

OFFICIAL MINUTES JANUARY 7, 2019

The Regular Meeting of January 7, 2019, 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 LaToya M. Myers in the Chair.

ROLL CALL

Present: *President LaToya M. Myers*
Vice President Ethan L. Cramer
Councilmember Wayne Braffman
Councilmember J. Douglas Doerfler
Councilmember James Mallon
Councilmember Brenda Mercomes
Councilmember Peter L. Waterkotte

Mayor Matthew W. Fetick
Borough Manager Joseph C. Scalise
Borough Solicitor Michael G. Crotty

ADOPTION of AGENDA

It was moved by Councilmember Braffman to amend the agenda by removing the minutes of December 3, 2018 from the "Consent Items" and add to "Action Items" the consideration of the purchase of capital equipment. Seconded by Councilmember Doerfler. Motion carried unanimously.

It was moved by Vice President Cramer to approve the agenda as amended. Seconded by Councilmember Waterkotte. Motion carried unanimously.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, commented that he is very concerned about our budget of being in the red. He advised he reviewed the bills and questioned the payments made to the following: Cardmember Services, Occupational Health Center for employee flu vaccines, \$4,280 paid to employees, Bally Harra for a parking lease and Historic Kennett Square for salary reimbursement. He also commented on the payments made to the various communication companies and stated we should take the income from the communication rentals on our water tower to pay for our communications and maintenance of the water tower. In conclusion, Mr. Thomas referred to an advertisement posted on social media by a member of Council over the holidays; he believes it was racially bias and illegal and he thinks that individual should resign and Council should distance themselves from the advertisement.

Clara Saxton, 120 West Linden Street, commented that she has talked to a few of her neighbors and they would like to encourage someone from the Borough to work on slowing the traffic down to the speed limit, especially on the side streets. She commended the Borough on the way it was addressed on Millers Hill.

Charla Watson, 523 Magnolia Street, referred to the posting mentioned by Mr. Thomas. She would like Council to digest the posting and come back to the citizens with a statement because it appears the posting was coming from Council as a whole. She also read aloud an article that appeared in numerous newspapers back in 1990 about her and the public's right to comment during Council meetings.

President Myers asked Ms. Watson to provide the Borough Secretary with a copy of the article.

William Shin, 606 Magnolia Court, commented that he and his wife moved to Kennett Square several years ago after living in Ohio for 45 years. He and his wife chose Kennett Square because they could buy a nice house that was conveniently located to their children, cities and the beaches. Mr. Shin said he likes to walk and finds Kennett Square to be clean and safe and expressed his gratitude to the Mayor and Borough Council. He hopes the Magnolia Place dedication issue with the Borough can be solved fairly and reasonably.

Christine McDonald, 635 West Mulberry Street, commented that she is employed by the Friends Home and moved to the Borough from the township several years ago. She and her husband love it here and are very involved with the community. Ms. McDonald said she was surprised that there are issues with the dedication at Magnolia Place and voiced her concern.

CONSENT ITEMS

President Myers announced that the following Consent Items are deemed approved if there are no objections:

- Bills that were paid since the last Council meeting.
- Resolution No. 2019-001, Appointment of Borough Secretary, Treasurer and Open Records Officers for 2019.
- Resolution No. 2019-002, Professional Services Fees for 2019.
- Resolution No. 2019-003, Emergency Services Providers for 2019.
- Reappointments to Boards and Commissions as follows:
 - Advisory Commission on Latino Affairs – Angelica Baez, Jorge Duchini, Laura Gonzalez and Lindsey Sweet – two (2) year terms.
 - Civil Service Commission – Katherine Sprick and Geoffrey Bosley – six (6) year terms.
 - Historical Architectural Review Board – Katie Kolb – three (3) year term.
 - Kennett Area Park Authority – Pamela Carter and Prissy Roberts – five (5) year terms.
 - Library Board – Brenda Mercomes – three (3) year term.

- Planning Commission – Carol Krawczyk – four (4) year term.
 - Property Maintenance Appeals Board – John Thomas – five (5) year term.
 - Shade Tree Commission – Steven Melton – five (5) year term.
 - UCC Appeals Board – Bruce Mitchell – five (5) year term.
 - Zoning Hearing Board – Jennifer Duffy and John Thomas, Alternate – three (3) year terms.
- Bid Awards – Auction of Municipal Vehicles on Municibid that opened on December 10, 2018, and closed at staggered times on January 2, 2019.

There were no objections.

REPORTS

PRESIDENT'S REPORT

There was no President's report.

FINANCE COMMITTEE

Councilmember Braffman, Chair of the Finance Committee, reported the following activity from their meeting on January 7th:

- They reviewed the bills. He noted that they asked the same questions as Mr. Thomas did this evening and urged Mr. Thomas to call the Borough Manager to obtain an explanation of the communication bills.
- The 2018 books are not closed yet but it looks like we will be within a thousand dollars or two (2) of our budget.
- As we move forward with the parking garage expansion we can do so without incurring any long term debt; just short term borrowing.
- The Solid Waste Fund is doing well and they have asked the Borough Manager to re-advertise the availability of the smaller trash containers.
- There is a grant opportunity for electric vehicle charging stations; the Borough Manager will be preparing the application.
- The Chester Water Authority has seemed to fend off the takeover bid however they are considering a 10 percent rate increase which will affect us.
- They discussed capital purchases that are now on tonight's agenda.

PERSONNEL COMMITTEE

Councilmember Mercomes, Chair of the Personnel Committee, advised they met on January 3rd and will now meet on the first Thursday of each month. During this meeting they met with the Borough Solicitor to resolve a personnel matter within the Police Department. They also discussed having the Borough Manager's job description ready for the Solicitor to review.

President Myers added that during the Committee's meeting on the third Thursday in December, they conducted brief interviews with the individuals who applied for the vacancy on the Library Board.

KENNETT REGIONAL FIRE and EMS COMMISSION

Councilmember Cramer reported the Commission is continuing the budget and the same first quarterly payment will go out in 2019 as in the previous year. The next meeting is tomorrow at 5 p.m. and will be held at the Pennsbury Township offices. He noted that there is a lot of conflict and other things happening within the Commission.

HISTORIC KENNETT SQUARE

This report was postponed until the next Council meeting.

ECONOMIC DEVELOPMENT DIRECTOR

There was no report.

PUBLIC MEETING

PROPOSED ORDINANCE AMENDING

CHAPTER 11, MOTOR VEHICLES and TRAFFIC

ADDING, REMOVING and MODIFYING PARKING REGULATIONS

President Myers introduced the Borough Solicitor, Michael Crotty.

Mr. Crotty opened the public meeting at 7:28 p.m.

He summarized the proposed ordinance that will prohibit parking on certain streets, prohibit parking during morning and afternoon hours on certain streets and modify three (3) and six (6) hour parking meter zones within the Borough.

Vice President Cramer advised this ordinance came out of Public Safety and prohibits parking on the north side of Birch Street in the vicinity of The Creamery, areas where emergency vehicles and the Public Works' snow plows were unable to pass through, and in the vicinity of the Mary D. Lang Kindergarten Center. It also allows for longer hours on the parking meters in the garage.

Mayor Fetick advised the ordinance is a compilation of things that the Public Safety Committee looked at throughout the year.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, expressed his concern for the people who live on Birch Street and what happens if they have company. He questioned if Council could consider residential parking only on the south side.

Charla Watson, 423 Magnolia Street, commented on the parking space that was eliminated on Washington Street near Magnolia. In addition, the construction of the alleys in Magnolia Place have taken away needed parking.

President Myers closed at 7:34 p.m.

**ORDINANCE NO. 945
AMENDING CHAPTER 11, MOTOR VEHICLES and TRAFFIC
ADDING, REMOVING and MODIFYING PARKING REGULATIONS**

President Myers presented for approval the ordinance amending Chapter 11, Motor Vehicles and Traffic by adding, removing and modifying parking regulations.

It was moved by Vice President Cramer to adopt the ordinance as written. Seconded by Councilmember Doerfler. Motion carried unanimously.

The ordinance was assigned No. 945.

**HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB) APPLICATION
CERTIFICATE of APPROPRIATENESS**

President Myers presented for approval the following HARB application:

- 120 North Broad Street – Design of Parking Garage Expansion.

Clara Saxton, HARB Secretary and resident of 120 West Linden Street, gave a description of the application and advised the HARB, by a unanimous vote, recommended the Certificate of Appropriateness (COA) be issued.

It was moved by Councilmember Doerfler to approve the application and issue the COA as presented. Seconded by Councilmember Waterkotte.

Vice President Cramer stated this application was easy because it matches the design of the current garage.

PUBLIC COMMENTS

John Thomas commented that this application does not say anything about saving the façade and cells and questioned if these items are going to be saved.

Motion carried unanimously.

BOARDS and COMMISSIONS VACANCY BOARD

Borough Manager Scalise advised that Borough resident Penny D'Ottavio is willing to serve on the Vacancy Board again in 2019. This is a one (1) year term that will expire on January 1, 2020.

It was moved by Councilmember Braffman to approve the appointment as presented. Seconded by Vice President Cramer.

Vice President Cramer commented that Ms. D'Ottavio is one of the most dedicated person that comes to the Council meetings and is the moderator of the Watchdog Group; he honored her for her commitment to the Borough.

Motion carried unanimously.

BOARDS and COMMISSIONS CIVIL SERVICE COMMISSION, ALTERNATE MEMBER APPOINTMENT

The Borough Manager advised Borough resident Anne Ashbrook has expressed interest to serve as an Alternate on the Civil Service Commission. This is a six (6) year term that will expire on January 1, 2025.

It was moved by Vice President Cramer to approve the appointment as presented. Seconded by Councilmember Waterkotte.

Vice President Cramer noted that Ms. Ashbrook is married to Councilmember Doerfler and noted that family members are permitted to serve and there is no conflict. He noted that the Commission plays an important role and added that Ms. Scherer has been incredibly dedicated and recommends this appointment.

Motion carried unanimously.

SWEARING IN

The Mayor swore in Anne Ashbrook as an Alternate Member of the Civil Service Commission.

The Mayor also swore in Katherine Sprick as a Regular Member of the Civil Service Commission. Ms. Sprick was reappointed earlier this evening under Consent Items.

Note: Geoffrey Bosley was also reappointed as a Regular Member earlier this evening but was unable to attend so he will be sworn in at a later date at Borough Hall.

KENNETT AREA PARK AUTHORITY (KAPA)

The Borough Manager advised Borough resident David Schurr has expressed interest to serve on KAPA. This is a five (5) year term that will expire on January 1, 2024. He noted that the KAPA Board supports this appointment.

It was moved by Councilmember Doerfler to approve the appointment as presented. Seconded by Councilmember Mallon. Motion carried unanimously.

LIBRARY BOARD

Councilmember Mercomes advised that the Personnel Committee had three (3) wonderful applicants to fill the Borough's second opening on the Library Board which made the decision difficult. As a result of the interviews, the Personnel Committee recommends that Borough resident Shanyn Fiske, Ph.D. be appointed. She then gave a summary of Ms. Fiske's employment and areas of expertise. This is a three (3) year term which expires January 1, 2022.

It was moved by Councilmember Mercomes to approve the appointment as presented. Seconded by Councilmember Braffman. Motion carried unanimously.

**RESOLUTION NO. 2019-04
REDEVELOPMENT ASSISTANCE CAPITAL PROGRAM (RACP)
FUNDING COMMITMENT**

The Borough Manager advised that the state requires a resolution from Council showing the commitment of matching funds and the sources of those funds. The resolution declares that \$513,000 in Santander Bank, Account #8292010017 will serve as internal funds committed to the project and \$500,000 is committed through a fully executed agreement with the County of Chester Department of Community Development.

Vice President noted that none of this money is coming out of our General Fund for the parking garage expansion which was confirmed by the Borough Manager.

It was moved by Vice President Cramer to pass the resolution as presented. Seconded by Councilmember Mallon.

PUBLIC COMMENTS

There was no comments from the public.

Motion carried unanimously.

The resolution was assigned NO. 2019-04.

BID AWARD**WASTEWATER TREATMENT PLANT (WWTP) UPGRADE**

The Borough Manager advised the bid for the WWTP Upgrade Project was listed through the PennBid process and four (4) bids were received. The low bid on the project was PACT Two, LLC from Ringo, NJ with a base bid of \$2,969,370. Our sewer engineer, ARRO Consulting Group, reviewed the bids and found the bid documents to be in order and recommended the Borough award the bid to PACT Two, LLC pending final review by Steve Miano, the Borough's Environmental Solicitor.

It was moved by Councilmember Braffman to award the bid as presented. Seconded by Councilmember Doerfler.

Councilmember Braffman said the cost of this project originally was contemplated to be under \$2,000,000 but as we went through the development of the specs, it kept climbing and climbing. The good news is that we can fund this project with the ongoing revenues in the Sewer Fund. Councilmember Braffman noted that the upgrade to the WWTP is mandated by the state's Department of Environmental Protection.

PUBLIC COMMENTS

John Thomas commented that he would like us to borrow another \$1,000,000 to increase the capacity of the plant while doing this project.

Motion carried unanimously.

**AUTHORIZE ADVERTISEMENT – PUBLIC HEARING
AMENDMENT to ZONING ORDINANCE, PERSONAL SERVICE**

The Borough Manager advised this this advertisement for a public hearing to consider an amendment to the Zoning Ordinance regarding Personal Service in the C-1 and C-2 Districts. The public hearing will be held on February 4, 2019, at 7:00 p.m.

It was moved by Councilmember Doerfler to authorize the advertisement as presented. Seconded by Councilmember Waterkotte.

Vice President noted that this applicable to all of the C-1 and C-2 Districts.

PUBLIC COMMENTS

There was no public input.

Motion carried unanimously.

AUTHORIZE CAPITAL PURCHASES

Councilmember Braffman advised that two capital (2) items that were cut before the adoption of 2019 Budget was a brine system and a vehicle for the Police Department. The recent auction of municipal vehicles yielded just under \$40,000 in revenue which was not anticipated in the 2019 Budget. At this morning's Finance Committee meeting, it was discussed that the brine system was a top priority and the Committee recommended we purchase it with this new found money. After the meeting, it was discovered that there is an opportunity to purchase a police vehicle.

It was moved by Councilmember Braffman to allocate the roughly \$40,000 from the vehicle sales to purchase these two (2) capital items. Seconded by Vice President Cramer.

President Myers stated that the vehicle is a 2017 Ford Explorer with roughly 13, 000 miles available through an auction site.

The Mayor commented we don't usually purchase used vehicles but this will bridge the gap at a time when we don't have the funds to purchase a new one. He advised the auction ends tomorrow.

PUBLIC COMMENTS

John Thomas commented he is impressed that Borough Council is willing to adapt and thanked them.

Charla Watson commented that the brine system should have not been compromised in this year's budget and she is thankful that is now back. She added that the brine system should also cut down on the manpower and overtime.

Motion carried unanimously.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

Vice President Cramer referred to the parking on Birch Street that was alluded to by Mr. Thomas stating that every house on the street has off-street parking plus The Creamery was required to come with a lot more parking than the storage lot.

Vice President Cramer commented that a lot of business was conducted this evening; some of which was due to the work that is being done through the committees.

Councilmember Doerfler thanked the Finance Committee for following up and closing the loop when there was a shortfall and windfall in the budget.

The Borough Manager read aloud the resolution that will represent the Borough of Kennett Square's support of this petition.

It was moved by Councilmember Braffman and seconded by Councilmember Mallon to approve the petition from the Clean Air Council as presented.

Mr. McKinstry then answered questions presented by Council.

PUBLIC COMMENTS

John Thomas commented we need to be careful of this because it will be just a transfer of wealth between suppliers and expressed his concern about the impact it may have on the cost of electricity.

Sally Braffman, 472 East South Street, expressed her support of the petition and stated that nothing matters more to all of us, to our children and grandchildren, than the fierce urgency of climate change. This is non-bipartisan issue if there ever was one and not a political issue but a statement we can all agree on. She urged everyone to speak up on this urgency of this matter and urged Council to vote yes on this petition.

Rosa Moore also urged Council to support this petition stating we need to avoid the disasters caused by climate change.

The motion carried unanimously.

The resolution was assigned No. 2019-05.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

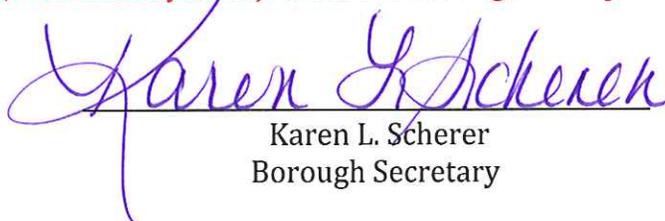
In regards to the comments that the public needs to be made more aware, Councilmember Doerfler stated that this was the third meeting where the StanAb project was discussed and the public had the opportunity for input.

Vice President Cramer reiterated again for the record that he and President Myers met with StanAb.

The Borough Manager announced that we are now accepting requests for the smaller trash totes; both 35 and 65 gallons.

ADJOURNMENT

There being no further business, President Myers adjourned the meeting at 8:47 p.m.



Karen L. Scherer
Borough Secretary