

OFFICIAL MINUTES October 7, 2019

The Regular Meeting of October 7, 2019, of Council for the Borough of Kennett Square was called to order at 7:01p.m. in the Monroe Nute Room of the Kennett Fire Company No. 1, 301 Dalmatian Street, Kennett Square, Pennsylvania with Vice President Peter Waterkotte in the Chair.

ROLL CALL

Present: *Vice President Peter L. Waterkotte*
Councilmember Ethan L. Cramer
Councilmember James Mallon
Councilmember Brenda Mercomes
Councilmember Lorenzo C. Merino
Councilmember LaToya Myers

Mayor Matthew W. Fetick
Borough Manager Joseph C. Scalise

Absent: *President J. Douglas Doerfler*

ADOPTION of AGENDA

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

Public Comments

John Thomas, 406 South Broad Street, commented that we need the right builders to plan for new development of appropriate buildings with commercial businesses on the first floor. He feels that it can be done nicely with our community's needs in mind.

Charla Watson, 523 Magnolia Street, commented about parking in the Borough noting that people cannot see to turn left at various corners, for instance at the Thai restaurant, where in her opinion, there should not be parking to the corner. She also commented that there was never parking on the right side of Mulberry Street by NVF and it is illegal, but people are parking there anyway. Ms. Watson suggested there should be a quota on the number of cars per apartment. She also commented on unhitched trailers parked on the street, noting that it is dangerous, especially if there is an emergency on the street.

CONSENT ITEMS

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

- Minutes of September 16, 2019.
- Bills that were paid since the last Council meeting.
- Approval of AECOM Professional Services Agreement

**PRESENTATION - ERIC STEIN, Ph.D. EXECUTIVE DIRECTOR,
CENTER of EXCELLENCE for INDOOR AGRICULTURE**

Eric Stein, Executive Director of the Center of Excellence for Indoor Agriculture presented the results of the feasibility study for developing a Center of Excellence on Indoor Agriculture. The study was sponsored by New Garden and Kennett Townships and the Borough of Kennett Square. Mr. Stein and Michael Guttman of Kennett Township explained that a Center of Excellence is a place where knowledge and best practices can be collected and shared. Acknowledging the growth in the new industry, Mr. Stein advised that indoor agriculture is not just a passing fad as there are big areas of production and private investment has been significant. He noted that because of the mushroom industry's infrastructure and ability to move product across the country, this area is primed for growth in the indoor agriculture. Mr. Stein and Mr. Guttman also took questions from the audience.

Vice President Waterkotte thanked Mr. Stein and Mr. Guttman for their presentation.

REPORTS**FINANCE COMMITTEE**

Councilmember Merino, Chair of the Finance Committee, reported the following activity from their meeting on October 7, 2019:

- The Committee reviewed the bills and monthly financials.
- It was determined that the Library proposal cannot be considered at this time due to the budget, concessions already given by the Borough (totaling approximately \$196,000) and in addition, the Borough Manager shared information from other municipalities noting that their library contributions equaled approximately \$1 per resident, whereas the Borough contributes more than that amount.
- The Committee discussed an offer for a free grant writer in support of Birch Street.
- The Committee held an executive meeting regarding police contract negotiations.

Councilmember Cramer asked that when applying for grants, the matching fund question should be considered going forward.

PERSONNEL COMMITTEE

Councilmember Mercomes reported that they continue to be involved in contract negotiations with Kennett Square Police Association.

ECONOMIC DEVELOPMENT DIRECTOR

Nate Echeverria, Economic Development Director, submitted a written report that was included in the Council packet.

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

Borough Manager Scalise explained that the Borough has again retained RBC Capital markets as loan advisor and Eckert Seamans as bond council to assist in the refinancing of debt for the purpose of taking advantage of lower interest rates and capturing savings. The debt to be refinanced is largely sewer debt and therefore the majority of the savings are in the sewer fund. By refinancing the Borough will save approximately \$200,000 mostly in the 2020 budget with some minor savings this fiscal year.

Brian Bradley noted that they contemplated refinancing the debt in July, but rates were not favorable at the time and the rates are much better now. He also explained that we are not extending any debt, it will still mature in 2031. Mr. Bradley further noted that the refinancing will save about \$70,000 in the 2019 budget, and \$130,000 in 2020.

It was moved by Councilmember Mallon to approve the Ordinance for the Incurrence of Non-Electoral Indebtedness, Refinance Debt as presented; seconded by Councilmember Merino.

PUBLIC COMMENTS

John Thomas asked for clarification of what funds are being refinanced.

Borough Manager Scalise advised that it is largely sewer fund debt and that the payment amount will not increase, nor the length of the terms.

The motion carried unanimously.

ACTION ITEMS

CONSIDER AUTHORIZATION to ADVERTISE for AMENDMENT to PARKS and RECREATION ORDINANCE

Borough Manager Scalise explained that Borough Staff have recommended adding maintenance to the current Parks and Recreation Ordinance. He noted that in developing draft budgets staff had many internal discussions on items that could help raise revenue and adding maintenance back into the Ordinance made sense. Maintenance was removed from the Ordinance in 2016. Russell Drumheller, Codes Enforcement Officer, brought forward the idea to the Planning Commission and their response was favorable, not realizing it had been taken out. Mr. Scalise advised this change could alleviate some stress on the General Fund and because the laws have changed, the money that accrues does not have a time frame in which it must be spent. He noted that this vote is asking Council to authorize the advertisement for an amendment to the Parks and Recreation Ordinance so that it can be further discussed.

It was moved by Councilmember Merino to authorize the advertisement for the Amendment to Parks and Recreation Ordinance as presented; seconded by Councilmember Mallon.

Councilmember Cramer explained there is legislative history here, reminding Council that this was brought forward in May 2016. He shared that he objected at that time because a "payment in lieu of" should be equivalent to the item it is replacing, and the money that goes into operations is just gone. He further explained that the idea of the Ordinance is that if we subdivide, we add open space. He noted that Council voted to remove maintenance from the Ordinance in 2016 and he will vote against advertising this change.

Councilmember Mallon shared his understanding that the money goes to maintaining and operating existing parks and recreation facilities in the Borough. He commented that if we accepted a payment in lieu of taxes, reserving that money to buy more green space does not make sense considering the Borough is only one (1) square mile. He feels that money spent towards maintaining parks in the Borough is important.

Councilmember Cramer noted that the Ordinance says you can provide and acquire greenspace which could be for benches and swings, and the overall purpose of the Ordinance is to avoid lessening the green space. He advised there have been proposals for acquiring pocket parks which he thinks are feasible. He also noted that the Borough gives money to KAPA for the park and this money would go into the general fund.

Borough Manager Scalise explained that the Park Operations Fund only has \$4,000, which is not enough to buy open space. He also shared that KAPA has already let us know they are losing revenue because the fields are not playable, which has caused the loss of contracts. Manager Scalise advised the thought was if we could donate the money to KAPA, they could use it for maintenance to fix the fields and will possibly not need more money because they can keep their income streams going.

A discussion ensued regarding the technicalities of the language in the Ordinance.

Borough Solicitor Crotty advised he would rather use the language of "maintaining and operating" because it is very clear.

Borough Manager Scalise noted that it will also be very clearly written in the budget.

Councilmember Cramer moved to amend the Ordinance to "upgrade and invest in" with the intent of money not to going to salaries.

Councilmember Cramer Motion to amend the words "maintaining and operating" in the Ordinance to "providing, upgrading and investing in"; seconded by Councilmember Myers.

Councilmember Mallon shared his opinion that the new verbiage does not make it clearer and he feels that "maintaining and operating" is very clear.

Councilmember Myers shared her feeling that the discussion is really about our commitment to protecting open space in some way and she does not want money to be used for salaries or other unintended uses.

Borough Solicitor Crotty advised that "maintaining and operating" comes from directly from the Borough Code, while the other words do not.

The amendment did not pass by a vote of 2-4 with Councilmembers Myers and Cramer voting yes.

PUBLIC COMMENTS

John Thomas commented that he does not like "in lieu of" because he does not believe you can control your greenspace that way. He also shared his concern that the park used to be the dump.

Charla Watson noted that KAPA owns the fields and we are in partnership with KAPA. She is fearful that the maintenance of the playing fields, considering their current conditions, could be a money pit, but noted we need to support the operations and maintenance of the park. She suggested that park upgrades should be brought to the citizens for a vote.

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

CONSIDER AUTHORIZATION of CHANGE ORDERS for WASTEWATER TREATMENT PLANT

Borough Manager Scalise explained that during the course of the Waste Water Treatment Plant (WWTP) upgrade, certain things were discovered that were not allotted for in the original bid. Change Order #1 deals with a six (6) inch drain pipe that was not located where the original plans showed, so new piping, a larger dig area, different fittings etc., were required. This change order is for \$38,144.07. Change Order #3 is for \$13,144.07 and is for electrical upgrades needed due to an unexpected change in horsepower of the motor on our new grit screw replacement. After design and bid, the supplier changed requirements and required a larger motor that needs electrical upgrades. Change Order #6 is a no cost change order just for the paperwork to approve the refurbishing of the spare oxidation ditch gear box. He noted that we typically budget 10 percent for changes and these changes represent approximately 1.5 percent. The total cost of the change orders is \$51,288.14.

It was moved by Councilmember Cramer to authorize the Change Orders for the Waste Water Treatment Plant as presented; seconded by Councilmember Mallon.

PUBLIC COMMENTS

John Thomas commented now we are at \$3.3 million and there will be other change orders before it is done. His concern is that we are not doing anything to keep the costs down, noting that the price has almost doubled from the beginning.

Vice President Waterkotte asked if these are all state-mandated changes.

Borough Manager Scalise advised that yes, they are state-mandated.

The motion carried unanimously.

CONSIDER HARB APPLICATIONS – 112 SOUTH UNION STREET, 305 EAST STATE STREET and 325 SOUTH BROAD STREET

Andrew Froning, 308 Marshall Street, HARB member, shared that the proposed work at 112 South Union Street is for a replacement sign and the HARB recommends issuing a certificates of appropriateness "COA".

Mr. Froning noted that 305 East State street is for the demolition of the existing addition at the rear of the property and the construction of a new addition at the rear of the property. The HARB unanimously voted that the demolition was appropriate due to poor construction and an unstable foundation. The HARB also unanimously approved the construction of the new addition and recommended issuing for COAs for both.

Mr. Froning advised that 325 South Broad Street is the Chair of the HARB's residence, therefore he recused himself from this vote. He noted it is for renovations and repairs to the western, southern and eastern facades of the residence. He explained that the proposed work maintains the residence's present appearance and renews the exterior with little to no change to key architectural elements. The HARB recommends issuing a COA.

Councilmember Cramer motioned to approve the HARB's recommendations to issue a COAs to 112 South Union, 305 East State, and 325 South Broad Street as presented; seconded by Councilmember Mallon.

PUBLIC COMMENT

There were no comments.

The motion carried unanimously.

CONSIDER RE-APPOINTMENT of PAULINE MICHEL to SHADE TREE COMMISSION

Borough Manager Scalise explained that Ms. Michel recently took a full-time position which prompted her resignation from the Commission, but the job did not work out and she has decided to take on part time employment and would like to be reappointed to the Commission.

It was moved by Councilmember Mallon to approve the re-appointment of Pauline Michel to the Shade Tree Commission; seconded by Councilmember Merino.

PUBLIC COMMENT

There were no comments.

The motion carried unanimously.

CONSIDER APPOINTMENT of CAROL KRAWCZYK to the SHADE TREE COMMISSION

Borough Manager Scalise shared that Carol Krawczyk met with the Shade Tree Commission on September 18th. She is familiar with the Commission's work and will be a wonderful asset to the Commission. She will fill a vacancy of a normal five (5) year term.

It was motioned by Councilmember Cramer to appoint Carol Krawczyk to the Shade Tree Commission; seconded by Councilmember Mallon.

Councilmember Cramer shared his concern that the Shade Tree Ordinance is difficult to work through and there is a need for a conversation about best practices of the Commission

PUBLIC COMMENT

Andy Froning commented that Carol Krawczyk is the woman to do this job.

Charla Watson noted that she has qualifications and puts her in line with the work of the Commission. She shared she has a squirrel problem in her front yard from her shade trees and feels we need people who have background and expertise on the Shade Tree Commission to serve.

The motion carried unanimously.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

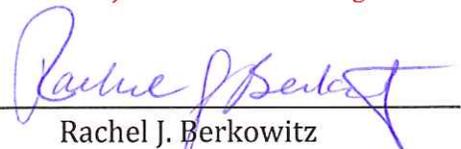
Vice President Peter Waterkotte shared that we only have a few people who have offered to do Spanish translation we are looking for more volunteers.

Borough Manager Scalise shared the MRC has planned a Public Forum on Tuesday, October 15th from 6pm-8pm in the Red Clay Room of the Firehouse.

Andy Froning shared that Bob Morris and Leon Spencer were both inducted into the Legends of Kennett High School and offer them congratulations.

ADJOURNMENT

There being no further business, Vice President Waterkotte adjourned the meeting at 8:47 p.m.



Rachel J. Berkowitz
Borough Secretary