

## **OFFICIAL MINUTES December 2, 2019**

The Regular Meeting of December 2, 2019, of Council for the Borough of Kennett Square was called to order at 7:03 p.m. in the Red Clay Room of the Kennett Fire Company No. 1, 423 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 Lorenzo C. Merino*  
                     *Councilmember LaToya Myers*

*Borough Manager Joseph C. Scalise*

Absent:         *Mayor Matthew W. Fetick*

### **ADOPTION of AGENDA**

*It was moved by Councilmember Waterkotte to adopt the agenda; seconded by Councilmember Mercomes.*

*It was moved by Council member Mallon to amend the agenda to remove item #10, Consider Amendment to Trail Easement, from the agenda; seconded by Councilmember Merino.*

Borough Manager Scalise explained that earlier today, the applicant asked to remove their request from the agenda.

*The motion carried unanimously.*

President Doerfler called for a vote to adopt the agenda.

*The motion carried unanimously.*

### **PUBLIC COMMENTS**

Ken Edwards, 412 Meredith Street commented that the alleys in Magnolia Place already have new name signs of Zunino Alley and McCown Alley which have been up for more than two (2) weeks and he wanted to confirm we will be talking about the correct alleys tonight. He expressed his concern over who authorized the name changes and who installed the new signs.

President Doerfler advised that North Alley and South Alley are the names on the land development plans.

John Thomas, 406 South Broad Street, commended Chief Holdsworth and the Kennett Square Police Department for the successful investigation of the drug-related death case last year in the Borough.

Charla Watson, 523 Magnolia Street, commented there are two (2) street signs naming Mulberry and Washington Streets and she shared her frustration over the wasted money. Ms. Watson asked if we are adopting the alleys of Magnolia Place today, noting her surprise that the alleys already have new names with posted signs.

## **CONSENT ITEMS**

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

- Minutes of November 18, 2019.
- Bills that were paid since the last Council meeting.

## **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 shared that the Parking Garage Expansion is under way and footers will be poured shortly. He advised that the Wastewater Treatment Plant upgrade is nearly complete and will be finished by the end of the year. Mr. Scalise also noted that the Library has allowed employees working on the garage expansion project to park in the Weinstein Lot for free.

### **FINANCE COMMITTEE**

Councilmember Merino, Chair of the Finance Committee, reported the following activity from their meeting on December 2, 2019

- The Committee reviewed bills and monthly financials;
- Discussed future credits to residents on solid waste due to excess funds;
- Discussed parking revenue; and
- Held an Executive Session regarding Borough property and real estate.

### **PERSONNEL COMMITTEE**

Councilmember Mercomes, Chair of the Personnel Committee, reported that over the last few months the Committee has been working on the new contract with the Kennett Square Police Association. She commented that aside from those negotiations, the Committee has worked on setting goals for 2020.

## **HISTORIC KENNETT SQUARE**

Tom Sausen thanked the Borough for their help managing special events and especially the Light Up The Square project (lit trees on State Street), which he hopes will become an annual holiday tradition. He noted that we have many events throughout the year, particularly at this time of year, and HKS relies on the Borough and the Police Department to execute these events. Mr. Sausen advised that the Economic Development partnership with the Borough and Kennett Township will continue the quarterly public update meetings, with one upcoming in January. He also plans to formalize economic development metrics that will help with transparency and keep people informed. Mr. Sausen reported that Claire Murry and her team have been busy organizing the holiday events, including the Longwood Gardens shuttle. He is also looking to promote and give exposure to other nonprofits doing great work in the Borough.

## **MUNICIPAL RELATIONS COMMITTEE UPDATE**

President Doerfler explained that the Committee met last week and welcomed Andy Froning as a new Committee member. He reported that Square Roots Collective gave a presentation for their proposed project which will be talked about later in the meeting, agenda item number eight (8). He noted that this month's Committee meeting is on December 25, which will be cancelled, and the Committee will meet in January.

## **PUBLIC MEETING and ACTION ITEM**

### **MAGNOLIA PLACE PROPOSED DEDICATION ORDINANCES**

Borough Manager Scalise explained that Solicitor, Ed Foley, was here about a month ago and was given permission by Council to advertise this public meeting to consider the proposed Ordinances for the Magnolia Place Dedication.

Mr. Foley explained there are six (6) individual ordinances for the dedication of Magnolia Place, five (5) of which are for dedication and one (1) of which is to vacate a small portion of what was once a Borough Street. The Ordinances are as follows:

- 3.a. is for the Dedication of D Street, running from South Mill Road to South Washing Street;
- 3.b is for the Dedication of South Mill Road, running South from West Cypress to West Mulberry Street;
- 3.c. is for the Dedication of West Mulberry Street, running from South Mill Road to South Washington Street;
- 3.d. is for the Dedication of North Alley, to be likely known in the future as Zunino Alley, running from South Mill Road to South Washington Street;
- 3.e is for the Dedication of South Alley, likely to be known as McCown Alley, running from South Mill Road to South Washington Street; and
- 3.f is to vacate a small portion of what used to be South Mill Road and convey it back to the Victory property (ultimately curb and grass).

Mr. Foley advised each ordinance includes water, sewer, stormwater (not in the right of way), streetlights and poles located along the streets unless they are in the right of way, but not on private property or underground. He noted the Dedication does not include East or West Magnolia Place, the Green, or the streetlights on the Green or along the sub roads. Mr. Foley shared that all of the ordinances have been advertised for two (2) weeks and property owners have been notified, as required by law. Mr. Foley advised that completion of a punch list is required of the Developer, effective January 1<sup>st</sup> of

next year or upon satisfaction of all punch list items and noted that the Deeds of Dedication are not effective until the punch list items are complete. He advised that the Borough holds the remaining escrow, approximately \$477,000 and once the punch list is complete, a maintenance escrow to be held for 18 months.

**It was moved by Councilmember Waterkotte to approve the Magnolia Place Ordinances 3.a through 3.f for Dedication; seconded by Councilmember Mallon.**

Councilmember Cramer shared his frustration over the length of time this process has taken. He suggested that it is important to have coherent government. He noted there are two (2) Homeowner Associations (HOAs) in the Borough that are subject to holding on to their common areas, which he does not agree with. He believes that the Borough should not have relationships with HOAs. He advised that we need to take steps in the right order, for instance, we should vote on street names prior to installing new street signs. Councilmember Cramer believes the Borough should not have HOAs and feels we should take dedication of the alleys of Magnolia Place.

Vice President Waterkotte commented that we are voting to allow the people in the Magnolia Place community to have the same rights as everyone else in the Borough. He shared he is in favor of this dedication.

Councilmember Mallon agreed with Councilmember Cramer and feels that if the Public Safety individuals are comfortable with the alleys, we should accept them for dedication.

## **PUBLIC COMMENT**

John Thomas expressed his anger regarding the alleys in Magnolia Place, suggesting they should be one-way alleys and believes they were not built to code. He questioned why the Borough would want to take dedication of the alleys when there are so many issues and commented that Magnolia Place is a unique property and not like others in the Borough.

Charla Watson commented that the ordinances should not have been taken as a slate so that we could discuss issues with the alleys. Ms. Watson believes there is a safety issue with the alleys being too narrow and the alleys should be one-way. She is also concerned with the drainage system.

Doug Hayes, 611 Magnolia Court, commented that the Fire and Police Chiefs have said they are comfortable with the alleys. He advised that the residents of the Magnolia Place community also believe the alleys should be one-way. Mr. Hayes shared his thanks on behalf of the 120 residents of Magnolia Place, for educating them and for considering their proposal for dedication.

Ed Foley, Solicitor, explained that naming and making the alleys one-way can be done via resolution. He advised that the ordinances under discussion today are written as not effective until punch list items have been completed and the deeds are recorded. He also advised that snow plowing by the Borough will not commence until final acceptance of dedication.

**The motion carried with a vote of 5-1, with Councilmember Cramer voting no. Councilmember Mercomes abstained.**

**ACTION ITEMS****CONSIDER HISTORICAL ARCHITECTURE REVIEW BOARD (HARB)****APPLICATIONS**

- 126 South Union Street – signage;
- 215 East Cypress Street – signage;
- 148 West State Street – signage;
- 120 South Broad Street – signage;
- 305 East State Street – signage; and
- 405 South Union Street - replace single garage door with double garage door.

President Doerfler asked Council if they are comfortable taking the HARB applications as a slate and there were no objections.

**Councilmember Cramer motioned to approve the slate of HARB applications as presented, seconded by Councilmember Mallon.**

Andrew Froning, HARB member, noted that moving forward into 2020 they will do a formal review the ordinance, especially for updates in regard to signage.

**PUBLIC COMMENTS**

John Thomas commented that there are too many signs on Liberty Place.

Mr. Froning noted that the new sign at Liberty Place is a free-standing sign that meets the Borough Code for placement.

**The motion carried unanimously**

**CONSIDER AUTHORIZATION of CHANGE ORDER 13 for the WASTEWATER TREATMENT PLANT (WWTP)**

Borough Manager Scalise advised that the WWTP is nearing the end of construction. He explained that Change Order #13 deals with the cost of replacing the motor operators on the weir gate of the Flow Division Box No. 1 with manual operators. This change order is for \$7,663.37 and will be offset by the sale of the motor operators that are to be sold at a later date.

**It was motioned by Councilmember Cramer to authorize Change Order #13 for the WWTP Upgrade as presented; seconded by Councilmember Mallon.**

**PUBLIC COMMENTS**

John Thomas asked how this could have been missed, questioning whether the Borough's Engineers review the plans and contracts.

**The motion carried unanimously.**

**CONSIDER AUTHORIZATION of CHANGE ORDER for the PARKING GARAGE EXPANSION PROJECT**

Borough Manager Scalise explained that the Prevailing Wage Rates for the project expired while we were deciding whether to award the project and how to fund the additional costs. As such, we are required to update to a more recent wage rate. As a result, the costs of the labor on the job increased approximately \$4,125.00

It was motioned by Councilmember Waterkotte to authorize Change Order #002 for the Parking Garage Expansion Project as presented; seconded by Councilmember Merino.

**PUBLIC COMMENTS**

There were no comments.

The motion carried unanimously.

**CONSIDER AUTHORIZATION of ADVERTISEMENT for ORDINANCE AMENDMENT CHAPTER 24 STORMWATER MANAGEMENT, HIGH TUNNELS**

Borough Manager Scalise advised that the State has mandated we amend our current storm water ordinance to permit the construction of High Tunnels with less storm water management requirements. He noted the Planning Commission discussed and approved these changes at their November 13, 2019 meeting.

Mike Crotty, Borough Solicitor further explained the State law changed to exempt high tunnels for farms.

It was motioned by Councilmember Mallon to authorize the advertisement for the amendment to Chapter 24, Stormwater Management as presented; seconded by Councilmember Waterkotte.

**PUBLIC COMMENTS**

There were no public comments.

The motion carried unanimously.

**CONSIDER AUTHORIZATION - RACP GRANT APPLICATION - BIRCH STREET**

Borough Manager Scalise explained that the owners of 201 Birch Street have asked the Borough to act as the applicant and grantee of an RACP grant for a proposed culinary school located at 201 Birch Street. The Developer has met with the Municipal Relation Commission and will be making a recommendation to Council. Amy Kronenberg of GMS financial Solutions shared that she is working with Square Roots Collective with a goal of creating a for-profit restaurant as part of the Birch Inn Revitalization project. She explained this is a very costly project, estimated at \$1.5 - \$1.6 million to redevelop the location. Ms. Kronenberg advised that RACP grant eligible projects must be 50 percent

matching funds. She commented that Square Roots Collective is committed to working with the Borough as a partner in the grant from the State, explaining that the grant does not require any money from the Borough and GMS Financial will be responsible for the grant administration work. Ms. Kronenberg advised that the grant requires a public grantee, which would be the Borough, and the application is due within 30 days of the opening date, which is in early January.

Vice President Waterkotte asked what the financial burden would be for the Borough and Ms. Kronenberg explained there is no financial burden because the Borough would function as a "pass through".

Luke Zubrod, 236 South Union Street, of the Square Roots Collective, explained their vision is to revitalize the Birch Street Inn as for-profit restaurant and a nonprofit restaurant school. He suggested the school could be for people who are not college bound, but who are in need of good skills, and for individuals with challenged backgrounds. Mr. Zubrod commented that the Square Roots Collective goal is to help Kennett Square residents thrive, and they want to do something purposeful. He noted they envision the motel rooms as housing for the students.

Councilmember Mercomes asked about the proposed enrollment for the school, the length of the program and what the State's accreditation process is for a culinary school.

Mr. Zubrod explained there are fourteen (14) motel rooms, which sets the scope of the program. He commented that the length of the program has not been determined yet but expects it would be more than three (3) months but less than twenty-four (24) months. Mr. Zubrod advised that the project will not happen without grant funds and they are hesitant to work out every detail of the project until funding has been secured.

Council discussion ensued on issues including tax status, whether the school would be income based, if the grant application would prohibit the Borough from applying for other RACP grants, and suggestions for Square Roots Collective to reach out to the County's Vo-Tech program for culinary arts and other area culinary programs.

**It was motioned by Councilmember Merino to authorize the Borough to act as applicant and grantee for the RACP grant application as presented; seconded by Vice President Waterkotte.**

Councilmember Merino shared that he is a believer in this type of revitalization project.

Councilmember Myers commented that the draw down and grant reporting is very important and the Borough could become liable without strict monitoring.

Councilmember Cramer shared he is very uncomfortable with the quick time frame to make a decision on applying for a grant of this size with so many unanswered questions.

Vice President Waterkotte noted this is not a revolving fund loan, but a grant for which we hold no responsibility. He advised that we are voting to authorize a grant application.

Ms. Kronenberg explained that the next steps after the e-application would be an MOU process and then many other steps before the Borough would sign on for the grant money.

President Doerfler shared that we received two (2) letters of support from other municipalities that have done this type of work. He commented that this is supporting a vision which brings some different options to the Borough.

Councilmember Myers advised that if the Borough is signing the agreement, then the Borough is ultimately responsible.

Councilmember Cramer noted that if we were to get the grant, we would not turn it down and then we are in a situation we do not want to be in.

## **PUBLIC COMMENTS**

Charla Watson commented that the food industry does not provide good wages and culinary schools are expensive. She asked about the matching funds. Ms. Watson shared her feeling that this was not a night to cram in this vote and she would have liked a presentation on possible project.

John Thomas commented he attended the MRC meeting and questioned why people would need housing for the school if they already live in in the Borough? He does not believe Square Roots Collective knows they are doing, noting that they want to see if they can get the money and then figure out the plan.

Andy Froning, 308 Marshall Street, noted he also attended the MRC meeting and commented the application is on a time crunch because it has to be submitted in January. He explained that the grant money will be dependent on following the developed plan. He also noted that having a source of trained labor would be wonderful for the Borough and the surrounding area and he is in full support of the endeavor.

Barbara Cairns, 215 North Garfield Street, shared her experience with the Library, noting that they formed their own nonprofit when they applied for RACP. She advised that Council be cautious because she believes that the State wants the municipality to be a real partner, therefore the Borough would have significant responsibility. She also brought up the issue of the restaurant school becoming a 501c3 nonprofit which she believes takes time and is not easy to do. She suggested that Square Roots Collective do more work on define the project and create their business plan.

Ms. Kronenberg reiterated that they very much want to partner with the Borough, for it to be a collaborative effort and to minimize the Borough's administrative effort. She shared that with current cost estimates, they were able to apply for the e-application and that the next steps include the business plan, noting that one is not required for the filing of the e-application.

Mr. Zubrod commented they have a vision team that includes the leader of the Chester County Food Bank, the Fresh Start Kitchen of the Chester County Food Bank and the general chef at the Creamery. He explained his group is familiar with the nonprofit and for-profit sectors, noting that he spent 17 years at Chatham Financial.

**The motion carried 4-3 with Councilmembers Cramer, Mercomes and Myers voting no.**



## **CONSIDER APPROVAL of MOU with KENNETT SQUARE POLICE ASSOCIATION (KSPA)**

Borough Manager Scalise noted that our Solicitor, Eric Brown, has drafted an MOU based on the tentative agreements between the Personnel Committee and the KSPA. After approval by both parties, an official redrafting of the Collective Bargaining Agreement will occur.

**It was motioned by Councilmember Mallon to approve the MOU with the KSPA as presented; seconded by Councilmember Mercomes.**

Councilmember Mallon thanked Councilmembers Mercomes and Myers and the Committee for their hard work on the negotiations.

### **PUBLIC COMMENTS**

There were no public comments.

**The motion carried unanimously.**

## **CONSIDER AMENDMENTS to the 2019 BUDGET**

Borough Manager Scalise shared that as the 2019 year progressed, we kept track of major changes to the budget in an effort to provide a clearer picture of the 2019 financials and changes that occurred throughout the year.

**It was moved by Vice President Waterkotte to approve Amendments to the 2019 Budget as presented; seconded by Councilmember Mallon.**

### **PUBLIC COMMENTS**

There were no public comments.

**The motion carried unanimously.**

## **CONSIDER ADOPTION of 2020 BUDGET**

Borough Manager Scalise commented that we have had two (2) budget presentations and everyone has reviewed the final budget without concerns.

**It was moved by Councilmember Mallon to adopt the 2020 Budget as presented; seconded by Councilmember Merino.**

### **PUBLIC COMMENTS**

John Thomas commented that he is concerned about money from the water and sewer funds being moved to the general fund.

The motion carried unanimously.

## **CONSIDER ADOPTION of RESOLUTIONS ESTABLISHING 2020 BOROUGH TAX RATE and 2020 FEE SCHEDULE**

Borough Manager Scalise shared that the first resolution is regarding the tax rate, which will remain the same at 6.75 mills. The second resolution is to establish the Borough's updated fee schedule, both of which are in the Council packet.

It was moved by Vice President Waterkotte to approve the 2020 Borough Tax Rate and Fee Schedule as presented; seconded by Councilmember Mallon.

## **PUBLIC COMMENTS**

There were no public comments.

The motion carried unanimously.

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

President Doerfler motioned to cancel the Borough Council meeting scheduled for December 9; seconded by Councilmember Mallon. The motion carried unanimously.

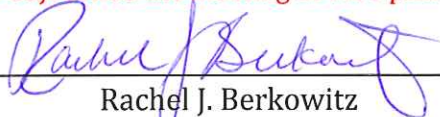
Councilmember Merino thanked everyone he worked with during his time as a Councilmember. He wished the newly elected Councilmembers the best of luck and commented that he would like to stay involved in the Borough. He wished everyone Happy Holidays.

Councilmember Mallon commented that it has been his pleasure to serve as a Councilmember for the past four (4) years and thanked everyone. He shared that when he was a newly elected Councilmember, he asked to see the Borough's water system and he found the system to be very well managed, thanks to Borough Manager Scalise.

Vice President Waterkotte thanked Councilmember Merino for his service to the Borough and congratulated the newly elected Councilmembers Mayra Zavala and Rosa Moore. He also thanked Councilmember Mallon for his service to the Borough noting that he will be very missed on Council.

## **ADJOURNMENT**

There being no further business, President Doerfler adjourned the meeting at 9:04 p.m.

  
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Rachel J. Berkowitz  
Borough Secretary