

## OFFICIAL MINUTES MARCH 4, 2019

The Regular Meeting of March 4, 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 J. Douglas Doerfler in the Chair.

### ROLL CALL

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

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

Absent: *Councilmember James Mallon*

### ADOPTION of AGENDA

*It was moved by Councilmember Braffman to approve the agenda presented; seconded by Vice President Waterkotte. Motion carried unanimously.*

### PUBLIC COMMENTS

John Thomas, 406 South Broad Street, commented that he wished the resolution regarding the rules of Council was removed from tonight's agenda. He said it seems that a lot of members of Council and the Mayor are meeting with developers. Mr. Thomas stated he finds that to be unethical and told Council to have the developers go through the process and let the Planning Commission and the Zoning Hearing Board do their jobs.

Point of Order - Councilmember Braffman asked for an advisement from the Borough Solicitor.

Borough Solicitor Crotty stated that he is unaware of any unethical behavior or violation of any of the councilmembers or staff meeting with developers and hearing out what the developers are proposing. Anything developers propose will have to come through the usual avenues, such as Planning Commission, zoning, etc.

Charla Watson, 523 Magnolia Street, commented that we have committees to meet with developers and she's against members of Council meeting with developers stating she feels its conflict of interest. She also stated that she wants to see the plans for infrastructure and streetscape that the Economic Development Director referred to at the last joint meeting.

Andy Froning, 308 Marshall Street, referred to the Kennett Region Economic Development Study from September 2016, stated, in his mind, provided a comprehensive analysis of the economic demographic situation facing the Borough and surrounding township. He asked Council to consider carefully the SWOT analysis and recommendations of the 509 responses to the online survey, only 26 percent were identified as Borough residents. Mr. Froning commented that there are other indicators that the study's development scenarios are slanted towards people of means. In conclusion, he urged Council to continue to reach out to all parts of our community and not make decisions without hearing the voices of all.

Betsy Hickman, 605 Magnolia Street, commented her family is rooted in Kennett Square and she returned to the Borough because of all of the amenities available within walking distance. She is aware and concerned about the situation regarding the dedication of Magnolia Plans and hopes Council can find a fair and reasonable solution. Ms. Hickman stated that if the Borough does not take the dedication, then she will not receive the same level of services as all other Borough residents. She thanked Council for their dedication and time serving all Borough residents.

Jim Erisman, 631 West Mulberry Street, commented he moved to the Borough a couple of years ago and loves Kennett Square. He expressed his concern about the dedication of the streets and services in Magnolia Place and stated that if the Borough does not take dedication then as taxpayer, he will not have the same services as all of other taxpayers in the Borough.

## **CONSENT ITEMS**

President Doerfler announced that the following Consent Items are deemed accepted with the approval of the agenda:

- Minutes of February 19, 2019.
- Bills that were paid since the last Council meeting.
- Resolution No. 2019-07, Disposition of Records.

## **REPORTS**

### **PRESIDENT'S REPORT**

There was no report.

### **MANAGER'S REPORT**

This written report was included in the Council packet.

## **FINANCE COMMITTEE**

Councilmember Braffman, Chair of the Finance Committee, reported the following activity from their meeting on March 4<sup>th</sup>.

- They are getting close to seeing the final numbers for 2018. We are now looking at a possible \$10,000 deficit for the year but one (1) more payment of earned income taxes is due.
- There is about a 10 percent shortfall in parking revenues for 2018. The Borough Manager is looking into the possible of sources of why the income dropped.
- They met with the Borough's bond advisor to look at options for the money needed for the parking garage expansion and the upgrade to the Wastewater Treatment Plant.
- A portion of their meetings concentrates on ways to generate revenues, including grant opportunities, and ways to cut costs.

## **MUNICIPAL RELATIONS COMMITTEE**

President Doerfler, Chair of the Municipal Relations Committee, reported they met last week. They are focusing on a couple of recommendations that will be brought to Council at the next meeting. These recommendations include a quarterly or bi-annual public meeting, looking at a third party document service, securing better screens and projectors to display documents during Council meetings, and the potential of creating an official Borough map through a partnership with the CCDEC for developmental goals for the Borough.

## **HISTORIC KENNETT SQUARE**

This written report was included in the Council packet.

## **ECONOMIC DEVELOPMENT DIRECTOR**

Nate Echeverria, Economic Development Director, advised he submitted a written report which was included in the Council Packet. He did highlight from his report the economic development and zoning work that is being done in a partnership with the County and Kennett Township. He will attend the Planning Commission meeting on March 13<sup>th</sup> to present an overview of the work that has been done. Mr. Echeverria advised that they are in the very early stage of the process.

## **SETTING the TREASURER'S BOND AMOUNT**

Borough Manager Scalise advised that PA Borough Code requires the Treasurer to be bonded to an amount set by Council. He and the Finance Director proposed to the Finance Committee that the amount should be the amount of the total of all of our reserved funds which is approximately \$2 million. The typical amount for a municipality is \$1 million.

Councilmember Braffman advised that this is now a state requirement for liquid fuels money. The Finance Committee discussed this at their meeting and recommend the bond amount be \$1 million and they will work on a bond policy.

**It was moved by Councilmember Braffman to approve the amount of the Treasurer's bond amount at \$1 million; seconded by Councilmember Cramer.**

### **PUBLIC COMMENTS**

John Thomas commented he supports the \$1 million bond amount and suggested that the Borough Manager and Council President review and sign-off on the bank accounts every month.

Andy Froning commented that this is a perfect opportunity to employ some risk analysis and mitigation strategies. He added that he is available and would be happy to help.

The Borough Manager noted that he and the Finance Director have recently instituted a plan where they go over the bank accounts on quarterly basis.

**Motion carried unanimously.**

### **RESOLUTION NO. 2019-08 ENDORING "LANDSCAPES3"**

President Doerfler presented the resolution endorsing and accepting as a guideline "*Landscapes3*", Chester County's new comprehensive plan, adopted by the County Commissioners in November 2018.

**It was moved by Councilmember Myers to approve the resolution endorsing "*Landscapes3*"; seconded by Councilmember Cramer.**

Councilmember Myers advised she had the opportunity to attend meetings and provide comments during the development of the plan. The plan goes along with the five (5) guidelines unanimously developed by Council. She commented that she completely supports "*Landscapes3*".

Councilmember Cramer commented that he is favor of the plan and stated that it is very important to set standards as in "*Landscapes3*".

### **PUBLIC COMMENTS**

Andy Froning commented that "*Landscapes3*" is a values-based process that he finds commendable. As a member of the Planning Commission, he questioned how the Borough will take that information and influence what is done within the Borough

through its various boards and commissions. Mr. Froning commented that is good Council is endorsing this and he supports the endorsement.

Charla Watson commented that Council should accept, and not just endorse, "Landscapes3" if we plan use it. She expressed concern of the County's ability to fund items in the plan stating that we have not seen transit improvements in Chester County such as a bus route or railroad system to provide transportation to those who do not have the means to travel to places of employment. Ms. Watson would like to know how Council interprets the plan.

In relation to Ms. Watson's comment, President Doerfler read comments from the County regarding the plan's implementation which states, *"In 2019, we expect to reach out to the County's municipalities about updating multi-modal transportation ordinances, improving natural resource protection, encouraging affordably priced housing and host of other initiatives. We also expect to provide more tools, data and grant information for 2019."*

Councilmember Cramer commented that an idea for one (1) the bi-annual public meetings suggested by the Municipal Relations Committee should include the "Landscapes3" plan as a roundtable discussion.

**The motion carried unanimously.**

## **RESOLUTION NO. 2019-09 REVISING the RULES of COUNCIL GOVERNING PUBLIC COMMENT at MEETINGS of BOROUGH COUNCIL**

Councilmember Braffman gave the background of the Resolution No. 2019-06, Rules of Council Governing Public Comment at Meetings of Borough Council that was approved by Borough Council with a vote of 5 to 2 on February 4, 2019, after a spirited debate and significant comments from the public. He added that during the debate and in the aftermath, Councilmembers Myers challenged us all to look within our own community and look within ourselves to discover where institutional racism and personal racism exists. Councilmember Braffman commented that he took that challenge seriously and had a conversation with Councilmember Myers and other members of the community and did his own research and soul searching. As a result, Councilmember Braffman stated he has drafted a new resolution with the following key changes:

- It eliminates the time limit for public comment and makes it a guideline.
- It eliminates a clause in the first version where any Councilmember can grant an extension of public comment which is no longer needed.
- It includes a clause that any action or ruling taken by the President of Council can be overruled by a majority vote of Council.

It was moved by Councilmember Braffman to adopt the resolution revising the rules of council governing public comment at meetings of Borough Council; seconded by Councilmember Mercomes.

Councilmember Mercomes commented that she was happy this item was revisited because we need to be open and courageous to speak about racism. She believes this is a much better document however she would like to offer an amendment.

It was moved by Councilmember Mercomes to amend the motion by adding to the resolution the words, "encourage" and "and the public" in Section 4) a), Instructions, to read as follows; seconded by Councilmember Braffman:

*"We encourage all those speaking to try your best to complete your comments within 3 minutes, stay on topic, present your comments in a spirit of cooperation and collaboration, and be respectful of the institution of Borough Council and the public in your words, tone and gestures. Please comply with any instructions I might give you during your statement. Thank you."*

The amendment to the motion carried unanimously.

Councilmember Myers commented that she truly believes in what she said about the previous resolution but we can't ignore the fact that it passed. She stated that she believes in good government and in order for us to have democratic governance is by majority rule; we can't keep reintroducing things we lost. Councilmember Myers commented that even though this new rule addresses the majority of the things she thought were downright wrong, the fact that it is being reintroduced makes her feel a little unsettled.

For the record, Councilmember Braffman stated that Councilmember Myers did not ask him to revise or reintroduce the new rule and noted that he decided he was wrong and it was his responsibility to reintroduce the item.

Councilmember Cramer stated he concurs with Councilmember Myers' words and commented that he is moved by Councilmember Braffman's willingness to listen to Councilmember Myers.

## **PUBLIC COMMENTS**

John Thomas expressed his appreciation for Councilmember Braffman's efforts however he does not think it is fair because it has cost Council a good president and vice president. Mr. Thomas added that we don't need this resolution and stated the president has the right to control the meetings.

Charla Watson commented she believes the President of Council is confined by this new rule and added that President Doerfler needs leniency to govern the meeting as he sees fit. Ms. Watson expressed her support of a five (5) minute time limit for public comment.

The amended motion carried unanimously.

The resolution was assigned No. 2019-09.

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

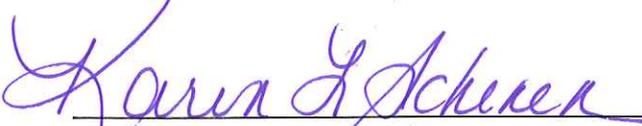
Mayor Fetick reminded the public that the Town Hall meeting regarding the Emergency Medical Services will be held Wednesday, March 6<sup>th</sup>, at 7 p.m. in the Red Clay Road. He noted that Governor's Communication Officer is attending as well.

Referring to comments made by the public, Councilmember Braffman asked for Borough Solicitor's input on the Borough's committee structure.

Borough Solicitor Crotty stated that the Borough's committee structure is appropriate and is certainly within bounds of what is permitted. He added that it gives more time for matters to be discussed in depth prior to being presented to Council.

### **ADJOURNMENT**

There being no further business, President Doerfler adjourned the meeting at 8:32 p.m.



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Karen L. Scherer  
Borough Secretary