

## OFFICIAL MINUTES AUGUST 6, 2018

The Regular Meeting of August 6, 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 Vice President Ethan L. Cramer in the Chair.

### ROLL CALL

Present: *Vice President Ethan L. Cramer*  
*Councilmember Wayne Braffman*  
*Councilmember J. Douglas Doerfler*  
*Councilmember Brenda Mercomes*  
*Councilmember Peter L. Waterkotte*

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

Absent: *President LaToya M. Myers*  
*Councilmember James Mallon*

### 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 on the proposed Sewer Agreement with Kennett Township and hopes the township has their own flow meters. He questioned if the township will pay a percentage of the cost to upgrade our sewer plant and if we get paid for the man hours spent on the pumping stations. Mr. Thomas also expressed his concerns about the MOU with Kennett Township and HKS.

Charla Watson, 523 Magnolia Street, commented she had the opportunity to attend the Joint Economic Development meeting and reiterated Council cannot vote outside of the Borough. She referred to the survey done in regards to the Economic Study and stated 80 percent of the responses came from the residents of Kennett Township. Ms. Watson said the needs of our town must be addressed first. She continued with her comments expressing concern of the bike paths and also the need to bring in businesses that will pay a competitive wage. Ms. Watson is against the construction of 90 unit complexes along State Street and feels Council is doing a disservice to the residents if they support this project.

Judy Peterson, 305 Walnut Court Way, questioned if there is log recording the parking waivers that have been granted by the Borough.

Vice President Cramer replied to Ms. Peterson stating a log of the waivers is retained at Borough Hall and a copy can be obtained by submitting an Open Records Request.

## **CONSENT ITEMS**

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

- Minutes of July 16, 2018.
- Bills that were paid since the last Council meeting.
- Special Event Application – KHS Homecoming Parade, September 28<sup>th</sup>.
- HARB Applications –
  - 217 South Willow Street, Fence.
  - 116 South Broad Street, Signage.

There were no objections.

## **REPORTS**

### **PRESIDENT'S**

Vice President Cramer reported the following from the Municipal Relations Committee's meeting on July 25<sup>th</sup>:

- They discussed in some detail that the Committee will not overlap the functions of the Planning Commission or the HARB. The Committee is not a required stop in the development process and no votes will be taken; it is a working committee of Borough Council to ensure clarity to the process and provide adequate information to Council. It is also designed to support the HARB and Planning Commission.
- They discussed bringing in Cory Kegerise from the Pennsylvania Historical and Museum Commission (PHMC) to meet jointly with the HARB and Borough Council regarding historic perseveration.
- There was also some discussion regarding the Regional EMS and Fire Commission. The Commission has worked very hard to find common ground with two (2) particular fire companies regarding ambulance services. There is no agreement at this time and the Commission is headed towards a vote at their August meeting.

### **FINANCE COMMITTEE**

Councilmember Braffman, Chair of the Finance Committee, highlighted the following business conducted at their August 6<sup>th</sup> meeting as follows:

- The reviewed the half year fiscal report which shows us operating \$40,000 to the good. A presentation on this will be given during the September 4<sup>th</sup> Council meeting.
- The RFP for Auditor has been updated and the committee agreed to issue the request.
- The Borough Manager and Finance Director have been researching the possibility of consolidating our various insurance coverages under one (1) provider in an attempt to save money. They will continue their research and report back to the Finance Committee.

### **HISTORIC KENNETT SQUARE (HKS)**

This was a written report included in the Council Packet however Mary Hutchins, Executive Director, highlighted her report by stating HKS is looking for qualified candidates to fill board positions for 2019. Anyone interested should contact her.

### **FEASIBILITY STUDY PRESENTATION SHARED MUNICIPAL FACILITY**

Scott Loercher, Buchart Horn Architects, gave a PowerPoint presentation of the findings as a result of the completed Shared Municipal Facility Feasibility Study, dated July 30, 2018. The Study contained four (4) concepts.

### **PUBLIC COMMENTS**

John Thomas commented he likes the plans however he is concerned about the increase expense of tearing down buildings to do this. He suggested another option, using the old Library building after they move out.

The Mayor stated during this process he learned that one common lobby and service window for police, codes, and utilities amenities provides better and more efficient services. Having this would require support staff to be cross trained.

### **PROFESSIONAL SERVICES AGREEMENTS – PARKING GARAGE EXPANSION PROJECT EDiS COMPANY and GILMORE & ASSOCIATES, INC.**

The Borough Manager presented for approval the professional services agreements with the EDiS Company and Gilmore & Associates, Inc. with regards to the Parking Garage Expansion Project. The EDiS agreement is in the amount of \$167,000 to complete design documents and the Gilmore agreement is \$6,900 for geotechnical services.

**It was moved by Councilmember Doerfler and seconded by Councilmember Waterkotte to accept both agreements as presented.**

Vice President Cramer commented on the need to move forward with the project.

### **PUBLIC COMMENTS**

John Thomas commented that the last company the Borough should be using is EDiS.

*The motion carried with unanimously.*

### **HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB) APPLICATION CERTIFICATE of APPROPRIATENESS (COA) ISSUED 120 SOUTH WILLOW STREET**

Vice President Cramer presented for approval the HARB's recommendation to approve the application for the demolition of the building at 120 South Willow Street. He stated the Library did extensive amount of work negotiating with the owner and advised the Library created an agreement with the Masonic Lodge for them to have permanent access to the Library. The Library is also making plans to preserve the mural.

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

Councilmember Doerfler commented the history is not only the buildings but the memories of said buildings. He thinks the preservation of the memories have been addressed in this case.

Councilmember Mercomes announced she will be recusing herself from voting on this item. As a member of the Library Board, she advised there is no monetary benefit to her however she is recusing herself to avoid the perception of any conflict of interest.

Vice President Cramer stated that he and President Myers agree this building is part of the Black History of Kennett Square which is important to preserve however the negotiations done by the Library is mutually beneficially with the occupants of this building and the Library.

Megan Walters, Library Director, advised they will contact the original artist of the mural. The same thing or something close to the original will go on a wall in the new Library.

### **PUBLIC COMMENTS**

Charla Watson commented the building is historic and has been the Masonic Lodge; the mural doesn't make it historic. She shared her mixed emotions about the demolition but stated the Library has to move on. Ms. Watson wants to see a depiction of the mural for the new Library. She questioned were the minority-owned business in this building will be relocated.

John Thomas questioned the status of alley between this lot and the Weinstein lot.

The Borough Manager replied there is no alley between these two (2) lots; it's all private land.

Councilmember Braffman referred to the HARB report which states this is not the original building; the current building was constructed in 1985.

**The motion carried with a vote of 4 to 0 with Councilmember Mercomes abstaining.**

## **RESERVE FUND POLICY**

Vice President Cramer presented for approval the Reserve Fund Policy and stated the document has been reviewed and approved by the Interim Borough Solicitor William Gallagher.

**It was moved by Councilmember Braffman and seconded by Councilmember Waterkotte to approve the Reserve Fund Policy as presented.**

## **PUBLIC COMMENTS**

There were no public comments.

**The motion carried unanimously.**

## **DIRECT ECONOMIC DEVELOPMENT DIRECTOR to CONTINUE INVESTIGATION and DEVELOPMENT of MICRO LENDING PARTNERSHIP through the REVOLVING LOAN FUND COMMITTEE**

Nate Echeverria, Economic Development Director, advised this idea developed out of the Revolving Loan Fund Committee. There is a strong demand for smaller loans in the amount of \$100,000 or less. The micro lending would be done in partnership with the First State Community Loan Fund based out of Wilmington.

**It was moved by Councilmember Braffman and seconded by Councilmember Doerfler to direct the Economic Development Director to continue investigation of micro lending partnership through the Revolving Loan Fund (RLF).**

Councilmember Braffman advised this was discussed at length during today's Finance Committee. The Committee unanimously supports allocating \$125,000 of the RFL to First State Community, with First State matching with another \$125,000, creating a total pool of \$250,000 for individual loans in the amount of \$10,000 to \$50,000. First State will also

manage the loans which will be limited to businesses in the Borough. Borough residents will also be eligible as long as their official place of business is headquartered within the Borough.

### **PUBLIC COMMENTS**

John Thomas commented he likes the idea and it should be limited to Borough residents and businesses in the Borough.

Charla Watson commented we are now getting into the loan business with a third person involved. She stated she is confused on the amount of the Revolving Loan Fund.

Councilmember Waterkotte stated as a member of the Finance Committee, they are looking at ways to benefit citizens of the Borough and this is a vehicle we can utilize to make that happen.

**The motion carried unanimously.**

### **APPROVAL of CORRECT EXHIBITS to TRAIL EASEMENT – BOROUGH-OWNED “PARRISH” PROPERTY**

Borough Secretary Karen Scherer advised the exhibits, A and B, were incorrect when Council approved the Amendment of the Trail Easement Agreement during their June 18, 2018, meeting. The Land Conservancy of Southern Chester County realized the error and contacted the Borough in July. The agreement remains the same and only the exhibits have been revised and needs Council’s approval. Exhibit A is the legal description, dated July 3, 2018, and Exhibit B is the map prepared by Register Associates, copyright 2018.

**It was moved by Councilmember Doerfler and seconded by Councilmember Waterkotte to approve the exhibits as presented.**

### **PUBLIC COMMENTS**

There was no comments from the public.

**The motion carried unanimously.**

### **LOT CONSOLIDATION, 401 BIRCH, LLC**

The Borough Manager advised the applicant, 401 Birch, LLC, is requesting the consolidation of four (4) existing lots and one (1) right-of-way into a single lot.

It was moved by Councilmember Braffman and seconded by Councilmember Waterkotte to approve the lot consolidation as presented.

### **PUBLIC COMMENTS**

There was no comments from the public.

The motion carried unanimously.

### **REVISED SEWAGE TREATMENT AGREEMENT with KENNETT TOWNSHIP**

Vice President Cramer presented for approval the revised sewage treatment agreement with Kennett Township.

The Borough Manager advised the original agreement was instituted back in 1978 with revisions in 1982 and 2000. In 2009, it was amended to authorize additional sewer capacity. This revision addresses clarifications with roles and responsibilities in maintenance and operations, institute a fair cost for pump station maintenance, and provide additional capacity of 21,500 gpd for a total of 340,000 gpd.

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

Councilmember Braffman questioned if it is possible to negotiate a contribution to the upgrade of our WWTP.

The Borough Manager, replied yes, anything can be negotiated into a contract however, Kennett Township pays sewer fees just like residents of the Borough pay. Sewer fees include maintenance and operation of the sewer system as well as capital improvements and Kennett Township pays their proportionate share.

A discussion ensued.

It was moved by Councilmember Braffman and seconded by Councilmember Mercomes to postpone voting on this item and direct the Borough Manager to explore the possibility of a direct fee to the Township for the upgrade of our WWTP. Motion to postpone carried unanimously.

### **MEMORANDUM of UNDERSTANDING (MOU) between HISTORIC KENNETT SQUARE, the BOROUGH and KENNETT TOWNSHIP**

Vice President Cramer presented for approval the Memorandum of Understanding (MOU) between Historic Kennett Square, the Borough, and Kennett Township pursuant to the economic development of the area.

Councilmember Braffman advised we had entered into an MOU with Kennett Township and Historic Kennett Square to promote economic development back in 2017. This updated MOU is to reflect which has already occurred and be precise in our language. He noted the Township approved this during their last meeting.

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

### **PUBLIC COMMENTS**

There was no comments from the public.

Motion carried unanimously.

### **ACCEPT COMPLETION of KENNETT ACTIVE TRANSPORTATION PLAN**

Vice President Cramer presented for acceptance the Kennett Active Transportation Plan. He advised this item was discussed at the last Joint Economic Development meeting and needs to be accepted by Borough Council at a public meeting held within the Borough. He noted that they are not approving the plan but merely accepting the completion of the plan.

Michael Guttman, Environmental Sustainability Director with Kennett Township, advised the completed study was accepted by Kennett Township during their last meeting and needs to be accepted by the Borough so the consultant can be paid.

It was moved by Councilmember Waterkotte and seconded by Councilmember Doerfler to accept the completion of the Kennett Active Transportation Plan as presented.

### **PUBLIC COMMENTS**

John Thomas asked if the study can be placed in the Public Dropbox.

Charla Watson commented she understands we are just accepting the study and added the traffic patterns on our roadways do not allow room for bike lanes. She said a traffic impact study would need to be done before making bike lanes and recommended the bike lanes stay inside the township, around the outside of the Borough, where there are fields.

Ken Edwards, 412 Meredith Street, questioned putting bicycle trails outside of the Borough and commented the only way bike lanes would be feasible in the Borough would be take away parking on one side of the street which will upset the business owners.

Motion carried unanimously.

## ANNOUNCEMENTS

Vice President Cramer announced the 8<sup>th</sup> Annual Ed Zunino National Night Out, will be held tomorrow evening (Tuesday, August 7<sup>th</sup>) at 6 p.m. in the 200 and 300 blocks of East Linden Street.

Vice President Cramer noted that during their conference, members of the Pennsylvania Association of Municipal Administrators (PAMA), an organization which the Borough Secretary is a member, will be visiting the Borough on Monday, August 13<sup>th</sup>. They will end their visit with dinner at the Kennett Square Inn.

Vice President Cramer also announced the Municipal Solicitor RFP has been advertised and posted on our website.

The Borough Manager announced the hiring of part time employee, Michael Euler. Mr. Euler is responsible for overseeing compliance with our solid waste and recycle ordinance by talking to residents and addressing issues.

Councilmember Braffman commended the Borough Manager for implementing this position; something we never had the capacity to do before. In the past, violations would often fall onto the Borough Secretary, the Codes Department or often into the cracks.

## ADJOURNMENT

There being no further business, Vice President Cramer adjourned the meeting at 8:57 p.m.



Karen L. Scherer  
Borough Secretary