

OFFICIAL MINUTES MARCH 18, 2019

The Regular Meeting of March 18, 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 James Mallon
Councilmember Brenda Mercomes

Mayor Matthew W. Fetick
Borough Manager Joseph C. Scalise

Absent: *Councilmember LaToya M. Myers*

ADOPTION of AGENDA

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

PROCLAMATIONS -

APRIL 2019 as PENNSYLVANIA 811 SAFE DIGGING MONTH and APRIL 2019 as SEXUAL ASSAULT AWARENESS MONTH

Mayor Fetick presented a proclamation declaring April 2019 as Pennsylvania 811 Safe Digging Month. He noted that with spring's arrival, he wants to remind residents to be cautious and contact PA 811 before they dig on their property to avoid underground utilities.

The second proclamation was presented to Christine Zaccarelli from the Crime Victims Center of Chester County (CVC), recognizing April 2019 as Sexual Assault Awareness Month (SAAM). At the request of the Mayor, Ms. Zaccarelli summarized the services provided by CVC including their 24 hour hot line.

PUBLIC COMMENTS

Per Resolution No. 2019-09, Rules of Council Governing Public Comment, adopted on March 4, 2019, President Doerfler read aloud the following statement with regards to public comments:

"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."

Charla Watson, 523 Magnolia Street, expressed her concern that she believes our water/sewer bills are being generated out of Baltimore. She also expressed concern that a recent Borough real estate transfer was published in the newspaper in conjunction with Kennett Township transfers, rather than being listed separately. Ms. Watson commented that Borough Manager Scalise has the expertise and should not need to contact another Borough on ways to cut expenses. She expressed her disappointment in the content of the recent town hall meeting regarding EMS. In addition, Ms. Watson commented that she is against the timer clock during public comments, as she finds it degrading and immature.

In response to Ms. Watson's comments, Borough Manager Scalise explained that the Borough's utility bills are generated within our office and mailed from Borough Hall. Payments can be mailed to our bank's lock box address which is located in Baltimore.

Matt Genereux, 624 Magnolia Court, commented they purchased their home in 2012 and he is looking forward to an agreement with the Borough regarding the street dedication of Magnolia Place. He thanked Council and the Mayor for their service, time and dedication to the community.

John Thomas, 406 South Broad Street, commented that he believes the developer and realtor are responsible for creating the problem regarding the narrow alley ways in Magnolia Place. He also believes that the developer did not relay that information to the homeowners. Mr. Thomas stated that he understands their problem but feels that the other tax payers in the Borough should not have to pay to solve this issue with Magnolia Place.

Ken Edwards, 412 Meredith Street, commented that Council needs to go back to the original plans for Magnolia Place and find out why the narrow alleys were allowed in the first place. He said he feels sorry for the residents and if this was an error, then something needs to be done.

CONSENT ITEMS

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

- Minutes of March 4, 2019.
- Bills that were paid since the last Council meeting.
- Special Event Applications -
 - Community Shred Event, April 20th.
 - Healthy Kids Day, April 27th.

REPORTS

PRESIDENT'S

There was no report.

PUBLIC SAFETY and INFRASTRUCTURE COMMITTEE

Mayor Fetick reported the following activity of the Public Safety and Infrastructure Committee:

- They reviewed two (2) proposed projects for Community Revitalization Program grant applications and ranked them as follows - #1) Birch Street Infrastructure Project and #2) Linden Street Booster Station and Expansion Project.
- With the expansion of the parking garage, they also discussed the possibility of naming the garage as a memorial for the slain Police Officers Davis and Posey.

The Mayor also noted that the Kennett Regional Fire and EMS Commission meeting is tomorrow at Pennsbury Township building.

POLICE DEPARTMENT

Chief William Holdsworth submitted a written report which was included in the Council packet.

FIRE COMPANY

On behalf of Chief Christopher Plumley, Borough Secretary Karen Scherer reported the following activity for the month of February 2019:

- Total Fire Calls – 23 in February; 13 were in the Borough.
- Total EMS Calls – 77 in February; 32 were in the Borough.

KENNETT FIRE and EMS REGIONAL COMMISSION

Councilmember Cramer reiterated that the meeting will be tomorrow at Pennsbury Township building.

SEXUAL ASSAULT AWARENESS MONTH (SAAM) – APRIL 2019

Mayor Fetick advised he received a letter from Christine Zaccarelli of The Crime Victims' Center of Chester County, requesting to place teal ribbons on the street light poles along State Street for the month of April 2019 in recognition of Sexual Assault Awareness Month.

It was moved by Councilmember Cramer to approve the request as presented; seconded by Councilmember Mallon.

Councilmember Cramer commented that it is incredibly important for us as a community to bring attention to sexual assault awareness.

Vice President Waterkotte thanked Ms. Zaccarelli and expressed his support as well.

PUBLIC COMMENTS

There were no comments from the public.

Motion carried unanimously.

RESOLUTION NO. 2019-10

REIMBURSEMENTS from PROCEEDS of INDEBTEDNESS

Borough Manager Scalise advised that this resolution relates to the Borough's borrowing of money for the Sewer Plant Upgrade and the Parking Garage Expansion and provides for the Borough to recoup costs incurred, if necessary, up to 60 days prior to the date of the resolution.

It was moved by Councilmember Braffman to approve the resolution as presented; seconded by Councilmember Mallon.

PUBLIC COMMENTS

Charla Watson asked for clarification of the resolution from the Borough Manager and questioned if we had applied for grants from the County for the Sewer Treatment Upgrade.

The motion carried unanimously.

The resolution was assigned No. 2019-10.

RESOLUTION NO. 2019-11

COMMUNITY REVITALIZATION PROGRAM (CRP) GRANT APPLICATIONS

The Borough Manager advised that the Community Revitalization Program (CRP) grant application submission deadline closes at the end of March. A resolution ranking the projects is required as part of the application. The proposed two (2) projects are the Birch Street Infrastructure Project and Linden Street Booster Station and Expansion Project. He reported that these were reviewed and ranked by the Public Safety and Infrastructure Committee.

The Mayor advised that the Public Safety and Infrastructure Committee agreed to rank the projects as follows: #1 being the Birch Street Infrastructure Project and #2 the Linden Street Booster Station and Expansion Project.

President Doerfler noted that the costs associated with the Linden Street Booster Station could be funded through the Water Fund if we are not awarded both grants, whereas the Birch Street Infrastructure involves stormwater management which can only be funded through the General Fund.

Councilmember Cramer commented that when Birch Street floods, boats have to be deployed to rescue people, but also acknowledged the need to move forward on both projects.

It was moved by Councilmember Cramer to approve the resolution with the ranking as presented; seconded by Vice President Waterkotte.

Councilmember Braffman stated that he does not agree with the priorities and will not support the resolution. He is in support of applying for the grants, but not in the order stated.

The Mayor advised that the underlying issue is how to pay for these projects. We need to consider that there is the option of working through the Water Fund to pay for the Linden Street Booster Station Upgrade however there is no other way to move forward but through the grant application to pay for the Birch Street Infrastructure Project.

PUBLIC COMMENTS

John Thomas commented that the biggest problem on Birch Street are the bridges because they are low and often flood. He suggested we apply for federal grants to increase the height of all of the bridges.

Charla Watson commented that she cannot fathom that stormwater and the booster pump are similar issues and believes we are putting too much money into Birch Street to help one business owner.

Ken Edwards commented that Council is doing a disservice to the community by ranking the projects in the current order and if he lived in the Linden Street area, he would be upset if his water pressure was low. He questioned why it has not been addressed prior to this time, especially when the Borough has known about the problem for 15 years. Mr. Edwards told Council to put the safety of the community first.

Vice President Waterkotte advised that the Linden Street Booster Pump Upgrade Project is not a safety issue; in fact, he shared that he lives in that part of the Borough and his water pressure is acceptable. He also stated that the water pressure is not a problem for the fire department.

Councilmember Mallon concurred with Vice President Waterkotte's comments.

Motion carried with a vote of 5 to 1 with Councilmember Braffman voting no.

The resolution was assigned No. 2019-11.

TERMINATION of PARKING LOT USE – 314 EAST STATE STREET

Borough Manager Scalise advised that the Borough currently owns the lot on the northeast corner of Apple Alley and Marshall Street, but to have access to this lot we had a lease with Bally Harra, LLC for a portion of the parking lot at 314 East State Street. The lease expired on July 1, 2012. He added that the use of that parking lot is no longer needed and in an effort to relieve the financial burden of the lease it would be advantageous to the Parking Fund to terminate usage of this parking lot effective June 30, 2019. In order to officially terminate the use of the lot, a vote from Council is required. The Borough Manager added that terminating the use will provide for an annual savings to the Parking Fund of \$6,000 through June 30, 2019 and \$12,000 annually thereafter.

Councilmember Braffman shared that the Finance Committee reviewed this matter and approved the termination.

It was moved by Councilmember Braffman to terminate the use as presented; seconded by Vice President Waterkotte.

PUBLIC COMMENTS

John Thomas commented that the lease agreement should not have cost the Borough anything and stated that when the building at the corner of Broad and State Streets was built, the Borough provided them with 150 parking spaces temporarily. Mr. Thomas commented that if the building does not have those 150 parking spots then it needs to be shut down.

Councilmember Cramer stated that Mr. Thomas brought up some valid points.

Motion carried unanimously.

APPROVAL of FIRST AMENDMENT to REVOLVING LOAN FUND AGREEMENT CHEF BRETT'S, LLC, d/b/a PORTABELLOS of KENNETT SQUARE

Borough Manager Scalise commented that the applicant, Chef Brett's, LLC had mistakenly identified too much of their revolving loan fund amount towards payroll and utilities and have requested, through this first amendment to the agreement that the funds be appropriated to equipment and working capital generally. He advised that the Revolving Loan Fund Committee has reviewed and recommended this change to Council with the recommendation to exclude alcohol related inventory.

Councilmember Braffman stated this was the first revolving loan that Council had approved and it was a learning experience. He noted that going forward, we will not specify how the working capital can be used, but include how the monies *cannot* be used.

It was moved by Councilmember Braffman to approve the amendment as presented; seconded by Councilmember Mercomes.

PUBLIC COMMENTS

John Thomas commented that he has a problem with this loan because the owner of the building also sits on the Economic Development Committee.

Charla Watson commented that that the money should be used for capital improvements, operations and equipment and not for payroll.

Councilmember Braffman advised that there are two (2) applications for revolving loans, Chef Brett's and Marche, however Marche withdrew their application.

Councilmember Cramer stated that he is supportive of the program.

Motion carried unanimously.

MOVE FORWARD with DRAFT AMENDMENTS to CHESTER COUNTY PLANNING COMMISSION ZONING ORDINANCE, CHAPTER 23, C-2 DISTRICT, USE BY RIGHT, "ALTERNATIVE LEARNING CENTER"

Borough Manager Scalise advised that the zoning petition regarding alternative learning centers was presented to Council by the owners of the White Clay School and then presented to the Borough's Planning Commission.

Lindesay Dunn, MacElree Harvey and attorney for the owners, stated that amendments were unanimously approved for recommendation by the Planning Commission at the March 13th meeting. Her clients are now seeking approval from Council to send the proposed amendments to the Chester County Planning Commission for review.

It was moved by Councilmember Cramer to instruct staff to forward the amendments onto the Chester County Planning Commission as presented; seconded by Councilmember Mercomes.

Councilmember Cramer complimented the White Clay School on their presentation at the Planning Commission meeting.

Vice President Waterkotte commented that he is very excited about this opportunity stating that this is a wonderful way for our community to embrace the White Clay School.

PUBLIC COMMENTS

John Thomas commented that he is not against this project but he is against changing zoning. He questioned if this is spot zoning and if it should have gone to the Zoning Hearing Board first.

The Borough Manager advised that the school petitioned for a change in the zoning law for the entire C-2 District; this is not considered spot zoning.

Charla Watson stated that she is not against the project but asked Council to do a thorough investigation because the project came to Council first. She added that with the existing zoning, a shelter could go in that building, so she does not understand why a school could not move into the building.

Renee Bowers, 208 South Union Street, explained that one (1) of her twin sons attends White Clay School and shared that her son is thriving at the school. Ms. Bowers thanked the Council for their service to the community.

Natalie Thomas, 630 Magnolia Street, commented that she and her husband had attended the Planning Commission meeting and it gave them great joy to see the White Clay School students in attendance as well. She added that there is a wonderful sense of community at the school and a great group of children. Ms. Thomas stated that she and her husband are happy to be supportive of the school's efforts.

Motion carried unanimously.

MOVE FORWARD with RECOMMENDATIONS from the MUNICIPAL RELATIONS COMMITTEE

President Doerfler presented the following recommendations from the Municipal Relations Committee:

- Direct the Borough Manager/staff to pursue third-party storing systems for public documents.
- Display supporting documents via screen/projector during the discussion of action items at Council meetings.
- Direct the Borough Manager to research the establishment of an official municipal map to support development related to Borough priorities.
- Hold public information sessions twice a year similar to the EMS meeting held last week.

It was moved by Councilmember Cramer to instruct Borough staff to research these recommendations as presented; seconded by Councilmember Braffman.

The Borough Manager expressed his concern regarding the difficulty of displaying lengthy documents such as ordinances and resolutions.

President Doerfler suggested that summaries, rather than complete documents could be used. He asked the Borough Manager to research these items and report back to Council with options.

PUBLIC COMMENTS

There were no comments from the public.

Motion carried unanimously.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

The Borough Manager advised the 2019 Spring/Summer Newsletter is being finalized and announced the Borough will change over to an e-newsletter (electronic) by 2020, however hard copies will still be available at Borough Hall.

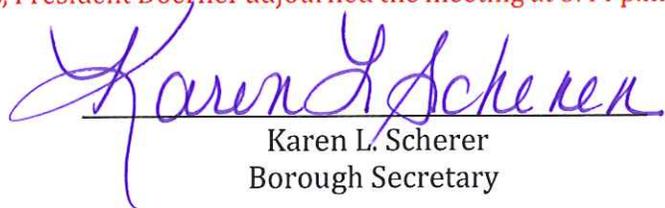
Borough Manager Scalise encouraged everyone to sign up for Swift Reach 911.

Councilmember Braffman advised that in an effort of transparency, he met with Doug Hayes from Magnolia Place regarding the dedication of the streets.

Councilmember Braffman announced that he is resigning from Borough Council effective April 15, 2019. His current term is up at the end of 2019 and he has some extensive travel plans through the end of this year.

ADJOURNMENT

There being no further business, President Doerfler adjourned the meeting at 8:44 p.m.


Karen L. Scherer
Borough Secretary