

## OFFICIAL MINUTES MAY 2, 2016

The Regular Meeting of May 2, 2016 of Council for the Borough of Kennett Square was called to order at 7:00 p.m. in the Monroe Nute Room of the Kennett Fire Company No. 1, 301 Dalmatian Street, Kennett Square, Pennsylvania with President Danilo P. Maffei in the Chair.

### ROLL CALL

Present: *President Danilo P. Maffei*  
*Vice President Geoffrey R. Bosley*  
*Councilmember Wayne Braffman*  
*Councilmember Ethan Cramer*  
*Councilmember Douglas Doerfler*  
*Councilmember LaToya M. Myers*  
*Manager Joseph C. Scalise*  
*Solicitor Marc D. Jonas*

Absent: *Councilmember James Mallon*  
*Mayor Matthew W. Fetick*  
*Jr. Council Person Meliton Gomez*

### EXECUTIVE SESSION

President Maffei announced that Borough Council held an Executive Session at 6:30 p.m. this evening. The session was held in the Monroe Nute Room of the Kennett Fire Company No. 1, 301 Dalmatian Street, Kennett Square, PA. The purpose of this meeting was to discuss a potential legal matter.

### PUBLIC COMMENTS

Myra Miller, 301 Scarlett Avenue, thanked Council for holding the Annual Spring Cleanup and partnering with the Library for the Community Shred event. She encouraged them to continue to hold these type of events.

Charla Watson, 523 Magnolia Street, expressed her concern that Borough residents were not adequately represented at the recent public meeting regarding the Economic Development Study. She complained that people are allowing their dogs to curb on her property. Ms. Watson stated that she feels we are not following our zoning regulations.

Tony D'Ottavio, 516 East South Street, stated that there are at least six (6) adult males living in a house near him. He also reported that vehicles are parking too close to intersections in his neighborhood.

Penny D'Ottavio, 516 East South Street, stated that she often sees drivers rolling through the intersections in her area of town. Drivers need to be more careful due to the number of children.

**PUBLIC HEARING**  
**AMENDMENTS to the KENNETT SQUARE MUNICIPAL CODE**  
**CHAPTER 18, SUBDIVISION and LAND DEVELOPMENT**  
**PARK and RECREATION LAND DEDICATION and/or IMPACT FEE**

A public hearing was conducted for the proposed ordinance amending the Kennett Square Municipal Code, Chapter 18, Subdivision and Land Development, Park and Recreation Land Dedication and/or Impact Fee.

**The Solicitor opened the public hearing at 7:17 p.m.**

The public hearing was recorded by Court Reporter Nancy Sage. A transcript of this public hearing is available from the Chester County Court Reporter's office for a period of seven (7) years.

**The Solicitor closed the public hearing at 7:26 p.m.**

**ORDINANCE NO. 930**  
**AMENDMENTS to the KENNETT SQUARE MUNICIPAL CODE**  
**CHAPTER 18, SUBDIVISION and LAND DEVELOPMENT (SALDO)**  
**PARK and RECREATION LAND DEDICATION and/or IMPACT FEE**

President Maffei presented the proposed ordinance amending the Kennett Square Municipal Code, Chapter 18, Subdivision and Land Development, Park and Recreation Land Dedication and/or Impact Fee.

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

Council's discussion and comments were transcribed by Court Reporter Nancy Sage. A transcript is available from the Chester County Court Reporter's office for a period of seven (7) years.

**Motion carried unanimously.**

The ordinance was assigned No. 930.

**AMENDMENT to ORDINANCE NO. 930  
CHAPTER 18, SUBDIVISION and LAND DEVELOPMENT (SALDO)  
PARK and RECREATION LAND DEDICATION and/or IMPACT FEE**

It was moved by Councilmember Braffman and seconded by Councilmember Cramer to begin the process to amend Ordinance No. 930.

Councilmember Braffman withdrew his motion.

**PORPOSED AMENDMENT to ORDINANCE NO. 930  
CHAPTER 18, SUBDIVISION and LAND DEVELOPMENT (SALDO)  
PARK and RECREATION LAND DEDICATION and/or IMPACT FEE  
REMOVE WORDING in SECTION 18-7.1(e)(2)(F)**

It was moved by Councilmember Cramer and seconded by Councilmember Braffman to begin the process to amend Ordinance No. 930 by removing wording in Section 18-7.1(e)(2)(F), "operating, or maintaining". The motion carried with a vote of 5 to 1 with President Maffei voting no.

**REPORTS**

**FINANCE COMMITTEE**

Vice President Bosley reported the highlights from the Finance Committee's May 2016 meeting:

- Reviewed invoices.
- The 2015 Audit should be completed by June 30<sup>th</sup>.
- Met with the Borough's bond advisor.
- In the near future, the list of bills will be available via the Public Dropbox prior to the Council meetings.
- Committee agreed to charge a fee to reimburse the Borough for lost revenue from parking meters during special events.

**HISTORIC KENNETT SQUARE (HKS)**

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

- Two (2) buildings were sold in the downtown last month - 109 South Broad Street and 120 East State Street.
- The regular Farmers Market opens this Friday followed by the First Friday Art Stroll.
- Third Thursdays will begin on May 19<sup>th</sup>.
- The Board continues to work with Bill Fontana on a business plan for the organization. They expect a strategic plan to be completed in June.

- Working on the following upcoming events – Monthly Art Strolls, Farmers Market, Third Thursdays, Memorial Day Parade on May 30<sup>th</sup>, and the Victory Block Party and Food Truck Festival on May 22<sup>nd</sup>.

## **CONSENT ITEMS**

### **MINUTES of APRIL 4, 2016**

President Maffei presented the minutes from April 4, 2016, for approval.

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

### **MINUTES of APRIL 18, 2016**

President Maffei presented the minutes from April 18, 2016, for approval.

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

## **BILLS**

President Maffei presented the bills to be paid May 2, 2016, and the bills that were paid since the last meeting.

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

## **WAIVER REQUESTS**

### **KENNETT BUSINESS PARK – LOT LINE CHANGE PLAN**

President Maffei presented the waiver requests for the Lot Line Change Plan for the approved Kennett Business Park as detailed in the letter from Pennoni Associates, Inc., dated January 28, 2016.

Mike Pia, Jr., Kennett Business Park, advised that the lot line change falls within Kennett Township.

*It was moved by Councilmember Doerfler and seconded by Vice President Bosley to grant the waivers as presented in the letter from Pennoni Associates, Inc. dated January 28, 2016. Motion carried unanimously.*

**KENNETT BUSINESS PARK  
FINAL LAND DEVELOPMENT PLAN, LOT LINE CHANGE**

President Maffei presented the Final Land Development Plan, Lot Line Change for Kennett Business Park.

It was moved by Vice President Bosley and seconded by Councilmember Braffman to approve the Final Land Development Plan, Lot Line Change as presented. Motion carried unanimously.

**RESOLUTION NO. 2016 - 14  
2016 FEE SCHEDULE – REVISION  
PARK and RECREATION DEDICATION and/or IMPACT FEE**

President Maffei presented the resolution revising the 2016 Fee Schedule to include the Park and Recreation Land Dedication and/or Impact Fee.

The Solicitor advised that the wording is in line with Ordinance No. 930.

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

Councilmember Braffman stated that he believes the language regarding the fee could be misinterpreted.

It was moved by Councilmember Braffman and seconded by Councilmember Cramer to amend the motion with the wording for the Park and Recreation Land and/or Impact Fee, Nonresidential over 10,000 square feet as follows:

*“\$.50 per square foot for the first 10,000 square feet; AND \$0.25 per square foot for each square foot over 10,000 square feet; OR the fair market value of the undeveloped land that would have been required to be dedicated, whichever is greater.”*

The motion to amend the original motion carried unanimously.

The amended motion to approve the revised 2016 Fee Schedule carried unanimously.

The resolution was assigned No. 2016-14.

**HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB) APPLICATIONS**  
**220 SOUTH BROAD STREET**  
**221 MAGNOLIA STREET**  
**147 WEST STATE STREET**

Jeffrey Feit, Vice Chair of the HARB, presented the following three (3) HARB applications to Council for approval as follows:

- 220 South Broad Street – Conversion of Porch into Living Space.
- 221 Magnolia Street – Replace Railings.
- 147 West State Street – Installing Railing and Gate.

**It was moved by Councilmember Myers and seconded by Councilmember Doerfler to approve the applications as presented. Motion carried unanimously.**

**MURAL/SIGN OPEN CONTEST**  
**THE GARAGE COMMUNITY and YOUTH CENTER**

Kristen Proto, Executive Director, stated they would like to repaint the mural at The Garage Community and Youth Center, 115 South Union Street. The mural also serves as their sign and is proposing to hold an open contest for artists to submit designs for the mural/sign. The public would then vote on their choice. Once a winner is chosen, the design would then be submitted to Council for approval. Ms. Proto asked for Council’s approval of the contest process.

**It was moved by Councilmember Cramer and seconded by Councilmember Myers to approve the contest process for a mural/sign design.**

Jeffrey Feit, Vice Chair of the HARB, advised that Ms. Proto came to HARB first but there is nothing in the HARB ordinance regarding a mural so that is why they directed her to come to Council.

The Manager advised that according to the Borough Code, any design painted on the exterior of a structure that does not fall under the sign specifications, is considered graffiti.

**Motion carried unanimously.**

**SPECIAL EVENT APPLICATIONS**  
**REIGEL GRADUATION PARTY, JUNE 4<sup>th</sup>**

President Maffei presented the following special event application:

- Graduation Party, Reigel residence, to be held on June 4<sup>th</sup>, Saturday, from 3 to 11 p.m. This involves the closing of North Washington Street between Sickle and Irwin Street.

It was moved by Councilmember Braffman and seconded by Vice President Bosley to approve the application as presented. Motion carried unanimously.

### **KENNETT BREWING COMPANY 1<sup>st</sup> YEAR ANNIVERSARY**

President Maffei presented the following special event application:

- Kennett Brewing Company 1<sup>st</sup> Year Anniversary to be held on Tuesday, June 21<sup>st</sup>, from 5 to 9 p.m. This involves the closing of Apple Alley between Church Alley and Broad Street.

It was moved by Councilmember Doerfler and seconded by Councilmember Braffman to approve the application as presented.

Councilmember Cramer questioned if measures will be taken to address those who may consume too much beer.

Joselyn Osborne, owner of Kennett Brewing Company, replied that the area will be closed off with barricades. She advised that all of her staff have completed RAMP (Responsible Alcohol Management Program) training and will take the proper action if needed.

Corporal Holdsworth commented that there has been no reported incidents at this establishment.

Motion carried unanimously.

### **AUTHORIZE AUCTION of PUBLIC WORKS VEHICLE 2008 FORD F350 TRUCK with SNOW PLOW**

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

The Manager advised that this is a 2008 Ford F350 truck with snow plow. It is not the oldest truck in the fleet but has the most problems. It would require about \$3,000 worth of repairs in order to pass inspection. The auction will be conducted via the Munibid.com website.

It was moved by Councilmember Cramer and seconded by Councilmember Myers to authorize the auction as presented. Motion carried unanimously.

### **PUBLIC COMMENTS – AGENDA ITEMS**

Charla Watson, 523 Magnolia Street, said she finds it offensive that a mural is considered graffiti and stated that there is a difference between the two.

John Thomas, 406 South Broad Street, referred to Item #1 and expressed his concern that Council passed an ordinance and then immediately motioned to revise it. Council should not have approved the ordinance as it was presented and sent it back to be revised before voting on it.

Tony D'Ottavio, 516 East South Street, expressed his disapproval of Council passing the ordinance this evening. This will hurt him financially should he choose to build a home on his lot.

Tony Talamonti, 584 East Cypress Street, agreed with Mr. D'Ottavio. He said private property owners are being treated like developers but they should be treated differently than developers.

## **PRESIDENT'S REPORT**

President Maffei announced that the Library was awarded a \$35,000 grant for the Kennett Area Community Facility Visioning Study. He advised that Councilmember Myers and Borough resident Gail Bowden will serve on the study committee.

President Maffei advised that staff is reviewing the current parking requirements and fees in our ordinance; recommendations will be presented to Council.

He advised that the Borough has been well represented on Kennett Area Regional Planning Commission (KARPC) by Carol Krawczyk, Borough resident and member of the Borough's Planning Commission. He announced that Councilmember Cramer will also serve on the KARPC.

President Maffei advised that the HARB reviews each application on its own merit and historical value. He noted that there is no historical precedent for murals. President Maffei thanked the HARB members for their service.

President Maffei announced that due to the recent major renovations to the Red Clay Room, the Council meetings will continue to be held in the Monroe Nute Room. He noted that during budget time, the meetings will most likely be moved to the Red Clay Room due to increased attendance.

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

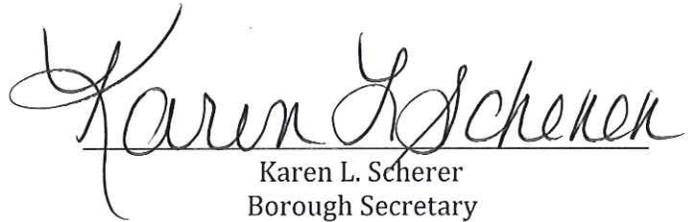
Councilmember Braffman advised that the Finance Committee determined the loss of revenue averages about 25 cents per hour per each metered parking space during special events. This cost will be passed along to the sponsors of special events when metered spaces are blocked off due to an event.

Councilmember Braffman advised that it is violation of the PA Sunshine Law for Council to deliberate in private; tonight's meeting was the first time Council had a discussion regarding the ordinance because it must be done in public.

Councilmember Braffman advised that Council plans to begin using the Public Dropbox for the first meeting in June. The documents in the dropbox will be consistent with the law and information on the documents that is not public will be redacted.

**ADJOURNMENT**

It was moved by Councilmember Braffman and seconded by Vice President Bosley to adjourn the meeting at 8:58 p.m.

  
Karen L. Scherer  
Borough Secretary