

## OFFICIAL MINUTES January 6, 2020

### SWEARING IN CEREMONY COUNCIL

Mayor Matthew W. Fetick was presented with the Affidavits of Residency and administered the Oath of Office to the following Councilmembers:

- J. Douglas Doerfler, four (4) year term
  - Rosa Moore, four (4) year term
  - Mayra Zavala, four (4) year term
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The Biennial Reorganization Meeting of January 6, 2020 of Council for the Borough of Kennett Square was called to order at 7:25 p.m. in the Red Clay Room of the Kennett Fire Company No. 1, 423 Dalmatian Street, Kennett Square, Pennsylvania with Mayor Matthew W. Fetick in the Chair.

### ROLL CALL

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

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

### OFFICE of PRESIDENT of BOROUGH COUNCIL

The Mayor asked for nominations for the position of President of Borough Council.

**Councilmember Waterkotte nominated Councilmember Mercomes to serve as President of Borough Council; seconded by Councilmember Moore.**

**Councilmember Zavala nominated Councilmember Myers to serve as President of Borough Council; seconded by Councilmember Cramer.**

With no further nominations, the Mayor closed the nominations and called for the vote.

**Council voted 4-3 to elect Councilmember Mercomes to serve as President, with Councilmembers Myers, Zavala and Cramer voting for Councilmember Myers.**

The Mayor declared that Councilmember Mercomes has been elected to serve as President of Borough Council.

## **OFFICE of VICE PRESIDENT of BOROUGH COUNCIL**

The Mayor requested nominations for the position of Vice President of Borough Council.

Councilmember Zavala nominated Councilmember Myers to serve as Vice President of Borough Council; seconded by Councilmember Cramer.

President Mercomes nominated Councilmember Moore to serve as Vice President of Borough Council; seconded by Councilmember Waterkotte.

With no further nominations, the Mayor closed the nominations.

Council voted 4-3 to elect Councilmember Moore to serve as Vice President, with Councilmembers Myers, Zavala and Cramer voting for Councilmember Myers.

Mayor Fetick declared that Councilmember Moore has been elected to serve as Vice President of Borough Council.

## **OFFICE of PRESIDENT PRO TEM of BOROUGH COUNCIL**

The Mayor requested nominations for the position of President Pro Tem of Borough Council. He noted that the President Pro Tem serves in the absence of the President and Vice President.

Councilmember Waterkotte nominated Councilmember Doerfler to serve as President Pro Tem of Borough Council; seconded by Councilmember Moore.

With no further nominations, the Mayor closed the nominations.

Council voted unanimously to elect Councilmember Doerfler to serve as President Pro Tem of Borough Council.

Mayor Fetick declared that Councilmember Doerfler has been elected to serve as President Pro Tem of Borough Council.

## **TRANSFER of the CHAIR**

The Mayor passed the Chair to Council President Brenda Mercomes who expressed her thanks.

## **EXECUTIVE SESSION**

President Mercomes announced that Council held an Executive Session at 7:05 p.m. this evening regarding a personnel matter.

## **ADOPTION of AGENDA**

Councilmember Doerfler motioned to approve the agenda; seconded by Councilmember Moore.

Councilmember Cramer motioned to amend the agenda by adding a final action item to the agenda to repeal the Resolution for the RACP Grant for the Birch Inn Revitalization Project; seconded by Councilmember Zavala.

Councilmember Cramer expressed his frustration that Council has done too much ruling on personal cases, and we should be more concerned with policy. He believes we have turned the RACP grant funding into de facto policy.

The amendment to the agenda carried unanimously.

Councilmember Cramer motioned to amend the agenda to add the adoption of the Chief of Police Contract as the first item of business; seconded by Councilmember Waterkotte.

The amendment to the agenda carried unanimously.

President Mercomes called for a vote on the motion to approve the agenda as amended.

The motion to approve the agenda carried unanimously.

## **PUBLIC COMMENTS**

John Thomas, 406 South Broad Street, commented that both the new President and Vice President live in the Magnolia Place community, which seems like a conflict of interest. He congratulated the new Councilmembers and shared his hope that they think for themselves, noting he can already see the divide in the Council. Mr. Thomas suggested the Borough do an inventory every year of what the Borough owns. He commented on what happened in Kennett Township and would like more detail on the Borough's credit card bill. He shared his opinion that the Borough should suspend all financial matters with Kennett Township. Mr. Thomas also asked why there is a third electric car charging station in the parking garage.

Borough Manager Scalise explained there is a third sign for the electric car chargers, because we were asked to install better signage, but there are only two (2) chargers.

Jessica Casson, 545 Hazel Avenue, commented that she would like to see more transparency for the citizens of the Borough, noting her frustration at the concrete pillars that are being built for 175 apartments in Kennett Township. She raised her concerns last year regarding the traffic impact of the new apartment complex and raised additional concerns when she received a letter from the construction company regarding work on her street that was very vague. Ms. Casson shared she continually hears about our outdated infrastructure and wondered how adding the new apartments could be managed by an old and outdated system. She spoke with Borough Manager Scalise, who gave her background information and answered many of her questions. Ms. Casson believes the Borough is being responsible and is well-managed, but she is asking Council to provide more creative ways to share information with the community, especially specific details regarding projects and impacts.

Charla Watson, 523 Magnolia Street, commented that she attended the Kennett Township meeting and noted residents have asked things of this Council that speak to policy and the need for consistency. She asked who signs checks and for information on the RACP grants and why there is not more information available about them. Ms. Watson shared her concern that Councilmembers are neglecting their duties and are not knowledgeable enough. She asked new Councilmembers to step up to the plate, be fair to all citizens of the Borough and pay attention to the needs of the community. Ms. Watson commented she is happy to see Russel Drumheller, Code Enforcement Officer, at this meeting, as his expertise is always helpful to discussions.

Maria Zavala, 706 Lafayette Street, shared she is here in support of Rosa Moore and Mayra Zavala, the newly elected Councilmembers. She noted these are women who come from minority groups who can offer change to community members that have felt neglected for a long time. She commented that it saddens her to see the divisiveness in the Council already in this first meeting. Ms. Zavala noted that she and her family are representatives of the neglected group in the Borough and that Council has a duty to serve every person in this community.

Ken Edwards, 412 Meredith Street, welcomed the new Councilmembers. He shared his concern for the additional water and sewer needs from Millers Hill, believing that we are either at capacity or over capacity in the systems.

Michael Crotty, Borough Solicitor, advised that on December 2, 2019, Councilmember Mercomes abstained from voting in regard to Magnolia Place. He also noted that a training was held for all Councilmembers this past week. Mr. Crotty commented that the Borough's financial controls are very robust and the Finance Committee reviews all bills. He further noted that Finance Committee meetings are open to the public and residents are welcome to attend and ask questions.

## **CONSENT ITEMS**

President Mercomes announced that the following Consent Items are deemed accepted with the approval of the agenda:

- Minutes of December 2, 2019.
- Bills that were paid since the last Council meeting
- Resolution – Appointment of Borough Secretary, Treasurer and Open Records Officers
- Resolution – Professional Services Fees
- Resolution – Emergency Services Providers
- Appointments/Reappointments for Boards and Commissions
- Authorize Advertisement for Amended Non-Uniform Pension Ordinance
- Consider HARB Applications
  - 303 E. State St. Construction of new Addition in rear
  - 211 S. Union St. Partial Demo and Reno of existing accessory building

President Mercomes announced the individual appointments and reappointments for the Boards and Commissions, congratulated and thanked them for their service.

## **PRESENTATION – TINY HOME HOTEL**

Mr. John Hricik presented information on the plan for a Tiny Home Hotel. He thanked Council and the community for the opportunity to present his concept and hopes to gain support. He shared he works in advertising but is ready to return to the Borough and make it his home again for years to come. The Toadstool Inn's goal is to provide an affordable, appealing micro-living experience to guests in a unique hotel in the Borough, an experience that is unlike any in the county. The location is potentially 229 Birch Street, between Braeloch Brewing and The Creamery, which is currently unused space. He noted it would be an eight (8) unit boutique hotel with contemporary features and red roofs, with a modern, rustic aesthetic all built around a central communal space.

Vice President Moore asked for the expected length of stay to be and the intended audience. Mr. Hricik expects the typical length of stay to be one (1) to three (3) night stay. He suggested the audience could be people coming in for the holidays, coming for a weekend to visit the town, overflow from the local hotels, and he expects locals who are interested in tiny homes to come and try the lifestyle. It is intended for anyone and everyone.

Councilmember Waterkotte asked for the time frame of the project and Mr. Hricik explained that the project could probably be completed in about a year and a half.

Councilmember Cramer asked what kind of waivers and variances he expects to receive. Mr. Hricik shared that some things will need to be managed, like stormwater, but they are minor issues.

Vice President Moore asked what parking will look like. Mr. Hricik noted they have allocated nine (9) parking spots.

## **REPORTS**

### **FINANCE COMMITTEE**

Councilmember Waterkotte of the Finance Committee, reported the following activity from their meeting on January 6, 2020:

- The Committee reviewed bills and monthly financials;
- Working on goal setting for 2020 for water/sewer but are waiting to complete the process for the President to appoint new members to the Committee;
- Looking for creative ways to make money for the Borough to include additional banner space for public for advertising and changing parking meter hours, but we will talk with merchants first to see how the idea may affect their businesses;
- Discussion on a flat rate for the trash bill.

### **PERSONNEL COMMITTEE**

President Mercomes, Chair of the Personnel Committee, reported they held a meeting on January 2, 2020 and noted these meetings are also open to the public. She commented there are only two (2) people serving on the Committee and they are recruiting new members.

## **KENNETT REGIONAL FIRE and EMS COMMISSION**

Councilmember Cramer reported that the Commission is freezing the fees that are disbursed to the companies. He shared that the fire companies and municipalities are working well together and the Commission will continue its work.

## **ACTION ITEMS**

### **CONSIDER THE POLICE CONTRACT**

Councilmember Cramer motioned to approve the Chief of Police contract, seconded by Councilmember Myers.

Councilmember Cramer commended the Kennett Square Police Department on having great officers who are well respected. He shared that people feel Chief Holdsworth is a wonderful Chief and the town has improved under his leadership.

### **PUBLIC COMMENT**

John Thomas commented that he admires the Chief, who is always willing to talk to you and will do what he has to do to run a good Police Department.

The motion carried unanimously.

### **CONSIDER AUTHORIZATION of CHANGE ORDER 003 for PARKING GARAGE EXPANSION**

Borough Manager Scalise explained that this Change Order is related to three (3) separate items: Additional deck drains for the elevated deck based on the revised design of the decks in the amount of \$5,683.70; Lighting substitution credit in the amount of \$7,000.00; and additional exit light fixtures per ICC review in the amount of \$1,512.50. The total for the Change Order is \$129.20.

Councilmember Doerfler motioned to authorize Change Order #003 for the Parking Garage Expansion as presented; seconded by Councilmember Moore.

### **PUBLIC COMMENT**

There were no public comments.

The motion carried unanimously.

## **CONSIDER CHARGING CIVIL SERVICE COMMISSION to CONDUCT ENTRY-LEVEL FULL-TIME POLICE OFFICER TESTING**

Chief Holdsworth advised that in preparation for the 2020 operating year, the Police Department is in need of a new certified list of candidates for the position of Entry Level Police Officer. He explained there are no openings at this time but one is anticipated for 2020 and due to the length of time the testing process takes to obtain a certified list of candidates, (10 months) he and the Mayor are asking Borough Council to charge the Civil Service Commission to conduct entry level full time police officer testing.

**Councilmember Cramer motioned to authorize Charging the Civil Service Commission to Conduct Entry Level Testing as presented; seconded by Councilmember Waterkotte.**

### **PUBLIC COMMENTS**

There were no comments.

**The motion carried unanimously.**

## **CONSIDER PARKING RELIEF for 305 EAST STATE STREET**

Rusty Drumheller, Code Enforcement Officer, explained that the applicants are relocating their barber shop from North Willow Street because of the proposed library construction at 305 East State Street. Mr. Drumheller advised they will need to provide five (5) off-street parking spaces for this use and are unable to do so. He noted the applicant has negotiated for five (5) parking spaces across the street in the Sinton Lot if parking relief is granted.

**It was motioned by Councilmember Cramer to grant parking relief t as presented; seconded by Councilmember Zavala.**

Councilmember Waterkotte commented that it is our duty to help with this waiver so that this business can continue to thrive.

Councilmember Myers noted this is another opportunity to think about doing a parking study.

### **PUBLIC COMMENTS**

John Thomas commented that the building has never had parking spaces, just street parking. He shared his frustration with this waiver because we have a parking garage and he does not think the Borough should continue to provide waivers for five (5) parking spaces.

Charla Watson shared she is glad to hear the barbershop is relocating but noted they have not had parking in the past and wondered why they need it now when we have a parking garage, as well as street parking.

Clara Saxton, 120 West Linden Street, commented that the waiver in this case makes sense and she believes a parking study is needed as well.

The motion carried unanimously.

### **CONSIDER AUTHORIZATION - RACP GRANT APPLICATION - LIBRARY**

Borough Manager Scalise advised that the Library has asked the Borough to act as the applicant and grantee of a RACP grant for \$1 million for Phase 1 of the new Library at State and Willow Streets. Phase 1 is intended to complete the site work for the new facility. He noted this would also authorize the President to sign the application. The Borough would serve as a pass through.

Councilmember Doerfler motioned to authorize the Borough to act as the applicant and grantee for the RACP grant application for the Library as presented; seconded by Councilmember Waterkotte.

Councilmember Waterkotte advised this is similar to the Birch Street Revitalization project and that this vote is just to authorize the application for the grant.

Councilmember Myers advised that she will not support this effort because it means we will be signing off to take the grant money, but that we do not want to do the oversight work. Ms. Myers shared that she does this work every day in her professional life and does not believe we would be upholding our duties as Councilmembers.

Councilmember Zavala noted these are the same concerns that were brought forward at the last Council meeting. She believes that Council has set a precedent that we will work with any organization that comes before Council. Councilmember Zavala advised that she will not support this effort.

President Mercomes commented that Council asked many questions at the last meeting that were unable to be answered. She noted that the library is not in the same position. She also noted that the rules of the grant do not preclude us having involvement.

Councilmember Myers advised that if we move forward with this grant application, then it is the Borough's grant with our name on it, we are ultimately responsible and it is a huge risk.

Councilmember Cramer commented that Council does not have a policy on how we do these things. He is concerned that we will end up in the middle of a grant argument, noting that when the State auditors come to survey, this Council will have to answer to their questions.

Councilmember Waterkotte noted that if we apply for the grant for the Library, there is no guarantee it will be awarded. He suggested tabling the discussion.

Councilmember Moore commented that since the Borough acts as the grantee, we would have to trust our partners. She asked if the RACP grant includes an agreement with the community partner detailing the responsibilities. She believes the library is very important to the community and we have worked hard to keep it in town. Councilmember Moore noted she would like to have more information on our responsibilities with RACP grants.

President Mercomes suggested having someone provide education to Council on RACP grants.

## **PUBLIC COMMENTS**

Ken Edwards commented that the Borough will be responsible for the grant and will have to pay it back if it does not go well.

John Thomas shared that he is a member of the Library and has been for most of his life. He noted that the Borough sold the lot to the Library for a low price and has given them waivers. We asked the Library to build something that looks like it belongs to the Borough, but he feels that it is a big, modern building that does not fit into the Borough. Mr. Thomas asked what happens if they receive the grant money but are unable to raise the money to build the library, and they sell the lot? The Borough will be responsible. He believes that President Mercomes should exempt herself from talking about this topic because she is on the Library Board.

Charla Watson commented that she has used the Library her whole life and believes it is a vital part of the Borough community. She was supportive of the Library until she learned about what they wanted to build, which she considers to be like a big entertainment center. Ms. Watson feels everyone needs more information on how RACP grants work and feels that the Library should have given a presentation on the particulars of the grant. She would like to see this vote tabled.

President Mercomes called for the vote.

**The motion carried 4-3 with Councilmembers Cramer, Zavala and Myers voting no.**

President Mercomes shared she agrees that the Library should have come to present on their grant application and will ask them to do so.

## **CONSIDER REPEAL of RACP BIRCH STREET GRANT**

**Councilmember Cramer motioned to rescind and repeal the resolution that authorized the RACP Birch Street grant, seconded by Councilmember Zavala.**

Councilmember Cramer commented that the applicant in this case did not have many answers for Council and is not a non-profit yet. He noted this is about being a government that sets policy and stands by their policy.

Councilmember Myers noted that the Birch Street group had outside expertise with them when they came before Council, which gave us some level of comfort that they have been through this grant process before. She commented that we have no information from the Library.

Councilmember Doerfler shared he is sensitive to the issues with transparency and trust in both situations. He noted he sees a commitment to Kennett Square in both cases and will not vote to rescind.

Councilmember Waterkotte commented that we need trust in order to work with partners in the community who want to create a better community. He was impressed with the Birch Street proposal and is looking forward to learning about Library's grant plans. He advised he will not vote to rescind.

Borough Manager Scalise advised that we currently have a RACP grant that we have been administering this past year. He explained that the State has an appointed grant monitor and we will not likely receive the grant money until the project is finished and all of the monitoring criteria has been met. He explained that at that point, the grant money will be sent to us and we will distribute.

Councilmember Myers shared that having done this year after year, it is about what is our duty as Councilmembers that concerns her most.

## **PUBLIC COMMENT**

Jessica Casson commented are we asking Mr. Scalise to take on three (3) more RACP grants and she is unsure of how much time that takes to manage. She noted Mr. Scalise's explanation makes sense.

John Thomas commented that not all builders are good and we have to be careful. He questioned the culinary school idea, which he thinks will not come to fruition, and noted that President Mercomes should not have voted because she is on the Library Board.

Tony D'Ottavio, 516 East South Street, suggested asking the Borough Solicitor for the legal ramifications of the grant.

Luke Zubrod, 236 South Union Street, noted he came to the last meeting to speak on the Birch Street project. He commented that these grant funds are available from the State and will be awarded to some community somewhere. He feels both of these projects are great for this town and he would love to these grants awarded to our community.

Clara Saxton, 120 West Linden Street, asked the Solicitor Crotty if there is a conflict of interest in this situation with President Mercomes; Solicitor Crotty said there is not. Ms. Saxton commented that the Library has come before the HARB many times and repeatedly misrepresented what they wanted to do. She believes we should be cautious moving forward.

President Mercomes called for the vote.

**The motion did not carry with a vote 3-4 with Councilmembers Moore, Mercomes, Waterkotte and Doerfler voting no.**

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

Councilmember Zavala thanked everyone who attended the meeting tonight and shared she came into this Council to build a true partnership with all constituents. She noted that several members of this Council are uncomfortable dealing with what is uncomfortable and called on Council to work diligently to work together.

Councilmember Waterkotte suggested people should get to know him before making assumptions. He advised that he comes from a diverse neighborhood and moved to this community for its diverse community. He shared he cares about everyone in the community and asked people to please take the time to come meet him.

Maria Zavala shared there is a lot of frustration and asked Council if they understand the struggles of the community she comes from. She commented that she will be mobilizing her community, attending Council meetings and holding Council accountable.

Councilmember Cramer commented that the first step to becoming an inclusive government is to have a transparent government that follows the rules. He noted the Council President is supposed to keep meetings moving, administer parliamentary priorities and set agendas that can be changed, but the President has no real power. The goal of a vote for President is who can do the job best. Part of the last presidency that he found difficult is that President Doerfler controlled access to our attorney. He noted the point that should unify Council is that we have a government everyone can understand and we need to redouble our efforts to ensure we do things correctly. He advised there is one thing we have not been able to address that we all know needs to be addressed, which is mixed income housing.

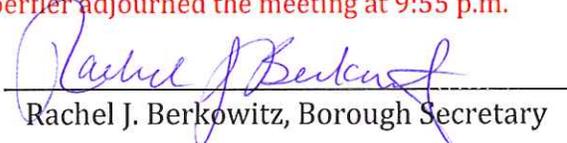
Councilmember Doerfler explained that he attempted to streamline communications with the attorney, not restrict access to our attorney. He noted we have to take into consideration that our solicitor does not work for free and when we have individual questions, it is best to funnel the questions through Borough Manager Scalise.

Vice President Moore advised we should end this meeting on a positive note. She commented that we have taken a big step towards transparency because we now have representation on Council that reflects our town and the diversity on council can only help to bring different perspectives to light.

President Mercomes thanked everyone for their patience this evening.

## **ADJOURNMENT**

There being no further business, President Doerfler adjourned the meeting at 9:55 p.m.

  
Rachel J. Berkowitz, Borough Secretary