

## **OFFICIAL MINUTES September 16, 2019**

The Regular Meeting of September 16, 2019, of Council for the Borough of Kennett Square was called to order at 7:05p.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*

*Mayor Matthew W. Fetick  
Borough Manager Joseph C. Scalise*

Absent: *Councilmember LaToya M. Myers*

### **ADOPTION of AGENDA**

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

### **PRESENTATION of PROCLAMATION by MAYOR FETICK OCTOBER 2019 – DOMESTIC VIOLENCE AWARENESS MONTH (DVCCC)**

Mayor Fetick noted that we passed a Resolution marking October 2019 as Domestic Violence Awareness month at the last Borough Council meeting. A proclamation was prepared for the DVCCC, but the person accepting the proclamation was unable to attend at the last minute; we will send her the proclamation. The DVCCC will tie purple ribbons on light posts around town as a colorful and peaceful way to raise awareness about domestic violence and the services available through DVCCC. The DVCCC provides a 24/7 crisis hotline, individual and group counseling, legal representation, court accompaniment, legal advocacy, children’s programs, an emergency crisis shelter, transitional and independent housing programs and educational and prevention programs.

## **PRESENTATION of SOUTHERN CHESTER COUNTY OPPORTUNITY NETWORK (SCCON) - KATE UHLER**

Kate Uhler, the Director of Community Engagement for the Constellation Network Southern Chester County, PA explained that SCCON is a multisector collaboration of people and organizations focused on ways to help people move out of poverty and change their circumstances. Ms. Uhler noted that SCCON brings people together from all over the community, including those who have experienced need and it also provides frameworks for understanding the cycle of poverty and what can be done to make change. SCCON offers half and full day workshops on a regular basis and runs a 16-week program for individuals with lived experience of poverty. Ms. Uhler explained they have working teams, or "Discovery Groups" working on issues such as affordable housing, community collaboration, transportation, employment and economic opportunity. SCCON holds quarterly community meetings, with the next meeting on October 15, 2019 with County Commissioners invited to attend. Ms. Uhler shared that SCCON's goals are aligned with those of the Borough in that we both want to bring together local stakeholders to collaborate on community needs in the effort to create an accessible, inclusive, diverse and well-rounded community with opportunities for all residents.

Councilmember Waterkotte expressed his surprise that this sort of network is going on in the community, yet people are often unaware. He suggested we publish the SCCOOT bus schedule on the Borough's website.

Councilmember Merino shared he has a meeting with Fran Lutz about these same issues and is excited to hear more details.

President Doerfler thanked Ms. Uhler and the program graduates for attending the meeting and sharing their important work with the community.

## **PUBLIC COMMENTS**

John Thomas, 406 South Broad Street, commented that he is happy SCCOOT is available for people. He noted that the State is giving money back to counties and towns for liquor licenses and suggested the Borough should get money back as well. Mr. Thomas shared he learned from his bank that the building of large apartment complexes is on the downswing. According to Mr. Thomas' conversation with the bank, there is currently a glut of large apartment complexes that eventually become converted to condominiums. He suggested Council should be aware of trends and statistics before approving projects.

Charla Watson, 523 Magnolia Street, commented that SCCOOT and Rover bus services have been in Chester County for many years, but need more convenient bus stops. Ms. Watson asked Council to repair the alleys in the Borough, stating they need help and should be repaired immediately. She shared her concern about the new entrance to Anson B. Nixon Park on North Walnut Street, suggesting that it is dangerous and will cause accidents. She asked Council to put a stop sign at Hazel Street and North Walnut and to re-open the old park entrance. Ms. Watson also asked Council to put a moratorium on rentals in the Borough, specifically on the conversion of homes to multi-unit rentals. She feels the Borough needs homeowners with roots in Kennett Square and more single-family homes to keep taxes down.

Doug Hayes, 611 Magnolia Court, expressed his disappointment with the dedication process of Magnolia Place. He noted the Homeowners Association (HOA) is aware of the Fire Company's issue with the Victory parking lot but feels that the HOA cannot take on the issue. He asked that this issue be separated from the broader issue of dedication and be resolved by another appropriate Borough process. He suggested Council should vote on the dedication at the first Council meeting in October.

## **CONSENT ITEMS**

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

- Minutes of September 3, 2019.
- Bills that were paid since the last Council meeting.
- Approval of Winter Traffic Service Agreement with PennDOT-Route 82.

## **REPORTS**

### **PUBLIC SAFETY and INFRASTRUCTURE COMMITTEE**

Mayor Fetick reported that the North Union Street gateway island is being installed and should be completed soon. He also reported that we are not satisfied with the pedestrian crossing at State and Liberty Place and noted that Randy Behmke, the Director of Public Works will standardize every pedestrian crosswalk in the Borough by adopting PennDOT specifications for crosswalks so that they will all look uniform and be easily noticeable.

Mayor Fetick noted that a recommendation will come forward regarding parking on Dalmatian street which gets overflow parking from area apartments. He explained that residents on Dalmatian Street have asked for permit parking on their street because they have trouble finding parking near their homes. He further reported that Chief Holdsworth mentioned the apartments are overcrowded with people and vehicles.

Lastly, Mayor Fetick reported that the owner of the car wash on Route 82 called about fixing the railing on the bridge. Borough Manager Scalise spoke with PennDOT, who says the railing is not their responsibility, they are only responsible for the surface of the bridge from curb to curb. The Mayor shared this is a frustrating issue with PennDOT because we now need to determine who is responsible for the railing, including all that it may entail. Borough Manager Scalise will follow up with PennDOT on the issue and the best way to move forward.

Councilmember Waterkotte asked if a structural engineer should look at the railing. Mayor Fetick thought it is a possibility if we cannot get PennDOT to assume responsibility.

## **KENNETT FIRE & EMS REGIONAL COMMISSION**

Councilmember Cramer reported the Commission has gotten bogged down in false alarms and is considering a request for municipalities to adopt the International Fire Code for more standardization. He also reported there is a request to consider aligning ordinances. Councilmember Cramer noted that a budget needs to be put forward, but the Commission is not in a place to do so yet. He noted the fire companies are working together effectively.

Councilmember Mallon asked if there is any guidance from the State on adopting the International Fire Code and what impact it will have with insurance carriers.

Councilmember Cramer shared that Pennsbury Township is considering adopting the International Fire Code and there are real differences in the two codes.

Borough Manager Scalise advised that the State and the Borough have adopted international code for building, but not for fire.

## **POLICE DEPARTMENT**

Chief Holdsworth submitted a written report that was included in the Council packet. In addition, he shared that the Police Department will host a gun buyback event for Borough residents to safely remove unwanted firearms from their homes. The Chief explained that a social media post on the event brought forth negative comments. On Saturday morning he deleted the post because it was going viral with negative comments coming from all over the country. He further explained that the motivation for the event was to get unwanted firearms out of homes, for instance guns that have been handed down over generations, or guns that are of no use to anyone or that people do not know how to use. He advised they will continue to hold the event but will not post it on Facebook. The event is on Saturday, September 28<sup>th</sup> from 10 a.m. - 2 p.m. at the Police Station and they are offering up to \$50 per gun.

Mayor Fetick noted that a gun buyback event was held 10 (ten) years ago with Police Chief Zunino and resulted in 17 guns turned in to the Police. The intention is not to take guns away from people, it is an opportunity for a resident who has a weapon at home that they do not know how to use or no longer want, to turn it in to the police; it is a safety event.

## **FIRE COMPANY**

Chief Mitchell submitted a written report that was included in the Council packet.

## **ACTION ITEMS**

### **CONSIDER RESIGNATION of PAULINE MICHEL, SHADE TREE COMMISSION**

Borough Manager Scalise shared that Ms. Michel recently took a full-time position that will inhibit her ability to get to Commission meetings and therefore submitted her resignation.

**It was moved by Councilmember Waterkotte to accept the resignation of Pauline Michel from the Shade Tree Commission; seconded by Councilmember Merino.**

**PUBLIC COMMENT**

There were no comments.

The motion carried unanimously.

**CONSIDER RESIGNATION of SALVADOR LOPEZ, ACOLA**

Borough Manager Scalise explained that Luis Tovar met with Salvador Lopez who no longer has the time to continue as an ACOLA member and would like to resign.

It was motioned by Councilmember Mallon to accept the resignation of Salvador Lopez from ACOLA; seconded by Councilmember Waterkotte. The motion carried unanimously.

**PUBLIC COMMENT**

There were no comments.

The motion carried unanimously.

**CONSIDER APPOINTMENT of ANDREW FRONING to HARB**

Borough Manager Scalise shared that Steven Conyers, Chair of the Historic Architecture Review Board (HARB) recommends that Andrew Froning rejoin the HARB.

It was motioned by Councilmember Cramer to appoint Andrew Froning to HARB; seconded by Councilmember Mallon.

**PUBLIC COMMENT**

John Thomas commented that Mr. Froning is a great guy.

The motion carried unanimously.

President Doerfler thanked Mr. Froning for coming back to serve on the HARB.

**CONSIDER APPROVAL of NEW SPECIAL EVENT:  
BRANDYWINE PLEIN AIR NOCTURN EVENT, OCTOBER 17<sup>th</sup>, 2019**

Borough Manager Scalise noted he followed up with the event applicant regarding the concerns of Council and asked her to attend this meeting, but she was unable to attend. Instead, the applicant sent information to Council regarding the event including the reasoning for the date, time and location. She also shared there will be 30 painters and approximately 100 attendees.

**It was moved by Councilmember Mallon to approve the Brandywine Plein Air Nocturn Event as presented; seconded by Councilmember Waterkotte.**

Councilmember Cramer advised that he will vote 'no' on this event because the Borough does not have a policy on street closings for events. He feels the Borough should have such a policy which would allow street closures for events under specific circumstances. He noted this is a small event for about 100 people and although he is an advocate for public art, he does not feel the street needs to be closed. He shared there was a similar event in West Chester and they did not close the street.

Councilmember Waterkotte shared his opinion that the art community is not always given its due and our community should be able to accommodate this request. He noted that Kennett Square has an art scene following and the event will likely draw more than 100 people. He is in favor of closing the street for the event.

Borough Manager Scalise advised that the Borough will be reimbursed for the event.

**PUBLIC COMMENTS**

John Thomas commented that he loves art, but we do not make money from this type of event. He feels that the Kennett Square is known for beer, the arts and high-end apartments and believes we are taking care of the wealthy, but not the needy. He suggested there are plenty of sidewalks where painters could paint without having to close the street, which he feels we close too often.

Charla Watson commented that she loves art as well, but asked Council to stop closing the streets. She feels this event could be held in a smaller venue.

**The motion carried by a vote of 4-2 with Councilmembers Cramer and Mercomes voting no.**

**CONSIDER AGREEMENT With T-MOBILE to LOCATE ANTENNA on  
SOUTHVIEW WATER TANK**

Randy Behmke, Director of Public Works stated the Borough has been approached by T-Mobile to install their antenna on the Southview water tank, noting there is currently only one carrier on that tank, which is Sprint. Mr. Behmke advised that after extensive negotiations, T-Mobile has agreed to pay the Borough \$1,200 per month as of the signing of the agreement, and \$3,000 per month once the antenna is installed. He explained that it is a five (5) year contract agreement with an annual 2.5% increase built in and the initial term will automatically renew for four (4) additional

five (5)-year terms and one (1) additional four (4)-year term. The final lease agreement has been reviewed and approved by the Borough Solicitor.

**It was moved by Councilmember Mallon to approve the Agreement with T-Mobile to Locate an Antenna on the Southview Water Tank as presented; seconded by Councilmember Merino.**

### **PUBLIC COMMENTS**

John Thomas commented that we have more antennas on the north side and we split that money with the park but receive no credit for it and we still need to maintain the tank.

**The motion carried unanimously.**

### **CONSIDER EXTENSION of A.J. BLOSENSKI CONTRACT**

Borough Manager Scalise explained that the current five (5)-year contract with A.J. Blosenski expires at the end of 2019 and we have two (2) one (1)-year options included in the contract. He stated that due to the increased costs of recycling across the County and Blosenski's Option Year One (1) rate, we recommend taking the one (1) year option with Blosenski in the amount of \$215,698.00 for 2020, noting this represents an increase of 6 (six)% from 2019.

**Councilmember Mallon motioned to approve the extension of the A.J. Blosenski Contract as presented; seconded by Councilmember Waterkotte.**

### **PUBLIC COMMENTS**

John Thomas asked if this contract was put out to bid and Borough Manager Scalise explained that the option years were built into the original bids.

Charla Watson commented that we continue with Blosenski, because we have this contract, but could have negotiated for another contract and possibly saved money.

Councilmember Waterkotte explained they reviewed the contract in the Finance Committee and believe that by staying with Blosenski, we will likely save money, considering the increase in recycling costs.

**The motion carried unanimously.**

## **CONSIDER AMENDMENT to PENNDOT MAINTENANCE AGREEMENT and RESOLUTION**

Randy Behmke, Director of Public Works, explained that the North Union Gateway Maintenance Agreement with PennDOT was approved at the last Council meeting. He shared it was decided that instead of planting grasses and shrubs in the middle of the island, which would take a significant amount of manpower maintenance, they could instead put in stamped concrete which requires very little maintenance. He advised that to make this change, PennDOT requires a new agreement and resolution and the rescinding of the previous agreement and resolution.

Councilmember Waterkotte believes this is a great idea and commented that if any type of shrubbery was planted in the island, people will not be able to see around it to cross the street.

Borough Manager Scalise advised that another pro for the stamped concrete is the soil depth in the island would only be 5 inches, which is not ideal for plantings.

Councilmember Cramer motioned to rescind the PennDOT Maintenance Agreement and Resolution approved at the September 3, 2019 Council meeting; seconded by Councilmember Mallon. The motion carried unanimously.

Councilmember Cramer motioned to approve the amended PennDOT Maintenance Agreement and Resolution as presented; seconded by Councilmember Mallon.

## **PUBLIC COMMENTS**

Charla Watson asked if stamped concrete could be installed in other locations, such as the Marketplace, and asked if we can put a "No Stopping or Standing" sign on the island.

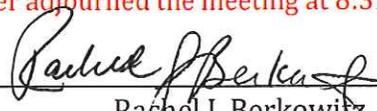
The motion carried unanimously.

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

President Doerfler gave a special thank you to the Public Works, Police, Fire Departments and EMS for the Mushroom Festival weekend success.

## **ADJOURNMENT**

There being no further business, President Doerfler adjourned the meeting at 8:31 p.m.

  
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Rachel J. Berkowitz  
Borough Secretary