

OFFICIAL MINUTES JUNE 4, 2018

The Regular Meeting of June 4 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

MOMENT of SILENCE for the PASSING of SHARON LEE, RECORDS ADMINISTRATOR with the KENNETT SQUARE POLICE DEPARTMENT

President Myers called for a Moment of Silence for the passing of Borough employee Records Administrator Sharon Lee. Ms. Lee passed away on Thursday, May 31, 2018. Ms. Lee was a valued employee and very special member of the Police Department who maintained her dedication to the mission of the Department almost to the end of her life; she will be missed.

COMMENDATION TROY A. STEVENSON

The Mayor presented a commendation to Borough employee Troy A. Stevenson. Within a 24 hour period in May 2018, Mr. Stevenson showed compassion and came to the aid of child walking in the middle of a Borough Street, stopped a young child from running into a pond at Anson B. Nixon Park and assisted an elderly lady who had fallen.

ADOPTION of AGENDA

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

It was moved by Councilmember Braffman and seconded by Vice President Cramer to amend the agenda by removing Item #4, 441 Church Alley, Garage Door from the Consent Items and add it to Action Items. Motion carried.

Motion as amended carried unanimously.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, commented on the Wastewater Treatment Plant flow chart and questioned the amount of reserved EDU's. He said he is still very concerned about Council approving the advertisement on a Monday night for the public hearing regarding the transfer of the liquor license and then the ad was in the newspaper the very next day. He believes Borough Council owes the public an apology.

Charla Watson, 523 Magnolia Street, expressed her agreement with Mr. Thomas' comments. She also expressed her concern that Borough Council takes votes when they meet with Kennett Township and told Council they should not be taking Borough business outside of the Borough.

CONSENT ITEMS

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

- Approval of Bills.
- HARB Applications –
 - 108 East State Street, Balcony and Door.
 - 219 North Union Street, Signage.

There were no objections.

REPORTS

PRESIDENT'S

President Myers advised that the MOU between the Borough, Historic Kennett Square and Kennett Township is progressing. She advised that Vice President Cramer met with the Borough Solicitor regarding this matter and Councilmember Braffman also attended that meeting.

FINANCE COMMITTEE

Councilmember Braffman, Chair of the Finance Committee, reported the following business conducted at their June 4th meeting:

- Reviewed the Wastewater Treatment Plant Flows from 1999 through 2017. (This item was also displayed via PowerPoint and reviewed during the Council meeting.)

- Discussed the financial impact of our sewer treatment agreements with both Kennett Township and New Garden Township.
- Options were reviewed for financing two (2) upcoming Capital Projects – the Parking Garage Expansion and upgrade to the Wastewater Treatment Plant.
- Looked at and drafted revisions to the Reserves Policy. This item will be presented to Council in July.
- Continued the discussion prioritizing the 2019 Budget and future budgets. Joe and Lisa are already working to improve the five (5) year budget forecasting.

HISTORIC KENNETT SQUARE (HKS)

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

ECONOMIC DEVELOPMENT DIRECTOR

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

SPECIAL EVENT APPLICATIONS

MUSHROOM CAP HALF MARATHON, NOVEMBER 3RD

The Borough Manager advised the Mushroom Cap Half Marathon will take place on Saturday, November 3rd. The route will change slightly this year.

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

Vice President noted that this event closes down the town and involves a lot of Borough personnel.

PUBLIC COMMENTS

There were no comments from the public.

Motion carried unanimously.

KENNETT BREWFEST, OCTOBER 13TH

The Borough Manager advised the Kennett Brewfest will take place on Saturday, October 13th and will be held at 600 South Broad Street. It involves the closure of South Broad Street and Church Alley between Birch and South Streets.

It was moved by Councilmember Mallon and seconded by Councilmember Doerfler to approve the application as presented.

PUBLIC COMMENTS

John Thomas commented that events like this require closing of streets for residents who then can't access their off-street parking.

Penny D'Ottavio, 516 East South Street, suggested printing information about street closures on the quarterly water bills.

Motion carried unanimously.

**HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB) APPLICATIONS
CERTIFICATE of APPROPRIATENESS (COA) ISSUED
441 CHURCH ALLEY**

Clara Saxton, 120 West Linden Street and Secretary of the HARB, gave a description of the application for a new garage door at 441 Church Alley. She stated that HARB unanimously approved the application and recommended that Council issue a COA.

It was moved by Councilmember Braffman and seconded by Councilmember Waterkotte to approve the application as presented and issue a COA.

Councilmember Braffman advised that he visited the site today and questioned the historic value of the building.

Ms. Saxton replied that the Borough does not have historic records on this structure.

PUBLIC COMMENTS

John Thomas stated when the HARB was developed, the chair changed the lines of the district prior to Council's approval.

Ken Edwards, 412 Meredith Street, questioned if it would be sensible for the HARB to contact the surrounding neighbors to see if it effects them.

The motion carried unanimously.

**DENIAL
116 WEST LINDEN STREET**

Clara Saxton, 120 West Linden Street and Secretary of the HARB, gave a description of the application for exterior renovations at 116 West Linden Street. She stated that the HARB unanimously recommended the application be denied and Council not issue a COA.

It was moved by Vice President Cramer and seconded by Councilmember Doerfler to deny the application as presented and a COA not be issued.

Vice President Cramer stated that we passed a state law that gives us very little lead way and it is our job is to follow the law as it stands. The denial is quite clear and HARB has acted accordingly.

Councilmember Braffman asked Ms. Saxton the age of the home.

Ms. Saxton replied 1900-1920's.

A discussion ensued between Councilmember Braffman and Ms. Saxton regarding the historical significance of this home and others in this area.

Councilmember Braffman expressed his support of the application.

Vice President Cramer noted the law is very clear and whether or not we like an application, the historic character is all we can consider.

Councilmember Waterkotte asked Vice President Cramer for clarification of the historic factor.

A discussion ensued.

PUBLIC COMMENTS

John Thomas commented that we should pick historical homes and not areas however we must follow the state laws in order to be certified. He suggested the Borough notify buyers of homes that are located in the Historic District.

Nate Echeverria, Economic Development Director, stated that one of the reasons the Borough is a CLG community is the available funding. He added that another benefit of being a CLG Community that we may not be taking advantage of is the free technical assistance for homes in the Historic District. Mr. Echeverria added that it may make sense to bring in the state's solicitor and some of their specialists to meet with Council and review the ordinance.

Charla Watson said the Historic District was originally strictly for the business district and for the Borough to be known as a national landmark. She expressed concerned that not all of the houses in this area of town are 100 years old.

Tony D'Ottavio, 516 East South Street, commented that he agrees with Councilmember Braffman and does not see anything wrong with the application.

Ken Edwards, 420 Meredith Street, commented that you have to look at the whole area; some are a hundred years old and others are only 50. He does not see anything wrong with this application.

The motion carried with a vote of 6 to 1 with Councilmember Braffman voting no.

KENNETT REGION ECONOMIC DEVELOPMENT STUDY, DATED SEPTEMBER 15, 2016

President Myers advised that the Kennett Region Economic Development Study, dated September 15, 2016, was discussed at the last Joint Economic Development meeting. The recommendations regarding Millers Hill, Ways Lane, Birch Street, State Street, Cypress Street and Mill Road/NVF were presented via a PowerPoint presentation and discussed among Council. After Council's comments and discussion, President Myers opened the floor for input from the public.

MILLERS HILL

Vice President Cramer advised that the Borough has already installed a beautiful signature landscaped gateway along State Street as you enter the Borough.

A discussion ensued.

It was moved by Vice President Cramer and seconded by Councilmember Mallon to support the recommendations for Millers Hill with our discussions with the township.

Councilmember Doerfler asked for clarification of why Council is taking this step tonight.

President Myers responded by stating Council accepted the completion of the study in order to be reimbursed. As discussed at the last joint meeting, there were areas of concern that we want to give additional guidance on so instead of doing it piecemeal, she put all of the items from the study on tonight's agenda although not all of them pertain to the Borough.

PUBLIC COMMENTS

Charla Watson commented that she doesn't know why the items pertaining to Kennett Township are on the agenda. She added that the Economic Director should be giving the report on the study because that is what he is paid to do. Ms. Watson expressed her disappointment that the citizens were not included in the discussions regarding the study.

John Thomas expressed his concern that if Council supports anything that is going on in Kennett Township it might come back to haunt us if projects require sewer hook-ups and such. If we support projects then we lose our negotiating power with developers. He also added his concern of increased traffic congestion and the condition of our streets if the township wants to develop around us.

Ken Edwards commented that he is baffled by Council voting on something that pertains to Kennett Township.

It was moved by Vice President Cramer and seconded by Councilmember Braffman to postpone this item indefinitely in order not to take a vote on this item. Motion carried with a vote of 6 to 1 with Councilmember Doerfler voting no.

WAYS LANE

There was no motion made; this item died.

BIRCH STREET

It was moved by Councilmember Doerfler and seconded by Councilmember Waterkotte to accept the recommendations for Birch Street as presented.

Vice President Cramer stated he does not support the recommendations mainly due to the parking requirements and limited parking in this area. He believes the vision for Birch Street requires more work.

Councilmember Doerfler expressed his agreement with many of the comments made by Vice President Cramer however he thinks Birch Street provides the greatest number of opportunities for the Borough and he supports the recommendations.

A discussion ensued among Council regarding the items in the study and whether or not they are recommendations for moving forward or definite plans.

Vice President Cramer noted that some of these items are also listed in the Borough's Comprehensive Plan.

President Myers commented that it is Council's duty to give direction. If we don't agree with what appears in the study but vote to proceed then we are not doing our duty. She added not all of the recommendations in the study are the same as in the Comprehensive Plan.

PUBLIC COMMENTS

John Thomas commented that Birch Street recommendations were designed for the person that owns 60 to 70 percent of the property on that street. If Council approves these recommendations then they are giving away their power to the developer.

Charla Watson commented that these items should have been discussed with the citizens. She added that Birch Street is a quiet residential street and should remain that way. Ms. Watson also stated that the roadway needs to be built up, the infrastructure needs to be upgraded and sidewalks installed.

Penny D'Ottavio, 516 East South Street, expressed her main concern that if Council adopts the recommendations then they are basically stuck with them. She also shared her concern that Birch Street is unable to handle a 100 unit housing structure.

Motion carried with a vote of 4 to 3 with Vice President Cramer, President Myers and Councilmember Mercomes voting no.

STATE STREET

It was moved by councilmember Doerfler and seconded by Councilmember Waterkotte to accept the recommendations for State Street as presented.

Vice President Cramer commented on the many reasons he does not support these recommendations.

It was moved by Councilmember Braffman and seconded by Councilmember Waterkotte to amend the motion by deleting the reference to Friends Home from the recommendations for State Street.

The Borough Manager advised that this report was started in 2015 and at that time, the Friends Home was contemplating whether they should update or move out of their facility. They were involved in this study and had input and therefore the reference was in case they decided to leave and not trying to push them out.

The amendment carried with a vote of 5 to 2 with Councilmembers Mallon and Doerfler voting no.

Councilmember Mallon commented that these recommendations are consistent with our mission statement and not far from where we are now and where he would like to see the town in the future.

PUBLIC COMMENTS

Charla Watson commented that 50 multi-family condo units as well as the other items in the study will destroy our town and does not benefit a citizen here. She reiterated that the citizens should have been privy to the study.

John Thomas commented that the auto sales and services properties have already been sold to a developer from West Chester and plans for a proposed apartment complex was turned down. He said the commercial district on State Street has not gotten any bigger then when he was a kid; it's full but never changes.

Tony D'Ottavio, 516 East South Street, said that anyone who has lived here for many years knows the business district as "uptown". He does want the consultants to change it to "downtown"; Kennett High School is "downtown".

The motion as amended carried with a vote of 4 to 3 with Vice President Cramer, President Myers and Councilmember Mercomes voting no.

CYPRESS STREET

It was moved by Councilmember Doerfler and seconded by Councilmember Mallon to accept the recommendations for Cypress Street as presented.

Vice President Cramer commented that he opposes these recommendations and believes that Cypress Street will continue to be residential and any attempt to increase commercial development along this street is misguided. He does not want the auto related uses or the Wawa be enticed to relocate elsewhere noting that the Wawa is the center of our community for a lot of people.

Councilmember Waterkotte commented that he believes Council is getting a little hung up on the recommendations; they are ideas of what the possibilities might look like. Council is not handing over any section of town to a developer to do what they want. The developer still has to go through the approval process including zoning.

Councilmember Mercomes commented that approving these recommendations gives a license to developers to do what is in the study.

Vice President Cramer stated that when we approve something like this it matters. He referred to a recent request from a developer to demolish two (2) historic structures to construct a hotel which was denied.

It was moved by Councilmember Braffman and seconded by Councilmember Mallon to amend the motion by deleting the reference to Wawa from the recommendations for Cypress Street. Motion carried with a vote of 5 to 2 with Vice President Cramer and President Myers voting no.

President Myers commented that these items are high level and folks are looking for direction. If we don't believe in these things then we cannot provide direction to the Economic Development Director.

PUBLIC COMMENTS

Clara Saxton commented that she feels Cypress Street is the eastbound lane of State Street and we would be silly not to utilize it that way. It should have as much variety as State Street and we are minimizing our opportunities by ignoring that.

Tony D'Ottavio commented that Cypress Street is 90 percent residential.

Charla Watson commented that she does not support these recommendations and added that Council does not own this stuff and yet they are making plans for it. A zoning map is one thing but Council is making this a "Taj Mahal Wish List". The residents don't want increased density, increased number of dogs, and increased foot and vehicle traffic.

John Thomas expressed his concern of the recommendation to move Wawa and car dealerships out of the Borough and noted that this Wawa is smaller but it sells the most coffee in Chester County. He questioned why anyone would want to change that. Mr. Thomas stated it is a state law that we have to have zoning for everything however any zoning can be broken if there is enough money and lawyers involved.

The motion as amended carried with a vote of 4 to 3 with Vice President Cramer, President Myers and Councilmember Mercomes voting no.

MILL ROAD/NVF

It was moved by Councilmember Mallon and seconded by Councilmember Doerfler to approve the recommendations for Mill Road/NVF as presented.

Vice President Cramer expressed the reasons why he is against these recommendations and does not want us to get into a bind.

A discussion ensued and concerns expressed regarding the condition of the soil at the old NVF site.

PUBLIC COMMENTS

Ken Edwards commented that Council must take into consideration the requirements and limitations of the Federal Government regarding the chemicals that went into and out of that plant. If Council doesn't wait until we have a certification from the Federal Government then they are opening themselves to a multi-million lawsuit as well as members of Council in the future.

John Thomas commented that he was the realtor that sold the NVF site and advised that there were many test wells on the property. He noted that the bottom two (2) acres were going to be sealed because the soil is so contaminated it cannot be cleaned up. Mr. Thomas said he would like to see senior housing and perhaps hydroponics on other parts of the site.

Charla Watson commented that NVF is a superfund site that contains terrible chemicals and shared her thoughts that Council doesn't know what they are dealing with at this property. She said we want and need senior housing in the Borough; this is a residential part of town and it needs to stay that way.

Tony D'Ottavio suggested Council should ask themselves if they want members of their family living on the NVF site.

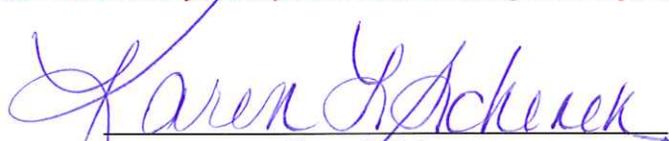
The motion did not carry with a vote 3 to 4 with of Vice President Cramer, Councilmember Mallon, President Myers and Councilmember Mercomes voting no.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

There were no comments or announcements.

ADJOURNMENT

There being no further business, President Myers adjourned the meeting at 9:33 p.m.



Karen L. Scherer
Borough Secretary