

## OFFICIAL MINUTES FEBRUARY 20, 2018

The Regular Meeting of February 20, 2018, of Council for the Borough of Kennett Square was called to order at 7:16 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*

### ADOPTION of AGENDA

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

It was moved by Vice President Cramer and seconded by Councilmember Doerfler to amend the agenda by removing Item #10, Settlement Agreement. Motion carried unanimously.

It was moved by Vice President Cramer and seconded by Councilmember Waterkotte to add a new Item #10, Acceptance of Resignation, Police Officer Evan Jackson. Motion carried unanimously.

The agenda as amended carried unanimously.

### MOMENT of SILENCE

President Myers called for a moment of silence for the victims of the mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida on February 14, 2018.

### EXECUTIVE SESSION

President Myers announced that Council held an Executive Session at 6:30 p.m. on Tuesday, February 20, 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 personnel matter; and, also discuss a grievance pertaining to the Collective Bargaining Agreement of the Kennett Square Police Association.

## **PUBLIC COMMENTS**

John Thomas, 406 South Broad Street, asked Council to consider making the draft minutes available to the public before they are approved so the public can have input.

Pia D'Ottavio, 516 East South Street, asked the same as Mr. Thomas.

Josie Marsh, Bike Kennett, thanked Borough Council for approving the bike racks in the Borough. She advised that soon a plaque will be put in place displaying the sponsors.

## **CONSENT ITEMS**

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

- Minutes of January 29, 2018 – Special Joint Meeting with Kennett Township.
- Minutes of February 5, 2018.
- Bills that were paid since the last Council meeting.

There were no objections.

## **REPORTS**

### **PRESIDENT'S**

President Myers made the following appointments:

- Personnel Committee – Councilmember Mercomes and President Myers.

### **FIRE COMPANY**

Chief Christopher Plumley reported the following activity for the month of January 2018:

- Fire Calls – 48.
- EMS Calls – 115; 58 in the Borough and 43 in Kennett Township.

He advised they have finished designing the new fire truck. Chief Plumley also referred to the recent search for a dog that fell into the creek during heavy rains and urged the public to be mindful and very careful because water can be deceiving. In addition, he instructed the public to call 911 immediately when there is an emergency.

### **POLICE DEPARTMENT**

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

**PUBLIC MEETING**  
**PROPOSED ORDINANCE AMENDING CHAPTER 15,**  
**SEWERS and SEWAGE USE DISPOSAL**

President Myers opened the public meeting at 7:28 p.m.

Randy Behmke, Director of Public Works, advised that as a result of the Head Works Analysis for the Wastewater Treatment Plant (WWTP), the Borough is required by the EPA to adopt new pollutant limitations into our Sewer Use Ordinance for industrial users. This ordinance contains those limitations.

John Thomas, 406 South Broad Street, commented that if we have to upgrade the WWTP then the Borough should plan ahead and not do just the bear minimum.

The Borough Manager addressed Mr. Thomas stating that this ordinance does not pertain to the upgrade.

President Myers closed the public meeting at 7:30 p.m.

**ORDINANCE NO. 942**  
**AMENDING CHAPTER 15, SEWERS and SEWAGE USE DISPOSAL**

President Myers presented for approval the ordinance amending Chapter 15, Sewers and Sewage Disposal, Article II, Regulation of Discharges, Section 15-9(a) Table 1 and 15-9(c).

It was moved by Councilmember Doerfler and seconded by Vice President Cramer to adopt the ordinance as presented. Motion carried unanimously.

The ordinance was assigned No. 942.

**CONSIDER RESOLUTION**  
**MUNICIPAL RELATION COMMITTEE**

President Myers advised that the proposed resolution which will establish the Municipal Relations Committee was removed from the agenda prior to tonight's meeting.

Councilmember Doerfler advised that he plans to have this item ready for presentation to Council at the next meeting.

**SPECIAL EVENT APPLICATION**  
**CINCO de MAYO FESTIVAL, MAY 6<sup>TH</sup>**

President Myers presented the special event application for the Cinco de Mayo Festival to be held on Sunday, May 6<sup>th</sup>, 11a.m. to 5 p.m.

It was moved by Councilmember Braffman and seconded by Councilmember Waterkotte to approve the application as presented. Motion carried unanimously.

**BOARDS and COMMISSIONS****ADVISORY COMMISSION on LATINO AFFAIRS (ACOLA) –  
RESIGNATION**

President Myers presented for acceptance the resignation of Ma Eugenia Daza from ACOLA.

The Borough Secretary advised that ACOLA accepted Ms. Daza's resignation at their meeting on January 9<sup>th</sup>.

It was moved by Vice President Cramer and seconded by Councilmember Doerfler to accept the resignation as presented. Motion carried unanimously.

**PUBLIC SAFETY and INFRASTRUCTURE COMMITTEE**

It was moved by Vice President Cramer and seconded by Councilmember Braffman to accept letters of interest from Borough residents who are interested in serving on the Public Safety and Infrastructure Committee. Motion carried unanimously.

**PROCESS for APPOINTMENT of BOROUGH SOLICITOR**

It was moved by Councilmember Braffman and seconded by Vice President Cramer to issue a Request for Proposals (RFP's) for a Borough Solicitor.

Vice President Cramer stated that this is not a reflection of the service of Marc Jonas but something appropriate Council should do on a regular basis especially when there have been changes on Council.

A discussion ensued.

It was moved by Councilmember Braffman and seconded by Vice President Cramer to amend the motion by tasking the Personnel Committee to develop the RFP and then make recommendations to full Council.

**PUBLIC INPUT**

John Thomas commented that Council works for the citizens and cannot make decisions based on hurting a person's feeling. Council should set guidelines of what a solicitor should do for the Borough and set standards for RFP's for all of the Borough's professional services.

Motion as amended carried unanimously.

**ENGAGEMENT LETTER – POLICE DEPARTMENT LABOR COUNSEL  
CHRISTOPHER P. GERBER, SIANA BELLWOAR**

President Myers presented for approval the engagement letter from Christopher P. Gerber, Siana Bellwoar.

Chief of Police William Holdsworth advised that he and the Mayor are requesting Mr. Gerber be appointed as labor counsel for the Police Department.

**It was moved by Vice President Cramer and seconded by Councilmember Waterkotte to authorize the Borough Manager to engage Siana Bellwoar as the Police Department's labor attorney.**

Councilmember Mallon stated that he does not understand why this is not being done through an RFP process.

The Mayor gave a brief history of police labor issues over the past eight (8) years. He stated that Mr. Gerber could be appointed as an interim until the Personnel Committee develops the RFP.

A discussion ensued.

**Motion carried unanimously.**

## **RFP for POLICE LABOR ATTORNEY**

**It was moved by Councilmember Braffman and seconded by Councilmember Mallon to task the Personnel Committee to develop an RFP for police labor attorney.**

## **PUBLIC INPUT**

John Thomas commented that the current police labor attorney be advised that the Borough will be issuing RFP's will be done periodically.

**Motion carried unanimously.**

## **RESIGNATION - POLICE OFFICER EVAN JACKSON**

President Myers presented for acceptance the resignation letter from Police Officer Evan Jackson.

Chief Holdsworth advised that the resignation was effective February 9, 2018.

**It was moved by Councilmember Doerfler and seconded by Vice President Cramer to accept the resignation as presented. Motion carried unanimously.**

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

President Myers advised that Council received a thank you letter and certificate from the Martin Luther King, Jr. COMMUNITY of the Greater Kennett Area for the Borough's participation in the Municipal Challenge as part of the Change for Change event.

Councilmember Mercomes advised that the annual report for the Kennett Library is now available and noted that for the first time since 2010 library revenues have exceeded expenses.

Councilmember Braffman commented that the debate discussion for the RFP process was a good one. He is proud of that and commended and thanked Council.

Councilmember Waterkotte expressed his appreciation of the public's comments.

Vice President Cramer advised he is trying to get a "smart board" for this room which can be used to display items during Council meetings.

## **ADJOURNMENT**

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



Karen L. Scherer  
Borough Secretary