

## **OFFICIAL MINUTES DECEMBER 3, 2018**

The Regular Meeting of December 3, 2018, of Council for the Borough of Kennett Square was called to order at 7:00 p.m. in the Red Clay Room of the Kennett Fire Company No. 1, 423 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 to approve the agenda. Seconded by Vice President Cramer. Motion carried unanimously.*

### **PUBLIC COMMENTS**

John Thomas, 406 South Broad Street, commented we do not need a tax increase and feels Council did not allow ample time for public input on the budget.

Charla Watson, 523 Magnolia Street, commented that the needs of the citizens are necessities. She thinks there have been too many changes and Council needs to turn their attention to the residents. Ms. Watson added that we need commercial businesses on the old car dealership lots and NVF parcels that will create jobs.

Jenifer MacFarland, 303 Hessian Drive, questioned what items are included in non-departmental expenses in the budget. She would like an update on the Strategic Plan and be included in the planning.

**PUBLIC HEARING  
PROPOSED ORDINANCE AMENDING CHAPTER 23, ZONING,  
“ACCESSORY USES”**

Charles Gerbron advised that the purpose of this public hearing is to discuss the proposed ordinance amending Chapter 23, Zoning, “Accessory Uses”, by deleting Sub-section 23-30(c)(2)(B)(iii) in its entirety.

**President Myers opened the public meeting at 7:17 p.m.**

The public hearing was transcribed by Maria O’Neill, Registered Professional Reporter. A transcript of this public hearing is available for a period of seven (7) years.

**President Myers closed the public meeting at 7:26 p.m.**

**ORDINANCE NO. 943  
AMENDING CHAPTER 23, ZONING, “ACCESSORY USES”**

President Myers presented the ordinance amending Chapter 23, Zoning, “Accessory Uses”, by deleting Sub-section 23-30(c)(2)(B)(iii) in its entirety.

**It was moved by Councilmember Doerfler to approve the ordinance as presented.  
Seconded by Councilmember Waterkotte.**

Borough Council’s discussion was transcribed by Maria O’Neill, Registered Professional Reporter. The transcript is available for a period of seven (7) years.

**Motion carried unanimously.**

The ordinance was assigned No. 943.

**CONSENT ITEMS**

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

- Minutes for November 19, 2018.
- Bills that were paid since the last Council meeting.

There were no objections.

**REPORTS**

**PRESIDENT’S REPORT**

There was no President’s report.

## **FINANCE COMMITTEE**

Councilmember Braffman, Chair of the Finance Committee, reported the following activity from their meeting on December 3<sup>rd</sup>:

- The Borough Manager will consult with the new Borough Solicitor about the possibility of the Borough being able to generate revenue from festivals and off-street vendors.
- Based on reviewing the costs related to a new municipal building, the Committee agrees that construction will not begin before 2023. At the end of 2023 we will have paid off the bulk of our General Fund debt.
- The Personnel Committee will work with the Borough Manager to evaluate salaries and employee structure and report back to the Committee no later than August 2019.
- The Public Safety and Infrastructure Committee will work with the Borough Manager to develop a long-term infrastructure plan.
- They discussed the financial implications regarding the Fire and EMS Commission's plan. The Committee agreed we are not in a position to make a decision at this time – please see motion below.

## **KENNETT FIRE and EMS REGIONAL COMMISSION'S PLAN**

*It was moved by Councilmember Braffman to the send Kennett Fire and EMS Regional Commission's plan to the Borough's Public Safety and Infrastructure Committee for review, analysis and public discussions. Seconded by Councilmember Doerfler.*

Councilmember Braffman reviewed the levels of services and the challenges that were presented and commented that it makes sense to do this.

Vice President Cramer said he is in support of the motion and is saddened and discouraged how this matter has negatively affected the moral of the members of both the Kennett and Longwood fire companies.

Councilmember Mercomes agreed with the motion. We need to take a step back and re-discuss the matter; she welcomes the opportunity for public discussions.

Councilmember Waterkotte suggested we have discussions with an outside qualified person who can help us to make a decision. The discussions should include the public.

Councilmember Mallon commended Vice President Cramer who has acted with integrity in his role on the Fire and EMS Commission. Councilmember Mallon recommended that Council receive updates from the Public Safety Committee and have the locations and dates of the public discussions be published.

Mayor Fetick advised that additional meetings will be added to the Public Safety Committee's schedule specifically for this matter.

President Myers would like Council to look at the pieces of the Fire and EMS Study that led us to join the Commission and the Public Safety Committee to do the same.

## **PUBLIC COMMENTS**

John Thomas urged Council to first meet privately with each of the individual the fire companies without the public.

Gina Puoci, 603 East Cypress Street, asked for clarification of the Public Safety Committee's meeting schedule.

Ken Edwards, 421 Meredith Street, commented that the public can't make the early morning meetings and suggested meetings also be held in the afternoon or evening.

Kathy Tavoni, 602 Worrall Avenue, commented that the residents need to be informed in more detailed of the numbers that were included in the Commission's PowerPoint presentation.

Jenifer MacFarland stated she would like to know the names of the members of the Commission and their addresses.

Gary Custis, 219 Race Street, commented about the lacking of detailed Commission's minutes and requested timely submissions of those minutes.

**Motion carried unanimously.**

## **MUNICIPAL RELATIONS COMMITTEE (MRC)**

Councilmember Doerfler advised the Committee met last week and had follow-up discussions regarding the processes for both the MRC and the actual development. They are working on getting that information out to the public more effectively and will rely on Facebook and website to do so.

## **PERSONNEL COMMITTEE**

Councilmember Mercomes advised the Committee met November 20<sup>th</sup> and are developing the Borough Manager's job description and evaluation process. Three (3) Borough residents have applied to fill the vacancy on the Library Board; the applicants will be interviewed by the Committee on December 20<sup>th</sup>.

## **HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB)**

Clara Saxton, HARB Secretary, reported the general activity of the HARB with the following:

- Their meetings are held monthly on the third Tuesday at 6:30 p.m.
- Applications are reviewed for conformity to the Borough's ordinances.
- The HARB has applied for a grant to fund the printing of HARB information including a full copy of the historic guidelines in an easily understood format.
- The members attend continuing education classes and informational sessions.

### **HISTORIC KENNETT SQUARE**

This was written report only that was included in the Council packet.

### **ECONOMIC DEVELOPMENT DIRECTOR**

This was written report only that was included in the Council packet.

### **TRAFFIC SIGNAL DATA AGREEMENT, TRAFFIC TECHNOLOGY SERVICES**

President Myers presented for approval the Traffic Signal Date Agreement between the Borough and Traffic Technology Services (TTS).

The Borough Manager advised that PennDOT is working with TTS but TTS needs approval from the municipality.

**It was moved by Vice President Cramer to approve the agreement as presented. Seconded by Councilmember Waterkotte.**

### **PUBLIC COMMENTS**

There were no comments from the public.

**Motion carried unanimously.**

### **HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB) APPLICATION CERTIFICATE of APPROPRIATENESS**

#### **124 SOUTH WILLOW STREET, DEMOLITION**

President Myers presented for approval the following HARB application:

- 124 South Willow Street – Demolition.

Clara Saxton, HARB Secretary and resident of 120 West Linden Street, gave a description of the application and advised that HARB, by a unanimous vote, recommended the Certificate of Appropriateness (COA) be issued.

It was moved by Vice President Cramer to approve the application and issue the COA as presented. Seconded by Councilmember Doerfler.

### **PUBLIC COMMENTS**

Andy Froning, 308 Marshall Street, noted he was in attendance at the HARB meeting regarding this property and complimented the HARB for following the ordinance.

John Thomas commented he would like to see Council save the buildings in the Historic District and suggested an archeological survey be done on this property.

Charla Watson expressed her concern that the shadow from the new library may affect the Second Baptist Church.

Motion carried unanimously.

### **DEDICATION of NORTH ALLEY, SOUTH ALLEY, MAGNOLIA COURT and STORMWATER MANAGEMENT BASIN within MAGNOLIA PLACE DEVELOPMENT - POSTPONED**

President Myers presented the resolution regarding the dedication of North Alley, South Alley, Magnolia Court and Stormwater Management Basin within the Magnolia Place Development.

Ed Foley reviewed the process for dedication of streets and alleys within a development and advised these specific roadways do not qualify for liquid fuel taxes. The resolution states that these items not be accepted for dedication and be turned over to homeowner association. The Borough will need to get a formal easement to maintain water, sewer and stormwater lines.

It was moved by Vice President Cramer to approve the resolution as presented. Seconded by Councilmember Braffman.

Vice President Cramer commented that it is justified to decline these alleys.

### **PUBLIC COMMENTS**

Charla Watson commented that she told Council about this before and hopes Council does not allow something designed like this in the future. It is a development which is segregated from the Borough and has no reflection of her neighborhood. Ms. Watson said we have an obligation to serve the sewers on this property and she thinks the homeowner association should also maintain ownership of D Street from Washington Street to Mill Road.

John Thomas, 406 South Broad Street, commented he is very pleased with the legal team that prepared this resolution and urged Council to learn from past mistakes. This was supposed to be a beautiful development and now there is parking all over.

Douglas Hayes, 601 Magnolia Court, spoke on behalf of the 150 residents of Magnolia Place and stated their HOA does not support being responsible for the alleys. They believe there may be alternate options and would like time to pursue them.

Councilmember Braffman questioned urgency to act on this issue.

Mr. Foley advised there is no urgency for declining the dedication; there will be more urgency with the acceptance of dedication to D Street, Mill Road and Mulberry Street in order to start the clock towards the Borough receiving liquid fuel monies.

Charlie Gerbron advised he represents the developer and there is nothing the developer can do to force Borough Council to take dedication.

It was moved by Councilmember Braffman to postpone voting on this item until Council hears back from the HOA with other options regarding the dedication. Seconded by Councilmember Waterkotte.

It was moved by Councilmember Mallon to amend the motion by including a deadline of 120 days from today for the HOA to present alternative proposal. Seconded by Waterkotte. Motion carried unanimously.

## **PUBLIC COMMENTS**

John Thomas said he feels bad the HOA didn't know the Borough was not taking dedication but there is no alternative. This matter is between the HOA and the developer and we can't afford to be burdened with this.

Charla Watson commented she does not know why Council is delaying acting on this matter because we can't take the alleys.

Vice President Cramer expressed his support of this motion.

Councilmember Waterkotte commented it is fair to give the HOA time to research options.

Councilmember Mercomes advised she is abstaining from the vote because she is a resident of Magnolia Place.

The amendment carried with a vote of 6 to 0 with Councilmember Mercomes abstaining.

The motion as amended carried with a vote of 6 to 0 with Councilmember Mercomes abstaining.

## **RESOLUTION NO. 2018-16**

### **AUTHORIZE SOLICITOR to PROCEED with DEDICATION of D STREET, SOUTH MILL ROAD, and WEST MULBERRY STREET within MAGNOLIA PLACE DEVELOPMENT**

President Myers presented the resolution authorizing the Solicitor to proceed to advertise ordinances accepting dedication of D Street, South Mill Road and West Mulberry Street within the Magnolia Place Development.

It was moved by Councilmember Doerfler to approve the resolution as presented. Seconded by Vice President Cramer.

Charlie Gerbron, legal representative of the developer, advised the public would have the opportunity to comment at the time Council considers the ordinances.

### **PUBLIC COMMENTS**

Ken Edwards, 412 Meredith Street, expressed concern that this is part of the NVF property and if we accept dedication we are responsible for what is underneath.

Charles Gerbron advised his client will be working with Rockhopper, the owner of the old NVF property, and the Borough will not be on the hook for anything.

Charla Watson commented her belief that both D and Mulberry Streets should be one ways and urged the Borough to look at the traffic pattern before accepting dedication.

John Thomas commented that if more problems arise then it's the developers and Borough's fault and not the people who live there or the other residents of the Borough.

Councilmember Mercomes advised she is abstaining on this item because she lives in Magnolia Place.

Motion carried with a vote of 6 to 0 with Councilmember Mercomes abstaining.

The resolution was assigned No. 2018-16.

**AMENDMENT to the 2018 BUDGET**

The Borough Manager presented the budget amendment as follows:

2018 Budget	Revenue	Expense	Description
	<b>\$ 4,646,801</b>	<b>\$ 4,646,801</b>	
<b>General Fund</b>		\$ 7,800	PT for PD, \$15/hr, 20 hrs/week, 6 months
		(\$ 29,000)	Personnel offsets
		(\$ 31,700)	Saved \$31K in insurance
		(\$ 6,500)	Codes vehicle under budget
		(\$ 7,500)	will be under spent in borough building maintenance
	\$ 3,094		GF electric sales tax reimbursement to revenue
		\$ 15,000	increase in maint budget, costs accidentally decreased
		\$ 20,000	increase expense - engineering for grant project
	(\$ 20,000)		decrease revenue - trending under budget in Transfer Tax account
	\$ 50,000		Past years outstanding checks added back to cash
	(\$ 30,000)		decrease revenue - trending under budget in EIT account
	(\$ 30,000)		assets not being sold in 2018 that were budgeted
		(\$ 50,000)	legal fees trending very under budget
		(\$ 6,548)	GF Electric savings
		(\$ 5,000)	will be under spent in civil service
	\$ 66,000	Transfer to EMS	
<b>2018 Amended</b>	<b>\$ 4,619,895</b>	<b>\$ 4,619,353</b>	

2018 Budget	Revenue	Expense*	Description
	1,364,150	\$ 1,230,918	
<b>Water Fund</b>		(\$ 3,194)	water electric savings
		\$ 8,500	Past Verizon bills for water sent to wrong address for 5 years+
		(\$ 6,000)	Saved \$12k in insurance overall WF
	2,327		WF electric sales tax reimbursement to revenue
		\$ 150,000	increase in Birch St water main project
<b>2018 Amended</b>	<b>\$ 1,366,477</b>	<b>\$ 1,380,224</b>	* expense less budgeted reserve

2018 Budget	Revenue	Expense	Description
	\$ 3,379,178	\$ 3,379,178	
<b>Sewer Fund</b>	\$300,000		New Garden Twp increase in Sewer Discharge
		(\$ 18,000)	Saved \$18k SF insurance
		(\$ 19,351)	sewer electric savings
		(\$ 1,200,000)	Not spent on Capital TN - will spend in 2019
	(\$ 1,258,018)		Fund Balance Forward
	\$ 12,399		SF electric sales tax reimbursement to revenue

2018 Amended	\$ 2,433,559	\$ 2,141,827
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2018 Budget	Revenue	Expense	Description
	\$ 2,296,868	\$ 2,296,868	
Parking Fund		(\$ 1,568)	parking electric savings
		(\$ 1,500)	Saved \$1500 in insurance PF
	(\$ 1,000,000)		Revenue Bonds
	(\$ 500,000)		Grant Funding
		(\$ 1,500,000)	Garage Construction
			Deferred Garage Construction 2019
	\$ 1,293		PF electric sales tax reimbursement to revenue
	(\$ 30,000)	PF revenue from permits	
2018 Amended	\$ 768,161	\$ 793,800	

2018 Budget	Revenue	Expense	Description
	\$ 319,132	\$ 319,132	
Emergency Mgmt. Fund		\$ 16,000	EMS commission \$16k short in 2018
	\$ 66,000		Transfer from GF
		\$ 10,000	Longwood 2017 pmt \$10K
		\$ 40,000	add back final payment to EMS Commission, net of WC
2018 Amended	\$ 385,132	\$ 385,132	

It was moved by Councilmember Braffman to approve the amendments to the 2018 Budget as presented. Seconded by Councilmember Waterkotte.

Councilmember Braffman commended the Borough Manager and the Finance Director for their detail in these amendments

## PUBLIC COMMENTS

Jenifer MacFarland commented she would like to see the detailed accounting for any line item over \$50,000 so the public is aware of those expenditures.

Motion carried unanimously.

## ADOPTION of the 2019 BUDGET

President Myers presented for adoption the balanced 2019 Budget as follows:

General Fund	\$4,904,409
Water Fund	\$1,277,384
Sewer Fund	\$4,256,520
Parking Fund	\$3,235,822
Solid Waste Fund	\$360,000
Liquid Fuels Fund	\$375,805
Emergency Management Fund	\$368,231
General Capital Improvement Fund	<u>\$368,758</u>
Total of all Funds with Transfers	\$15,146,929

Less Interfund Transfers	<u>-\$1,344,402</u>
Total of all Funds less Transfers	\$13,802,527

At the request of Councilmember Braffman, the Borough Manager described the non-departmental expenses.

It was moved by Councilmember Braffman to adopt the 2019 Budget as presented. Seconded by Councilmember Doerfler.

It was moved by Councilmember Braffman to amend the motion by deleting two (2) lines items, contributions to the Kennett Area Senior Center and TMACC, and transfer that \$3,500 into the Reserve Fund. Seconded by Councilmember Waterkotte.

Vice President commented he will vote no on this amendment. They are modest expenses and both organizations are a priority.

Councilmember Doerfler commented that these are some of the priorities listed in our strategic plan and he does not support this amendment.

The amendment did not pass with a vote of 3 to 4 with Vice President Cramer, Councilmember Mallon, President Myers and Councilmember Doerfler voting no.

## **PUBLIC COMMENTS**

John Thomas commented his main concern is that we will get out of debt in 2023 but will take on debt again for a new municipal building. He said we are still taking too much money out of the Water and Sewer Funds for the General Fund and would like us to get away from the enterprise funds. Mr. Thomas commented he doesn't want to see a tax increase every year until 2023.

Jenifer MacFarland advised she found the detail information on the non-departmental. She expressed her concern that we have to transfer money to the General Fund.

Motion carried unanimously.

## **ORDINANCE NO. 944**

### **ESTABLISHING the 2019 BOROUGH TAX RATE**

President Myers presented for approval the ordinance establishing the Borough Tax Rate for Fiscal Year 2019 at 6.75 mills.

It was moved by Councilmember Braffman to approve the ordinance setting the 2019 tax rate at 6.75 mills as presented. Seconded by Councilmember Doerfler.

Vice President Cramer questioned how the .4 mill increase is dedicated.

The Borough Manager replied it is not dedicated or restricted.

### **PUBLIC COMMENTS**

There were no comments from the public.

**Motion carried unanimously.**

The ordinance was assigned No. 944.

### **RESOLUTION NO. 2018-17 2019 FEE SCHEDULE**

President Myers presented the resolution setting the 2019 Fee Schedule.

**It was moved by Councilmember Braffman to approve the resolution as presented.  
Seconded by Councilmember Waterkotte.**

### **PUBLIC COMMENTS**

There were no comments from the public.

**Motion carried unanimously.**

The resolution was assigned No, 2018-17.

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

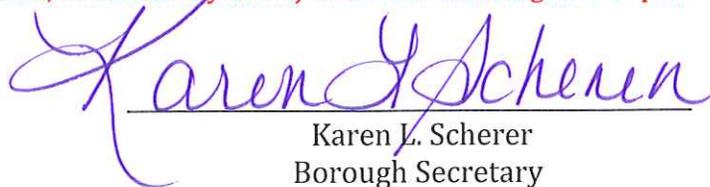
Councilmember Braffman expressed his thoughts that the expanded number of public comments sessions have been abused to the point of disrespect. He suggested to President Myers to consider developing rules for public comment sessions.

In response to Councilmember Braffman, President Myers instructed all of Council to please present their ideas/suggestions for Rules of Council in written format.

President Myers announced the December 10<sup>th</sup> meeting has been cancelled, the next meeting will be January 7, 2019.

**ADJOURNMENT**

There being no further business, President Myers adjourned the meeting at 9:43 p.m.



Karen L. Scherer  
Borough Secretary