

Meeting Minutes
Economic Development Joint Public Meeting
Kennett Township and Borough of Kennett Square
6:00PM, April 30, 2018
Kennett Township Public Meeting Room

Call to Order-Borough of Kennett Square:

Myers called the special meeting of Borough Council to order at 6:22PM for the Borough of Kennett Square.

Pledge of Allegiance.

Roll Call:

Kennett Borough	Kennett Township	Historic Kennett Square
LaToya M. Myers	Scudder G. Stevens	Mary Hutchins
Ethan L. Cramer	Dr. Richard L. Leff	Nate Echeverria
J. Douglas Doerfler	Lisa M. Moore	Tom Sausen
Jamie Mallon		
Brenda Mercomes		
Wayne Braffman		
Peter L. Waterkotte		
Joseph Scalise		

Adoption of Agenda:

Mallon made a motion to adopt the agenda. Motion seconded by Doerfler.

Motion carries unanimously.

Suspension of Rules:

Cramer made a motion to suspend the rules to allow Scudder Stevens to preside over the meeting, allow him to determine speaking privileges and informal discussion and to allow him to adjourn the meeting. Motion seconded by Mallon.

Motion carries unanimously.

Call to Order-Kennett Township:

Stevens called the special meeting of Kennett Township to order at 6:32PM.

The meeting was turned over to Chairman Stevens who welcomed everyone to Kennett Township for the Joint Meeting of Kennett Square Borough Council and Kennett Township Supervisors and gave a special welcome to the citizens of the area who were in attendance and thanked them for attending noting there will be time at the beginning of the meeting and during each topic for Public Comment and to raise hand to be heard.

Call for Public Comments:

No public comments were made.

Approval of Minutes:

Mallon made a motion to adopt the minutes of the January 29, 2018 meeting. Motion seconded by Cramer.

Motion carries unanimously.

Reports:

Borough of Kennett Square Council Reports:

Council Discussion on Economic Development Functions:

Mallon reported that the Borough met internally to discuss how the role of Economic Development director will work within the Borough. Mallon noted that some of the roles and responsibilities of the Economic Development Director may not have been laid out clearly with the Borough staff.

Mallon commented that by nature, there will be some tension between the position of economic development and code enforcement. Mallon commented on the importance of communication and dialogue between the two positions noting that in the beginning of the process, open discussions are important. Mallon described how the code compliance officer and the economic development director will need to work together noting that the code enforcement officer will have the final say if a project can move forward.

Bruffman and Myers discussed the action of referring to the Municipal Relations committee, it was decided it would be officially tabled until the next Borough meeting.

Hutchins commented regarding the Economic Development directors duties describing him working for the best interest of the Borough and Township and not a developer. Sausen commented that he sees that both that everyone would be working towards the same goal. Mallon responded noting that due to the nature of the job of the compliance officer, they both might not come to the same conclusions.

Personnel Committee:

Mercomes reported that the Borough of Kennett Square personnel committee met to resolve complaints against two Borough Employees. After review the committee decided the resolution would be better handled by a larger body.

Solicitor Legal Opinions:

Cramer reported that the Boroughs interim solicitor was asked to review and provide clarification of some items for the Borough:

1. After reviewing the MOU, funding is committed for the first three years.
2. The memorandum of understanding between the three entities should be clarified moving forward.
3. The Economic Development Director should not be in the presence of the Borough Solicitor in instances where Borough Council wants to maintain attorney client privilege.
4. The Borough needs to vote to possibly to allow the Economic Development Director to be an agent of the Borough that would allow the Economic Development Director the right to speak on behalf of the Borough and be privy to certain Borough information.
5. Code Enforcement should be independent.

Discussion regarding the topic ensued.

Process:

Municipal Relations Committee:

Doerfler provided an overview of the newly formed Municipal Relations committee noting the one of its first tasks will be to review noting that the purview of the committee is to focus on when there is more than one committee/commission/board involved in a process.

Hutchins asked for clarification on the process of a new plan coming in and how it would flow for the Borough. Mallon responded giving an example of a developer coming in, having an open discussion with both the Economic Development Director and the Code Enforcement Officer, both would be involved in talking during the application process. Mallon noted that once the application is submitted, that is a milestone that starts to change the nature of the conversations as the code enforcement officer needs to assume his role, not saying that there cannot be discussion. The group referenced a handout noting that the process is very similar to what is outlined in that document.

Director of Economic Development:

Echeverria presented an outline of a quarterly report listing the focus areas and priorities (attached).

Bruffman and Doerfler presented a review of how recommendations for Zoning Amendments should be presented to Borough Council noting that the first step would be to present to the Municipal Relations Committee.

Stevens asked if there is any focus of gentrification of housing noting that the cost of living keeps increasing but there is a specific demographic that cannot keep up with the cost of living because income is not rising at the same rate. Echeverria responded noting that although “gentrification” can be seen differently by many, it is generally being worked on along with the affordable housing initiative.

It was discussed that any materials for review during the meeting would be handed out several days prior to the meeting.

Leff commented that he believes the format of Echeverria’s report is good.

Leff commented on the Townships transfer of development rights and possibly crossing the border. Echeverria responded that it his understanding that the only thing needed would be a MOU. It was discussed that this would been to be a benefit to both the Township and Borough. Discussion regarding the topic ensued, it was decided that Echeverria would invite Kevin Myers will be invited to the July 30th joint meeting to present an overview of the concept.

Mr. Bosley commented on the organizational chart noting that it is not clear. It was discussed that Echeverria will work on another version of the organizational chart.

Action Items:

Chester County Planning Commission Vision Partnership Program:

Stevens reviewed the action item noting it is to consider adopting a scope of services and authorizing a contract for the Chester County planning commission's vision partnership grant for economic development Zoning Amendments in Kennett Township and the Borough of Kennett Square.

Echeverria noted that this is a clerical item that requires signature to accept a grant that was already approved by both bodies.

Cramer made a motion to defer action until the next municipal meetings to give time for a review by the Borough Solicitor. There was no second to the motion.

Mallon asked if the Borough Solicitor review the award of contracts. Scalise responded sometimes, depending on the direction of council.

Mallon asked if this was a time sensitive matter. Moore responded yes. Scalise responded that he would try to have the document reviewed for the next Borough Council meeting.

Leff confirmed that each municipality would pay \$10,500.00.

Echeverria noted that the County Commissioners will need to sign so the consultants will not be able to start for at least another 30 days.

Leff made a motion to accept the Chester County Partnership Program Grant Contract for half of the \$21,000.00 (\$10,500.00). Seconded by Stevens.

Discussion:

Leff confirmed with Moore that the funds are in the Townships budget.

Motion passes unanimously.

Myers called the meeting of Borough Council of the Borough of Kennett Square back to regular order.

Cramer made a motion defer the signing of the Chester County Partnership Program Grant Contract until the next Borough Council meeting subject to the review of the Boroughs solicitor. Motion seconded by Waterkotte.

Discussion:

Braffman asked if the funds for this have been identified. Scalise replied yes, it is a budgeted item as the grant was applied for last year.

Motion passes unanimously.

Cramer made a motion to return the leadership of the meeting back to Stevens. Motion seconded by Mallon. Motion passes unanimously.

Economic Development Director Job Duties:

Stevens asked if there is a motion to adopt the Economic Development Director Job Duties.

Doerfler made a motion to adopt the Economic Development Director job duties. Mallon seconded the motion.

Discussion:

Braffman discussed if the word “Establish” in line 1A should be changed or added to. Discussion ensued regarding the wording of the document and what is implied. Mercomes commented that it is best to make the document as clear as possible so it is understood years down the line.

Braffman made a motion to amend the wording “with approval of appropriate governing bodies as necessary” at the beginning of the general duties document. Mercomes seconded the motion.

Discussion:

Waterkotte commented that he does not think adding this will make a difference as it is already implied. Braffman commented that the amendment does no harm.

Amended Motion passes unanimously.

Cramer commented that a clarification needs to be made regarding the wording “stated goals, priorities and objectives” need to be explicit and ratified by vote in the future.

Echeverria commented on the tools/policies that are general guides/objectives noted in the description stating that they include the economic development study, comprehensive plans for each municipality, county comprehensive plan, and the joint statement on economic development noting that they can be changed and updated at any time.

Waterkotte commented that these things will change and this is the first draft and the commission the document should not get too caught up in the verbage as this should just be an overview at this point and if need be in the future, a more structured outline can be created.

Cramer commented that if it is left vague, it might send wrong direction as some of the plans such as the economic development study is not for complete implementation.

Mallon commented that he is okay as written as this is the initial stage.

Motion passes unanimously.

Reporting Structure:

Stevens asked if there is a motion to adopt the Economic Development Directors Job Duties.

Cramer made a motion to table the adoption of the duties of Economic Development Director to the next quarterly meeting. Doerfler seconded the motion.

Motion passes unanimously.

Memorandum of Understanding:

Stevens asked if there is a motion to instruct the Staff and Counsel to formulate a Memoranda of Understanding between and among Kennett Township, the Borough of Kennett Square, and Kennett Square Revitalization Task Force Inc., DBA Historic Kennett Square.

Leff made a motion to instruct the Staff and Counsel to formulate a Memoranda of Understanding between and among Kennett Township, the Borough of Kennett Square, and Kennett Square Revitalization Task Force Inc., DBA Historic Kennett Square. , Mallon seconded the motion.

Discussion:

Stevens commented that that last memorandum ran out at the end of 2017 and suggested that the memorandum by put on a month to month basis.

Leff made a motion to use the previous 2017 memorandum of understanding on a month to month basis or until a new memorandum is put into place.

Mallon seconded the motion.

Discussion:

Cramer commented that he has issues with the following items listed in the memorandum of understanding:

- The word "DEFACTO", noting that it is hard to define and causes confusion.

- The term Agency Law.

- Defining the organization as independent of the Borough or Township.

Waterkotte and Mallon commented that they do not read into the language the same way.

Cramer suggested that the Board of Historic Kennett Square look into their liability with the way the memorandum is written.

Braffman commented that since this was signed, there have been changes to the program that are in direct conflict with the memorandum.

Waterkotte commented that he thinks that there is quite a bit in the memorandum that needs to be revised but it is also important to have something in place in the meantime.

Myers commented that she would like to have the memorandum reviewed by Borough Council and worked on with the Borough Municipal Relations Committee.

Echeverria commented that the MOU came from a template from the Pennsylvania Downtown center and noted that there is case law on protecting municipalities from concerns that have been discussed.

Braffman commented that the document is not an essential document and the joint committee has been operating without it for the last five months when it expired.

Waterkotte commented that he does not agree and if it is not essential, why have it at all noting that he believes extending the current document until it can be written is best.

Stevens commented that he thinks that the groups are at greater risk without having an MOU in place so there is no confusion.

Cramer commented that he would like to facilitate the relationship between the three parties and his comments in no way were to harm the relationship between the three parties.

Sausen commented that he recognized that things have changed, boards have changed but he does not feel operating without an MOU is beneficial to any party.

Discussion regarding the topic and the timeline of possible extensions.

Leff made a motion to amend the motion to change the timeline for from month to month to July 30, 2018. Doerfler seconded the amended motion.

Discussion:

Mercomes commented asking if the July 30th timeline is attainable. Discussion ensued.

Doerfler commented requesting that the Boroughs Municipal Relations committee not be involved due to the legal issues involved.

Cramer commented that he is making a decision based on principle because he believes it is the best for all three groups involved and not designed to break any relationships. Stevens replied that they do not feel that voting against this motion would hurt relationships in anyway.

Sausen commented that the Historic Kennett Square Board will also need to vote separately at their next meeting.

Motion fails to come to a vote as each municipality will vote independently.

Myers called for a motion to return the meeting of the Council of the Borough of Kennett Square back to regular order.

Mallon made a motion to return the meeting of the Council of the Borough of Kennett Square back to regular order. Seconded by Doerfler.

Motion passes unanimously.

Mallon made a motion to extend the current expired Memorandum of Understanding between Kennett Township, the Borough of Kennett Square and Historic Kennett Square until midnight, JULY 30, 2018.

Waterkotte seconded the motion.

Motion passes 5-2 with Myers and Cramer voting Nay.

**Cramer moved to return the meeting back to Scudder Stevens. Waterkotte seconded the motion.
Motion passes unanimously.**

**Leff made a motion to extend the current expired Memorandum of Understanding between Kennett Township, the Borough of Kennett Square and Historic Kennett Square until midnight, JULY 30, 2018.
Seconded by Stevens.
Motion passes unanimously.**

Historic Kennett Square noted their Board will vote on May 11th.

Cramer commented that he would like it on record that he accepts the ruling of council as they are one body and there is no ill feelings. Leff commented that the important thing is that everyone is continuing to work together.

Comments and Announcements:

Public Comment:

Dan Maffei commented thanking everyone involved for their work and commitment of working together.

Adjournment:

The next meeting will be held on Monday, July 30, 2018 at 6pm in the Kennett Township Public Meeting Room.

**Leff made a motion to adjourn. Cramer seconded the motion.
Motion carries unanimously.**

Meeting adjourned at 9:12PM