

OFFICIAL MINUTES May 3, 2021

The Regular Meeting of May 3, 2021, 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

Interim Borough Management Team – Chief William Holdsworth

Absent: *Mayor Matthew W. Fetick*

President Mercomes stated that there was an Executive Session was held today at 6:30 p.m. to discuss a legal matter and Council will continue the Executive Session at the conclusion of this meeting.

ADOPTION of AGENDA

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

It was moved by Councilmember Waterkotte to amend the agenda to include the report from the Finance Committee; seconded by Councilmember Cramer.

The motion to amend carried unanimously.

It was moved by Councilmember Myers to amend agenda item #4 to “consider a resolution establishing procedures and policies for assessing nonprofit agency funding requests; seconded by Councilmember Doerfler.

The motion to amend carried unanimously.

Councilmember Cramer motioned to amend the agenda by removing the action item on the Library parking agreement waiver and request; seconded by Councilmember Doerfler.

The motion to amend carried with a vote of 6 – 0; President Mercomes abstained.

President Mercomes called for the vote on the agenda as amended.

The motion carried unanimously.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, commented that people would like to know when we will return to in-person meetings. He also commented that he received a call from a resident who had a building inspection that failed, and they were not satisfied with the decision. He asked what a resident is to do if they disagree with a building inspector?

Mr. Drumheller, Code Enforcement Officer, addressed the question, noting that requirements cannot be waived, but we do have an Appeals Board that can be called up to review whether an inspector made a determination that was correct or incorrect.

President Mercomes noted that Council has not made a determination as to when they will begin meeting in person again and Councilmember Waterkotte commented that Council will follow CDC guidelines.

Doug Hayes, 611 Magnolia Court, thanked Council for everything they do and shared that his community continues to be concerned about the lack of power D Street as a result of the transformer outage due to the Victory issue. He hopes for an update of where this all stands.

Nick Rotuno, 311 South Union Street, raised his concern about the number of cars driving down Union and Streets and other Borough streets with excessively loud exhaust noises and loud backfiring that sounds like explosions. He commented that he spoke with a Corporal at the police department who said they would try to do something about it, but he would like the issue to remain at the forefront.

Andrew Froning, 308 Marshall Street, shared that recently, a friend lost his rental housing in the Borough and found himself homeless. He lives on a very small, fixed income and has not been able to find new accommodations, as the cost of even a small studio apartment is well beyond his means. Currently KACS is providing him with a hotel room, but that will not be extended forever. Mr. Froning shared he is bringing this to Council because it is symptomatic of the growth in the borough. He noted that as we look forward, we should make it a priority look at ways to help people who have lost their housing in a fair and equitable way.

CONSENT ITEMS

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

- Approval of Minutes – March 15, 2021
- Approval of Minutes – April 5, 2021
- Approval of Bills

REPORTS

PRESIDENT'S

President Mercomes did not present a report.

FINANCE COMMITTEE

Councilmember Waterkotte reported that the Committee met this morning, Monday, May 3, 2021 at 8:00 a.m. He noted that Bob Norris also attended the meeting and is a candidate for Council.

Councilmember Myers commented that all of the Borough's standing committees are open meetings, anyone can attend, and we highly encourage people to attend.

Councilmember Waterkotte noted that the following items were discussed:

- Reviewed bills and monthly financials;
- Reviewed unanswered questions from last meeting; and
- Discussed the federal money of \$600K that will be coming and how we can use it best to best serve our community.

PERSONNEL COMMITTEE

Councilmember Doerfler reported that this Committee meets the first Thursday of the month.

BOROUGH MANAGER SEARCH COMMITTEE

Councilmember Doerfler reported that at the last meeting he let everyone know that we went through and we tiered the candidates into, first tier, second tier, and third tier. The candidates have been notified where they are in the process. Currently, the top tier candidates are all completing online questionnaires and an online interview. The next step for the Search Committee will be to review those interviews Likely to be the second week in May and will have more specific dates for the Council meeting.

ACTION ITEMS

Historic Kennett Square (HKS)

STATE STREET ROAD CLOSURES MAY 17 – SEPTEMBER 30 for DINING and SHOPPING

Bo Wright, Executive Director of HKS explained that due to a PennDOT bridge repair closure at Bancroft Road and Old Baltimore Pike, we will not be able to close State Street for outdoor dining after May 17th because there is no alternative route for trucks. In an effort to continue to provide safe outdoor dining spaces and safe spaces for people to gather outdoors, we have put together some plans based on conversations with the restaurants and with PennDOT based on the cost of certain elements like jersey barriers. The first point is the acquisition of jersey barriers or some other Ballard to provide a protected parking lane on the south side of State Street for the entirety of the 100 block of East State Street, there will be breaks in the barriers at the end of the blocks and at mid-block to allow for truck traffic to safely maneuver and allow for delivery to businesses. The restaurants and businesses on the side with Portobellos asked for the parking lane to be blocked off using Jersey barrier or some other kind of concrete barrier that would keep cars from moving in there, and we would use that lane for pedestrian access and on the south

side of State Street, to be used for tables and chairs for outdoor dining with plenty of room for people to sit outside and moving pedestrians off the sidewalk, into that parking lane, which will be protected by barriers. We would also like to allow for parklets to be built, similar to the structure that was built in 2020 on the 100 block of West State Street that was outside of Lily's and Grain last year, with the exact same footprint and structure. He shared that if anything, we will do things to make it safer and we are also requesting to develop an additional parklet with a smaller footprint, but the same type of structure to be built on South Broad Street right outside of the Square Pear Gallery.

Councilmember Cramer asked Borough Solicitor Crotty if this constitutes a temporary vacating of a portion of the street, which is regulated under the Borough Code.

Borough Solicitor Crotty explained that it would not be a vacation of the street because vacation means that we are ceasing use of it in any way as a municipal entity, it would really be temporary closing in the streets, which we are allowed to do for seasonal and other purposes under the code.

Councilmember Waterkotte motioned to approve the temporary partial closing of State Street for dining and shopping from May 17th through September 30th as presented; seconded by Councilmember Doerfler.

Councilmember Cramer questioned whether the motion authorizes the building of the parklets.

Borough Solicitor Crotty suggested the motion be amended to be more specific and pursuant to the recommendations.

Councilmember Doerfler motioned to amend to approve the outdoor dining allowances for small businesses on State Street from May 17 – Sept.30; seconded by Councilmember Moore

Councilmember Cramer shared this is not an ideal circumstance, nor an ideal solution, but we have consistently supported and have taken action to get the businesses what they need. It will be difficult for everyone. But there is nothing we can do about the road closure and this is the best compromise.

Councilmember Waterkotte commented that he does not think the number of trucks coming through the Borough will change that much.

PUBLIC COMMENTS

John Thomas shared he is very concerned about this plan because he does not believe it is safe to have people that close to tractor trailers. He believes it is too dangerous and he recounted a tragic event from a number of years ago when an elderly man was pulled underneath a tractor trailer as he was bending down to pick up his hat between two parked cars.

Ken Edwards noted his agreement with Mr. Thomas' points and commented this is not something to take lightly.

President Mercomes called for the vote.

The motion carried unanimously.

Ad-Hoc Committee on Nonprofit Allocations**CONSIDER NONPROFIT ALLOCATION RUBRIC**

Vice President Moore shared that she and Councilmember Myers have worked to create the resolution that outlines the process for the application, and for the approval of the application through an ad hoc committee that would be appointed yearly. We have both the application which is basic and mainly we just want to see how the nonprofit has proposed to support borough residents and the impact for our residents. We also have a weighted criterion for scoring the rubric. She noted the biggest thing we like to call your attention to is in section three in the application review. We discussed having a non ad hoc committee that would consist of three (3) members of Borough Council, at least one of whom would be on the Finance Committee and then two (2) to four (4) Borough resident taxpayers and decide on the best date to submit the application.

Councilmember Moore motioned to approve the resolution setting up the process for the nonprofit allocation; seconded by Councilmember Waterkotte.

Councilmember Myers motioned to amend the resolution, section 2, bullet 4, strike the whole bullet point, in section 3 first paragraph, 5th line strike out "or taxpayer", and Section 3, second paragraph, no later than August 31 of each year; seconded by Councilmember Doerfler.

The amendment to the motion carried unanimously.

Councilmember Myers motioned to amend the resolution to change the due date from May 31 to June 30 for this year 2021 only; seconded by Councilmember Doerfler.

The amendment to the motion carried unanimously.

Councilmember Cramer commented this is a major step forward since he has been on Council. He thanked by Councilmembers Moore and Myers for their work on this.

Councilmember Doerfler also shared his appreciation for all of the work that went into this. He asked if we plan to send this out proactively to the nonprofits we currently fund?

Councilmember Myers suggested that we definitely could. She also recommended that it be a living document on our website that can be downloaded and that if there are other entities too that want to now put in a request there is access in that way.

PUBLIC COMMENTS

There were no public comments.

President Mercomes called for the vote on the original motion which was to approve the resolution setting out the process for nonprofit allocations.

The amended motion carried unanimously.

DISCUSSION ITEM

Administration

JUNIOR COUNCILPERSON PROGRAM

President Mercomes shared that a sophomore at KHS has enquired about the program. He is being mentored by Leon Spencer. She thinks it is a great way for interested students to get involved. We could start this in September.

Councilmember Cramer noted that he and Councilmember Myers were involved with starting the program for the Borough. He shared that it should be Borough Council who should approve the student. He also thinks it should be a shorter-term length because two (2) years is much too long and suggested a three (3) – six month (6) term.

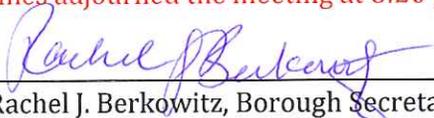
Councilmember Doerfler suggested that the Personnel Committee review the guidelines and will bring it back to the May 17 Council meeting.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

There were no announcements. Borough Solicitor Crotty noted that Councilmembers will continue with the Executive Session.

ADJOURNMENT

There being no further business, President Mercomes adjourned the meeting at 8:20 p.m.



Rachel J. Berkowitz, Borough Secretary