

## OFFICIAL MINUTES JULY 2, 2018

The Regular Meeting of July 2, 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*

*Borough Manager Joseph C. Scalise*

Absent: *Mayor Matthew W. Fetick*

### ADOPTION of AGENDA

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

### PUBLIC COMMENTS

John Thomas, 406 South Broad Street, commented with his mid-term assessment of Council stating he sees a divided Council that is not working in the best interest of the citizens. He expressed his belief of back door deals and doesn't see an open and honest government which was promised. Mr. Thomas doesn't see coordination between Council, the Planning Commission and the Zoning Hearing Board and expressed his disappointment with the HARB and Historic Kennett Square. Mr. Thomas continued his comments and said there are too many new people on Council and they don't know the history of the town. In conclusion, he said we have plenty of affordable housing and we need to encourage New Garden, Kennett and East Marlborough Townships to build affordable housing.

Charla Watson, 523 Magnolia Street, advised Council she went passed the house on West Linden Street where the HARB application was denied and feels the application should be revisited. Ms. Watson noted that there is existing stucco on the house and the property owner has the right to add stone. She referred to the HARB application regarding the demolition of the old Borough Hall located at 120 North Broad and questioned why would we put old bricks from this building into the new one. She said it seems we have double standards and we can't break laws to make things happen and feels they give "carte blanche"

to developers. Ms. Watson would like to see an all-day farmers market for citizens of the Borough. In conclusion, she noted the economic study did not include pharmacies, medical and human services, and a food store – things she feels need to be included.

Ken Edwards, 412 Meredith Street, expressed his big concern of the visibility of a traffic control sign at the intersection at Meredith and Cypress Streets stating that a tree is blocking the “No Left Turn on Red” sign; he has seen a lot of people make illegal left turns at this location.

### **CONSENT ITEMS**

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

- Minutes of June 4, 2018.
- Minutes of June 18, 2018
- Bills that were paid since the last Council meeting.
- Special Event Applications –
  - Ed Zunino National Night Out, August 7<sup>th</sup>.
  - Community Block Party, August 18<sup>th</sup>.
  - Mushroom Festival Parade and Dining and Dancing on State, September 7<sup>th</sup>.
  - Mushroom Festival, September 8<sup>th</sup> and 9<sup>th</sup>.

There were no objections.

### **REPORTS**

#### **PRESIDENT'S**

There was no report.

#### **FINANCE COMMITTEE**

Councilmember Braffman, Chair of the Finance Committee, reported the following business conducted at their July 2<sup>nd</sup> meeting:

- They held an Executive Session at 7:30 a.m. to discuss financial implications of a personnel action and called their regular meeting to order at 8 a.m.
- Met with Chief Holdsworth to review budget requests and pressing needs of the Police Department.
- Met with Richard Lyon regarding KAPA's request to have the water tapping fees waived for the water connection to the dog park. The Committee agreed to waive the fees but will pass along to KAPA out-of-pocket costs incurred by the Borough for this project.
- Reviewed updates regarding the parking garage expansion.
- Reviewed updates to the Safe Transportation Bike Trail Project.
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- Completed the revision of the Reserve Policy which is on tonight's agenda for Council's consideration.

**PERSONNEL COMMITTEE**

Councilmember Mercomes reported the following for the Personnel Committee's meetings in May and June:

- May – Met with Chief Holdsworth to discuss changes to be made to the Collective Bargaining Agreement.
- June – Completed drafting the RFP for a Borough Solicitor which was passed along to Bill Gallagher for review. This item is on tonight's agenda for Council's approval.

**MUNICIPAL RELATIONS COMMITTEE**

Councilmember Doerfler reported the following for the Municipal Relations Committee:

- Their first meeting was June 27<sup>th</sup>.
- He thanked other Borough boards and commissions members, Mayra Zavala - ACOLA, Katie Kolb - HARB, and Myra Miller – PC, for agreeing to serve on the committee.
- During their meeting, they discussed many of things shared by Ms. Watson tonight.
- They discussed their goals and priorities, i.e. tackling communication issues, “first stop” brainstorming, a more finalized flow chart for developers, etc.
- Nate Echeverria was present and discussed the Economic Task Force; the Committee made additional recommendations of who should be part of the Task Force.

**CODES DEPARTMENT**

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

**PLANNING COMMISSION**

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

**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 included in the Council packet however, Nate Echeverria, Economic Development Director, gave background information on the Economic Task Force and the members that make up this committee.

**KENNETT AREA PARK AUTHORITY (KAPA)**

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

**KENNETT AREA PARK and RECREATION BOARD (KAPRB)**

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

**HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB) APPLICATIONS  
CERTIFICATE of APPROPRIATENESS (COA) ISSUED  
327 EAST LINDEN STREET**

Clara Saxton, 120 West Linden Street and Secretary of the HARB, gave a description of the application for a new fence at 327 East Linden Street. She stated that HARB unanimously approved the application and recommends Council issue a COA.

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

**PUBLIC COMMENTS**

There was not public input.

The motion carried unanimously.

**CERTIFICATE of APPROPRIATENESS (COA) ISSUED  
110 EAST STATE STREET**

Clara Saxton gave a description of the application for a new sign at 110 East State Street. She stated that HARB unanimously approved the application and recommends Council issue a COA.

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

**PUBLIC COMMENTS**

John Thomas questioned if the exterior wall of this building will have signs coming down the entire side of the building.

The Borough Manager advised the zoning application will address the amount of signage permitted on the building.

The motion carried unanimously.

**CERTIFICATE of APPROPRIATENESS (COA) ISSUED  
237 NORTH WASHINGTON STREET**

Clara Saxton gave a description of the application for demolition of certain features of existing home and addition of entry porch, porch roof and general exterior material upgrade for 237 North Washington Street. She stated that HARB approved the application and recommends Council issue a COA.

**It was moved by Vice President Cramer and seconded by Councilmember Mallon to approve the application as presented and issue a COA.**

There was dialogue between Councilmember Braffman and Ms. Saxton regarding the omission of the ages of homes in the current HARB ordinance.

**PUBLIC COMMENTS**

There were no comments from the public.

**The motion carried unanimously.**

**CERTIFICATE of APPROPRIATENESS (COA) ISSUED  
120 NORTH BROAD STREET**

Clara Saxton gave a description of the application for the full demolition of building at 120 North Broad Street. She stated that HARB reluctantly recommends approval for the demolition and request Borough Council's approval is granted under the following conditions:

- 1) *Borough of Kennett Square provides a full and accurate documentation of this existing Historic Resource. Producing a report containing its history, accurate floor plans, elevations, and pictures of its current and historic state. This Historic Structure Report will be reviewed by the HARB and then recommended for approval by the Borough Council prior to demolition and kept on record for future generations.*
- 2) *Borough of Kennett Square provides options for the salvage and reuse/archive of architectural element of this Historic Resource within the Borough. (Including, but not limited to, items such as its bricks, windows, jail cells, etc.)*
- 3) *These options will be reviewed by the HARB and then recommended for approval by the Borough Council prior to demolition.*

- 4) *Borough of Kennett Square provides options for creative ways to honor the Borough's lost history by incorporating into the new parking structure, and its site, design elements of the demolished Historic Resource, including some of its salvaged items. These options will be reviewed by the HARB and then recommended for approval by the Borough Council prior to demolition.*
- 5) *Borough of Kennett Square provides options for Historical Markers and Interpretative Presentations at the site representing the Historic Resource that was lost to make way for this economic development. These options will be reviewed by the HARB and then recommended for approval by the Borough Council prior to demolition.*

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

Councilmember Braffman thanked the HARB and expressed his appreciation for what they went through to do the right thing. He believes the conditions are reasonable and questioned if someone from the HARB will be assigned to work with the Borough Manager to meet these conditions.

Councilmember Waterkotte agreed with the conditions; they will prevent us from losing everything historic.

Vice President Cramer stated he recognizes the loss here; this building represents the character of the town and who we really are. He noted the two (2) Police Officers, Richard Posey and William Davis who were killed in the line of duty on that site and we should always keep in the back in our minds the safety of our Officers. We need to preserve and protect the historic character of our town and he realizes this has been difficult on the HARB. Vice President Cramer said the work by the HARB is appreciated; they are committed and follow the law. He added he will reluctantly approve this application.

#### **PUBLIC COMMENTS**

Andrew Froning, 308 Marshall Street, commented he supports the HARB's conditions and hopes Council will follow them. He stated that progress is sometimes inevitable.

John Thomas stated that he opposed the demolition and thinks the HARB sold out because Council and the developers want it. He questioned why Council has not considered moving the building and expressed his disappointment that cars will now drive over where the officers were shot. He added that there was a lot of history made

in the building and the land belongs to the citizens so they should not be paying for this. Mr. Thomas suggested that the windows and doors be placed in the new garage.

Charla Watson commented this building has good bones and could be used as a visitor center but no, we have to build a garage. She said if we build a garage then we should keep all of the vehicles off of Broad, Cypress, and State Streets. Ms. Watson stated citizens are not parking in the garage and recommended Council sell it. She shared her concern that things need to be repaired in the Borough before building a garage.

Ken Edwards commented that the HARB did what the ordinance calls them to do and deserves credit for what they did. He said he has learned a lot about Kennett Square in the 10 years he has resided here and recommended someone be hired part time to be the Borough Historian.

Rebecca Clement, 237 North Washington Street, stated she knew we were going to expand the parking garage but she did not know that this building was going to be demolished.

**The motion carried unanimously.**

#### **RESERVE POLICY**

Councilmember Braffman advised the Finance Committee has been working on revising the Reserve Policy over the past couple of months.

Lisa Ionata, Finance Director, gave a description of the revisions clarifying two (2) months of normal everyday operating expenses and how windfall revenues of over \$50,000 should be spent.

Vice President Cramer referred to the Sewer Rental Act of 1935 and questioned if the policy has been reviewed by Bill Gallagher.

Councilmember Braffman advised this has not been reviewed by Gallagher.

This item was tabled until it has been reviewed by Mr. Gallagher.

#### **REQUEST FOR PROPOSAL (RFP) for BOROUGH SOLICITOR**

Councilmember Mercomes advised that the Personnel Committee created the RFP for a Borough Solicitor by using Kennett Township's as a model.

**It was moved by Vice President Cramer and seconded by Councilmember Braffman to approve the RFP as presented. The motion carried unanimously.**

**CONDITIONAL OFFERS of EMPLOYMENT  
FULL TIME POLICE OFFICERS  
FRANCIS TOTH and CHRISTOPHER PARRISH**

Chief William Holdsworth advised the Entry Level Testing Process, which started back in 2017, has ended and he thanked Commissioner Sally Braffman and the other Civil Service Commissioners for their work on this in addition to the Promotional Testing Process. He presented the Conditional Offers of Employment to the following candidates to fill two (2) vacancies for Entry Level Police Officers in the Department:

- Francis Toth.
- Christopher Parrish.

The Mayor advised that each candidate has undergone and passed an intensive background investigation and the offers are contingent upon each candidate undergoing and successful passing a Physical Medical Examination, a Psychological Medial Examination and a Polygraph Examination.

**It was moved by Vice President Cramer and seconded by Councilmember Waterkotte to approve the two (2) offers as presented.**

Vice President Cramer thanked the Borough Secretary, Chief Holdsworth and the Civil Service Commission and expressed his confidence in their work.

**Motion carried unanimously.**

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

Councilmember Braffman responded to comments from Ms. Watson and Mr. Thomas stating that they are defaming members of Council when they say Council is breaking laws to make things happen. If they have evidence, he begged them to bring it to the District Attorney and the Attorney General. Councilmember Braffman stated he cares too much about the Borough to break laws and if they don't have evidence then please refrain from accusations that damage the Borough.

Councilmember Waterkotte asked the public to keep in mind that all of the members of Council are citizens and residents of the Borough. He expressed his appreciation of comments from public and stated we should be working together and not making accusations.

Vice President Cramer commented that one decision follows another and keeping the Library in the Borough is very crucial to the town. A new Library can't be built unless we provide parking. He noted that the Library was going to leave town and their commitment to staying is what lead to the decision to allow the demolition of a building of historic significance.



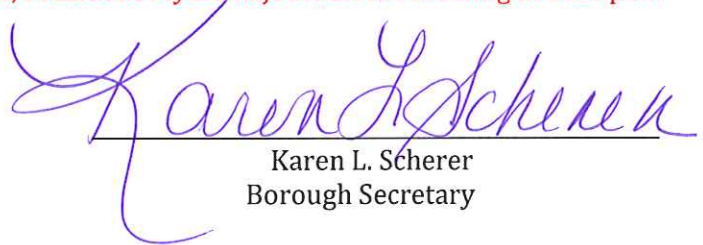
The Borough Manager advised the mailing of the July 2018 water bills will be delayed slightly due to some issues reading the water meters which had to be read again. The bills will be going out soon and the customers will be at least 30 days to pay from the date the bills are mailed.

President Myers commented that Council did accept the HARB's recommendation tonight regarding 120 South Broad Street however this item will continue to be on the agenda as this process moves forward and she welcomed all residents to come out and share their comments. She expressed her realization that not residents are aware of what's happening and urged the public to help spread the word.

The Borough Manager advised the process regarding 120 North Broad Street has been complicated. He urged anyone who may have questions not wait until a Council meeting but call him at Borough Hall.

**ADJOURNMENT**

There being no further business, President Myers adjourned the meeting at 8:23 p.m.



Karen L. Scherer  
Borough Secretary