

## **OFFICIAL MINUTES JANUARY 22, 2019**

The Regular Meeting of January 22, 2019, of Council for the Borough of Kennett Square was called to order at 7:10 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 Doerfler to approve the agenda; seconded by Councilmember Braffman.

It was moved by Vice President Cramer to amend the agenda by removing Item #2, Minutes of January 7, 2019; seconded by Councilmember Mallon. Motion to amend the agenda carried unanimously.

The agenda as amended carried unanimously.

### **EXECUTIVE SESSION**

President Myers announced that Council held an Executive Session at 6:48 p.m. on Tuesday, January 22, 2019. The session was held in the Monroe Nute Room of the Kennett Fire Co. No 1, 301 Dalmatian Street, Kennett Square, PA 19348. The purpose of this session was to discuss personnel matters pertaining to the Collective Bargaining Agreement of the Kennett Square Police Association.

### **PUBLIC COMMENTS**

John Thomas, 406 South Broad Street, commented on the expansion of the parking garage stating we need to salvage things from the old Borough Hall before it is demolished. He questions a number of bills and wanted Council to answer.

Rick Dougherty, 615 Magnolia Court, commented they purchased their home in Magnolia Place two (2) years and expressed concern that the town is not going to accept the infrastructure. He understands there are expenses involved however it should be minimal for years to come. Mr. Dougherty hopes this can be resolved.

Rosa Moore, 600 Magnolia Court, commented they purchased their home in Magnolia Place four (4) ago. They love this town and now they have small children. She hopes the Borough can come to an agreement with the HOA.

Charla Watson, 523 Magnolia Street, asked Borough Council to look into the Hadley Fund which was founded many years ago by a philanthropist for the Kennett/Unionville area and questioned why their presentations are now being held at Winterthur. She believes this has gotten out of hand and she urged a member of Council to contact the Hadley Fund to discuss this matter.

## **CONSENT ITEMS**

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

- Minutes of December 3, 2018.
- Bills that were paid since the last Council meeting.

There were no objections.

## **REPORTS**

### **PRESIDENT'S**

President Myers announced that Borough Council will hold the next Joint economic Development meeting with Kennett Township on Monday, January 28<sup>th</sup> at 6 p.m. The meeting will be held in the Genesis HealthCare building, 101 East State Street.

### **PUBLIC SAFETY and INFRASTRUCTURE COMMITTEE**

Mayor Fetick gave the following update from the Public Safety and Infrastructure Committee:

- Work continues with PennDOT regarding the North Union Street Gateway Project.
- The new pedestrian signal installed on West State Street is not operating as effectively as the Committee had hoped. Looking into improvements before installing another signal elsewhere in the Borough.
- The amendments restricting parking in certain areas of the Borough was adopted by Borough Council at the January 7<sup>th</sup> meeting.

The Mayor advised that the consolidation on EMS Services is on hold. The next step is to hold a public town meeting that will be facilitated by the Deputy of PA Department of Emergency Services; hopefully this will take place February.

## **POLICE DEPARTMENT**

Chief William Holdsworth submitted a written report which was included in the Council packet. He highlighted his report with the following:

- Although the number of calls increased, it is actually due to additional services and not an increase in actual calls.
- Part One Calls in 2018 are down substantially from 2016.
- In 2018, the Police Department collection 313 pounds of drugs through the Drug Takeback Program.
- He was inducted to serve on the Police Chiefs Association for the next two (2) years.

Chief Holdsworth also gave an update on opioid epidemic impacting every community. So far in 2019, there have been three (3) deaths from drug overdose and three (3) saves with Narcan in the Borough alone.

## **FIRE COMPANY**

There was no report.

## **HISTORIC KENNETT SQUARE**

Mary Hutchins, Executive Director, advised her written report was included in the Council packet.

## **PETITION to AMEND the ZONING ORDINANCE - STANAB**

Borough Manager Scalise advised StanAb, LP submitted a petition to amend the Borough's Zoning Ordinance and Zoning Map for their properties located at 600, 605, 634 and 635 West State Street. This is only a petition to amend zoning and the proposed amendments need to go through the process of being advertised and Council holding a public hearing to consider the ordinance. Tonight, Council is merely authorizing staff to move forward with the process to amend the ordinance and map.

**It was moved by Vice President Cramer to move forward to authorize staff to move forward with the process to amend zoning as petitioned; seconded by Councilmember Waterkotte.**

Vice President Cramer expressed his concern that may constitute spot zoning or appear to do so. He advised that he and President Myers met with the developers to clarify where they are headed and ensure they that are thinking along the lines of the five (5) principles that Council had passed. He feels the developers have been very responsive.

Councilmember Braffman clarified that anybody can petition to amend zoning. He questioned if this would effect all areas of the C-2 District.

Vice President Cramer advised the applicant is proposing an overlay of a certain area however Council has the option to consider these changes for the entire district.

Anthony Stancato, StanAb, LP advised that the petition is meant to be an overlay district for redevelopment of a blighted area.

### **PUBLIC COMMENTS**

John Thomas commented he has a problem with this because it is spot zoning and he does not think this area of town is blighted. He wants Council to get input from the public before moving forward with this. Mr. Thomas added that maybe the public does want this but Council owes it to the public to get their input; if the town wants it then he is all for it.

Myra Miller, 301 Scarlett Avenue and member of the Planning Commission, commented that she is not against the petition but she does not agree with the suggested parking requirement of only one-fifth (1.2) parking spaces.

Charla Watson commented when you approve something like you are giving the power to the developer and we should not have an overlay. She referred to the strategic plan which states that the next housing project will benefit the senior citizens.

Ken Edwards, 412 Meredith Street, commented that this is the first time he heard about overlay being used was here. He feels Council has allowed developers to come into this town to do whatever they wanted. Mr. Edwards said spot zoning is not right and he is against it.

**Motion carried unanimously.**

### **PETITION to AMEND the ZONING ORDINANCE - WHITE CLAY SCHOOL**

The Borough Manager advised the White Clay School petitioned for a proposed text amendment to the Borough's Zoning Ordinance to include alternate private school in the C-2 District as it pertains to their property across from the High School.

**It was moved by Vice President Cramer to move forward to authorize staff to move forward with the petition; seconded by Councilmember Doerfler.**

Councilmember Mallon asked for clarification of the student-to-teacher.

Lindsay Dunn, MacElree Harvey, attorney for White Clay School, stated this is a unique private school that caters to development delayed and disabled children and requires a higher teacher-to-student ratio. The building is located at 620 South Union Street would be capped at 50 students; it's the perfect size and location and has the perfect amount of parking. Ms. Dunn said her client is requesting the addition of a definition for a "Alternative Private School" under Section 23-7 and are also requesting that Section 23-19(C)2.b include "Alternate Private School" as a use permitted by right.

Vice President Cramer commented it is a very positive thing for a community to focus on those with special needs.

Councilmember Waterkotte concurred.

## **PUBLIC COMMENTS**

John Thomas commented that he is all for the school but not the location and suggested the old NVF site. He feels Council is going to change zoning for a specific developer and are tearing the zoning ordinance apart. Mr. Thomas suggested that maybe Council should consider redoing the entire ordinance.

Charla Watson commented this property abuts a residential area and the residents should be notified. She said Council should talk to Dr. Tomasetti before they do anything. Ms. Watson believes the facility is too small for 50 children and it is not a good place for a bus or special van to enter and exit the property.

Ken Edwards commented this [property is already zoned C-2 and he supports this petition. He did express concern for the students' safety because South Union Street is a very busy road.

**Motion carried unanimously.**

## **AMENDMENT to LIBRARY AGREEMENT**

The Borough Manager advised the Library has requested an amendment to the original agreement for the purchase of the Weinstein Lot due to language which restricts their ability to obtain construction financing and the timeline needs to be extended to meet their current project timeline. The amendments have been reviewed by both the Finance Committee and William Gallagher.

Jeff Yetter, Vice President of the Kennett Library, gave a brief PowerPoint presentation of their annual report for 2018.

**It was moved by Councilmember Braffman and seconded by Councilmember Waterkotte approve the amendment to the agreement as presented.**

## **PUBLIC COMMENTS**

There were no comments from the public.

**The motion carried unanimously.**

## **SPECIAL EVENT APPLICATION – WINTERFEST, FEBRUARY 23<sup>RD</sup>**

President Myers presented for approval the special event application form Historic Kennett Square for their Winterfest to be held on Saturday, February 23<sup>rd</sup>, from 11 a.m. to 4:00 p.m. at 600 South Broad Street.

Mary Hutchins advised this is the 7<sup>th</sup> annual Winterfest and after discussion with the Chief of Police, it was determined that South Broad Street and Church Alley, between Birch and South Streets should be closed.

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

Councilmember Braffman asked Ms. Hutchins for the total amount of money Historic Kennett Square received from the Borough and the total operating budget.

In response, Ms. Hutchins advised the total amount of the 2019 operating budget is \$680,000.

The Borough Manager advised that the Borough gives \$40,000 to HKS annually and supplies them with half of the support for the Economic Development Director at an additional \$50,000 annually.

## **PUBLIC COMMENTS**

Andy Froning, 308 Marshall Street, questioned the type of organization is Historic Kennett Square.

**The motion carried unanimously.**

## **RESOLUTION NO. 2019-05**

### **PETITION to ESTABLISH a COMPREHENSIVE PROGRAM to LIMIT GREENHOUSE GAS EMISSIONS**

Robert McKinstry, Jr., on behalf of the Clean Air Council, presented to Council a petition and background requesting that the Pennsylvania Environmental Quality Board establish an economy-wide greenhouse gas auction-cap-and-trade regulation for Pennsylvania that will cause emissions reductions in the Commonwealth. He asked Council to support the petition.

The Borough Manager read aloud the resolution that will represent the Borough of Kennett Square's support of this petition.

**It was moved by Councilmember Braffman and seconded by Councilmember Mallon to approve the petition from the Clean Air Council as presented.**

Mr. McKinstry then answered questions presented by Council.

### **PUBLIC COMMENTS**

John Thomas commented we need to be careful of this because it will be just a transfer of wealth between suppliers and expressed his concern about the impact it may have on the cost of electricity.

Sally Braffman, 472 East South Street, expressed her support of the petition and stated that nothing matters more to all of us, to our children and grandchildren, than the fierce urgency of climate change. This is non-bipartisan issue if there ever was one and not a political issue but a statement we can all agree on. She urged everyone to speak up on this urgency of this matter and urged Council to vote yes on this petition.

Rosa Moore also urged Council to support this petition stating we need to avoid the disasters caused by climate change.

**The motion carried unanimously.**

The resolution was assigned No. 2019-05.

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

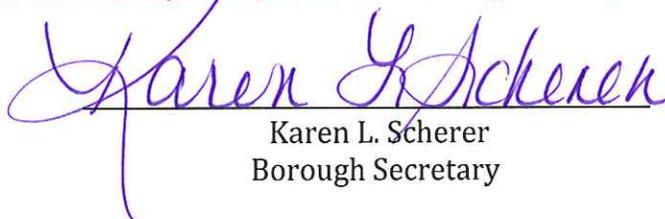
In regards to the comments that the public needs to be made more aware, Councilmember Doerfler stated that this was the third meeting where the StanAb project was discussed and the public had the opportunity for input.

Vice President Cramer reiterated again for the record that he and President Myers met with StanAb.

The Borough Manager announced that we are now accepting requests for the smaller trash totes; both 35 and 65 gallons.

### **ADJOURNMENT**

**There being no further business, President Myers adjourned the meeting at 8:47 p.m.**



Karen L. Scherer  
Borough Secretary