

## **OFFICIAL MINUTES JUNE 17, 2019**

The Regular Meeting of June 17, 2019, of Council for the Borough of Kennett Square was called to order at 7:00 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 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 Michael G. Crotty*

### **ADOPTION of AGENDA**

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

### **EXECUTIVE SESSION**

President Doerfler announced that Council held an Executive Session at 6:30 p.m. on Monday, June 17, 2019. The purpose of this session was to discuss personnel matters with regards to the Collective Bargaining Agreement.

### **SPECIAL RECOGNITION of DONATION to KENNETT FIRE DEPARTMENT**

Mayor Fetick welcomed Mr. Lee Mikles, owner of Grain Craft Bar and Kitchen in Kennett Square, to present a check to Kennett Fire Department (KFD) as the winner of the Second Annual Wing Bowl Championship.

Mr. Mikles explained that The Wing Bowl is a friendly First Responder wing-eating competition between the KFD and Kennett Square Police Department, emceed by the Mayor. Proceeds from the competition, \$500, was donated to the Chester County Hero Fund. Mr. Mikles noted that the Fire and Police Departments each have one (1) win and he looks forward to next year's competition.

## **PUBLIC COMMENTS**

John Thomas, 406 South Broad Street, thanked Council for advertising the public meeting online and in the newspapers, but noted that he is not happy about what he considers to be untruths in the press release, commenting that Kennett Square is not a “Boom Town”.

President Doerfler explained that the writer of the newspaper article added the title “Boom Town”, the press release was not written with that wording.

Suzanne Satterly, 110 N. Mill Road, noted there is a problem with speeding on Mill Road. She stated there are small children who live on this road and she encouraged the Police to be more vigilant in catching speeders.

Charla Watson, 523 Magnolia Street, commented that she hopes to hear remarks only from citizens of the Borough Kennett Square during the public hearing.

Amy Reigel, 245 N. Washington Street, stated there is a serious speeding problem on Sickle Street; she has seen people almost be hit, her parked car has been hit and she has to walk her children across the street because cars do not stop for pedestrians. Ms. Reigel noted that the traffic pattern has picked up significantly in the past year and with more people moving into the Borough, speeding on these streets must be addressed.

Eliot Dalton, 110 W. Sickle Street, commented that he has seen an incredible increase in traffic on Sickle Street since Victory and Magnolia Place opened and it is a serious safety concern. He suggested traffic needs to be addressed more quickly than has been represented by Council. Mr. Dalton also noted that he is having a structural engineer assess his home because the foundation is crumbling, which he feels is possibly due to the heavily loaded construction vehicles on Sickle Street.

## **PUBLIC HEARING AND ACTION ITEM PROPOSED ORDINANCE AMENDING CHAPTER 23, ZONING, to ADDRESS REVITALIZATION/ADDITIONAL USES of PROPERTY within the C-2 ZONING DISTRICT**

President Doerfler explained that this public hearing is to consider amending the zoning rules for the C-2 District so that residential and commercial businesses can move into this area of town. President Doerfler stated this hearing is not to approve a specific project.

Borough Solicitor Crotty advised that this is a public hearing to discuss the proposed ordinance amending Chapter 23, Zoning, to Address Revitalization/Additional Uses of Property Within the C-2 Zoning District. The proposed ordinance was sent to the Chester County Law Library, the County Planning Commission and the Borough’s Planning Commission twice. He also noted it has been publicized in the newspapers, online and has been posted in the affected area that is to be re-zoned. Solicitor Crotty further explained that

the Borough mailed a notice to everyone who owns a piece of property in the C-2 District notifying them of this public hearing.

**President Doerfler opened the public meeting at 7:13 p.m.**

The public hearing was transcribed by Gale Fitzpatrick, 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 8:33 p.m.**

The Council discussion was transcribed by Gale Fitzpatrick, Court Reporter. A transcript of this public hearing and discussion 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 ordinance to amend Chapter 23, Zoning as presented; seconded by Councilmember Waterkotte.**

**The motion carried 5-2 with Councilmembers Mallon and Mercomes voting no.**

The ordinance was assigned No. 949.

## **CONSENT ITEMS**

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

- Minutes of June 3, 2019.
- Bills that were paid since the last Council meeting.
- Consider Bid Award – Municipal sale of Equipment.
- Consider Resolution – Safety and Risk Management Statement.

## **REPORTS**

### **PRESIDENT'S REPORT**

President Doerfler shared he had the opportunity to attend the Pennsylvania State Association of Boroughs Awards Luncheon in Hershey, Pennsylvania, where the Borough received Third (3<sup>rd</sup>) place recognition for our newsletter from the 2019 Borough News Municipal Newsletter Contest in the 5,001 – 7,500 population category. President Doerfler congratulated everyone involved in creating the newsletter.

President Doerfler stated that a press release went out regarding the public hearing and meeting tonight and the Municipal Relations Committee is committed to looking for more opportunities to enhance this type of communication with the public.

## **PERSONNEL COMMITTEE**

Councilmember Mercomes reported that the Committee met on June 6, 2019 to discuss the process of negotiating the contract with the Kennett Square Police Association (KSPA). She stated they met again on June 12, 2019 for an Executive session to discuss contract issues. The Committee will meet again with the KSPA on July 1, 2019.

## **PUBLIC SAFETY AND INFRASTRUCTURE COMMITTEE**

Mayor Fetick reported the following activity from the meeting on June 5, 2019:

- A revised plan for the N. Union Street Gateway was submitted by Pennoni to PennDOT.
- The DVRPC update on the truck traffic study is not complete yet but they shared they received good feedback from residents which will be factored in.
- Randy has met with PennDOT on standardizing the pedestrian crosswalks so that they all look uniform and have standardized markings.
- Residents from Magnolia Place attended the meeting to discuss the concerns the Fire Company has with firetruck access into Victory parking lot; there is ongoing follow-up and we do not have a solution yet, but we are working cooperatively to find the appropriate solution.

## **KENNETT FIRE and EMS REGIONAL COMMISSION**

Councilmember Cramer reported they had a good meeting with the major emphasis being on the recruitment and retention of volunteers. Mr. Cramer explained he has been asked to speak with Council about increasing our contribution by approximately 10 percent.

## **POLICE DEPARTMENT**

Chief Holdsworth provided a written report which was included in the Council packet. In addition, the Chief noted that May was a very busy month with special events that all went well. He shared that the KSPA received a donation from the Kennett Rotary Club which represented the proceeds from Bingo night. Chief Holdsworth noted it was a great event and commented that Ms. Puoci won the 50/50 and graciously donated it back to KSPA.

## **FIRE COMPANY**

Chief Mitchell provided a written report which was included in the Council packet. In addition, he stated they brought in four (4) new members last week who have great backgrounds and are already certified. Chief Mitchell commented that he read on social media that people were complaining about the fire siren in town. He explained that the fire siren is critical in the event that phones systems are not working and it will remain in place.

Councilmember Cramer agreed with Chief Mitchell and promised that the fire siren will remain as long as he is a Councilmember.

**PUBLIC MEETING and ACTION ITEM  
PROPOSED ORDINANCE AMENDING CERTAIN PROVISIONS of the PENSION  
PLAN APPLICABLE to the POLICE**

Borough Solicitor Crotty explained the Police Pension Plan needs to be amended every few years to comply with changes in the Collective Bargaining Agreement (CBA), Act 600 and other applicable laws. Solicitor Crotty noted that our CBA is inconsistent with our current ordinance and the proposed amended ordinance brings it into compliance with the CBA. The proposed ordinance has been reviewed and recommended for adoption by our Pension Administrator, Mockenhaupt.

**It was moved by Councilmember Cramer to approve the ordinance amending certain provisions of the pension plan applicable to the police; seconded by Councilmember Myers.**

**PUBLIC COMMENTS**

There were no comments from the public.

**The motion carried unanimously.**

The ordinance was assigned No. 950.

**CONSIDER BID AWARD – PARKING GARAGE EXPANSION**

Borough Manager Scalise stated that the bids for the Parking Garage Expansion Project were received on Thursday, March 21, 2019 at 3 p.m. and were read aloud at a Public meeting on Monday, March 25, 2019 at 3 p.m. He shared that six (6) bids were received and the lowest responsible bid was received from Commonwealth Construction Company (CCC) with a base bid of \$2,430,976.00. Manager Scalise explained there were also alternates including relocating a power pole to improve the turning radius at Broad and Linden Streets, milling and paving Maple Street from Broad to the pedestrian walkway at the Garage and relocation of the electrical and communication services. Tevebaugh, the Borough's architect, recommends awarding the bid to CCC and the alternates with the total amount of \$2,508,174.00 based on the maximum amount of the bid. Borough Manager Scalise advised that in the meantime, since the bid came in over budget, we do have \$1.25 million set aside in two (2) grants. Borough Manager Scalise noted that the Finance Committee met with the bond consultant and recommends extending the existing debt to complete this project.

Councilmember Merino, Chair of the Finance Committee stated that the Committee recommends moving forward with the project and approving the bid award.

**Councilmember Waterkotte motioned to approve the bid award for the Parking Garage Expansion Project as presented; seconded by Councilmember Merino.**

Councilmember Cramer commented that he will vote “no” on this project because of things that have changed since this project was originally thought through, the bid came in higher than expected and he feels this money can be used elsewhere. Councilmember Cramer believes we are in a structural crisis and we need to be more creative. He expressed that he understands grants are involved but believes that matching grants require too much money.

Councilmember Mercomes asked if there are consequences to not approving the garage expansion project and declining the grant money.

Borough Manager Scalise explained that it does not look good to turn down grant money, but there are no direct consequences. Mr. Scalise clarified that this is parking fund money, not general fund money, but the general fund will back up the parking fund if necessary.

### **PUBLIC COMMENTS**

Ed Dougherty, 712 Mason Avenue, expressed his opinion that we should not spend any money on the parking garage until we complete a parking study.

Charla Watson stated that the garage expansion will not help the citizens of this town, it will help tourists.

**The motion carried 4-3 with Councilmembers Myers, Cramer and Mercomes voting no.**

### **PUBLIC MEETING and ACTION ITEM PROPOSED ORDINANCE - INCURRENCE of NON-ELECTORAL INDEBTEDNESS, REFINANCE DEBT**

Borough Manager Scalise stated that the Borough has again retained RBC Capital Markets as Loan Advisor and Eckert Seamans as Bond Counsel to assist in financing the Wastewater Treatment Plant Upgrade and the Parking Garage Expansion projects. The recommended respondent to the RFP is Riverview Bank, which we are familiar with from a 2016 loan. The Finance Committee recommended staggering the debt for the garage so as to not increase the annual debt service and have the debt added on to increase the length of payments at the same amount. The sewer debt is stand alone and adds to the Borough's current sewer debt service. Series A will provide \$1.25 million in new debt for the garage, as well as the refinancing of existing garage debt. Series B is intended for construction only, to be paid in full as soon as the grant money is received. Series C will provide for \$2 million and is for the sewer plant upgrade.

**It was moved by Councilmember Mallon to approve the draft ordinance to refinance debt as presented; seconded by Councilmember Merino.**

**PUBLIC COMMENTS**

There were no comments from the public.

*The motion carried unanimously.*

The ordinance was assigned No. 951.

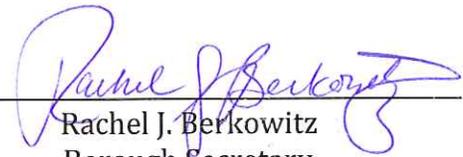
**COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS**

Borough Manager Scalise thanked Ms. Puoci for donating her 50-50 winnings from the Bingo night back to the KSPA.

President Doerfler thanked everyone involved in setting up the room for the meeting tonight, as there was an Exelon conference today and it continues tomorrow.

**ADJOURNMENT**

*There being no further business, President Doerfler adjourned the meeting at 9:30 p.m.*



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Rachel J. Berkowitz  
Borough Secretary