

## OFFICIAL MINUTES JUNE 6, 2016

The Regular Meeting of June 6, 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 L. Cramer*  
*Councilmember J. Douglas Doerfler*  
*Councilmember James Mallon*  
*Councilmember LaToya M. Myers*  
*Mayor Matthew W. Fetick*  
*Manager Joseph C. Scalise*  
*Solicitor Marc D. Jonas*

Absent: *Jr. Council Person Meliton Gomez*

### PUBLIC COMMENTS

Charla Watson, 523 Magnolia Street, referred to the Advisory Commission for Latino Affairs stating that forming a commission for only one (1) race is not acceptable and offends her; all groups of people in the Borough have needs. In addition, Ms. Watson reported the street lights at Magnolia Place turn on at 5:30 p.m.

Rich Gentile, 705 Hornblende Avenue, reported that multiple people are residing in the residence at 515 East South Street and noted that they are parking seven (7) to eight (8) vehicles on Hornblende Avenue. He expressed concern about the excessive amount of chlorine in his water as well as low pressure. Mr. Gentile complained about the dust coming from the Krapf Bus and cement business properties. He also expressed concern that the Borough has transferred grant funding from one project to another.

Luigi DiFilippo, 444 Birch Street, questioned when his water meter would be replaced. He stated the work was started on the outside of his home but is has not been completed.

## **CONDITIONAL USE HEARING**

### **JBKM PROPERTIES, 220 NORTH UNION STREET**

A Conditional Use Hearing was held on the application from JBKM Properties for a conditional use under the Kennett Square Borough Code, Section 23-16(b) to convert the property located at 220 North Union Street from residential use to a real estate office.

The Solicitor opened the conditional use hearing at 7:15 p.m.

The hearing was conducted with Court Reporter Mark Haggerty. A transcript of this public hearing is available from the Chester County Court Reporters office for a period of seven (7) years.

President Maffei closed the public hearing at 7:21 p.m.

It was moved by Councilmember Cramer and seconded by Councilmember Doerfler to grant JBKM Properties, Inc., 220 North Union Street, a conditional use under the Kennett Square Borough Code, section 23-16(b) to convert the prior residential use of the property to a real estate office. Motion carried unanimously.

## **JOINT ANNOUNCEMENT**

President Maffei and the Manager were joined by members of the Kennett Library - Donna Murray, Jeff Yetter, Carolyn Moore and Bill McLaughlin to announce that the Borough and the Library have been meeting to discuss a vision for the new library. During those discussions, the idea emerged to combine the Library and Borough facilities. Both parties are excited to envision the Kennett Library, Borough Administration and Borough Police housed in the same community center located within the Borough. President Maffei advised that this idea will be part of the planning initiative that the Library is about to undertake.

## **REPORTS**

### **CODES DEPARTMENT**

Russell Drumheller, Code Enforcement Officer, reported the following activity for May, 2016:

- Completed 338 inspections.
- Received 283 telephone calls into the office.
- Received 153 visitors to the office.
- Completed nine (9) Resale Use and Occupancy Permits.
- Processed 26 permits – Building/Plumbing/Electrical/Mechanical.

### **FINANCE COMMITTEE**

Vice President Bosley reported the highlights from the Finance Committee's June 6, 2016 meeting:

- Gina Puoci and Chief Christopher Plumley attended to give a Fire Company update. The new ladder truck should be operational in September.
- Randy Behmke attended to give a Public Works update.
- Both the Yeatman and Walnut Street wells have had issues which should be rectified soon.
- Street Light Project is beginning.
- Invoices were reviewed.
- A new Debt Management Policy was drafted by Kathy and Joe; it will be reviewed by our bond salesman before being presented to Council.
- The auditors are finalizing the 2015 Audit.
- We are on target for the budget as of the end of April 2016.

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

Ms. Mary Hutchins, Executive Director, highlighted her June, 2016 report with the following:

- Work continues on the strategic plan which is expected to be completed in June.
- She will be attending both the National and State Main Street Conferences.
- May's Third Thursday was very successful; the next event is June 16<sup>th</sup>.
- The Brewfest tickets went on sale on June 3<sup>rd</sup>.
- Unfortunately the Memorial Parade was cancelled due to the severe weather that was predicted.

### **CONSENT ITEMS**

#### **MINUTES of MAY 2, 2016**

President Maffei presented the minutes from May 2, 2016, for approval.

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

#### **MINUTES of MAY 16, 2016**

President Maffei presented the minutes from May 16, 2016, for approval.

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

### **BILLS**

President Maffei presented the bills to be paid June 6, 2016, and the bills that were paid since the last meeting.

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

## **AGREEMENT PASSPORT PARKING, INC.**

President Maffei presented the agreement with Passport Parking, Inc. for a parking app.

The Manager advised that the app allows parkers to pay with a credit card. As part of the agreement we are also given signs, stickers and promotional information free of charge. The cost is \$250/month for the program starting in month four (4); this cost is paid for by fees charged to the user. In the event the \$250/month threshold isn't met, then the Borough pays the remainder leaving the annual maximum out of pocket cost of \$3,000.

It was moved by Councilmember Myers and seconded by Councilmember Braffman to approve the agreement as presented.

Councilmember Myers stated that this is a great way to modernize our parking and would like to see us do more.

Councilmember Mallon stated we will be able to evaluate the fees along the way and it will be easy to cancel if we do not like it.

Motion carried unanimously.

## **HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB) APPLICATIONS 220 SOUTH BROAD STREET, 234 LAFAYETTE STREET 119 EAST LINDEN STREET, 415 WEST LINDEN STREET 120 EAST STATE STREET and 312 WEST STATE STREET**

Andrew Froning, Chair of the HARB, presented the following HARB applications for approval:

- 220 South Broad Street – Replace Fencing.
- 234 Lafayette – Replace Fencing.
- 119 East Linden – Temporary Sign.
- 415 West Linden – Handrail, Front Porch.
- 120 East State – Railings, Gas Lights, Signage and Bracket.
- 312 West State – New Company Logo on Existing Sign.

It was moved by Councilmember Doerfler and seconded by Councilmember Mallon to approve the applications as presented.

Vice President Bosley advised that he would abstain from voting on these items because his employer owns 312 West State Street.

Councilmember Braffman stated that he would abstain from voting on these items because he is an officer for the Kennett Area Democrats who have submitted an application for signage at 119 East Linden Street.

**Motion carried with a vote of 5 to 0, with Vice President Bosley and Councilmember Braffman abstaining.**

Mr. Froning advised that at their next meeting, the HARB will be considering changing their monthly meeting date to the third Tuesday.

**AUTHORIZE ADVERTISEMENT  
AMENDMENTS to KENNETT SQUARE BOROUGH CODE  
CHAPTER 18, SUBDIVISION and LAND DEVELOPMENT  
LIMIT USE of PARK and RECREATION FEES**

President Maffei presented the advertisement to hold a public hearing on July 5, 2016, 7 p.m., to consider an ordinance amending Chapter 18, Subdivision and Land Development, to limit the use of park and recreation fees.

**It was moved by Councilmember Cramer and seconded by Councilmember Braffman to authorize the advertisement as presented. Motion carried unanimously.**

**AUTHORIZE ADVERTISEMENT  
AMENDMENTS to KENNETT SQUARE BOROUGH CODE  
CHAPTER 18, SUBDIVISION and LAND DEVELOPMENT  
REQUIRE ZONING RELIEF as a PREREQUISITE**

President Maffei presented the advertisement to hold a public hearing on July 5, 2016, 7 p.m., to consider an ordinance amending Chapter 18, Subdivision and Land Development, to require zoning relief as a prerequisite for consideration of subdivision and land development plans.

**It was moved by Councilmember Myers and seconded by Vice President Bosley to authorize the advertisement as presented. Motion carried unanimously.**

**AUTHORIZE ADVERTISEMENT  
AMENDMENTS to KENNETT SQUARE BOROUGH CODE  
CHAPTER 23, ZONING  
ELIMINATE CONDITIONAL USE REQUIREMENT in HISTORIC DISTRICT**

President Maffei presented the advertisement to hold a public hearing on July 5, 2016, 7 p.m., to consider an ordinance amending Chapter 23, Zoning, to eliminate the conditional use requirement for conversion of the use, occupancy, or purpose of a property in the Historic District.

*It was moved by Councilmember Doerfler and seconded by Councilmember Mallon to authorize the advertisement as presented. Motion carried unanimously.*

**AUTHORIZE ADVERTISEMENT  
AMENDMENTS to KENNETT SQUARE BOROUGH CODE  
CHAPTER 23, ZONING  
ADD MIXED USE DEVELOPEMNT to C-2 COMMERCIAL DISTRICT**

President Maffei presented the advertisement to hold a public hearing on July 5, 2016, 7 p.m., to consider an ordinance amending Chapter 23, Zoning, adding Mixed Use Development to the C-2 Secondary Commercial District and amending the definition of a "mixed use building".

*It was moved by Vice President Bosley and seconded by Councilmember Mallon to authorize the advertisement as presented. Motion carried unanimously.*

**CHARGE CIVIL SERVICE COMMISSION to  
CONDUCT TESTING for ENTRY LEVEL POLICE OFFICERS**

President Maffei presented the request from the Mayor for Council to charge the Civil Service Commission to conduct testing for Entry Level Police Officers.

The Mayor advised that we do not have an Eligible List for the hiring an Entry Level Police Officer should a vacancy arise on the police force. The testing process takes over a year to complete and we don't want to wait over a year to fill a vacancy.

*It was moved by Councilmember Cramer and seconded by Vice President Bosley to approve charging the Civil Service Commission to begin the testing process as presented. Motion carried unanimously.*

**PUBLIC COMMENTS – AGENDA ITEMS**

John Thomas, 406 South Broad Street, referred to Item #4, told Council that they should have talked to the merchants and received their input before acting on this item. He also referred to Items #6 through 9, saying that Council is putting too much in the hands of Borough staff when Council should be making the decisions. Mr. Thomas said that if a developer does not want to go through a process then they should not be doing business here. In conclusion, Mr. Thomas also referred to Item #1 stating the no one from Council asked the applicants if they were going to have enough parking.

Charla Watson, 523 Magnolia Street, referred to the HARB applications and stated that the ordinance regarding the height of fences needs to be amended for privacy and better control of dogs.

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

Councilmember Cramer advised the Open House for the Advisory Commission for Latino Affairs will be held at Borough Hall, June 7<sup>th</sup>, 6:30 – 8:30 p.m.

Councilmember Mallon advised Mr. Thomas that it is his understanding the merchants do not pay the fees incurred by the parking app. He also noted that the agreement can be easily terminated within the six (6) months if we don't like the app.

Councilmember Doerfler addressed Mr. Thomas and stated that he doesn't ask many questions during the Council meeting because he has obtained information through other sources such as community members and the Planning Commission meetings. In the future, he will voice some of this information during Council meetings.

Vice President Bosley advised that the only thing Council did tonight was to approve the conditional use for 220 North Union Street; they still need to apply for a building permit.

Councilmember Braffman gave a brief update on the recommendations from the Public Communication Ad Hoc Committee such as the addition of the second round of public comments during the Council meetings. Other items include the development of a suggestion form and the Public Dropbox. The Dropbox is a work in progress and more items will be added except when restricted under the law.

Councilmember Myers announced that she and the Manager serve on the Kennett Area Regional Library Task Force and a request for proposals will be opening relatively soon for a consultant for the Kennett Area Community Facility Visioning Study. This facility will give us space for the community beyond the Library and the Borough space and the study will determine if the facility is feasible.

The Mayor expressed his support of Borough's joint venture with the Library. We have come a long way in a year and he is looking forward to working with the Library on the potential shared facility. The Mayor stated that the parking app will solve our issues when it comes to the holidays and the merchants can work on their own validation services. We can save a lot of money with this parking app by not installing \$100,000 worth of meters as budgeted.

Vice President Bosley advised that the surrounding municipalities are in support of the Borough's joint venture with the Library.

The Manager addressed Mr. Gentile and asked him to bring a sample of his water to Borough Hall to be tested. The Manager stated that no grant money was diverted to another project. He advised that the new lighting on Hornblende will be part of the street lighting project.

## **PRESIDENT'S REPORT**

President Maffei said the Library was very careful about communicating with the other municipalities they serve regarding the joint venture with the Borough. We had no intention of building new facilities and it may turn out that it is not feasible. The public will be kept apprised as we move forward.

President Maffei stated that Council does not give too much power to staff; Council sets the direction and rules that staff follows. We have an extraordinary staff and solicitor.

## **ADJOURNMENT**

*It was moved by Councilmember Mallon and seconded by Vice President Bosley to adjourn the meeting at 8:34 p.m.*



Karen L. Scherer  
Borough Secretary