

OFFICIAL MINUTES January 4, 2021

The Regular Meeting of January 4, 2021, of Council for the Borough of Kennett Square was called to order at 7:15 p.m. via Zoom Video Conference with President Mercomes in the Chair.

ROLL CALL

Present: *President Brenda Mercomes*
Councilmember Ethan L. Cramer
Councilmember J. Douglas Doerfler
Councilmember Rosa Moore
Councilmember LaToya Myers
Councilmember Peter L. Waterkotte
Councilmember Mayra Zavala

Mayor Matthew W. Fetick
Interim Borough Management Team – Chief William Holdsworth

Councilmember Myers motioned for Council to voluntarily reorganize immediately during this meeting; seconded by Councilmember Cramer.

President Mercomes asked for the reason for the motion.

Councilmember Myers shared that it was brought to her attention that the current officers have engage in bad government practices and she would like Council to reorganize on those grounds.

President Mercomes asked for evidence of the issue.

Councilmember Myers explained there was an email string that outlines the lack of division of power that came to the attention of Councilmember Cramer and she was made aware in December 2020 and it is very concerning to her, which is why she is asking for a voluntary reorganization during this meeting. She commented that she is not sure if Council wants to enter into debate right now.

Councilmember Cramer commented that the email in question was sent from President Mercomes on the issue of approval of items on the agenda and showed that the Mayor is part of the group of people who can approve or veto items on the agenda, which he believes to be bad practice. He agreed with Councilmember Myers that it would be wise to hold elections and elect officers.

Councilmember Doerfler commented that not knowing the specifics of the emails, he queried if this could have possibly been a miscommunication and shared that he thinks reorganization is premature at this time.

Councilmember Cramer commented that we have been including Mayor Fetick and Rosa Moore as people who approve agenda items, when the core duty of the Council President is to set the agenda. He noted that clean government is the best government and is where elected officials are equal and function

effectively. Councilmember Cramer explained that the Mayor is not a part of the Council body, he is a separate branch of government with the ability to declare states of emergency and other important issues, but he does not have the right to set agendas or even consult in that process. He noted that in this situation, it seems we have an organization in which the President informs members of Council and the Mayor, which he finds to be both discouraging and upsetting.

President Mercomes stated that she has followed through with a process that was given to her when she took office and feels the Mayor should be able to give suggestions, but that she does have final say on the agenda and believes that Vice President Moore and Mayor Fetick can attest to that. President Mercomes stated she has done nothing incorrect by following a process that was in place before she took office.

Mayor Fetick noted that he has never spoken for or against agenda items during his tenure in office, but he has always been copied on the agenda email from the Borough Secretary. He shared that if he replied to the email, it was a simple confirmation that the agenda was received with a comment such as "looks good". Mayor Fetick commented that he has never told the President to consider or remove an item from the agenda. He noted that he was told from his first day in office that if there is something he would like Council to address, he should send it when the draft agenda came out and that is how he has continued to this point.

Vice President Moore agreed with the Mayor and noted that is how they have worked all year.

Councilmember Myers commented that is not how the email reads, it asks for the Mayor's approval, noting that it was as if there was a dialogue between the President, the person representing the body of Council, and the Mayor, a separate body. She feels there needs to be a clear boundary between the two (2) bodies, which is her concern. She asked Councilmember Doerfler, the President before her, if his process what to get approval from the Mayor before the agenda was finalized.

Councilmember Doerfler shared that when he was President, as Mayor Fetick explained, the agenda was sent to him, the Vice President, the Borough Manager and the Mayor. He shared that the Mayor's reply was always something like "sounds good", there was no approval from the Mayor, and Councilmember Doerfler, had final approval of the agenda.

The discussion continued with Councilmember Cramer reading the email in question and continued debate.

President Mercomes called for the vote on the motion on the floor to voluntarily reorganize.

The motion did not carry with a vote of 3-4, with Councilmembers Cramer, Myers and Zavala voting yes.

ADOPTION of AGENDA

It was moved by Councilmember Waterkotte to approve the agenda; seconded by Councilmember Doerfler.

Councilmember Myers stated she would like to amend the agenda to have an executive session after this meeting because she believes there is legal matter that has come into play.

Councilmember Myers motioned to amend the agenda to add an executive session after the meeting; seconded by Councilmember Cramer.

President Mercomes called for the vote on the amendment.

The motion carried with a vote of 4-3 with Councilmembers Moore and Waterkotte and President Mercomes voting no.

President Mercomes called for the vote on the amended agenda.

The motion carried 6-0 with Councilmember Myers abstaining.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, commented that he is glad there is going to be an executive session because there are a lot of things that are wrong stemming from Councilmembers not knowing the law. He also commented that we are hiring another police officer and he would like to know what number of police officers constitutes a full police force for the Borough.

CONSENT ITEMS

The following Consent Items are deemed accepted with the approval of the agenda:

- Approval of Minutes – November 16, 2020
- Approval of Minutes – December 7, 2020
- Approval of Bills
- Approval of Resolution – Appointment of Treasurer, Borough Secretary and Open Records Officers Approve Resolution – Professional Services Fees
- Approval of Resolution – Emergency Services Providers
- Appointment of Auditor

REPORTS

PRESIDENT'S

President Mercomes reported that Peter Thomas brought forward valuable information on the lantern fly at our last meeting and gave us a few recommendations, one of which is that the Borough work on managing the Tree of Heaven, the preferred trees of the lantern fly. He suggested removing the trees on Borough property and Borough right of ways. Secondly, Mr. Thomas suggested that property owners could be educated about the trees. President Mercomes noted that we cannot force property owners to remove trees, but with education, there are ways for property owners to learn to manage their own trees. She urged everyone to educate themselves about the lantern flies and their favorite trees by visiting Penn State Extension at www.entension.psu.edu which will be posted on the Borough's website.

Councilmember Waterkotte thanked Mr. Thomas for his suggestions and asked what we can do in partnership with him.

Peter Thomas shared there are two (2) primary things being done in our area with notable property managers, number one being to eradicate the trees because they are an invasive plant that does not belong here. He noted the rampant growth of the trees along the railroad, at NVF, Kennett Square Realty, and possibly at Pennock and Nixon Parks. Mr. Thomas shared that the second management method is to use the trees as a trap tree, meaning a male tree is retained and treated with an insecticide so that when the lantern flies gather on the tree they are killed by the insecticide.

Councilmember Waterkotte shared that he has had experts come to his property and he is in favor of eradicating the trees without using insecticide. He noted that if we get rid of the invasive trees then we get rid of the lantern fly and if we can do something, to help this situation, we should.

Councilmember Cramer commented that he has done some research on the tree of heaven and you have to treat the stumps of these trees to kill them, which is very noxious and asked if we should alert people if that is what we choose to do.

Mr. Thomas commented that there are recommended responsible and approved ways to kill the trees. He also noted that he had a conversation with the Pennsylvania Department of Agriculture and there may be State resources to manage the trees along the railroads that the Borough could possibly obtain.

President Mercomes thanked Mr. Thomas for his advice.

President Mercomes continued her report noting that in December, the Brandywine Battlefield Task Force Steering Committee voted Lynn Sinclair in as a member. She commented that Lynn operated the Sunrise Café for many years and is the founder and President of the Kennett Heritage Center on Union Street. President Mercomes asked Ms. Sinclair to represent the Borough on the Task Force so that we will be aware of the plans that will surround the placement of markers and the subsequent battle observance. She thanked Ms. Sinclair for serving the Borough in this way.

Lynn Sinclair shared that she looks forward to serving the Borough on the Task Force.

FINANCE COMMITTEE

Councilmember Waterkotte reported that the Committee met this morning, Monday, January 4, 2021 at 9:00 a.m. He shared the Committee:

- Broke into an Executive Session regarding a sewer issue;
- Reviewed bills and monthly financials;
- Discussed the solid waste contract expiring at the end of 2021 and putting it out to bid;
- Discussed the general fund reserves;
- Discussed developing a reserve fund for cash flow for the beginning of the year.

Councilmember Cramer commented that the end of year numbers show that we basically broke even this year, which is extraordinary given the circumstances. He noted the community as a whole has worked hard through this pandemic and is it illustrated by the fact that EIT did not fall off the cliff, a

testament to the strength of our community. He shared we have done responsible long-term investing to pay down debt and to ensure that we are using money wisely.

HISTORIC KENNETT SQUARE (HKS)

Bo Wright, Executive Director of HKS, shared procedures for the State Street closures noting that we will decide on Wednesday each week if we will close the streets. He noted we want to do everything we can to support the businesses and restaurants, but given the time of year, we are leaning to keep the street open to car traffic, but if we see a sunny 60 degree day, we will take advantage of it and close the street to support the businesses. Mr. Wright also shared that he is working on the TCDI micro transit grant of \$80,000 which we received in August 2020. He noted we have been a little slow to start and grant money has not been distributed yet, but this grant is a great opportunity to study micro transit in the broader region which could especially help our lower income residents and elderly residents move around the area easier. Mr. Wright commented that the HKS team is working with Mr. Drumheller on the grant as well.

BOROUGH MANAGER SEARCH COMMITTEE

Councilmember Doerfler reported that the Borough Manager Search Committee has been providing Strategic Government Resources (SGR) with information on demographics and the Borough community to help them gather information for the position profile and brochure which will be made available nationwide to prospective applicants. He shared that we have also begun to compile a list of representatives from various boards, commissions, businesses and the community who could give SGR insight on what we are looking for in a Borough Manager, as well as some of the challenges and successes in the Borough. He noted that SGR will begin to reach out to individuals shortly. Councilmember Doerfler noted they are looking forward to the getting the position profile completed and moving on to finding applicants. Councilmember Doerfler invited the members of the Search Committee, Councilmembers Zavala and Myers to add their comments.

Councilmember Zavala shared she did not have anything to add.

Councilmember Myers noted that she was opting to abstain from participation in this meeting as a result of what she wants to discuss at the executive session.

ACTION ITEMS

Civil Service Commission

APPROVAL for the HIRE of ONE NEW POLICE OFFICER

Chief Holdsworth reported that the conditional offer brought forward for a vote tonight is to fill a position that was vacated through an officer leaving the department in early 2020. He noted this is not a new position, it is hiring to replace an officer so that the department will have 12 officers, including himself, which is still an officer shy of the total number of officers in prior years. Chief Holdsworth shared that the Civil Service entry level testing process has been completed and as a result of the process they have identified a certified list for the purpose of hiring one (1) police officer. The Chief asked that Council

authorize the conditional offer of employment be granted to Cole Burkhardt, a candidate on the list, and asked that Council authorize the conditional offer that was also submitted in the packet.

Councilmember Doerfler motioned to approve the conditional offer to Cole Burkhardt; seconded by Councilmember Moore.

Councilmember Doerfler thanked the Civil Service Commission for their work on this process.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, noted his comment earlier was to understand the total number of officers that would constitute a full police force for the Borough. He commented that he will reach out to Chief Holdsworth for further conversation.

President Mercomes called for the vote.

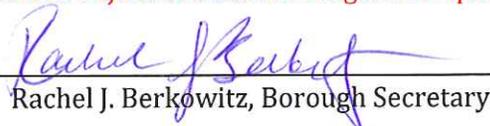
The motion carried 6 -1 with Councilmember Myers abstaining.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

Chief Holdsworth gave a report on the management of the Borough commenting that as Mr. Wright spoke, we have met all of the deadlines for the TCDI grant; New Garden Township's sale to Aqua has closed and we will receive our reimbursement for the associated legal fees shortly; we continue to work with our debt advisor and bond counsel to prepare for the debt issuance in 2021; the first quarter utility billing for 2021 was delayed to this afternoon due to some partial reads. Chief Holdsworth noted that the Interim Management Team continues to meet weekly and are in touch daily to keep up with inquiries and requests, as well as working with continued COVID policy updates. He reported that the Borough office and Police Department lobby are closed to the public with the exception of scheduled appointments. He noted that the Public Works Department responded to a water leak on December 19 on South Street, but as water pressure to the residents was not being affected, they deferred the immediate response to regular operating hours on December 21st, at which point they found the leak and fixed it by the following day, including the hot patch that was required by PennDOT. The Chief reported that a second leak occurred on Christmas Day, at Cedar and Sycamore and leak detection was performed on the 26th. The area was excavated, and they found a 12-inch main that had almost completely snapped. The main was then excavated and repaired with a stainless-steel repair clamp while it was still live. He noted the Public Works crew did an exceptional job with both issues and he thanked Rob Moran, Director of Public Works and his team.

ADJOURNMENT

There being no further business, President Mercomes adjourned the meeting at 7:56 p.m.



Rachel J. Berkowitz, Borough Secretary