

OFFICIAL MINUTES MAY 20, 2019

The Regular Meeting of May 20, 2019, of Council for the Borough of Kennett Square was called to order at 7:09 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 Ethan L. Cramer
Councilmember James Mallon
Councilmember Brenda Mercomes
Councilmember Lorenzo C. Merino
Councilmember LaToya M. Myers

Mayor Matthew W. Fetick
Borough Manager Joseph C. Scalise
Borough Solicitor Chris Gerber

ADOPTION of AGENDA

It was moved by Councilmember Waterkotte to approve the agenda; seconded by Councilmember Cramer. The motion was approved unanimously.

EXECUTIVE SESSION

President Doerfler announced that Council held an Executive Session at 6:15 p.m. on Monday, May 13, 2019. The purpose of this session was to discuss legal matters with the Borough Solicitor.

President Doerfler also announced that Council held a second Executive Session at 6:30 p.m. on Monday, May 20, 2019. The purpose of this session was to discuss personnel matters and matters related to the purchase of real estate.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, commented that he was unhappy with the process of replacing a councilmember at the last meeting and no one in the public audience knew anything about any of the applicants. Mr. Thomas feels the candidate voted into Council should be the most qualified person for the job and all candidates should be treated equally.

RESOLUTION NO. 2019-13
TRANSFER of LIQUOR LICENSE to
148 WEST STATE STREET, LIBERTY PLACE REFRESHMENTS, LLC

A public hearing was held to discuss the transfer of a liquor license from Tredyffrin Township to 148 West State Street, Liberty Place Refreshments, LLC.

President Doerfler opened the public meeting at 7:12 p.m.

The public hearing was transcribed by Jade Reese, Court Reporter. A transcript of this public hearing is available through the Chester County Court Reporters Office for a period of seven (7) years.

President Doerfler closed the public meeting at 7:23 p.m.

The Council discussion was transcribed by Jade Reese, Court Reporter. A transcript of this public hearing is available through the Chester County Court Reporters Office for a period of seven (7) years.

It was moved by Councilmember Cramer to adopt the resolution approving the transfer of restaurant liquor license No. R-9202 to 148 West State Street as presented; seconded by Councilmember Waterkotte. Motion was approved unanimously.

The resolution was assigned No. 2019-13.

CONSENT ITEMS

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

- Minutes of May 6, 2019.
- Bills that were paid since the last Council meeting.
- Special Event Applications –
 - Juneteenth Celebration, June 15.
 - Mushroom Cap Half Marathon, November 2.
- Accept Resignation from the HARB and MRC by Katie L. Kolb
- Accept Resignation from the Shade Tree Commission and Streetscape Ad Hoc Committee by Thomas Schreier.

REPORTS

PRESIDENT'S REPORT

President Doerfler announced that he has appointed Lorenzo C. Merino to the Finance Committee.

PUBLIC SAFETY and INFRASTRUCTURE COMMITTEE

Mayor Fetick advised that the primary focus the Committee's meeting on May 8th was to discuss options regarding the Magnolia Place dedication with members of the HOA.

As a result of this meeting, the Committee is suggesting the following:

- The Borough takes dedication of D Street with a portion of the western end being no parking to allow for fire equipment access to the Victory parking lot.
- The Borough takes dedication of Mulberry Street provided that the owner of the old NVF property also dedicates their portion of Mulberry Street (south side) to the Borough.
- The Borough takes dedication of the stormwater system to a certain point (to be determined) prior to the stormwater retention basin.
- The Borough does not take dedication of the stormwater retention basin.
- The Borough does not take dedication of Magnolia Court or the Green because it is not a through-way; it is more of parking lot.
- The Borough takes dedication of the streetlights, provided the developer changes them over to LED lights.
- The Borough takes dedication of both alleys; each alley will become a one-way, heading east.

Councilmember Cramer stated that he had additional concerns regarding the Magnolia Place dedication, and they were discussed at the May 8th meeting.

Mayor Fetick also reported that the public meetings regarding the Birch Street Streetscape and Infrastructure Project were very well attended. He suggested that if anyone would like further information, to contact Nate Echeverria, Economic Development Director.

KENNETT FIRE and EMS REGIONAL COMMISSION

Councilmember Cramer stated that he was unable to attend the most recent meeting of the Kennett Fire and EMS Regional Commission but reported that discussion continues regarding recruitment and retention strategies.

POLICE DEPARTMENT

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

FIRE COMPANY

Chief Mitchell reported the following activity for April 2019:

- Total Fire Calls – 22; nine (9) of the calls were in the Borough and four (4) were in Kennett Township.
- Total EMS Calls – 114; 56 of the calls were in the Borough and 47 in Kennett Township.

ORDINANCE NO. 948
AMENDMENTS to CHAPTER 11, MOTOR VEHICLES and TRAFFIC,
RESIDENTIAL PERMIT PARKING

Borough Manager Scalise explained that Council authorized this announcement due to a lack of off-street parking for residents who live on Birch Street. The proposed permitted parking for residents on Birch Street would begin 220 feet from the corner of South Walnut Street, heading west, twenty-four hours per day, seven (7) days a week. This length will produce approximately three (3) to four (4) resident parking spots, taking consideration driveway openings. Mr. Scalise noted that the original ordinance had inconsistencies, therefore additional changes were made, and a red-lined version was made available to the public.

Councilmember Mallon asked if the Borough has investigated the off-street parking availability and suggested the ordinance be more clearly worded. He noted that he has driven around the area to see what parking availability is like and found that when The Creamery and Braeloch Brewing are busy, parking is difficult, but he also noted that on weeknights, parking is available. He finds it confusing that the ordinance is written for Walnut Street and West, which he thinks is possibly more space than what is needed.

Borough Manager Scalise explained there is one residence on the street that does not have off-street parking.

Ben Cordivano, 448 Birch Street, owns the home for which he is requesting residential permitted parking and shared that on many weeknights, overflow parking from the game fields also take up the spaces on Birch Street, leaving no parking for his tenants.

There was a motion by Councilmember Cramer to approve the Ordinance amending Chapter 11 as presented; seconded by Councilmember Myers.

Councilmember Cramer stated that residents should be able to park in front of their homes and he thinks that 220 feet from the corner makes sense.

Councilmember Mallon suggested there might be seven (7) to eight (8) spots that could become available and that 220 feet is in excess of what is needed. He also noted that depending on what happens with the Birch Street Streetscape Plan, this could interfere with those plans.

Councilmember Myers shared that parking is a battle and noted that as we are balancing parking, we also must make sure that residents can park in front of their homes.

Borough Manager Scalise asked how many parking spots Council is comfortable creating in this situation.

Councilmember Waterkotte stated that the resident who does not have parking should have two (2) spaces, not seven (7). He explained he would rather take the time to look further into the matter and the needs of the area.

PUBLIC COMMENTS

John Thomas commented that residents need the parking spots, and Council is worrying about business rather than residents. He suggested Council stop worrying about development and worry about the residents that have been on that street forever. Mr. Thomas commented there are many streets that have parking issues and we should not do this ordinance for just one street, but for all of them.

Charla Watson, 523 Magnolia Street, stated that it is a residential district with rental properties. She feels that even homes with short driveways on Birch Street need more parking spaces. She suggested that Council familiarize themselves with Birch Street and ask the residents what they think.

Ben Cordivano feels that an additional seven (7) or eight (8) spots on the Street is not realistic given the driveways and thinks the Ordinance will add three (3) or four (4) spaces.

Councilmember Mallon commented that we create problems with these residential parking permits and although we think we are solving the problem by providing more parking spaces, we are making the problem worse.

The motion carried with a vote of 5 to 2 with Councilmember Mallon and Vice President Waterkotte voting no.

APPOINTMENT – ADVISORY COMMISSION on LATINO AFFAIRS (“ACOLA”), HECTOR NUNEZ CONTRERAS

President Doerfler shared we received Hector Nunez Contreras’ application to join ACOLA last week and received emails from a few ACOLA members who could not attend tonight’s meeting, but who wanted to express their support of Hector’s appointment.

Luis Tovar, Chair of ACOLA, shared that he has known Hector for a few years and Hector has helped local nonprofits with translation support and is also currently the translator for ACOLA. Mr. Tovar noted that Hector is a university graduate, is very responsible, understands timelines and would be a fantastic addition to the Commission. Mr. Tovar stated that he strongly endorses Hector, as do the members of ACOLA.

Mr. Hector Nunez Contreras introduced himself and shared he has been a resident of the Borough for two (2) years and fell in love with the Borough in 2014. He explained he enjoys agribusiness, working with nonprofits, translating and noted that the best way to get involved in the community is to volunteer.

It was moved by Councilmember Cramer to approve the appointment of Hector Nunez Contreras to ACOLA; seconded by Councilmember Merino.

PUBLIC COMMENTS

There were no comments from the public.

The motion carried unanimously.

CONSIDER REQUEST

RELIEF from PARKING REQUIREMENTS, 323 EAST MAPLE STREET

Borough Manager Scalise explained that the property owner of 323 East State Street, Aaron Luna Nava, is requesting relief from the required parking so he can add a basement apartment. Mr. Scalise shared that the owner wrote a letter stating he did a study over the last few weeks and believes there is enough public parking available in the area. Mr. Scalise advised that that the owner is not in attendance to answer questions.

It was moved by Councilmember Mallon to approve the request for parking relief as presented; seconded by Councilmember Myers.

Councilmember Myers stated that we must do something about parking in the Borough. There is no parking and she understands there is nothing to do at this moment but suggested an official parking study be completed.

Mayor Fetick agreed and noted that one-time relief fees do not work; the fees should be on annual basis.

Councilmember Myers suggested that if we are going to change parking, to officially change it with the guidance of an outside study.

Councilmember Mallon asked what is it that we are trying to achieve. He commented that some areas have absolutely no parking while other areas seem to have plenty of parking.

Vice President Waterkotte agreed that we need to get a handle on parking issues now, rather than in the future.

Borough Manager Scalise stated that a parking study is in this year's budget, to be funded by the Parking Fund, however the income budget for parking is down.

PUBLIC COMMENTS

Charla Watson commented that she is not aware of when parking became part of public safety. She stated the Borough has played a game of favoritism of businesses regarding parking.

John Thomas commented that when he built his apartments, he was required to provide 1.5 parking spots per apartment, but now we have the garage and expect

people to walk. He does not think a waiver should be given if someone is developing apartments or property, as it is the owner's responsibility to provide the parking.

Doug Hayes, 611 Magnolia Street, commented that even Magnolia Place has parking issues and shared that they are losing parking spots over fire truck access. He suggested it would be wise to move forward with a parking study.

The motion did not pass with a vote of 0 to 7.

**AUTHORIZE ADVERTISEMENT for PUBLIC MEETING
ORDINANCE AMENDING CERTAIN PROVISIONS of the
PENSION PLAN APPLICABLE to the POLICE**

Borough Manager Scalise stated that the plan has been reviewed by the Borough Solicitor's firm and we are looking to authorize the advertisement for a public meeting on June 17th.

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

PUBLIC COMMENTS

There were no comments from the public.

The motion carried unanimously.

**RESOLUTION NO. 2019-14
APPOINTMENT of BOROUGH SECRETARY and OPEN RECORDS OFFICER,
EFFECTIVE JUNE 1, 2019**

Borough Secretary Karen Scherer advised that she will be retiring from the Borough on June 7th, and in order to avoid a lapse in service, she recommended that Council appoint Rachel Berkowitz, the current Incoming Borough Secretary, as Borough Secretary and Open Records Officer, effective June 1st.

It was moved by Councilmember Cramer to adopt the resolution appointing Rachel Berkowitz as the new Borough Secretary and Open Records Officer, effective June 1st; seconded by Vice President Waterkotte.

PUBLIC COMMENTS

Ken Edwards congratulated Ms. Scherer on her retirement and welcomed Ms. Berkowitz. He noted that he always appreciates their help.

The motion carried unanimously.

The resolution was assigned No. 2019-14.

RESOLUTION 2019-15

APPROVAL of BOROUGH MANAGER PERFORMANCE EVALUATION FORM

Councilmember Mercomes explained that the Personnel Committee and Borough Solicitor Chris Gerber have developed a new performance evaluation form for the Borough Manager's position and that this form is consistent with other townships and boroughs.

It was moved by Councilmember Mercomes to adopt the resolution approving the Borough Manager Performance Evaluation Form; seconded by Councilmember Myers.

President Doerfler thanked the Personnel Committee for their work on this project.

PUBLIC COMMENTS

There were no comments from the public.

The motion carried unanimously.

The resolution was assigned No. 2019-15.

SUPPORT LETTER and MATCH – GRANT APPLICATION, BRANDYWINE RED CLAY ALLIANCE (BRCA) for STREAM BANK RESTORATION, ANSON B. NIXON PARK

Borough Manager Scalise advised that the BRCA is working on a stream restoration project in Anson B. Nixon Park. Two-thirds (2/3) of the project (3,000 linear feet) is located within the Borough. The BRCA has already received funding to plan for the entire project and is planning on implementing one phase this fall and winter. In order to complete the remainder, they are applying for a grant and need a letter of support from the Borough. The project will also require a match. Conceptually, the Borough and Township have determined the fairest way of splitting up the \$100,000 match is to determine it based on percentage of benefit. This project, if approved by DEP, will save the Borough hundreds of thousands of dollars in meeting our MS4 requirements.

Mike Ellis, Pennoni Associates, stated that the BRCA has not received the permit yet to do the work, but the stream stabilization through this program, approximate cost of \$50,000, would address 88% of the restoration issues.

Borough Manager Scalise stated this will also help with stormwater discharge from the parking garage.

It was moved by Councilmember Mallon to approve the support letter and match for the BRCCA grant application for stream bank restoration as presented; seconded by Vice President Waterkotte.

PUBLIC COMMENTS

John Thomas commented that stream bank restoration is desperately needed and will help the State Street culvert, which causes flooding. He feels it is a great project.

The motion carried unanimously.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

President Doerfler stated there are Boards and Commission vacancies as follows:

- Advisory Commission on Latino Affairs (ACOLA) – one (1) vacancy.
- Civil Service Commission – one (1) vacancy for an Alternate.
- Historical Architectural Review Board – one (1) vacancy.
- Human Relations Commission – three (3) vacancies, up to five (5).
- Property Maintenance Appeals Board – one (1) vacancy.
- Shade Tree Commission – two (2) vacancies.

Councilmember Cramer shared the sad news that a Kennett High School teacher, Korri Brown, passed away over the weekend.

Borough Manager Scalise announced that the Borough's new website is now up and running. He stated we have more control over the site and will be able to add more interactive content.

ADJOURNMENT

There being no further business, President Doerfler adjourned the meeting at 8:41 p.m.



Rachel J. Berkowitz
Borough Secretary