

OFFICIAL MINUTES MAY 7, 2018

The Regular Meeting of May 7, 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

ADOPTION of AGENDA

It was moved by Councilmember Braffman and seconded by Councilmember Doerfler to approve the agenda. Motion carried unanimously.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, commented that Council hired a temporary lawyer but because that lawyer might have a conflict of interest, Council has hired a secondary temporary lawyer to replace the first one. He recommended Council hire a permanent lawyer.

CONSENT ITEMS

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

- Minutes of April 16, 2018.
- Approval of Bills.
- Charge Civil Service Commission to Generate Certified List – Hiring of Two (2) Full Time Police Officers.
- Resolution No. 2018-10, Appoint Administrators to Conduct Physical and Psychological Examinations.

There were no objections.

REPORTS

PRESIDENT'S

President Myers announced that Borough Council attended a Joint Economic Development meeting with Kennett Township at 6:00 p.m. on Monday, April 30, 2018. The meeting was held at the Kennett Township building, 801 Burrows Run Road, Chadds Ford.

FINANCE COMMITTEE

Councilmember Braffman, Chair of the Finance Committee, reported the following from their May 7th meeting:

- The budget is on target through the first quarter 2018.
- They discussed KAPA's request for relief from the fee to connect to the Borough's sewer system; this item is on tonight's agenda.
- Also discussed financing for the sewer upgrade and parking garage expansion.
- They are in the very early stages of the 2019 Budget.

BOROUGH MANAGER'S

The written report was included in the Council packet. The Borough Manager highlighted his report by announcing he attended the CDBG workshop this past Tuesday and didn't learn much more than he reported to Council the last time. Grant applications are due May 23, 2018, for a two (2) year cycle for funding years 2019 and 2020. He stated that he will look into the CIP to see if there is anything that will qualify for funding. The Borough Manager also advised that as far as housing, CDBG is giving bonus points for housing partnership applications within Phoenixville, West Chester and Kennett Square for projects that have an affordable rental housing component. He noted that funding to assist homeowners is addressed through financial assistance and loans directly to the applicant and not through grants to the municipalities.

HISTORIC KENNETT SQUARE (HKS)

This was a written report only which was included in the Council packet.

ECONOMIC DEVELOPMENT DIRECTOR

No report.

KENNETT LIBRARY

Megan Walters, Library Director, highlighted her report with the following:

- Last year alone the Library offered over a thousand programs with over 20,000 people attending those programs.
- Some of the programs included the Eclipse in the Park, Maker Camp, Author Events, Science in the Summer, and Yoga Storytime.
- They helped 559 individuals last year through the Adult Literacy Program.
- They are working on the design of the building for the Weinstein property.

Ms. Walters concluded her report with where the Library fits in the community.

HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB) APPLICATION CERTIFICATE of APPROPRIATENESS

It was moved by Councilmember Doerfler and seconded by Councilmember Braffman to vote on all eight (8) applications as a slate. Motion carried.

President Myers presented the following eight (8) HARB applications:

- 245 North Washington – Garage and Addition.
- 415 West Linden – Porch Enclosure.
- 401 Birch – Exterior Renovations.
- 410 Center – New Garage.
- 111 East Cypress – Sign.
- 206 South Broad – Fence.
- 108 North Union – Sign.
- 200 East State – Sign.

Robert Reich, owner of 415 West Linden Street, answered Vice President Cramer's question regarding the status of the columns with the porch enclosure and stated the columns will be cut and exposed on the external side of the enclosure.

It was moved by Vice President Cramer and seconded by Councilmember Waterkotte to approve the applications as presented and issue the COA's. Motion carried unanimously.

PUBLIC COMMENTS

Charla Watson asked about the sign material for 111 East Cypress, 108 North Union and 200 East State.

She also referred to the fence application for 206 South Broad Street and asked about the height.

Motion carried unanimously.

RESOLUTION NO. 2018-11 ESTABLISHING PARLIAMENTARY AUTHORITY as the FIRST RULE OF COUNCIL

Vice President Cramer gave a brief background of the proposed resolution establishing the parliamentary authority as the first rule of Borough Council. This resolution supersedes Resolution No. 2016-02. The rules of order will be patterned after "*Robert's Rules of Order (11th Ed.)*" and the addition of a second book as a practical resource, "*Mastering Council Meetings: A Guidebook for Elected Officials and Local Governments*".

It was moved by Vice President Cramer and seconded by Councilmember Mercomes to adopt the resolution establishing parliamentary authority as the first rule of Council.

Councilmember Doerfler commented the Robert's Rules sets a good standard but as a guideline. He expressed his concern about adopting this resolution stating that we might lose some of our working relationships if we strictly follow the rules.

Councilmember Mallon expressed his concern that more formality can take away clarity and also slow down Council and encumber the process. He feels that adopting this resolution will take away from the dialogue that Council uses now. He does not support the addition of the second book.

Councilmember Waterkotte commented that the way Council conducts the meetings now works well and he learns from the dialogue.

A discussion ensued.

It was moved by Councilmember Braffman and seconded by Councilmember Mercomes to add the following as the second paragraph of the resolution: "*WHEREAS, this resolution is being adopted as a general framework for Council proceedings and is not intended in any way to encumber the process*". Amendment to the motion carried unanimously.

PUBLIC COMMENTS

John Thomas commented that Council was doing fine with Robert's Rules and they have spent too much time discussing this matter. He found it to be total confusion.

Tony D'Ottavio, 516 East South Street, commented that the Fire Company uses Robert's Rules as a guideline.

Charla Watson, 523 Magnolia Street, commented that the Borough has been operating under Robert's Rules for years and has been doing fine.

Sue Holloway, 303 Walnut Court Way, commented that she is dismayed over this item and encouraged Council not to get caught up in formality.

Penny D'Ottavio, 516 East South Street, commented that Robert's Rules has been effect for a very long time. She likes the dialogue among Council and stated things are working well this way.

President Myers referred to the recent joint meeting with Kennett Township and stated that the meeting was not efficient. It is her desire to make Council's meetings as efficient as possible.

The motion carried with a 4 to 3 vote with Councilmember Braffman, Vice President Cramer, President Myers and Councilmember Mercomes voting yes and Councilmembers Mallon, Waterkotte and Doerfler voting no.

The resolution was assigned No. 2018-11.

REQUEST from KENNETT AREA PARK AUTHORITY (KAPA) for RELIEF to COSTS ASSOCIATED with CONNECTING to the BOROUGH'S SEWER SYSTEM

The Borough Manager advised that KAPA has their own sewer system which is failing and they want to tie into the Borough's sewer system.

Councilmember Braffman advised that if we waive the fee there is no loss to the Borough but yet there will be no income for the connection fee which approximately \$2,500.

It was moved by Councilmember Braffman and seconded by Councilmember Waterkotte to grant relief from the fees associated with connecting to the Borough's sewer system.

A discussion ensued regarding granting relief from fees for other nonprofit organizations.

It was the consensus of Council that the Borough will only consider relief from fees for the nonprofit entities they support financially. This includes Historic Kennett Square, Kennett Library, KAPRB (Kennett Area Park and Recreation), KAPA and Kennett Fire Company No. 1.

PUBLIC COMMENTS

John Thomas commented that this is what happens when you have a young Council stating we already gave ground to KAPA. KAPA also receives half of the revenue from the cell towers on the water tank off of Maple Street but that revenue does not go towards our contributions.

Tony D'Ottavio thanked Councilmember Braffman including the Fire Company in the list.

Ken Edwards, 412 Meredith Street, recommended that Council talks to the solicitor about giving away things. He commented that if a new nonprofit organization moves into the area and is denied relief of paying the sewer connection fee, the organization may sue the Borough and each member of Council.

Charla Watson commented that she agreed with Mr. Edwards comments and questioned why KAPA can't pay the fee.

Motion as amended carried unanimously.

REQUEST for PARKING RELIEF 108 EAST STATE STREET, LGB-110 EAST STATE ST, LLC

Geoffrey Bosley, 201 North Broad Street and employee of LGB Properties advised that Portabellos is looking to relocate to 108 East State Street which is owned by LGB Properties. In order to do so, LGB Properties is requesting relief for seven (7) parking spaces for a total of \$3,290 being paid to the Borough.

Mr. Bosley noted that Portabellos has also applied to have a liquor license transferred from New Garden Township to the Borough of Kennett Square. He stated the application requires the Borough to hold a public hearing regarding this matter; the advertisement for this is also on tonight's agenda.

It was moved by Vice President Cramer and seconded by Councilmember Doerfler grant the parking relief as presented.

Vice President Cramer said this is a very positive thing. He would like to get the parking study done so we have a greater context for parking needs.

Councilmember Braffman advised that Mr. Bosley is a member of the Finance Committee however the committee did not discuss this matter. He also advised that Portabellos will be applying for a revolving loan.

PUBLIC COMMENTS

John Thomas commented that he is glad Portabellos is moving however he expressed concern that we continue to grant parking relief.

Charla Watson commented that the fee related to parking relief should be paid every year and not just one.

Geoffrey Bosley added that he took the liberty of going through the parking garage at 7:45 p.m. on First Friday and stated that the 3rd level was half full and the 4th level was empty.

Motion as carried unanimously.

**AUTHORIZE ADVERTISEMENT of PUBLIC HEARING
108 EAST STATE STREET, CHEF BRETT'S LLC**

President Myers noted that the correct name for the applicant for the transfer of the liquor license is Chef Brett's LLC.

It was moved by Councilmember Doerfler and seconded by Councilmember Waterkotte to authorize the advertisement for the public hearing to be held on Monday, May 21, 2018, at 7 p.m. for the application to transfer a liquor license to Chef Brett's LLC, 108 East State Street.

PUBLIC COMMENTS

Charla Watson commented that Council knows how she feels about alcohol and asked Council to start setting a precedence to attract businesses other than those that serve alcohol.

Motion carried unanimously.

**SCOPE of SERVICES and AUTHORIZE CONTRACT
VISION PARTNERSHIP PROGRAM (VPP) GRANT for
ECONOMIC DEVELOPMENT ZONING AMENDMENTS**

The Borough Manager advised the zoning amendments done through this VPP Grant will pertain to the State and Cypress Street corridor. We will get reimbursed after the zoning changes have been adopted. He also noted that the Solicitor has reviewed and approved the contract as written.

It was moved by Councilmember Mallon and seconded by Councilmember Doerfler to adopt the scope of services and authorize a contract for the Vision Partnership Program Grant for Economic Development Zoning Amendments.

PUBLIC COMMENTS

There were no public comments.

Motion carried unanimously.

**COMMITTING MANAGEMENT of JOINT ECONOMIC DEVELOPMENT EFFORT
to the MUNICIPAL RELATIONS COMMITTEE**

President Myers advised that Council holds joint quarterly meetings regarding economic development. Things are going to come up in between the meetings and the partners need to know who the first point of contact will be at the Borough. She feels that it is not appropriate to have the Council President nor the Vice President be the contact. She would like to see the Municipal Relations Committee be the first point of contact, particularly for this project.

It was moved by Councilmember Braffman and seconded by Councilmember Waterkotte to commit management of the Joint Economic Development effort to the Municipal Relations Committee as necessary between the quarterly meetings.

PUBLIC COMMENTS

No public input.

Motion carried unanimously.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

Councilmember Waterkotte congratulated Borough employee Troy Stevenson for being a true hero. While on duty last week, Troy found a two (2) year old child wandering alone on a busy street. He got out of his truck, picked up the child and went door to door until he found the child's home.

Councilmember Braffman responded to questions/comments from the public and stated that we (Council) will take as long as it takes to get it right. He said Council has a history of being run by a strong president that goes back many years and little information was shared with the rest of Council. The majority of this Council thinks that's wrong and believes that it violates Borough Code. He commented that this Council is in the process of changing that by creating rules and a new tradition that all members of Council are treated equally, information is shared equally and they have access equally. He stated that he is proud to be part of a Council where each member has contributed to making things work well and more transparent on behalf of the residents. As far as the parking garage expansion, Councilmember Braffman reiterated that no general fund money will be used for this project.

Vice President Cramer addressed the concerns about fences brought up by Ms. Watson and stated that under PA law, the HARB and Borough Council can only consider historic issues; the height of the fence is a Zoning Hearing Board issue.

Councilmember Waterkotte thanked Councilmember Braffman for his comments regarding the majority of Council because Councilmember Waterkotte feels he is a minority because he had no clue of Council's history.

President Myers advised that the Personnel Committee is working on the RFP for a Borough Solicitor.

On behalf of Mary Hutchins, the Borough Manager announced that Historic Kennett Square will hold their annual meeting this Wednesday at 5:30 p.m. in the American Legion building.

ADJOURNMENT

There being no further business, President Myers adjourned the meeting at 8:43 p.m.



Karen L. Scherer
Borough Secretary