

## OFFICIAL MINUTES JANUARY 16, 2018

The Regular Meeting of January 16, 2018, of Council for the Borough of Kennett Square was called to order at 7:00 p.m. in the Monroe Nute Room of the Kennett Fire Company No. 1, 301 Dalmatian Street, Kennett Square, Pennsylvania with President LaToya M. Myers in the Chair.

### ROLL CALL

Present: *President LaToya M. Myers*  
*Vice President Ethan L. Cramer*  
*Councilmember Wayne Braffman*  
*Councilmember J. Douglas Doerfler*  
*Councilmember James Mallon*  
*Councilmember Brenda Mercomes*  
*Councilmember Peter L. Waterkotte*

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

### EXECUTIVE SESSION

President Myers announced that Council held an Executive Session at 6:45 p.m. on Tuesday, January 16, 2018. The session was held in the Conference Room of the Kennett Fire Co. No 1, 301 Dalmatian Street, Kennett Square, PA 19348. The purpose of this session was to discuss a grievance pertaining to the Collective Bargaining Agreement of the Kennett Square Police Association.

President Myers announced that Council will hold a special joint meeting with the Kennett Township Board of Supervisors on Monday, January 29, 2018 at 6 p.m. to discuss economic development strategies. The meeting will be held at the Kennett Township Municipal Building.

### ADOPTION of AGENDA

It was moved by Vice President Cramer and seconded by Councilmember Braffman to approve the agenda.

It was moved by Vice President Cramer and seconded by Councilmember Braffman to amend the agenda by tabling the January 2, 2018 minutes under Consent Items until the next Council meeting. Motion to amend the agenda carried unanimously.

The motion to approve the agenda as amended carried unanimously.

## **PUBLIC COMMENTS**

John Thomas, 406 South Broad Street, congratulated Councilmember Doerfler on his appointment as Chairman of the Southern Chester County Chamber of Commerce. He recommended that an independent appraisal be done on Borough Hall and the Police Station buildings before the feasibility study is done.

Charla Watson, 523 Magnolia Street, urged Council to take time to look at all of the parking requirement agreements stating that parking should be an equal opportunity. She asked Council to do an assessment of the Borough before they take action on anything.

## **CONSENT ITEMS**

**It was moved by Vice President Cramer and seconded by Councilmember Doerfler to remove the January 2, 2018 minutes from the Consent Items.**

Vice President Cramer pointed out that things happen and schedules change. He advised that Borough Secretary Karen Scherer is very involved with the annual Martin Luther King, Jr. CommUNITY Breakfast which was held yesterday. He said he is very proud of this event and the Borough needs to continue to support it.

**Motion carried unanimously.**

President Myers announced that the following Consent Items are deemed approved if there are no objections.

- Bills that were paid since the last Council meeting.
- Subdivision – Kennett Fire Co. No.1, 301 Dalmatian Street.
- Re-appointment of Avery Eaton to Historical Architectural Review Board (HARB).
- Authorize Advertisement – Public Meeting, Proposed Meeting Amending Chapter 15, Sewers and Sewage Disposal.

## **REPORTS**

### **PRESIDENT'S**

President Myers made the following appointments:

- Finance Committee – Councilmember Braffman who will serve as the Chair, Councilmember Waterkotte, and citizen Geoffrey Bosley.
- Public Safety and Infrastructure – Mayor Fetick, who will continue to serve as the Chair, and Vice President Cramer.
- Parliamentarian – Vice President Cramer.

### **FINANCE COMMITTEE**

Councilmember Braffman, Chair of the Finance Committee, reported the following from the Committee's January 16<sup>th</sup> meeting:

- Reviewed scope and purpose of the committee's work.
- Discussed goals for the year.
- Will explore new sources of revenue.
- Reviewed the bills and financials.
- The end of year estimate for 2017 shows a \$26,162 surplus in the General Fund.
- Discussed the need for construction financing that dovetails with grant funding for the Parking Garage Expansion Project.
- Began exploration of financing the upgrade to the Sewer Plant should reserves not cover the full cost.
- They are recommending an RFP be issued for the 2018 Audit.

## **FIRE COMPANY**

Assistant Chief Bruce Mitchell reported the following activity for the month of December 2017:

- Fire Calls – 35.
- EMS Calls – 103; 40 in the Borough and 35 in Kennett Township.

And, the total activity for the calendar year 2017:

- Fire Calls – 355
- EMS Calls – 1,096.

Chief Mitchell advised the new engine has been ordered; delivery expected in October.

## **POLICE DEPARTMENT**

Chief William Holdsworth reported the following activity for the year 2017:

- Total Miles Patrolled - 61,232.
- Criminal Arrests - 211.
- DUI Arrests – 31.
- Traffic Citations Issued – 1,604.
- Violation Warnings Issued – 546.
- Parking Tickets Issued – 3,021.
- Total Reports Filed 8,434.

He continued his report with a comparison with 2016 and 2015. Chief Holdsworth advised that the department has revamped their traditional drug task force by incorporating a majority of the officers. They also purchased active shooter vests with five (5) of them being reimbursed by Penn Prime.

## **PUBLIC SAFETY and INFRASTRUCTURE COMMITTEE**

The Mayor advised that an actuated pedestrian crossing was included in the budget and will be installed this year on West State Street in front of Friends Home. The Committee has been discussing ways to better clarify the Winter Warning Routes and Snow Emergency Routes for residents.

## **PLANNING COMMISSION**

Russell Drumheller, Codes Enforcement Officer, reported the recent activity of the Planning Commission as follows:

- They finalized the approvals regarding the Land Development Application for Friends Home, 147 West State Street.
- Completed the update to the Lightning Ordinance.
- Worked on the Fire Company/Borough Subdivision Plan.

## **CODES DEPARTMENT**

Russell Drumheller reported the following activity in the Codes Department for the year 2017:

- Completed Inspections – 3,039.
- Phone Calls into the Office – 6,357.
- Visitors to the Office – 2,296.

## **BOARDS and COMMISSIONS**

### **ADVISORY COMMISSION on LATINO AFFAIRS (ACOLA) and CIVIL SERVICE COMMISSION – RESIGNATIONS**

President Myers presented the letter of resignation of Carlos Navarro from ACOLA and the Civil Service Commission, effective January 10, 2018.

**It was moved by Vice President Cramer and seconded by Councilmember Doerfler to accept the resignations as presented.**

Vice President Cramer stated that Mr. Navarro has done more than his duty by serving on these committees and wished him well.

**Motion carried unanimously.**

### **CIVIL SERVICE COMMISSION – APPOINTMENT, REGULAR MEMBER**

President Myers presented the appointment of Geoffrey Bosley as a regular Member of the Civil Service Commission. His term will expire January 1, 2019.

The Borough Secretary advised that Mr. Bosley was unable to attend tonight's meeting and will be sworn at Borough Hall a later date.

It was moved by Vice President Cramer and seconded by Councilmember Braffman to appoint Mr. Bosley as presented. Motion carried unanimously.

## **FRIENDS HOME, 147 WEST STATE STREET WAIVER REQUESTS**

President Myers presented for approval the following three (3) waiver requests from the Borough's Subdivision and Land Development Ordinance for the Land Development Application from Friends Home, 147 West State Street:

- 1) Section 18-8(a)            Requiring a tentative sketch plan submission.
- 2) Section 18-8(b)            Requiring a separate preliminary plan submission.
- 3) Section 18-33(a)(1)       Requiring concrete monuments.

Russell Drumheller gave a description of each request.

It was moved by Councilmember Doerfler and seconded by Councilmember Waterkotte to approve the waiver requests as presented.

## **PUBLIC INPUT**

Charla Watson asked for a definition of the monument.

John Thomas stated that the Friends Home is a true gem in our community and express his support of the waivers.

Clara Saxton, 120 West Linden, stated as a member of HARB she has seen the plans and supports granting the waivers.

Motion carried unanimously to grant the three (3) waivers as presented.

## **LAND DEVELOPMENT**

President Myers presented for approval the Land Development Application from Friends Home, 147 West State Street.

It was moved by Councilmember Doerfler and seconded by Councilmember Cramer to approve the land development as presented.

## **PUBLIC INPUT**

No input from the public.

Motion carried unanimously to approve the land development as presented.

## **PUBLIC ART**

Russell Drumheller advised that over the years he has received many applications for "Public Art" to be placed in town. Nowhere in our ordinances is "Public Art" addressed so he has sent these requests to Borough Council. Mr. Drumheller is looking for guidance from Council to consider defining "Public Art" in our Zoning Ordinance.

It was moved by Councilmember Cramer and seconded by Councilmember Braffman to send this matter to an ad hoc committee consisting of the Codes enforcement Officer, members of Council and a resident to define "Public Art" and draft an amendment to the Zoning Ordinance.

The Borough Manager advised that a design committee already exists which includes a Borough resident.

Both Vice President Cramer and Councilmember Doerfler offered to serve on the Public Art Ad Hoc Committee.

## **PUBLIC INPUT**

Charla Watson, 523 Magnolia Street, questioned the composition of the Design Committee. She encouraged Council to keep this item under the Codes Department with variances and special exceptions.

Ken Edwards, 412 Meredith Street, questioned who would maintain the artwork as it begins to deteriorate.

Clara Saxton referred to the signage on the Youth Garage stating a public art ordinance would address items such as this.

Motion carried unanimously.

## **RESOLUTION NO. 2018-02 ESTABLISHING PERSONNEL COMMITTEE**

It was moved by Council Cramer and seconded by Councilmember Braffman to adopt the resolution establishing a Personnel Committee as presented.

Councilmember Mercomes said she is in favor of the resolution however, she said Item e. is redundant to Items a. and b. under Functions.

It was moved by Councilmember Braffman and seconded by Vice President Cramer to amend the resolution by removing Item 1.e under Functions from the resolution. Amendment carried unanimously.

It was moved by Councilmember Braffman and seconded by Vice President Cramer to amend the resolution by removing 1.g under Functions from the resolution. Amendment carried unanimously.

Councilmember Waterkotte stated that as a new member of Council voting on the resolution makes him feel uncomfortable.

Councilmember Mercomes stated it is important to have a system of evaluation in place and she sees evaluations to be very positive.

Councilmember Doerfler stated he is uncomfortable with a resident being included in the Personnel Committee and questioned why the Mayor was removed from the resolution.

A discussion ensued.

It was moved by Councilmember Mercomes and seconded Councilmember Doerfler to amend the resolution by removing 2.b, Resident, under Composition of the Committee.

#### **PUBLIC INPUT**

Borough residents Charla Watson, Ken Edwards and John Thomas expressed their support of the resolution and the committee as proposed.

Clara Saxton said the job evaluations are sensitive. She does not support a resident being on the committee.

A discussion among Council ensued.

The Mayor said that he sees both sides about having a resident on the committee noting that he found it really valuable to have a resident on the Chief of Police Search Committee.

The amendment to remove 2.b, Resident, under Composition of the Committee passed with a vote of 4 to 3 with Councilmembers Mallon, Waterkotte, Doerfler and Mercomes voting yes, and Councilmember Braffman, Vice President Cramer and President Myers voting no.

It was moved Councilmember Braffman and seconded by Vice President Cramer to amend the resolution by adding the Mayor to Section 2., Composition of the Committee. The amendment carried with a vote of 6 to 1 with Councilmember Mallon voting no.

A discussion ensued about sending the resolution to the Solicitor for review before taking action.

It was moved by Vice President Cramer and seconded by Councilmember Braffman to task the Personnel Committee to confer with the Solicitor the content of the resolution. The amendment did not carry with a vote of 2 to 5 with Councilmembers Mallon, Waterkotte, Doerfler, Mercomes and President Myers voting no.

### **PUBLIC INPUT**

John Thomas said it is about doing only what is best for the Borough of Kennett Square and he doesn't care what is done in other communities.

Charla Watson said she also wants other supervisory positions be included in the Personnel Committee and reminded Council that each individual employee is entitled to due process.

Ken Roberts said that if you are going to have this Personnel Committee then the heads of the departments should be writing their job descriptions and duties.

Original motion as amended carried with a vote of 4 to 3 with Councilmembers Mallon, Waterkotte and Doerfler voting no.

The resolution was assigned No. 2018-02.

### **FIVE (5) MINUTE RECESS**

President Myers called for a five (5) minute recess at 9:15 p.m.

### **PARKING GARAGE EXPANSION 2017 CRP GRANT AWARD**

President Myers presented the Chester County Contract for Services for the 2017 CRP Grant Award in the amount of \$500,000.

It was moved by Councilmember Braffman and seconded by Councilmember Doerfler to approve the contract as presented.

### **PUBLIC INPUT**

There was no public input.

Motion carried unanimously.



## **ACCEPTANCE of REDEVELOPMENT ASSISTANCE CAPITAL PROGRAM (RACP) GRANT AWARD - PARKING GARAGE EXPANSION PROJECT**

President Myers presented for acceptance the RACP Grant Award in the amount of \$750,000 for the Parking Garage Expansion Project

The Borough Manager advised that the Borough is required to submit a letter to the State within 30 days of the notice stating whether we accept the grant award or decline.

**It was moved by Councilmember Braffman and seconded by Councilmember Waterkotte to accept the RACP Grant Award and submit the letter to the State.**

### **PUBLIC INPUT**

John Thomas expressed his support of accepting the grant award.

Ken Edwards asked for assurance that this grant money will be set aside to be used only for the parking garage.

**Motion carried unanimously.**

## **FEASIBILITY STUDY – NEW BOROUGH HALL and POLICE STATION**

The Borough Manager said we have been talking about the possibility of having Borough Hall and the Police Station under one roof as part of the Parking Garage Expansion Project.

**It was moved by Councilmember Doerfler and seconded by Vice President Cramer to approve the Borough Manager to obtain a feasibility study.**

### **PUBLIC INPUT**

John Thomas recommended that we get appraisals for the current buildings which can be done at a reasonable cost.

Charla Watson said she is against the Borough Hall and Police Station being attached to the parking garage. That area is congested enough plus it is not conducive for the movement of police vehicles.

Ken Edwards said he is against the feasibility if the study is only part of the Parking Garage Expansion Project.

**Motion carried unanimously.**

### **PARKING GARAGE ROOF and/or SOLAR ROOF**

The Borough Manager stated that due to the increased maintenance of the rooftop level of the parking garage, he would like to incorporate a design of a roof/solar roof into the Feasibility Study.

*It was moved by Vice President Cramer and seconded by Councilmember Waterkotte to incorporate the parking garage roof and/or solar roof in the feasibility study.*

### **PUBLIC INPUT**

John Thomas said he is in support of the solar energy.

Ken Edwards questioned if the roof will be slanted expressing concern of snow and ice sliding off of the roof.

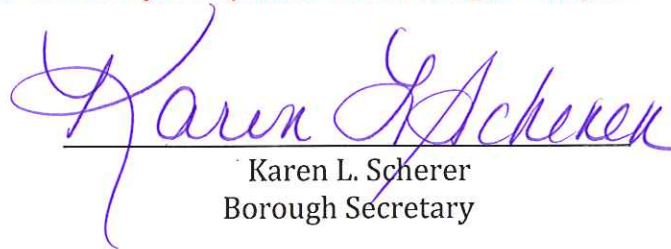
*Motion carried unanimously.*

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

There were not comments or announcements.

### **ADJOURNMENT**

*There being no further business, President Myers adjourned the meeting at 9:48 p.m.*



Karen L. Scherer  
Borough Secretary