

## **OFFICIAL MINUTES April 20, 2020**

The Regular Meeting of April 20, 2020, of Council for the Borough of Kennett Square was called to order at 7:00 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*  
*Borough Manager Joseph C. Scalise*

### **ADOPTION of AGENDA**

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

*It was moved by Councilmember Zavala to amend the agenda by adding a discussion on how the Borough disseminates information to the community about housing amidst Coronavirus; seconded by Councilmember Cramer*

*The motion carried unanimously.*

### **PUBLIC COMMENTS**

John Thomas, 406 South Broad Street, commented that community members have questions about what is going on in the Borough and noted that many people are not online.

### **PRESENTATION of PROCLAMATION by MAYOR FETICK – APRIL 2020 SAFE DIGGING MONTH**

Mayor Fetick shared he issued a Proclamation in support of the Safe Digging Program, PA1Call System's safety program. He noted you can contact PA1Call.org three (3) days prior to your project to ask for assistance and they will come out to mark the locations of your underground utilities.

## **REPORTS**

### **PRESIDENT'S**

President Mercomes reported that Councilmember Moore has agreed to serve as the Council representative on the Revolving Loan Fund Committee.

### **MANAGER'S REPORT**

Borough Manager Scalise provided a written report that was included in the Council meeting packet. In addition, he shared that our construction projects are currently on hold, but both projects are very far along and close to finishing.

### **PERSONNEL COMMITTEE**

Councilmember Doerfler noted there was no public Personnel Committee meeting in March, but two (2) Executive Sessions were held on March 6 and 24 to discuss personnel matters.

### **PUBLIC SAFETY & INFRASTRUCTURE COMMITTEE**

Mayor Fetick reported the Committee did not meet, but a Zoom meeting will be held on April 29<sup>th</sup> at 9:00 a.m. for anyone who would like to attend virtually.

### **POLICE DEPARTMENT**

Chief Holdsworth provided a written report that was included in the Council meeting packet. In addition, the Chief shared that the Police Department has had to revamp their operations due to the pandemic and everyone is acclimating well.

### **FIRE COMPANY**

Chief Mitchell submitted a written report that included in the Council meeting packet. In addition, Gina Puoci shared that the Fire Department is in the same position as the Police Department with changing their operational processes due to the pandemic.

### **KENNETT FIRE & EMS REGIONAL COMMISSION**

Councilmember Cramer reported that the Commission met on Monday, April 13, 2020 and there was much discussion on operating during the pandemic, noting that their call numbers are lower (because people are at home) and on procuring personal protective equipment. He also shared there was a discussion regarding a Kennett Township proposal to become the administrator for the Commission. Councilmember Cramer asked the Commission to submit the proposal to Borough Council.

**DISCUSSION ITEMS****CONSIDER NEW COUNCIL MEETING FORMAT and SCHEDULE**

Vice President Moore explained that the new Council meeting format being considered would still be two (2) meetings per month, but the first would be a Monday night working meeting with discussion and the second a Tuesday night voting meeting with both meetings allowing public comments. She suggested this model could be a more streamlined approach to how we do business, noting we always have very full agendas and it may help to discuss items while holding off on voting until the Tuesday night meeting, giving everyone time to digest the issues.

President Mercomes shared that this proposed meeting format is also used by West Chester and Phoenixville Boroughs. She shared that it would give us time to respond on Tuesday night to questions that were put forth on Monday night. President Mercomes noted that residents will be able to hear the full discussion before the comment period and would have time to ask questions that could be addressed the following day. She noted that the Monday night meetings will likely be longer, but the Tuesday night meetings could be quite short since it will just be a voting meeting.

Borough Manager Scalise commented that this meeting structure could be more efficient and from a staff perspective, we would clear our schedules for Tuesday to respond to questions and concerns. He also noted that it would give Councilmembers some breathing room to discuss items and listen to the public comments without the pressure of having to vote the same night.

Councilmember Myers asked if we would hear reports on both meeting nights, and which week of the month was discussed.

President Mercomes explained that the working meeting would include the reports and the voting meeting would be for voting. She also noted that we have not determined the meeting dates and it would be up to Council to make that decision.

Borough Manager Scalise explained that we were looking at the third Monday and Tuesday of the month, but we can re-advertise for whatever dates work best for Councilmembers.

Councilmember Myers commented that she serves on many boards and task forces, especially during this pandemic and any shift to her schedule will affect her immensely. She noted that most boards have their schedules set by the month, as we did, having meetings on the first and third Mondays of the month. Councilmember Myers shared she is committed to Council and has protected Council meeting dates and times, so this schedule change caused her great surprise, especially at this time. She asked what problem we are solving with this new structure, shared her concern that Council has trouble moving things along with meetings that are two (2) weeks apart and questioned how this will help.

Councilmember Waterkotte commented that if this could help us be more informed at the voting meeting and can assist with efficiency, he is willing to give it a try, as it sounds good on paper. He asked if we make the change and it does not work for us, can we go back to the former structure, noting that Councilmember Myers brought up very valid concerns.

President Mercomes suggested that Council could make this change on a trial period and then we can decide as a group if it works.

Councilmember Zavala asked if this is a situation where the majority rules, noting that she is concerned considering Councilmember Myers' comments and the possibility of inhibiting her ability to attend meetings and serve on Council. She noted that we began the year with a schedule of meeting dates and this would be a big shift that would affect her as well, as she also travels for work.

Councilmember Doerfler shared that we have to do all we can to make meetings more efficient. He noted that the schedule can be difficult for him as well due to his travel schedule and there will likely be conflicts. He also advised that this format could make the interaction between the public and Council more relaxed. He shared he is open to trying it out.

Discussion ensued on how to proceed with this possible schedule change and accommodate everyone's schedules.

### **PUBLIC COMMENTS**

Ken Edwards, 412 Meredith Street, suggested that under the current situation you should put this on the backburner and make this decision at another less stressful time.

Doug Hayes, 611 Magnolia Court, encouraged Council to think about whether they agree in principle that the new meeting structure is worth trying and noted that we have to accommodate all elected officials.

John Thomas commented that he does not like the concept of discussion one night and voting the next because he does not think there is enough time in between to research and get answers to questions. He suggested waiting for January to start up a new schedule.

President Mercomes suggested there is need for further discussion on this item and it will be added it to the Action Items for tomorrow night.

### **CONSIDER APPROVAL of MINUTES – MARCH 2 and APRIL 7, 2020**

President Mercomes asked if Council has any comments or corrections for the minutes. Seeing none, she noted that the minutes will be moved to the Action Items for tomorrow night.

### **PUBLIC COMMENTS**

There were no comments.

### **CONSIDER APPROVAL OF BILLS**

President Mercomes asked if Council has any comments on the bills. Seeing none, she noted that the minutes will be moved to the Action Items for tomorrow night.

### **PUBLIC COMMENTS**

There were no comments.

Councilmember Myers asked if Council has been given access to the Finance Committee meeting packet.

Borough Manager Scalise explained that all Councilmembers now have access to the Finance Committee Dropbox and are welcome to review all the materials.

### **CONSIDER APPROVAL of RESOLUTION COMMITTING INTERIM FINANCING for PARKING GARAGE EXPANSION PROJECT**

Borough Manager Scalise noted that we bonded for this project approximately eight (8) months ago and the money is in the account. He explained that the Office of the Budget requires a Resolution and bank statement showing that we still have enough money in the account to finish the project.

Borough Manager Scalise advised President Mercomes that the intention for tonight is if an item is agreed upon by Council, and there are no questions or comments for items such as the minutes, bills or this type of resolution, then it can be moved to the Consent Items for tomorrow night's meeting. He noted that if there are questions and comments, then the item would be further discussed tomorrow night as an Action Item.

#### **PUBLIC COMMENTS**

There were no public comments.

President Mercomes asked if Council has any further comment on the resolution. Seeing none, she noted that this Resolution will be moved to the Consent Items for tomorrow night.

### **CONSIDER EXTENSION on LAP TIMES LLC 518 RICHARDS ROAD per the MPC**

Russell Drumheller, Code Enforcement Officer, explained that per the MPC, we only have 90 days to complete and respond to a review. He noted that due to the pandemic, that timeframe ran out and the applicant (LapTimes LLC) for 518 Richards Road has granted the Borough an extension until July 3, 2020 to complete the review.

#### **PUBLIC COMMENTS**

There were no public comments.

President Mercomes asked Council for any further comment. Seeing none, she noted that this Resolution will be moved to the Consent Items for tomorrow night.

**CONSIDER WAIVERS for LAP TIMES LLC 518 RICHARDS ROAD**

Russell Drumheller, Code Enforcement Officer, explained there are three (3) waiver requests. He noted that staff are comfortable approving two (2) of the requests, (requirement for a tentative sketch plan and the depth of the water table to be shown on the plans) but staff are not in favor of waiving the sidewalk requirement because we are trying to make the Borough a more walkable community and there should be at least a sidewalk on one side of the street.

Councilmember Myers shared that she is in full support of not being in favor of waiving the sidewalk requirement, as she would like to see us get as many sidewalks in as possible.

Councilmember Doerfler agreed with Councilmember Myers, adding that whenever we can require a sidewalk, we should take it as an opportunity.

**PUBLIC COMMENTS**

Alex Barlow, D. L. Howell and Associates, commented that this waiver was discussed with the Planning Commission and pointed out that when you consider the timetable for additional sidewalks to be put in, this sidewalk for this project will stand out all by itself and will not connect to other sidewalks in a reasonable amount of time.

President Mercomes asked Council for any further comment. She noted that this Resolution will be moved to the Action Items for tomorrow night for further conversation.

**CONSIDER PRELIMINARY APPROVAL for LAP TIMES LLC 518 RICHARDS ROAD**

Russell Drumheller, Code Enforcement Officer, explained that during the March 11<sup>th</sup> meeting of Planning Commission, they recommended preliminary approval of the proposed subdivision.

Councilmember Cramer noted there was no documentation on this item.

**PUBLIC COMMENTS**

John Thomas commented that you cannot approve a preliminary plan without the documentation, and he is in support of the putting in the sidewalks.

President Mercomes asked Mr. Drumheller to provide the documentation and noted that this item will be moved to the Action Items for tomorrow night for further conversation.

Mr. Drumheller noted that he sent the documentation to Council at the end of March when it was originally received and will send it out again to everyone this evening.

**CONSIDER PARKING RELIEF for 116 SOUTH UNION STREET**

Russell Drumheller, Code Enforcement Officer, explained that the applicant (Mr. James Brown) would like to open a Barber Shop at 116 South Union Street, which would require six (6) off-street parking spaces per our ordinance, but they can only provide two (2). He advised they are seeking relief to providing their own off-street parking spaces by using the public parking garage and making a contribution to the Borough's parking fund. Mr. Drumheller shared that staff recommends granting parking relief for the four parking spaces.

Councilmember Moore asked how the parking relief works and Mr. Drumheller explained that there is a \$470 one-time fee per space.

**PUBLIC COMMENTS**

John Thomas commented that he is not in favor of giving out parking waivers and asked how many parking spaces in the parking garage can be given away for a one-time fee, and yet they get to park there forever. He does not feel that it makes sense.

Councilmember Doerfler asked if other businesses that were in the same location had parking waivers and Mr. Drumheller shared that they had one (1) and explained that different businesses require more parking than others.

Borough Manager Scalise shared that the new parking lot expansion has approximately 93 spaces and there are only about 30 Genesis employees who are not already in the current parking garage, so we expect to have availability to offer to businesses that cannot provide their own parking.

Councilmember Waterkotte commented that anyone who is opening a business in town should be offered assistance with providing parking.

Councilmember Myers suggested that we really need to have a parking study done and we need to come up with a concrete plan for one since we did not receive the grant from the County.

President Mercomes noted that this item will be moved to the Action Items for tomorrow night for further conversation.

**CONSIDER SETTING PRIORITIES for ADVISORY COMMITTEE on LATINO AFFAIRS (ACOLA)**

Luis Tovar, Chair of ACOLA, gave a summary of their 2020 top five (5) goals that involve concerns on housing, jobs, supporting driving licenses for undocumented Pennsylvania residents, providing better outreach to the LatinX community and Borough support of a resolution welcoming refugees.

Mr. Tovar noted there is a lack of affordable housing in the Borough both for rent and for purchase and suggested there be some sort of a scorecard for both tenants and landlords for their offenses so that we can keep track, as tenants are complaining that their landlords are not upkeeping apartments. He advised that the recommendation is to create a task force to address the issues of both tenant rights and the landlord rights.

Mr. Tovar shared that the job market has limited opportunities for lower income residents that lack experience or training for the opportunity to gain higher paying work which in turn limits their ability to purchase or afford escalating rents and home prices. He suggested working with HKS on job fairs to promote the local workforce as an asset to any company looking to expand into new technologies and markets that could spur job growth in the community with current and new business owners. This initiative also includes establishing a percentage threshold for new and expanding companies to hire Borough residents, suggesting a 50% minimum. Lastly, he suggested the Borough offer Growth Funds/RLF loans to organizations willing to conduct training for the Borough workforce, noting that service industry jobs employ many Latinx workers that have multiple jobs to help make ends meet.

In regard to better outreach in the community, Mr. Tovar shared that many Latinx families do not have English as their first language and often times this places them at a disadvantage when having to deal with issues concerning a child's performance at school, bullying or behavioral concerns. Additionally, he noted that a majority of parents often work long hours most days per week which leaves little time to work with children on homework or to be available for school meetings. Mr. Tovar advised that this all circles back to affordable housing and lack of decent paying jobs with benefits and training opportunities. He suggests offering a cross cultural training series to the municipal employees, Council, Committees, the Fire Company and the Police Department. This would help promote a greater understanding of our differences and how we all truly are similar despite cultural differences. (Dr Laura Gonzales offers such a program at a modest cost).

Mr. Tovar explained that there are two (2) initiatives that can be quickly accomplished; supporting the driving licenses for undocumented residents and endorsing the resolution welcoming refugees to the Borough. He encouraged Council to work with ACOLA as a team effort.

Councilmember Myers commented that these priorities work well with the original ACOLA resolution and thanked hm for narrowing them down. She noted that she is hearing he would like some Council and staff time to help ACOLA move their initiatives forward. She feels it would be ideal if ACOLA knows of particular staff members that might be helpful, along with the time commitments involved.

Councilmember Moore asked if he is looking for more training for low income residents and the LatinX community in general, rather than piecemeal opportunities and Mr. Tovar agreed that yes, he would not want to leave anyone out of possible training opportunities.

President Mercomes noted her concern is creating a plan for implementation and she believes if we all work together, we can make these things happen.

Councilmember Doerfler noted that Council should be able to give their support to these priorities.

Councilmember Zavala feels that it falls on Council to implement these initiatives.

Councilmember Waterkotte noted that everything on the list is important for the Borough.

Councilmember Cramer shared his feeling of urgency regarding these priorities noting that there is nothing we can put off to next year because if not addressed, the implications for the future are tough.

## **PUBLIC COMMENTS**

John Thomas commented that this was a lot of information and he takes personal offense to how landlords are talked about. He noted that as a landlord, at least half of the issues he experienced were due to tenants not cleaning and taking care of an apartment. He believes that bad landlords are the minority. He also does not agree with supporting drivers licenses for undocumented individuals. Mr. Thomas believes this list should be brought to the public.

President Mercomes noted that this item will be moved to the Action Items for tomorrow night for further conversation.

## **CONSIDER UPDATED FEE SCHEDULE**

Borough Manager Scalise explained that the Finance Committee recommends changing the costs related to Fee in-lieu-of for Parking and Solid Waste. They recommended lowering the solid waste fee by \$5.00 per totter for every account which would go into effect in the next quarter billing, a difference of \$15,000 this year in the solid waste fund. He shared that the recommendation for fee-in-lieu of parking came out of discussions with developers and contractors and what they are willing to spend on parking. He noted they decided on a new construction initial fee of \$7,500 per space; for alterations and additions it would be an initial fee of \$1,000 per space; and for anyone who does not get a permit they would be charged \$100 per space maintenance fee.

## **PUBLIC COMMENTS**

Doug Hayes commented that he feels very fortunate to have our garbage services continuing and he does not feel the fee needs to be reduced by \$5.00.

Borough Manager Scalise explained that the solid waste fund has a reserve limit and we will exceed that limit, so we would like to give something back to the residents.

President Mercomes noted that this item will be moved to the Consent Items for tomorrow night.

## **CONSIDER REVOLVING LOAN FUND PAYMENT EXTENSIONS**

Borough Manager Scalise noted that we have two (2) active Revolving Loan Funds; Portabello's loan also has a subordination agreement so we will be following that agreement and extending them a six (6) month extension on their next payment and deferring interest. He advised we would like to extend the same arrangement to Work2gether.

Councilmember Moore asked if there is any burden put on the loan fund and Councilmember Waterkotte explained that it is similar to forbearance.

Councilmember Cramer shared that this is a model we should push for creating economic growth.

## **PUBLIC COMMENTS**

There were no public comments.

President Mercomes noted that this item will be moved to the Consent Items for tomorrow night.

## **CONSIDER ADDITIONAL FUND of FUNDS AGREEMENT with TRUE ACCESS CAPITAL**

Borough Manager Scalise explained that this is in the conceptual phase from the Revolving Loan Fund Committee, which is meeting weekly and is a public meeting. He noted the Committee has been working to provide a program for local businesses to aid in the recovery process, and we are restricted by the program guidelines issued by the Pennsylvania DCED. He explained that the current program recommended by the RLF Committee would consist of a partnership with True Access Capital (current partner with Community Growth Fund) to loan out \$300,000 - \$500,000 of RLF money in a zero percent interest loan for 12 months with a max of \$10,000. After 12 months the borrower can make low interest payments to pay off for a three (3) to five (5) year term or pay it off in full. He noted that the Interest would only be added to pay for administration of the loan and initial administrative costs will be taken from the loan amount. Manager Scalise advised that DCED will not allow us to use the money for grants. He noted that staff is in support of authorizing the RLF Committee and Mike Crotty, Borough Solicitor, to draft an agreement with True Access Capital based on final recommendations of the RLF Committee. Nate Ecchiveria, Economic Development Director, advised that there are approximately 87 businesses in the Borough that would be eligible to apply. Borough Manager Scalise noted that no action is required tonight, this is more of a temperature check to see if Council thinks we are headed in the right direction and it could come before Council with an agreement at the next Council meeting.

Councilmember Cramer feels that this is exactly what we should be doing and suggested speaking with New Garden Township to work with them and help the communities together.

## **PUBLIC COMMENTS**

John Thomas commented that this is a great idea but does not think we need to partner with other communities, we should be taking care of our Borough. He feels there are enough businesses in town that could be helped.

## **CONSIDER POLICE COLLECTIVE BARGAINING AGREEMENT**

Borough Manager Scalise shared that he hoped the agreement would be completed by now, and although it is not ready yet, we are getting close; there is no action on this item tonight.

## **CONSIDER VPP GRANT EXTENSION**

Borough Manager Scalise advised that the grant agreement for zoning updates with the County expires at the end of April. He explained that in order to receive reimbursement we would need to adopt some form of zoning changes related to the scope in the application and noted the grant amount is for \$19,000. The County is willing to extend the grant out for six (6) months.

Councilmember Waterkotte advised that the Finance Committee would be in support of the extension.

## **PUBLIC COMMENTS**

There were no public comments.

President Mercomes noted that this item will be moved to the Consent Items for tomorrow night.

## **CONSIDER OPTING-IN to COUNTY FUNDING 2021-2023**

Borough Manager Scalise explained that this very recently came from the County having to do with Housing and Urban Development (HUD). He noted they are giving us the opportunity to opt out for fiscal years 2021-2023, which means that we would not be eligible for funding. He is unsure what the benefit would be to opting out, as we would not want to reduce our chances of getting grant money.

Councilmember Waterkotte advised that one of our priorities is a fordable housing and he sees no benefit to opting out of County funding.

## **PUBLIC COMMENTS**

There were no public comments.

President Mercomes noted that this item will be moved to the Consent Items for tomorrow night.

## **CONSIDER HOW the BOROUGH DISSEMINATES INFORMATION to the COMMUNITY ABOUT HOUSING AMIDST CORONAVIRUS**

Councilmember Zavala expressed her concern that information to renters and homeowners in our community is not getting out to them, for instance information on mortgage payment deferrals and eviction rules. She proposed that Aaron Campbell, Assistant Cde Enforcement Officer, be tasked with helping in this effort.

Councilmember Cramer shared he is excited to hear this proposal and is in agreement.

Councilmember Moore asked how Mr. Campbell would disseminate this information to the community.

Councilmember Zavala suggested that he has very good relationships with landlords and tenants and could use social media and other processes to get more information out to the community.

President Mercomes asked Councilmember Zavala to write up her proposal into a sentence or two.

Councilmember Zavala suggested bringing back Mr. Campbell to work on disseminating information and conducting research on resources for the community.

Councilmember Doerfler commented that conceptually he is in favor of this, but we need to consider Mr. Campbell's circumstances right now and that is between Mr. Campbell and Borough Manager Scalise.

Councilmember Myers commented that the "how" can be worked out by someone who is dedicated to the work. She noted that this pandemic has created areas of possibility that we did not expect and we should use the opportunities to our best advantage.

Councilmember Waterkotte suggested Councilmember Zavala give Mr. Campbell a call.

Borough Manager Scalise suggested that it is important for Council to give us what you want to see accomplished, as he needs to look at the strengths of who is available to do this job. He would like to look into this further and get back to Council about the possibility. Borough Manager Scalise suggested this be further discussed at tomorrow's meeting.

### **PUBLIC COMMENTS**

There were no public comments.

President Mercomes noted that this item will be moved to the Action Items for tomorrow night.

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

Councilmember Myers mentioned the Census, noting there are social media posts prepared and ready to be posted from the County. She asked Borough Manager Scalise to provide the supporting documentation for the Finance Committee meetings in the drop box. Councilmember Myers also noted there is a lot of grant funding available and we should be look for funding opportunities for our Police Department.

Borough Manager Scalise explained that the Cares Act does not apply to municipalities at this time, but we are always looking for grants and are even thinking about using a professional grant writer to help.

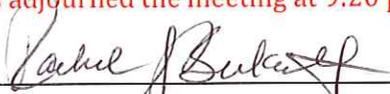
Councilmember Cramer acknowledged the extraordinary pressures that our Fire, Police and EMS are experiencing, as well as our community members. He thanked everyone for all their work.

Councilmember Waterkotte offered whatever help he can give to members of the community.

Councilmember Doerfler shared that the founder of the Genesis passed away and our thoughts go out to the Walker family.

### **ADJOURNMENT**

There being no further business, President Mercomes adjourned the meeting at 9:20 p.m.

  
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Rachel J. Berkowitz  
Borough Secretary