

## **OFFICIAL MINUTES November 4, 2019**

The Regular Meeting of November 4, 2019, of Council for the Borough of Kennett Square was called to order at 7:03 p.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 Brenda Mercomes*  
*Councilmember Lorenzo C. Merino*  
*Councilmember LaToya Myers*

*Borough Manager Joseph C. Scalise*

Absent: *Councilmember James Mallon*  
*Mayor Matthew W. Fetick*

### **ADOPTION of AGENDA**

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

### **PUBLIC COMMENTS**

Charla Watson, 523 Magnolia Street, commented there are things that should be happening in front of the public that are not, especially regarding zoning. She noted Lafayette Street, for instance, and the apparent confusion about whether it is an R1 or R3 zoned area. Ms. Watson believes people are taking advantage of vacant lots and hosting large scale events, like movies shown until 10pm. Ms. Watson also spoke about parking spaces that are being given away and the overuse of police at events.

### **EXECUTIVE SESSION**

President Doerfler announced that Council held an Executive Session at 6:30 p.m. on Monday, November 4, 2019. The purpose of this session was to discuss the Collective Bargaining Agreement negotiations.

**PUBLIC HEARING and ACTION ITEM  
PROPOSED ORDINANCE AMENDING CHAPTER 18, SUBDIVISION and LAND  
DEVELOPMENT, SECTION 18-7.1 PARK and RECREATION**

President Doerfler explained that this public hearing is to consider the proposed Ordinance amending Chapter 18, Subdivision and Land Development, Section 18-7.1 Park and Recreation.

**President Doerfler opened the public meeting at 7:11 p.m.**

The public hearing was transcribed by Mark Haggarty, Court Reporter. A transcript of this public hearing is available through the Chester County Court Reporters Office for a period of seven (7) years.

The Council discussion was transcribed by Mark Haggarty, 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.

**President Doerfler closed the public meeting at 7:33 p.m.**

President Doerfler called for a motion to approve the revisions to the Park and Recreation Ordinance to amend Chapter 18 as presented.

**There was no motion, therefor the motion failed.**

**CONSENT ITEMS**

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

- Minutes of October 21, 2019.
- Bills that were paid since the last Council meeting.
- Resolution – Section 125 Premium Only Plan, Year 2020
- Special Event Application – Winterfest, February 29, 2020.
- Sale of Municipal Vehicle
- Authorization of Change Order Credit for the Parking Garage Expansion Project.

**REPORTS**

**PRESIDENT'S REPORT**

President Doerfler did not have a report.

**MANAGER'S REPORT**

Borough Manager Scalise submitted a written report that was included in the Council packet. In addition, he is working with Historic Kennett Square and Longwood Gardens to do something different with Christmas decorations and lighting a few street trees

in the business district. Mr. Scalise reported that the refinancing of debt that was approved by Council a few meetings ago provided us a savings of approximately \$226,000. He also noted that a new water line was found while the crew was digging for the parking garage expansion, which was not on any of the plans. The line is exposed and a crew is on the way to shut it down. He advised that as we find these pipes they are added to the plans.

## **FINANCE COMMITTEE**

Councilmember Merino, Chair of the Finance Committee, reported the following activity from their meeting on November 4, 2019

- The Committee reviewed bills and monthly financials.
- Discussed options for how to use the Weinstein Lot proceeds and agreed to use it to pay down debt in the General Fund.
- Also discussed sources of revenue for the parking fund.

## **PERSONNEL COMMITTEE**

Councilmember Mercomes, Chair of the Personnel Committee, reported that the Committee has been focused on negotiations with the Kennett Square Police Association. She also reported that the person elected as the Borough's Library representative has resigned.

## **PRESENTATION – PROPOSED 2020 BUDGET**

Borough Manager Scalise began his presentation on the proposed 2020 budget by first reviewing highlights from 2019, noting that reserve goals for all funds are projected to be met by the end of 2019. He reported highlights for all funds including the retirement of \$1.1 million in debt, and the refinancing of debt to save \$226,000 in the sewer fund, largely in 2020; developed a new website; increased the interest rates on Borough bank account balances; sold the Weinstein Lot to the Library; and added an additional cell tower on the Southview Avenue tank resulting in additional revenue. Borough Manager Scalise also detailed the 2019 highlights from each fund.

Borough Manager Scalise continued the presentation with 2020 budget highlights, noting that all funds are balanced; no tax increase; no increase in the Water, Sewer or Solid Waste fees; two (2) percent raises for police, as negotiated; three (3) percent raises for non-uniform employees; and an increase of seven (7) percent on health insurance costs. He further noted he has budgeted for a Public Works Administrative/Receptionist position change and the addition of a part time Receptionist, a part time Parking Enforcement Officer and ticket enforcement software. Manager Scalise provided highlights from each fund regarding construction and upgrades, engineering and consultants, purchases and upgrades. He advised that the second Budget Presentation will be on November 18<sup>th</sup> with a Finance Committee meeting the same morning at 7:30 a.m.

## **ACTION ITEMS**

### **CONSIDER APPROVAL of EASEMENT AGREEMENT with KENNETT LIBRARY**

Borough Manager Scalise explained that in the process of closing on the sale of 320 East State Street to the Library, an existing water line and sewer line were identified cutting across the

boundary of the property. He further explained that these lines service another property and are owned and maintained by the Borough. He noted that during the time the Borough owned the property, there was no need for an easement, but with the property transferring to the Library, an easement is needed so that the Borough has the ability to enter the area of the property to access and maintain these lines if necessary. Manager Scalise advised that the water and sewer lines will be relocated once the new library building is constructed.

**It was moved by Councilmember Waterkotte to approve the Utility Easement Agreement with the Kennett Library as presented and authorize the Borough Manager to execute the same; seconded by Councilmember Merino.**

## **PUBLIC COMMENTS**

John Thomas commented that he hopes any building project in Kennett will be required to provide the as-built certified set of plans to the Borough.

**The motion carried unanimously.**

## **CONSIDER SOUTH UNION STREET RAILING MAINTENANCE**

Borough Manager Scalise explained that this has been a topic since March of this year when we received a call from the property owner to fix the railing on the bridge on South Union Street. He noted we contacted PennDOT, got our state representative involved, but there was no change in PennDOT's answer, which is that the railing is not PennDOT's responsibility; it is either the Borough's or the property owner's responsibility. The Public Safety and Infrastructure Committee did not have a recommendation. Borough Manager Scalise advised that if the Borough takes responsibility for the railing, we will likely need to take responsibility for both sides in perpetuity.

Councilmember Cramer asked if it is possible to enforce repairs to the railing by levying fines against the property owner for not maintaining the railing.

Borough Manager Scalise commented that he thinks the owner may already have contacted someone to fix the railing. He noted that we did not know it was his responsibility, and the other side of the road is Genesis property. Mr. Scalise believes the property owner will repair the railing if Council decides it is his responsibility. Manager Scalise advised that if the railing were to go down, the responsibility would fall to both property owners, unless the Borough takes it on in the name of public safety.

Vice President Waterkotte asked how much it could cost. Mr. Scalise suggested possibly \$5,000- \$10,000. Vice President Waterkotte commented this is a good discussion, but that money is not in the budget. He suggested that we need to discuss this, as the business owner was not aware the railing was his land and therefore his maintenance burden.

**It was motioned by Councilmember Waterkotte to consider taking on the Maintenance of the South Union Street Railing; there was no second, therefor the motion failed.**

President Doerfler advised there will be more discussion over this issue after the next meeting of the Public Safety and Infrastructure Committee this week.

### **CONSIDER AUTHORIZATION of CHANGE ORDERS 4,5,7,8,9,10 and 11 for the WASTEWATER TREATMENT PLANT (WWTP)**

Borough Manager Scalise advised that the WWTP is nearing the end of construction. He explained each change order, noting that this round of change orders totals \$127,251.33. When you add in approximately \$50,000 from the last round of change orders, the total for all change orders is approximately \$180,000, which is five (5) percent of the budget, when typically, ten (10) percent is budgeted for change orders.

**It was motioned by Councilmember Cramer to authorize Change Orders 4, 5, 7, 8, 9, 10 and 11 in total for the WWTP Upgrade as presented; seconded by Councilmember Waterkotte.**

### **PUBLIC COMMENTS**

John Thomas commented that this project keeps getting more expensive and we should not rely on the ten (10) percent change order theory.

**The motion carried unanimously.**

### **CONSIDER HISTORICAL ARCHITECTURE REVIEW BOARD (HARB) APPLICATIONS – 120 EAST STATE STREET and 103 WEST STATE STREET**

Andrew Froning, HARB member, shared that each of these properties was recommended by HARB to be issued their Certificate of Appropriateness. He noted that a special HARB meeting was called to accommodate the two (2) applicants to avoid holding up projects in the Borough.

President Doerfler thanked the HARB for their flexibility. He asked Council if there were any objections to taking the HARB applications as a slate; there were no objections.

**It was moved by Councilmember Cramer to grant Certificates of Appropriateness to 120 East State Street and 103 West State Street; seconded by Councilmember Merino.**

### **PUBLIC COMMENTS**

There were no comments from the public.

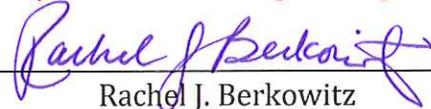
**The motion carried unanimously**

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

There were no announcements.

**ADJOURNMENT**

There being no further business, President Doerfler adjourned the meeting at 7:58p.m.



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Rachel J. Berkowitz  
Borough Secretary