

OFFICIAL MINUTES October 21, 2019

The Regular Meeting of October 21, 2019, of Council for the Borough of Kennett Square was called to order at 7:10p.m. in the Monroe Nute Room of the Kennett Fire Company No. 1, 301 Dalmatian Street, Kennett Square, Pennsylvania with 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 LaToya Myers

Mayor Matthew W. Fetick
Borough Manager Joseph C. Scalise

Absent: *Councilmember Lorenzo C. Merino*

ADOPTION of AGENDA

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

It was moved by Councilmember Cramer to amend the agenda to consider authorizing the solicitor to advertise a public hearing for the ordinances accepting the dedication of D Street, South Mill Road, West Mulberry Street, North Alley and South Alley within the Magnolia Place development; seconded by Councilmember Mallon. The motion carried unanimously.

It was moved by Councilmember Cramer to consider a second amendment to the agenda authorizing the solicitor to advertise for a public hearing to consider ordinances accepting the dedication of the public water, mains, sewer, manholes, stormwater and streetlight fixtures within the Magnolia Place development; seconded by Councilmember Mallon. The motion carried unanimously.

It was moved by Councilmember Cramer to consider a third amendment to the agenda authorizing the solicitor to advertise a public hearing to repeal of Municipal Code Section 23-44, Common Maintenance and Parking in Townhouses and Multifamily Buildings; seconded by Councilmember Myers. The motion carried unanimously.

President Doerfler called for a vote on the motion to approve the agenda with the three (3) amendments.

The motion carried unanimously.

Public Comments

Myra Miller, 301 Scarlett Street, thanked Council and Borough employees for the Public Forum last Tuesday night. She thought it was informative and she was able to talk to people in a relaxed atmosphere. Ms. Miller commented we need to advertise these events in a better way.

Jack Lawler, 502 West South Street, suggested that we need stop signs at Grant Way and at Washington Street on South street. He commented that although the speed limit is 25miles per hour, people drive 45 miles per hour.

Cindy Speckler, 407 South Union, commented that she would like to see the speed lowered on Union Street which is currently 35 miles an hour. She noted there are many accidents on the street and there is a kindergarten there. Ms. Speckler called PennDOT and was told the Borough has to petition for the study. She asked what else she can do to help this situation because the speed is not appropriate.

Charla Watson, 523 Magnolia Street, commented that she sees all the traffic as well. She commented that parking did not used to be permitted on both sides of the street and she considers that to be part of the problem. Ms. Watson also would like to see the setbacks at the corners. She commented that cars are allowed to park too close to the corners and that Council is allowing the building of too many apartments.

Meg McCown, 626 Magnolia Court, commented she is here representing the Kennett Area Community Services and thanked the Police and Fire Departments for their quick response to the fire at the Food Cupboard on October 13th. She shared that the outpouring of generosity from the community has been wonderful and she is very thankful.

Lynn Brenner, 207 Center Street, shared her agreement with Cindy Speckler regarding South Union Street. She suggested the speed limit be reduced to 25 mile per hour through the entire borough.

CONSENT ITEMS

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

- Minutes of October 7, 2019.
- Bills that were paid since the last Council meeting.
- Approval of Special Event Applications:
 - Holiday Light Parade & Tree Lighting, November 29th
 - Tinsel on the Town, December 12th
- Approval of Road Salt Bid Contract
- Approval of StanAb SDDL Extension

PRESENTATION – KENNETT AREA PARK AUTHORITY – Richard Lyons

Richard Lyons, Chairman of Kennett Area Park Authority (KAPA), thanked Council and staff for making the Borough a wonderful town. He noted that Anson B. Nixon Park benefits everyone, is a great asset for residents and home values. Mr. Lyons explained that KAPA has a \$200,000 annual budget with \$80,000 going to payroll and payroll expenses. KAPA currently receives \$40,000 of support from the Borough, which equates to \$6.35 per resident in taxes. Mr. Lyons explained that KAPA's biggest concern is their future operating expenses. He noted they are about to lose ten (10) percent of their revenue because the soccer fields are not playable and the league is trying to cancel their contract. He advised that the cell tower brings in twenty-two (22) percent of the operating budget, but the concern is how long that will continue. Mr. Lyons shared that KAPA has four (4) part-time staff and would like to have full-time staff. He noted that the KAPA office is not heated or air conditioned and they are unable to store documents in the space. Mr. Lyons explained that as a Municipal Authority, KAPA is not permitted to raise operating funds for the park, which is governed by an eleven (11) person volunteer Board which has two (2) vacancies. Mr. Lyons stated that KAPA needs assistance from the Borough and asked Council to consider an additional dollar per resident (\$7.35) in the next budget. He welcomed and encouraged residents to schedule a tour of the park.

Vice President Waterkotte suggested residents take advantage of the offer of a tour with Richard Lyons, as he gives a great tour of the park and the buildings that could be repurposed in the future. Vice President Waterkotte noted the importance of having this wonderful park in town.

REPORTS**PRESIDENT'S**

President Doerfler reported that the Public Forum held on October 15, 2019 was a success with approximately thirty (30) residents in attendance. He commented that it was a great sharing of information and people learned about the various Borough processes.

PUBLIC SAFETY & INFRASTRUCTURE COMMITTEE

Mayor Fetick reported that truck enforcement details run two (2) weeks out of the month and revenues for truck fines year-to-date are \$21,300. He noted that the Gateway island on North Union Street is finished and there is a definite slowing of vehicle speed. Mayor Fetick shared that another island is a possibility in the future.

Mayor Fetick advised that Randy Behmke, Director of Public Works, has been working with PennDOT to standardize all of the crosswalks in the Borough. He advised that we have defined five (5) areas where we would like to install the standardized crosswalks; he explained that once the first crosswalk is completed, we will begin moving forward on the other locations.

Mayor Fetick noted that a parking study is not currently in the budget, and the parking fund cannot afford the cost of the study at this time, but a parking study will remain on the agenda to be completed in the future. The Mayor shared that we do not have a

philosophy or a strategic long-term plan for parking, and when people ask for waivers, Council tries its best to accommodate reasonable needs.

Councilmember Mallon reminded Council of the incident in July on Sickle street when a young girl riding her bike was hit by a car. He noted Council talked about various possibilities for traffic calming and asked for the status on the issue.

Mayor Fetick advised that four-way stop signs are not approved for traffic calming by PennDOT, but he suggested possibly swapping the stop signs on Washington Street for stop signs on Sickle Street. He noted that we have to follow PennDOT's traffic calming manual and asked residents to review the manual linked to the Borough's website and let us know what you think is appropriate. Mayor Fetick commented that when there is a land development plan for State Street, it may be possible to have a developer take responsibility for off-site traffic.

Vice President Waterkotte noted that residents can send their recommendations from the traffic calming manual to the Mayor, Borough Manager or anyone on the Committee.

KENNETT FIRE & EMS REGIONAL COMMISSION

Councilmember Cramer reported that the Commission consists of six (6) municipalities and explained they collect \$1.7 million and distribute it to the municipalities. He noted the Commission's focus is on the budget and volunteer recruitment and retention. He also noted he will ask Council for a ten (10) percent increase in the Borough's contribution.

POLICE DEPARTMENT

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

FIRE COMPANY

Chief Mitchell submitted a written report that was included in the Council packet. In addition, Gina Puoci shared that the Kennett Fire and EMS Commission has worked very hard and she feels this is the first time they made a significant accomplishment.

HISTORIC KENNETT SQUARE

Tom Sausen, Board President of Historic Kennett Square (HKS), provided some highlights from the submitted written report. He noted that the strategic plan update is in its final stages. Mr. Sausen shared HKS's mission statement, to promote, strengthen and support efforts in four areas for Borough residents and visitors: business development, cultural diversity and vitality, economic development and social vitality. He thanked Borough Council and Borough employees for their assistance in making their events a success. Mr. Sausen noted HKS has a Community Growth Fund, as part of the Revolving Loan Fund, which is designed to provide micro-loans to small businesses. He highlighted two outdoor events that

took place in the past week, the Brandywine Plein Aire event and the Haunted History Tour and noted the HKS events celebrate and highlight the diversity in our community. Mr. Sausen shared that in regard to economic development, they have had their first meeting on an affordable housing initiative and will keep Council updated. He also shared there are a number of upcoming holiday events, including the Holiday Light Parade.

ACTION ITEMS

CONSIDER APPOINTMENT to the ADVISORY COMMISSION on LATINO AFFAIRS (ACOLA) - LUIS LOPEZ

Borough Manager Joe Scalise shared that Luis Tovar, Chair of ACOLA submitted an email stating that ACOLA members unanimously recommended Luis Lopez be appointed in the Commission seat recently vacated by Salvador Lopez.

It was moved by Councilmember Cramer to approve the appointment of Luis Lopez to ACOLA; seconded by Councilmember Mallon.

PUBLIC COMMENTS

Luis Tovar, Chair of ACOLA shared that Mr. Lopez is an important addition to the team. He noted he is very well connected with the school system and with the youth of the Borough.

Luis Lopez commented that he has lived in the Borough for 17 years and would like to help this town be attractive to everyone, immigrants and others alike.

The motion carried unanimously.

CONSIDER HARB APPLICATIONS – 303 EAST STATE STREET, 219 SOUTH BROAD STREET, 108 NORTH UNION STREET and 116 WEST STATE STREET.

President Doerfler asked Councilmembers if there were any objection to voting on the HARB Application as a slate. There were no objections.

Andrew Froning, HARB member, shared that each of these properties was recommended by HARB to be issued their COA.

It was moved by Councilmember Cramer to grant Certificates of Appropriateness to 303 East State Street, 219 South Broad Street, 108 North Union Street and 116 West State Street; seconded by Vice President Waterkotte.

PUBLIC COMMENTS

There were no comments from the public.

The motion carried unanimously

CONSIDER AUTHORIZATION of ADVERTISEMENT – PUBLIC MEETING, AMENDMENT to CHAPTER 11, COMMERCIAL VEHICLES

Borough Manager Scalise explained that this Ordinance amendment eliminates commercial vehicles and trailers from parking on streets in all zoning districts. He explained that there have been complaints and discussion regarding tractor trailers parked on Birch Street, noting that businesses are using the streets as storage areas. Mr. Scalise advised that the current Ordinance restricts them in residential areas; this amendment would force them to keep tractor trailers on private property.

It was moved by Councilmember Cramer to authorize the advertisement to amend Chapter 11, Commercial Vehicles and Trailers from parking on the street as presented; seconded by Councilmember Mallon.

Councilmember Cramer commented that we do not want to make it more difficult for the light industrial companies to do business in the Borough, rather, we want to encourage these businesses, but their vehicles and trailers must be stored off the street.

PUBLIC COMMENTS

There were no comments from the public.

The motion carried unanimously.

CONSIDER AUTHORIZATION of ADVERTISEMENT – PUBLIC MEETING, AMENDMENT to CHAPTER 11-22.1, MOTOR VEHICLES and TRAFFIC, RESIDENTIAL PARKING PROGRAM

Borough Manager Scalise explained this request came through the Public Safety and Infrastructure (PSI) Committee from residents of the townhomes on Dalmatian Lane who have trouble finding parking at night because of overflow parking on their street from other areas. Mr. Scalise explained that the townhomes do not have off-street parking or driveways. The PSI Committee recommended that eight (8) residential permit parking spots be created for the four (4) townhomes on Dalmatian Lane.

It was moved by Councilmember Cramer to authorize the advertisement to amend the Borough Code, Chapter 11-22.1 to add permit parking on Dalmatian Lane as presented; seconded by Councilmember Waterkotte.

Councilmember Cramer shared that there are people who cannot park anywhere near their home and they should be able to do so.

Councilmember Mallon commented that he approves this, but is concerned that Council has allowed a new apartment complex at State Street and Mill Road without enough parking spots for the number of apartments being built, yet we are taking care of the residents on Dalmatian Lane who need parking permits to guarantee their parking spots in front of their homes. Councilmember Mallon feels we are creating our own parking problems in the Borough.

PUBLIC COMMENT

Jack Lawler commented that extra parking was already provided.

Charla Watson shared her belief that Council is not being consistent with their decisions. She noted there are restrictions in apartment leases with a limit typically of two (2) vehicles per apartment and expressed her opinion that if there is overcrowding, the apartment owners should be identified and required to fix the problem. Ms. Watson believes Council is not regulating appropriately.

Doug Hayes, 611 Magnolia Court, asked when the public meeting will be for Magnolia Place. President Doerfler explained the public meeting occurs before the vote at the Council meeting.

The motion carried unanimously.

CONSIDER AUTHORIZATION of ADVERTISEMENT – PUBLIC MEETING, AMENDMENT to CHAPTER 11-36.1, RESTRICTION of TRUCKS

Borough Manager Scalise explained that the Public Safety and Infrastructure Committee recommends adding truck restrictions to West Linden and Sickle Streets due to the geometry of the roads, safety concerns and overall inability of trucks to safely maneuver these streets. He noted that we currently have an Ordinance that restricts truck traffic on Ridge Avenue and West South Street and the amendment being considered would include West Linden and Sickle Streets in the Ordinance.

It was moved by Councilmember Cramer to authorize the advertisement to amend Chapter 11-36.1 restricting trucks on West Linden and Sickle Streets as presented; seconded by Councilmember Waterkotte.

PUBLIC COMMENT

Jack Lawler suggested investing in better heavy-duty street signs. He commented he has seen trucks blow through intersections and stop signs. He feels that there should be bigger signs and bigger fines.

The motion carried unanimously.

CONSIDER AUTHORIZATION to 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 #12 is for \$5,902.50 and deals with the installation of a new power line found to be needed which was not in the original specifications. Change order #13 is for \$10,699.50 and is for the electrical upgrades needed due to the discovery of a spliced wire that needs replacement. Change order #14 is a deduction of \$15,000 due to the deletion of a heat wire found to be unnecessary. Change order #15 is for \$7,145.50 and is for the addition of a power supply for the pump. The total for all these change orders is \$8,747.50, which is about 2% of the budget, while we budget 10% for change orders.

It was motioned by Councilmember Mallon to authorize Change Orders 12, 13, 14, 15 for the WWTP Upgrade as presented; seconded by Councilmember Myers.

PUBLIC COMMENT

There were no comments from the public.

The motion carried unanimously.

CONSIDER AUTHORIZATION to ADVERTISE ORDINANCES ACCEPTING the DEDICATION of D STREET, SOUTH MILL ROAD, WEST MULBERRY STREET, NORTH ALLEY and SOUTH ALLEY WITHIN the MAGNOLIA PLACE DEVELOPMENT – Solicitor, Ed Foley

Solicitor Foley explained that the resolution is for the authorization of advertisement.

It was moved by Councilmember Cramer to authorize the ordinance accepting the dedication of D Street, South Mill Road, West Mulberry Street, North Alley and South Alley; seconded by Vice President Waterkotte.

Councilmember Mercomes will abstain from the vote.

Vice President Waterkotte thanked everyone for the hard work on the issue, noting it seems right to accept dedication even though it was not the smoothest process.

PUBLIC COMMENT

Clara Saxton, 120 West Linden Street, asked if the Fire Company agrees with the changes.

Mayor Fetick noted that the Department of Public Works and the Fire Department agreed to the dedication.

Charla Watson asked if this is a vote just for the advertisement.

President Doerfler confirmed that this vote is just on the advertisement.

The motion carried unanimously.

CONSIDER AUTHORIZATION to ADVERTISE ORDINANCES ACCEPTING DEDICATION of the PUBLIC WATER MAINS and FACILITIES, the SANITARY SEWER MAINS and MANHOLES, CERTAIN STORM and SEWER FACILITIES and STREET LIGHTING FIXTURES WITHIN and ADJACENT to the MAGNOLIA PLACE DEVELOPMENT.

Solicitor Foley noted that we are not recommending accepting the stormwater basin, just the infrastructure to the basin. He explained this vote is to authorize the advertisement.

It was motioned by Councilmember Cramer to authorize the advertisement of ordinances accepting dedication of the public water mains and facilities, the sanitary sewer mains and manholes, certain storm and sewer facilities and street lighting fixtures within and adjacent to the Magnolia Place development; seconded by Councilmember Mallon.

Councilmember Mercomes abstained from the vote.

PUBLIC COMMENT

There were no comments from the public.

The motion carried unanimously.

CONSIDER AUTHORIZATION to ADVERTISE the PUBLIC MEETING for the ORDINANCE REPEALING MUNICIPAL CODE 2344.

Councilmember Cramer made a motion to authorize the advertisement for the public meeting on the Ordinance Repealing Municipal Code 2344; seconded by Councilmember Mallon.

Councilmember Mercomes abstained from the vote.

The motion carried unanimously.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

Mayor Fetick noted that we collected 170 pounds of prescription medications in this quarter, which is amazing and keeps it out of our sewer system.

Borough Manager Scalise asked residents to please sign up for the e-newsletter, as this is the last issue that will be mailed to everyone. Going forward there will be hard copies available for those that need them. He also asked residents to sign up for Swift911 for emergency notifications.

ADJOURNMENT

There being no further business, President Doerfler adjourned the meeting at 8:25 p.m.



Rachel J. Berkowitz
Borough Secretary