

OFFICIAL MINUTES APRIL 1, 2019

The Regular Meeting of April 1, 2019, of Council for the Borough of Kennett Square was called to order at 7:06 p.m. in the Red Clay Room of the Kennett Fire Company No. 1, 423 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
Councilmember LaToya M. Myers

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

ADOPTION of AGENDA

It was moved by Councilmember Cramer to amend the agenda by adding the consideration of a police personnel matter under Action Items; seconded by Councilmember Myers. Motion carried unanimously.

EXECUTIVE SESSION

President Doerfler announced that Council held an Executive Session at 6:15 p.m. on Monday, April 1, 2019. The session was held in the Red Clay Room of the Kennett Fire Co. No 1, 423 Dalmatian Street, Kennett Square, PA 19348. The purpose of this session was to discuss personnel matters and possible lease or purchase of real estate.

PUBLIC COMMENTS

Charla Watson, 523 Magnolia Street, expressed her concern about water being discharged into the stormwater drain from a home on D Street. She suggested that the Borough help the homeowner resolve this issue. Ms. Watson also expressed concern about vacant houses on D and Garfield Streets.

Meg McCown, 626 Magnolia Court, asked Council and the Mayor for their careful consideration of tonight's presentation from the Magnolia Place HOA regarding the dedication of the roads and public spaces. She added that Kennett Square is a great community and many of their residents are very involved through their work and volunteerism.

CONSENT ITEMS

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

- Minutes of March 18, 2019.
- Bills that were paid since the last Council meeting.
- Special Event Application – Memorial Day Parade, May 27th.

REPORTS

PRESIDENT'S REPORT

President Doerfler reported that it is Councilmember Braffman's intention to resign from Borough Council effective 11:59 p.m. on April 15, 2019, which is expected to be accepted by Council. Once accepted, Council will begin to accept applications, resumes and letters of intent from residents interested in filling the vacancy, starting April 16, 2019.

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 April 1st:

- With only a few months into the new year, we are already seeing a surplus in the sewer fund which should continue through the rest of the year. There is the possibility that in October or November, we may be in position to pay off some debt.
- All the bids we received for the parking garage expansion project came in \$500,000 over what was anticipated. The Finance Committee will have to do further research into how to fund this project and will report back to Council as soon as possible.

MUNICIPAL RELATIONS COMMITTEE

President Doerfler, Chair of the Municipal Relations Committee (MRC), reported the following activity from the last Municipal Relations Committee meeting:

- They are beginning to plan the first public forum.
- Mike Bontrager gave a presentation to the Committee regarding a potential project with Square Roots Collective for sustainable housing for the homeless. The presentation will soon be made available to Councilmembers and the public. Going forward, the MRC will have more formal discussions about the potential to participate on a task force.

KENNETT REGIONAL FIRE and EMS COMMISSION

Councilmember Cramer reported the following:

- They discussed false alarms and the costs involved at the last meeting. It was determined that most false alarms are institutional, but this should not keep people from calling 911 for assistance in an emergency.
- There was also a discussion regarding the need for the Latino community to be encouraged to become part of the Fire Company.
- They also welcomed new members including the new Chiefs at Po-Mar-Lin and Kennett Fire Companies.
- They also discussed Po-Mar-Lin's purchase of a rescue vehicle with a cost between \$600,000 - 800,000.
- There is no update on the ambulance service.

HISTORIC KENNETT SQUARE (HKS)

In addition to her written report, Mary Hutchins, Executive Director, thanked the following:

- The Beautician Committee for planting the flower barrels in the downtown.
- Linda Thies from Kennett Jewelers for organizing the Student Art Show this past weekend.
- Bill Taylor for organizing the Memorial Day Parade.
- Ms. Hutchins noted that HKS is looking for parade sponsors as it costs approximately \$18,000 to put on the parade; she encouraged those interested in becoming a sponsor to contact HKS.

ECONOMIC DEVELOPMENT DIRECTOR

This written report was included in the Council packet.

**HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB) APPLICATION
CERTIFICATES of APPROPRIATENESS****316 MEREDITH STREET, EXTERIOR RENOVATIONS**

President Doerfler presented for approval the following HARB application:

- 316 Meredith Street – Exterior Renovations.

President Doerfler gave a description of the application and advised that the HARB, by a unanimous vote with one (1) member abstaining, recommended a Certificate of Appropriateness (COA) be issued.

It was moved by Councilmember Cramer to deny the application and not issue a COA; seconded by Councilmember Myers.

Councilmember Cramer stated there is a note in the report from HARB that the demolition took place before the application was reviewed. He feels this is a question of policy and the owners took action without following the protocol. Councilmember Cramer stated as Council, we need to be sure the process and policy is followed and the denial of the COA is crucial.

A discussion ensued regarding the denial and applicable fines.

Borough Solicitor Crotty explained the code enforcement process regarding fines is a separate track from issuing a COA; if the COA is denied, the owner would have to put the dwelling back the way it was before the demolition.

A discussion ensued among Council and the Borough Solicitor regarding the two (2) separate issues – consideration of the COA and applicable fines.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, commented that he is disgusted that the owner of this property, who is a member of HARB, broke the rules. He feels if Council approves this, then rules will continue to be broken.

Andy Froning, 308 Marshall Street, commented that he attended the HARB meeting where this application was considered and said it is relevant to separate the two (2) issues.

Charla Watson commented that the portion of the building torn down was not dilapidated and expressed her opinion that Council should not approve COA, the owners should be fined per our code and have to resubmit their application.

Ken Edwards, 412 Meredith Street, commented that not only did the owner take down the portion of the building, they also took down a street tree. He questioned if they applied for a Street Tree Removal Permit and paid the \$350 escrow to the Borough.

President Doerfler asked Borough Secretary Scherer for a roll call of the votes.

The motion to deny the application and not issue a COA did not carry by a vote of 3 to 4 with Councilmember Myers, Cramer and Mercomes voting yes; Councilmembers Braffman and Mallon, President Doerfler and Vice President Waterkotte voting no.

It was moved by Councilmember Braffman to approve the application and issue a COA; seconded by Councilmember Mallon.

PUBLIC COMMENTS

John Thomas commented that he believes Council is going over everyone's head again and the applicants should resign from their positions on their respective committees.

Charla Watson commented that this is not a personnel issue and should be discussed in public.

Borough Manager Scalise explained that the HARB only looks at historical appropriateness and that zoning goes through the Zoning Officer. If the project meets the requirements under zoning then it is granted a permit; if it does not, then it goes to the Zoning Hearing Board.

Ed Dougherty, 712 Mason Avenue, commented that with Council taking this vote, it sends the message to residents that they can do anything in the Borough and just pay a fine.

President Doerfler asked Borough Secretary Scherer for a roll call of the votes.

The motion to approve the application and issue a COA carried with a vote of 4 to 3 with Councilmembers Braffman and Mallon, President Doerfler and Vice President Waterkotte voting yes; Councilmember Myers, Cramer and Mercomes voting no.

120 NORTH BROAD STREET, APPROVAL of CONDITIONS

President Doerfler presented for approval the following:

- 120 North Broad Street – Approval of Conditions of COA.

Borough Manager Scalise explained that the Borough already received the COA last year but there were conditions that had to be met.

It was moved by Councilmember Mallon to accept that the conditions of the COA were met; seconded by Vice President Waterkotte.

PUBLIC COMMENTS

Ken Edwards questioned the conditions of the COA.

Motion carried unanimously.

MAGNOLIA PLACE DEDICATION, PROPOSED ALTERNATIVE PLANS

Councilmember Cramer stated for the record that he had met with Doug Hayes to discuss this matter.

Doug Hayes, 611 Magnolia Court and President of the Magnolia Place HOA, gave the background and presented a PowerPoint presentation of the HOA's proposal to the Borough regarding the dedication.

Vice President Waterkotte questioned who currently plows the undedicated streets and alley ways of Magnolia Place and if they have ever needed special equipment to plow.

Mr. Hayes replied no.

Vice President Waterkotte asked the Borough Manager about blade size of the plows currently in use by the Borough.

The Borough Manager replied eight (8) to nine (9) feet.

Councilmember Mallon questioned if the HOA will establish a fund for stormwater management so that a problem with the system could be quickly fixed.

Mr. Hayes shared that the HOA does have a plan to set aside money for their stormwater management. He also noted that the developer has been working to make the basin area safe by installing a fence.

Borough Solicitor Crotty further noted that the stormwater infrastructure system will be dedicated to the Borough but the retention basin will be maintained and serviced by the HOA.

President Doerfler advised that he also met with Mr. Hayes.

Councilman Braffman questioned if Ed Foley's recent memo has been distributed to Council.

The Borough Manager said there were memos that had been sent to Council, but not the one from today.

Ed Foley stated that he had no objection to sharing his most recent memo with everyone.

Councilman Braffman suggested that due to the legal issues involved, and other various issues involving Public Works and best practices, the proposed plans should be reviewed and discussed by the Public Safety and Infrastructure Committee.

It was moved by Councilmember Braffman to refer this item to the Public Safety and Infrastructure Committee meeting and have the Committee report back to Council with a recommendation at the second Council meeting in May; seconded by Councilmember Cramer.

PUBLIC COMMENTS

John Thomas commented that he likes the people form Magnolia Place but it all comes down to legality.

Charla Watson stated that Mill Road is already a dedicated street as are Mulberry and Washington Streets. She shared historically, that residents in the area have given up a lot when Magnolia Place was built and although it looks nice, we now have many lights, noise and dogs. Ms. Watson is against the Borough taking dedication of the streets in Magnolia Place. She also feels we do not need a home owners association within the Borough.

Councilmember Mercomes stated that she will abstain from voting due to the fact that she is a resident of Magnolia Place.

The motion carried with a vote of 6 to 0, with Councilmember Mercomes abstaining.

AUTHORIZE ADVERTISEMENT – PUBLIC HEARING AMENDMENT to ZONING ORDINANCE, ALTERNATIVE LEARNING CENTER

Borough Solicitor Crotty advised that this advertisement for a public hearing is to consider the proposed amendment to the Zoning Ordinance permitting “Alternative Learning Center” as a use by right in the C-2 Zoning District. The public hearing will be held on April 15, 2019, at 7:00 p.m. He also advised that the applicant understands the risks involved with scheduling the hearing prior to receiving the review of the proposed amendment by the Chester County Planning Commission.

It was moved by Councilmember Cramer to authorize the advertisement as presented; seconded by Vice President Waterkotte.

PUBLIC COMMENTS

There were no comments from the public.

Motion carried unanimously.

TERMINATION of POLICE OFFICER GEORGE CARLSON

It was moved by Councilmember Cramer to terminate Police Officer George Carlson’s employment with the Borough, effective immediately; seconded by Councilmember Mallon. Motion carried unanimously.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

In response to Ms. Watson’s comments regarding vacant homes, the Borough Manager explained that we are aware of the water problem on D Street. He advised that both the Codes and Public Works Departments have been there several times looking for public water leaks and a solution to the issue. On a temporary basis, the Borough has allowed those effected to pump the water into the street until we find a solution. He said there is no easy answer and we are hoping that the issue is a result of the high water table.

In response to Ms. Watson’s comments regarding vacant homes, the Borough Manager advised that the State will not permit municipalities to enforce that homes be occupied. He added that we do have ordinances to address the upkeep of properties as well as blight.

ADJOURNMENT

There being no further business, President Doerfler adjourned the meeting at 8:39
p.m.



Karen L. Scherer
Karen L. Scherer
Borough Secretary