.

**HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB) APPLICATIONS**  
**126 WEST CYPRESS STREET**  
**201 SOUTH WILLOW STREET**  
**215 SOUTH WILLOW STREET**  
**220 NORTH UNION STREET**

President Spencer introduced Andy Froning, Chair of the Historical Architectural Review Board (HARB).

Mr. Froning stated that the HARB reviewed four (4) applications at their November 24, 2015 meeting. The HARB recommends that Council approve the applications as follows:

- 126 West Cypress Street – New Exterior Signage.
- 201 South Willow Street – New Exterior Signage.
- 215 South Willow Street – New Contraction.
- 220 North Union Street – Partial Demolition.

The Mayor advised that although he will not be voting on these items he wanted to disclose that he has a financial interest in 215 South Willow Street.

**It was moved by Vice President Maffei and seconded by Councilmember Bosley to approve the minutes as presented.**

Councilmember Bosley requested that photos be included in the Council packet of all future applications.

**Motion carried unanimously.**

**ORDINANCE NO. 925**  
**ESTABLISHING the 2016 BOROUGH TAX RATE and**  
**ADOPTION of the 2016 BUDGET**

President Spencer presented the ordinance setting the Borough Tax Rate for Fiscal Year 2016 at 6.35 mills and adopting the 2016 Budget.

The balanced budget is as follows:

General Fund	\$4,777,700
Water Fund	\$1,468,600
Sewer Fund	\$2,732,200
Parking Fund	\$3,911,000
Solid Waste Fund	\$367,000
Liquid Fuels Fund	\$284,700
Emergency Management Fund	\$69,200

General Capital Improvement Fund	\$908,000
Total of all Funds with Transfers	\$14,518,400
Less Interfund Transfers	<u>-\$1,170,400</u>
Total of all Funds less Transfers	\$13,348,000

It was moved by Vice President Maffei and seconded by Councilmember Bosley to approve the ordinance establishing the 2016 Borough Tax Ordinance and, adopt the 2016 Budget as presented.

Councilmember Plumley advised that he presented to Council amendments he made to the budget but has not received any comments. He also stated that no resident has told him that they are ok with the budget.

Vice President Maffei complimented Councilmember Plumley on the work he did on the budget. He said that Councilmember Plumley's proposed amendments could work but that would mean cutting all contributions to the non-profit organizations, the elimination of safe walkways in addition to other cuts. These items were part of the strategic planning that included Council, the Mayor and Borough personnel; the plan was discussed and gone over for two (2) very long days. Vice President Maffei stated that he agrees that the General Fund is a train wreck however the enterprise funds are doing well. Fees are being increased because costs are going up. He also noted that the Police Department calls are decreasing. He hopes that we are not driving people out of town. Vice President Maffei stated that our transfers increase as we continue to work down our debt and in 10 years our debt should be under control. Plus, we are paying off some bad business decisions such as the sale of what is now known as the Legacy Field because the property was not suitable for spray irrigation field. When the property was sold the monies were deposited and not used to pay off the mortgage. Vice President Maffei stated that other municipalities have gradually increased their taxes over the years and the Borough did not. He wants the Borough to continue to play a positive role that is attractive to people and businesses.

Councilmember Plumley stated that the utility rates continue to increase and there is no solution to stop the transfers.

Councilmember Bosley stated that the transfers need to continue; we are not in the position to reduce them at this time. He agreed with Vice President Maffei stating that we have made progress. Councilmember Bosley stated that the economic study being done in 2016 will be critical to our progress.

Councilmember Bosley questioned the Manager about the proposed new parking meters.

The Manager advised that he and the Mayor are having discussions with a person regarding an app for smart phones that can be linked to the parking meters. They are considering giving it a trial run next year.

Vice President Maffei stated that the new Council will not be stuck with this budget. If they chose to re-open the budget then they have the right to do so.

Councilmember Plumley encouraged the new Council to reopen the budget.

President Spencer stated that all of members of Council are taxpayers in the Borough. Any changes that are made affect each member of Council and the Mayor. He stated that organizations, such as Historic Kennett Square, KAPRB, KAPA and the Library play important roles in our community and he has no interest in cutting funding to these organizations. He also supports the YMCA and everything it does for our community, especially for the youth and by providing membership scholarships. President Spencer stated that after reviewing 40 plus applications that Joseph Scalise was the most fitting person to be appointed as the Borough Manager. He also stated that the Borough Manager's Assistant goes above and beyond her duties and is worth every dime she is paid. President Spencer referred to the water main break last year and noted that Borough employees had to stand in waist high water to complete the repairs. The employees are worth every dime they are paid including a 2.5 pay raise. As painful as it may be to his and his wife's tax bill, President Spencer encouraged the employees to go to the doctors when they are sick.

Councilmember Plumley stated that not one item has changed on the budget nor has Council discussed any of his recommendations.

Councilmember Bosley stated that the budget was adjusted along the way through the budget process.

President Spencer asked the Solicitor to explain the option to reopen the budget.

The Solicitor advised that the budget can be reopened in January but it must be adopted by February 15, 2016, per the PA Borough Code.

Vice President Maffei stated that it is unfair to compare us to any other town or a business; Kennett Square is a very unique town. As members of Council, it is incumbent upon them to set the tax rate and fee schedule as they deem necessary.

President Spencer asked the Manager to explain sick, personal and vacation time.

The Manager replied that all of this time is combined into PTO (Paid Time Off) and it is based on the employee's years of service. He added that PTO is scheduled and very seldom are days taken off suddenly.

The Manager advised that the Public Works vehicles are on a 10 year rotation and that all of the trucks are used year round and during snow events, four (4) trucks are used. Around year seven (7), the trucks required higher maintenance costs. The larger ticket items we tend to send to L & L Truck in New Garden Township and the smaller ones go to Before and After in Toughkenamon.

Councilmember Irwin stated that he will vote against the budget tonight because he wants to get away from the transfers.

The Secretary called the roll of votes with President Spencer, Vice President Maffei and Councilmember Bosley voting yes, and Councilmembers Plumley and Irwin voting no.

**Motion carried with a vote of 3 to 2.**

The ordinance was assigned No. 925.

## **2015-2019 CAPITAL IMPROVEMENT PROGRAM (CIP)**

President Spencer presented the 2015-2019 Capital Improvement Program (CIP)

The Manager advised that most of these items came from the strategic plan. The CIP is reviewed and amended annually. The Capital Projects for 2016 include the following:

- Public Works include \$25,000 for sidewalks on North Walnut Street and \$256,000 for the completion of West Cypress Street.
- Water Utility includes \$40,000 for the Water Meter Replacement Program, \$75,000 for the East South Street Water Main Project and \$40,000 for Ground Water Rule (GWR) Improvements.
- Sewer Utility includes \$41,000 for Anaerobic Digestion Energy Investigation.
- Parking Utility includes \$150,000 for Parking Meters Upgrade and \$3,200,000 for Parking Garage Expansion. The expansion is contingent upon being awarded grant funding.
- Other projects include \$150,000 for Financial Software Package and \$300,000 Park Land Project in the south side of the Borough.

**It was moved by Vice President Maffei and seconded by Councilmember Irwin to approve the 2015-2019 CIP as presented. Motion carried with a vote of 4 to 1 with Councilmember Plumley voting no.**

## **RESOLUTION NO. 9-15 2016 FEE SCHEDULE**

President Spencer presented the resolution setting the 2016 Fee Schedule.

It was moved by Councilmember Bosley and seconded by Maffei to approve the resolution as presented. Motion carried with a vote of 4 to 1 with Councilmember Plumley voting no.

## **PRESIDENT'S REPORT**

President Spencer announced the following:

- The Kennett Fire Company will be hosting Breakfast with Santa on Sunday, December 13<sup>th</sup>, from 8 to 11 a.m.
- Any residents that desire to be considered for appointment to Borough Council to fill the two (2) vacancies, which were generated by the resignations of Councilmembers Taylor and Sinclair, must submit their letters of interest and/or resumes to Borough Hall by 4:30 p.m., Tuesday, December 15, 2015.
- Council is still accepting letters of interest/resumes from residents interested in serving on the Library Board and Library Task Force.
- The December 14, 2015 Borough Council meeting has been cancelled.
- The next Council meeting will be held on Monday, January 4, 2016. Please note the change in the meeting location for the January, February and March Council meetings. Due to maintenance to the Red Clay Room, the meetings will be held in the Monroe Nute Room, 301 Dalmatian Street.

President Spencer invited the public to join Council for a small reception in the back of the room immediately following tonight's meeting.

## **COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS**

Councilmember Irwin encouraged the new Council to restructure the meetings.

The Mayor advised that Public Comments segment is not a Q and A session and Council meetings are not structured to be interactive. He suggested the possibility of reducing the meetings by one and adding a work session or hold town hall meetings in the slower months.

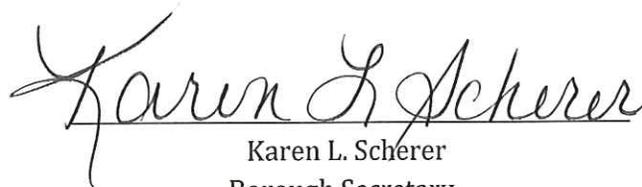
President Spencer asked the new Council to make sure that they have dialogue with the school system noting the one thing that can be done better is include the school system in process of proposed developments.

The Mayor thanked President Spencer, Councilmembers Plumley and Irwin. He has enjoyed the great working relationship he has had with them. He also thanked the Manager and the Borough Secretary for their hard work noting that he gets emails and calls from them as late as 9 p.m. when necessary. The Mayor stated that we do not always have to agree but he thinks this is a focused and hard working Council.

Vice President Maffei reiterated the comments from the Mayor. He added that Council's email addresses are on the Borough's website and their numbers are in the phone book. He promised the public that he will talk to anyone and will try his hardest to accommodate anyone as best he can.

## **ADJOURNMENT**

*It was moved by Vice President Maffei and seconded by Councilmember Bosley to adjourn the meeting at 9:37 p.m.*



Karen L. Scherer  
Borough Secretary