

## OFFICIAL MINUTES August 5, 2019

The Regular Meeting of August 5, 2019, of Council for the Borough of Kennett Square was called to order at 7: 06 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*

### ADOPTION of AGENDA

*It was moved by Councilmember Waterkotte to approve the agenda; seconded by Councilmember Mallon.*

*Councilmember Cramer motioned to amend the agenda to consider a resolution establishing the Ad-Hoc Human Relations Committee, seconded by Councilmember Mercomes.*

Councilmember Cramer explained this Resolution is an effort to get the Ad-Hoc Human Relations Committee running.

Councilmember Mallon commented that he received the draft Resolution this morning, has not had a chance to review it and prefers not to vote on things that he has not reviewed.

President Doerfler explained this topic was first considered in July and this Resolution captures the process that was discussed. President Doerfler called for the vote on the motion to amend the Agenda.

*The motion carried unanimously.*

President Doerfler called for the vote on the motion to adopt the amended Agenda.

*The motion carried unanimously.*

## **EXECUTIVE SESSION**

President Doerfler announced that Council held an Executive Session at 6:00 p.m. on Monday, August 5, 2019. The purpose of this session was to discuss potential legal matters and the potential purchase of real estate.

## **PUBLIC COMMENTS**

John Thomas, 406 South Broad Street, commented that he is very concerned about form-based zoning, believing the way we are going about it is illegal because it is not being done in public. Mr. Thomas feels form-based zoning will forever change the Borough. He noted we have a diverse community and suggested Council do their research so that neighborhoods that have been here for years are not ruined by form-based zoning.

Charla Watson, 523 Magnolia Street, expressed her opinion that traffic flow is not being considered when new projects are approved, noting that Walnut Street will not be able to handle the number of cars and the Borough will not be able to handle the density of the population. Ms. Watson commented that she is unclear on form-based zoning and has tried to get more information on it by attending meetings, but it was not discussed. She shared her frustration over the possible library tax and her belief that Council wants the Borough to increase to 10,000 residents, which she does not think can be managed in a one (1) square mile Borough.

Ken Edwards, 412 Meredith Street, spoke of a fairly new housing development built in a commercial zone that has a business running out of one of the homes, which he believes allows for other small businesses to slide in. He suggested that Council tighten up what is allowed in the Borough's zoning codes. Mr. Edwards commented that most of the apartments in the Borough are in C2-zoned properties and suggested that zones be reviewed.

Borough Solicitor Crotty advised that the form-based zoning ordinance has not been approved by Borough Council. He explained that the ordinance will be fully put before the Borough's Planning Commission, whose meetings are open to the public. The Commission will then give a recommendation to Borough Council, who will then vote to authorize an advertisement in the newspaper for a public hearing on the ordinance.

Becky Clement, 237 North Washington Street, shared that a young girl riding her bike was hit by a car on Sickle Street on July 15<sup>th</sup>. She noted that when the accident happened, residents who heard it came outside and their concern makes her proud to live in her neighborhood. Ms. Clement commented that she attended the June 17<sup>th</sup> Council meeting where at least five (5) additional residents stood up to speak about the dangers on Sickle Street with speeding cars. She expressed her frustration that nothing has happened, meanwhile the consequence of inaction is that a child has been hurt.

Chief Holdsworth advised that the day after the June 17<sup>th</sup> meeting, his officers began to track speeding at various times on Sickle Street for two (2) weeks and noted that out a few hundred cars, officers only issued three (3) speeding citations. Chief Holdsworth extended speed tracking for an additional two (2) weeks which resulted again with only three (3) speeding citations issued. He explained that while the bike accident was very unfortunate, the bicyclist was at fault because the vehicle had the right of way. Chief Holdsworth shared

there are a variety of things happening behind the scenes to address traffic and speeding issues in the Borough.

Vice President Waterkotte asked Ms. Clement to let her neighbors know that prior to that accident happening, the Finance Committee was looking to identify money for traffic calming on Sickle Street as well. He shared that the perception may be that we do not care, but discussions are happening behind the scenes and we are investigating creative ways to help ease the traffic and speeding issues.

Councilmember Mallon commented that his wife heard the car coming down Sickle Street and the sound of the car accident. He does not think traffic calming will work and would recommend installing a stop sign.

## **CONSENT ITEMS**

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

- Minutes of July 15, 2019.
- Bills that were paid since the last Council meeting.
- Special Event Applications:
  - Magnolia Street Block Party – August 18<sup>th</sup>
  - 2019 KHS Homecoming Parade – September 20<sup>th</sup>

## **REPORTS**

### **PRESIDENT'S REPORT**

President Doerfler did not have anything new to report.

### **MANAGER'S REPORT**

Borough Manager Scalise submitted a written report that was included in the Council packet.

In response to the earlier stop sign discussion, Borough Manager Scalise explained that the Borough follows the traffic calming manual from PennDOT which does not permit the use of stop signs for the reduction of speed; they are used almost exclusively for sight distance issues. He further explained that we follow PennDOT's recommendations and warrants to justify the use of a stop sign, otherwise we could be liable for an accident. Mr. Scalise advised that Sickle Street would most likely not meet the requirements for a stop sign, but there are other traffic calming methods we are exploring.

Councilmember Mallon argued that Sickle Street has become the bypass for State Street and vehicles fly down the street. He commented that a number of residents attended the June 17<sup>th</sup> Council meeting, spoke publicly about the speeding on Sickle Street and something needs to be done.

Chief Holdsworth advised that the Director of Public Works has also been asked to set up a traffic counter on Sickle Street in order to better evaluate the traffic patterns.

Vice President Waterkotte expressed that Council is trying to find solutions and proposed that possibly, in the meantime, we could install a stop sign while we look for funds for alternative traffic calming options.

Councilmember Cramer noted that traffic on Sickle Street has been on the Public Safety and Infrastructure Committee's agenda as well. He suggested the easiest form of traffic calming is to have parking on both sides of the street. Councilmember Cramer noted he would not support putting aside PennDOT recommendations for the use of stop signs.

Borough Manager Scalise advised that he resubmitted the permit for the Union Street traffic calming project addressing their comments and hopes for a permit soon. PennDOT is expected to begin paving Route 82 in October.

In addition, Manager Scalise reported the budget process has begun. He explained that all of the documents went out to Department Heads last week and he will be reaching out to Committee Chairs for their input as well.

## **FINANCE COMMITTEE**

Councilmember Merino, Chair of the Finance Committee, reported the following activity from their meeting on August 5<sup>th</sup>, 2019:

- The Committee reviewed the bills and monthly financials.
- The Committee discussed the Kennett Library and its request to financially support the construction of the new library; a recommendation will come to Council at a later date after further review.
- The Committee also moved forward to allow for a review of the Park and Recreation Ordinance to include maintenance as an acceptable expense; a recommendation will come to Council at a later date.
- Headsets for translation services were ordered and received last week; once we have a pool of volunteers to translate, we will have the service available for Council meetings.

## **MUNICIPAL RELATIONS COMMITTEE (MRC)**

Councilmember Cramer chaired the meeting in place of President Doerfler who could not attend, and reported the MRC had a discussion on a resolution regarding racism. The group as a whole thought it should not come before Council because it is a distraction. He noted the Committee also discussed starting up the Ad-Hoc Human Relations Committee. Councilmember Cramer shared the Committee has plans for a public forum that needs to be scheduled and discussed developing new relationships in various areas and levels of government. He also noted a suggestion was made to redistribute the Five (5) Values that were formerly passed by Council as a reminder to everyone. The Committee passed a motion that they are deeply concerned about the process and transparency of zoning amendments from the Vision, Planning and Partnership Task Force.

## **PERSONNEL COMMITTEE**

Councilmember Mercomes reported that the Committee has been most concerned with the police contract. Their last meeting was on July 29<sup>th</sup> and will meet next on August 19<sup>th</sup>. The Committee has been meeting almost every two weeks.

## **ACTION ITEMS**

### **CONSIDER APPROVAL of the CERTIFIED LOCAL GOVERNMENT (CLG) PROGRAM CERTIFICATION AGREEMENT**

Borough Manager Scalise explained that the State's Historic Preservation Office provided us with agreement to reaffirm our commitment to the CLG program and historic preservation, which is shown through our Historic Architecture Review Board (HARB) Ordinance. Borough Solicitor Crotty has reviewed the proposed agreement and stated that it is simply an agreement of Council authorizing the chief elected official to sign and does not need to be advertised for an ordinance or resolution. The agreement provides us with the CLG status which permits access to money and technical support for HARB issues.

**Councilmember Cramer motioned to approve the CLG Certification Agreement; seconded by Councilmember Merino.**

## **PUBLIC COMMENTS**

John Thomas commented that we have a historic district, but we have buildings in other areas of the Borough that should be designated as historic. He asked if there is a way to address these individual buildings.

Borough Manager Scalise advised that the question is not related to CLG agreement, it is related to the Ordinance itself. He explained that he was not involved in drafting the Ordinance and the State's Historic Preservation Office requires that a historic district is to be a mapped area and you cannot isolate individual buildings. Mr. Scalise noted that this will be further discussed as they work to amend the Ordinance.

**The motion carried unanimously**

### **CONSIDER RESOLUTION – REDEVELOPMENT ASSISTANCE CAPITAL PROGRAM (RACP) FUNDING AGREEMENT**

Borough Manager Scalise explained that this Resolution is related to the parking garage grant and the Office of the Budget requires confirmation that we have the funds available to construct the project, meet the match funding and define the sources of those funds. The Resolution was adopted once before in January but that was prior to the actual construction costs and revised loans, therefore we are required to adopt a new Resolution.

It was moved by Councilmember Waterkotte to approve the Resolution for the RACP Funding Agreement as presented; seconded by Councilmember Mallon.

## **PUBLIC COMMENTS**

There were no public comments.

The motion carried unanimously.

The Resolution was assigned No. 2019-18.

## **CONSIDER for APPROVAL – TERMS of the REVOLVING LOAN FUND (RLF) AGREEMENT and AUTHORIZE SIGNER**

Nate Echeverria, Economic Development Director, advised that the Borough has a pool of money from a State grant to make economic development loans to small business. This will be the third loan from the fund to a company called Work2gether based in Downingtown. He explained that loan applications are brought to the RLF Committee, which then makes a recommendation and develops the loan agreement. Mr. Echeverria advised that Work 2gether will be located at 120 E. State Street, often referred to as the New Orleans Building.

Borough Manager Scalise explained that what Council is technically agreeing to are the loan terms in the draft agreement and authorizing the Borough Manager to execute the required documents. He noted the agreement is currently under review with Mary Kay Gaver, who vetted the first loan.

Vice President Waterkotte asked Borough Manager Scalise to share more information about the RLF program.

Borough Manager Scalise explained that the idea of the RLF program is similar to GAP funding, noting that the Borough is not a bank and we require a denial letter from a bank as part of the RLF process. He advised that this type of loan is for a project that may be harder to get off the ground, and we require other funding sources and sometimes a match from the client. Mr. Scalise suggested that if an individual wants to start the loan application process, they would begin by contacting Mr. Echeverria who would help the individual through the initial application, which would go before the RLF Committee. He noted the RLF Committee meetings are public and advertised.

Councilmember Cramer asked Nick Winkler, the owner of Work 2gether, to explain more about his business.

Mr. Winkler shared that the Kennett Square location of Work 2gether Co. will be his second building, the first is in Downingtown. He explained it is a co-working space, a shared workspace that is an opportunity for individuals needing work and/or meeting space.

Borough Manager Scalise noted that there is a planned café and retail space on the first floor of the building which meets current zoning requirements.

It was moved by Councilmember Cramer to approve the terms of the RLF Agreement and Authorize Signer as presented; seconded by Councilmember Waterkotte.

Councilmember Merino commented that page two (2) of the commitment letter has a line that should be changed because the Borough is not a licensed SBA lender.

Borough Manager Scalise stated that change will be made and the formal document will be cleaned up.

Councilmember Cramer shared his opinion that he is big fan of this type of business and we have a town full of people who want to own their own businesses. He noted a shared workspace is a great for entrepreneurs and that new and exciting ideas could benefit our town economically.

### **PUBLIC COMMENTS**

John Thomas commented that he is very happy someone will be in that building. He suggested the business owner make sure there is something commercial in the front, like the café, to meet the zoning requirements.

Charla Watson wished Mr. Winkler good luck and shared her belief that the building should have been torn down.

Andy Froning, 308 Marshall Street, also wished him Mr. Winkler the best of luck and shared he appreciates Council for making this loan possible.

The motion carried unanimously.

### **CONSIDER RESOLUTION to ESTABLISH the AD-HOC HUMAN RELATIONS COMMITTEE**

Councilmember Cramer explained that this Resolution is a way to get the ball rolling for the Ad-Hoc Human Relations Committee. He shared the idea of the Committee is for people who feel they have been wronged to have the opportunity to sit down together and talk about what happened, with mediation involved. He feels that misunderstandings tear us and our community apart and we can do better. Councilmember Cramer advised there is training the Committee must complete as well. He is thankful for Ms. Oyler who is here tonight, as she is committed to the concept of the Committee and is ready to begin her work.

Councilmember Mallon shared he has not had a chance to review this resolution and noticed that in the Code, section 2-65, paragraph B is only partially in this Resolution and C, D and F are not included at all. He suggested that we need to be very careful and the Resolution needs revision. He also noted that paragraph 5 in this proposed resolution is not in the Code, and the Resolution should reflect the Code.

Councilmember Cramer explained this Resolution is not for the Human Relations Commission, it is regarding the AD-Hoc Committee to get things started for the future Human Relations Commission and is very flexible. He noted he is happy to amend the proposed Resolution.

Councilmember Mallon suggested we strike paragraph five (5) in the proposed Resolution because it is not in the Code and we should be careful to have the Resolution relate well to the Code. He suggested also including all of Code section 2-65, paragraph B, as this version of the Resolution leaves out a prohibition that officers of a political party cannot serve on the Commission.

Councilmember Cramer motioned to adopt the Resolution establishing an Ad-Hoc Human Relations Committee, seconded by Councilmember Mercomes.

Councilmember Mallon moved to revise the proposed Resolution by including the following: 'Now, Therefore', section to include Code section 2.65 paragraph B that includes prohibitions as to who can be on the Committee, include paragraphs D and F that limits the power of the Committee and strike paragraph 5 in the proposed Resolution; seconded by Vice President Waterkotte.

Councilmember Cramer argued that the Ordinance should not give the Committee the power, the future Commission will have the power and therefore, paragraphs D and F should be withdrawn. He further explained that the Committee is only laying the groundwork for the future Commission.

Councilmember Mallon agreed with Councilmember Cramer to withdraw paragraphs D and F, understanding that the Committee should not have the same powers of the future Commission.

President Doerfler called for a vote on the previous amendment motions.

The motion to amend the Resolution did not carry by vote of 0-7.

Councilmember Mallon motioned to amend two (2) items in the proposed Resolution, the 'Now, therefore' paragraph will include paragraph B of section 2-65 and to strike paragraph 5 from the proposed Resolution; seconded by Councilmember Cramer. The motion carried unanimously.

## **PUBLIC COMMENTS**

John Thomas commented the resolution is wordy and all that you are doing is authorizing an ad-hoc committee. He noted we have simple guidelines and it should not be this complicated.

Ken Edwards, 412 Meredith Street, shared that this discussion lost him. He suggested we make it simpler.

Charla Watson commented on the confusion and suggested the Resolution be sent back to the Committee. She feels the Resolution should say what you want these Committee people to do.

Councilmember Cramer advised that the goal here was to get the Resolution on the books and get the Committee established.

President Doerfler called for a vote on the main motion to adopt the Resolution establishing an Ad-Hoc Human Relations Committee as amended.

*The motion carried unanimously.*

The Resolution was assigned No. 2019-19.

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

Vice President Waterkotte noted that we have a variety of vacancies on Borough Committees and asked residents to consider taking part, as we would appreciate more resident involvement.

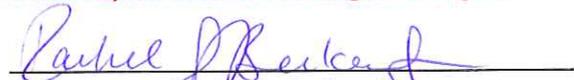
President Doerfler noted we will want to vote on the applicants for the Ad-Hoc Human Relations Committee at the next meeting on Tuesday, September 3<sup>rd</sup> and will accept applications through August 28<sup>th</sup>.

Councilmember Cramer shared that National Night Out is a collaborative event with the Carter CDC and the Police Department, honoring Ed Zunino, celebrating community policing and the friendships developed in our community. He advised the celebration will be held tomorrow, August 6<sup>th</sup> at 6pm on the 300 block of East Linden Street.

Borough Manager Scalise asked residents to sign up for Swift 911, the emergency notification system, noting that it may become a requirement. He also shared we will start work on the Fall newsletter, which will hopefully be the Borough's last full paper newsletter, as it is expensive to make and mail the paper copies. Mr. Scalise encouraged people to sign up for the electronic version of the newsletter and advised that there will still be paper copies available at the Library and Borough Hall.

### **ADJOURNMENT**

*There being no further business, President Doerfler adjourned the meeting at 8:26 p.m.*

  
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Rachel J. Berkowitz  
Borough Secretary