

## OFFICIAL MINUTES May 17, 2021

The Regular Meeting of May 17, 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 Mayra Zavala*

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

Absent: *Councilmember Peter L. Waterkotte*

### ADOPTION of AGENDA

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

*The motion carried unanimously.*

### PUBLIC COMMENTS

Representative Craig Williams thanked Mayor Fetick for his efforts in collaborating and coordinating the three (3) COVID-19 vaccination clinics that served approximately 1,300 people in the Borough and the Township and second doses will be administered this weekend. He shared that if there is anything that he or his office can do for you, to please reach out. He commented that one of his points of emphasis during his campaign was to make sure that the Borough and the Township were a central piece of the work that we are doing in our district.

John Thomas, 406 South Broad Street, thanked the Congressman Williams and Mayor Fetick for their hard work, especially with the COVID clinic. Mr. Thomas commented on another car accident at Union and Mulberry Streets and noted that the crossing at Mulberry and Broad Streets is also very similar and both are very dangerous intersections. Mr. Thomas also noted that he has been involved with local government for 40 years and has never seen a Borough lose as many people to resignations. He believes it falls on Council to find out what is going on and make sure that it does not happen again.

Doug Hayes, 611 Magnolia Court, thanked Council for all they do for the Borough and asked for an update on the status of the Borough's purchase of the Genesis building.

Borough Solicitor Crotty stated there is no update at this time.

Charla Watson, 523 Magnolia Street commented that she wants to return to in person meetings as soon as possible. By using the American Legion or the Red Clay Room and abiding by the state and federal regulations. She believes virtual meetings like Zoom are an impediment to citizen participation. Ms. Watson also commented on process for hiring a Borough Manager, noting that it is taking too long. She feels three months should have been a sufficient time frame and she hopes the person Council hires is educated and proficient. Ms. Watson commented she is not in favor of no parking on D Street and does not agree that emergency personnel can't manage the turning radius to enter the Victory parking lot. She commented that there was not enough parking in the Magnolia Street area prior to building of Magnolia Court, and now people park on Washington Street because of the crowded condition. Ms. Watson feels that Magnolia Court homeowners should use their garages. She suggested other areas where parking needs to be cleaned up, including Cedar Street, Linden Circle and the intersection at Café de Thai. Ms. Watson also suggested the Borough needs new people on the Zoning Hearing Board.

Jason LaClair, 630 D Street, asked if there is there any alternative to no parking on the 200 feet of D Street discussed. He shared that although he understands the issue that happened with the fire truck making the turn to get into the Victory parking lot, but the Magnolia Court garages are small for two (2) cars. Mr. LaClair also if there is a timetable for the streetlights to be fixed because it is very dark in the area.

Ken Edwards, 412 Meredith Street, asked for more information on Longwood Fire Company trying to take over Kennett Fire Company. He feels this is a hostile takeover of the Borough's Fire Department which has been serving the Borough for over a century.

## **CONSENT ITEMS**

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

- Approval of Minutes – May 3, 2021
- Approval of Bills

## **REPORTS**

### **PRESIDENT'S**

President Mercomes did not present a report.

### **MANAGER'S REPORT**

Chief Holdsworth reported that management team continues to communicate daily in addition to our weekly meetings, as we discuss operations. We are currently planning for a reopening of the Borough building to the public to begin on Tuesday, June 2 and an operational policy is currently being developed for staff dissemination regarding the new CDC and Pennsylvania guidelines regarding COVID-19, and he expects to have that out to all staff this week so any questions can be hashed out before the opening. He noted the parking restrictions alongside the south side of the 100 block of East State Street will begin on around May 24 as the Baltimore Pike bridge construction project was delayed slightly in planning by a week. The team has also been working with Public Works director Rob Moran, and his staff as they develop

plans which you will hear more of later this evening in the meeting regarding our wastewater treatment operational systems. I am also currently working on the transition, as I mentioned a few months ago of the Burrough's Swift 911 system over to our Ready Chesco platform, which we find this to be a much more informative and user friendly system, internal training on this system just occurred for myself and Denise in the Public Works side, and we are going to have an a tentative transition date to rollover to this new system on around the week of July 19. An informational campaign to raise some public awareness about Ready Chesco and sign-up abilities of it will be released in the coming future.

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

Mayor Fetick reported that the Committee did not meet this month but will be meeting next month. He commented that the public safety items that we have been discussing for quite a while, which includes the traffic at Mulberry and Union Streets, as well as parking on the street in the access, were all Public Safety Committee vetted type issues that we have been discussing and were on our agenda for more than 18 months and are part of the ordinance meeting that we are going to have tonight.

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

Councilmember Cramer reported that the Commission and has a very pleasant and uneventful meeting. He noted there was a fire call on North Willow Street in the Historic East Linden Street neighborhood which did not actually turn into a fire, it was someone smoking in a hallway of an apartment building. He explained that within the first four (4) minutes, an ambulance was on the way, and fire apparatus on the way within seven (7) minutes. This is an example of a great response from the Regional Commission and the level of service and coverage is great.

### **PERSONNEL COMMITTEE**

Councilmember Doerfler reported that this Committee met on May 6 and discussed the Jr. Councilmember program. He noted they also had an executive session to discuss personnel matters.

### **BOROUGH MANAGER SEARCH COMMITTEE**

Councilmember Doerfler reported that he understands this has been a long process to find the best candidates for the new Borough Manger and it would be great if we could have done it in two (2) or three (3) months, but we wanted to put a lot in the front end to paint the picture of Kennett that matches the candidate that we end up selecting. He commented that our nine (9) semi-finalists have completed online interviews as well as online questionnaires. Councilmember Doerfler noted that he and Councilmembers Myers and Zavala met today to review those candidates their responses in their interviews, and we have narrowed the candidates down to four (4) individuals that we will interview as the Search Committee, likely in the first week of June. He shared that the intent is to have two (2) days at the end of June when the final two (2) or three (3) candidates come to Kennett Square, interview with Council and have the opportunity to meet with staff.

Councilmember Myers shared that SGR was very thorough an provided the Search Committee with each of the nine (9) candidate's series of four (4) videos, written responses to 25 questions, resumes and cover letters. She commented that with the position profile put forth, they have laid the groundwork to find an excellent candidate for where our Borough is and how it will continue to evolve.

**HISTORIC ARCHITECTURE REVIEW BOARD (HARB)**

Andrew Froning, Chair of HARB shared that so far this year, the HARB has completed seven (7) applications for renovations to commercial and private properties; one is currently in the process and the others are in the planning or contracting phases. He noted that the HARB will have another application for review at the next Council meeting.

**POLICE DEPARTMENT**

Chief Holdsworth submitted a written report that was included in the Council packet. In addition, he recognized the officers, as we just come to the close of what is historically National Police Week with Peace Officers Memorial Day on Saturday. He shared that our officers go above and beyond to serve the community and have done an exceptional job, especially navigating the pandemic, showing up and reporting for work. He stated they have earned my appreciation. He also shared a letter that he recently received, pertaining to our School Resource Officer position held by Officer Boyer. The letter, written by a former student, thanked Officer Boyer for not holding on to a bad first impression of him. He thanked Officer Boyer for helping him navigate a tough situation, for getting him back on track and making sure that he was doing well especially through his transition from middle school to high school. Chief Holdsworth noted this letter was very heartfelt from a student that went through four (4) years of high school, and realized that he had strayed off the course, early on, and the impact our program has had.

**FIRE COMPANY**

The Kennett Fire Company submitted a written report that was included in the Council packet. In addition, Tom Brady, Fire Chief, shared that as of August 1, The Kennett Ambulance Service will be retired and all ALS and BLS borough calls will be addressed by Longwood EMS as they are already dispatched for all ALS calls in the Borough. To address Mr. Edwards comments, Chief Brady stated there is no hostile takeover of the Kennett Fire Company. He explained we are working with a regional model that is coming together, and Kennett and Longwood Fire Companies are working very well together, building relationships that have may not have been there in the past. He further noted that they are working very hard to make this regional model work through the Fire Commission and the reason you see Kennett and Longwood Fire Companies on any Borough fire call is because we are running more calls together and building our relationships and trying to boost our volunteers.

**PUBLIC MEETING & ACTION ITEM****CONSIDER AMENDMENTS TO CHAPTER 11, PARKING REGULATIONS**

Borough Solicitor, Mike Crotty stated that we have advertised an ordinance to change some of the parking regulations in Chapter 11. This is not a public hearing because it is not a change or zoning ordinance, but the purpose of the meeting tonight is to consider any public comment on it, consider a Council discussion on it, and then take action, whether you want to approve it or not. The proposed ordinance adds and removes certain streets from the prohibited parking and restricted parking sections of the Borough Code. It has been available on the Borough's website and it mainly deals with D Street, South Union Street between Cypress and Juniper, North Union Street and North Walnut Street.

Councilmember Cramer commented that we have heard amply about the two (2) parts of this that are safety related, Magnolia and Union Streets which came up again tonight. He also noted that D Street came about as an original plan that was something the Fire Company originally asked for but did not happen

as it should have. He explained that D street was blocked and difficult for fire apparatus to get down that street and now it is imperative that the change be made to the ordinance. He stated that it is critically important that we get a parking study together and suggested it might be a good idea for Council to break out parking and traffic engineering from our general engineering contract. He noted that although he is very pleased with the work of The Pennoni firm, parking and traffic may be better done by a separate engineer.

### **PUBLIC COMMENTS**

Charla Watson 523 Magnolia Street shared her concern that the proposed changes are being proposed as a block and would have preferred to see each change on its own with a vote. She asked Mr. Crotty to share all of the specifics of the ordinance amendments.

Doug Hayes, 611 Magnolia Court, commented that he understands this is a safety issue, but speaking as a resident of Magnolia Place, we thought street parking was included as part of the approved plan and taking away ten (10) to 12 car spaces, or 200 feet is tough because parking in the neighborhood is so tight. He asked if there is another possibility Is it possible to make D Street one-way so parking could be allowed on both sides. Ms. Watson made the point that the entrance to the Victory parking lot is their issue, not the Magnolia Place homeowners. He commented that the community, would like to see if there are other options to make up the loss of parking spaces.

John Thomas, 406 South Broad Street commented that Magnolia Place wanted the Borough to take over the roads and the issue with D Street is a safety issue. He noted that at Magnolia and Broad Streets. there was a sign saying no parking to the end of the street, but someone took it down. He shared he believes there is an enforcement problem because everyone parks right up to the end of the streets causing drivers to be unable to see around them.

Mayor Fetick explained that we started the discussion over D Street two (2) years ago with multiple meetings on the issues brought forward by the fire company. He commented that we understand it is an inconvenience and a disappointment to the residents there. He noted that Joe Scalise met with the developer twice, and asked for them to come up with alternatives, and we made it clear that the Borough's objective was to have a safe entrance into the parking area for the apartments, and we asked for alternatives, other ideas or suggestions, but none were provided. In addition, we even had our engineer look at the situation, but no one was willing to pay for a redesign. Mayor Fetick suggested the only reason the fire trucks were able to get into the parking lot was because Victory was closed due to COVID and there were open parking spaces close to the street which allowed for the ladder trucks to swing through there. He further commented that we do not want to take anybody's parking away, but the Fire Chief was very clear that they need the space. He shared that if Council is inclined to pass this ordinance tonight, he will certainly sign it if Council passes it. He also noted that if there are other alternatives that folks can come up with, they can certainly come back to Council for consideration.

**Councilmember Doerfler motioned to approve the amendments to chapter 11 parking regulations; seconded by Councilmember Cramer.**

President Mercomes called for the vote.

**The motion carried unanimously.**

## **ACTION ITEMS**

### **Administration**

#### **JUNIOR COUNCILMEMBER PROGRAM and Resolution**

Councilmember Doerfler shared that the Personnel Committee reviewed the Resolution and we felt that it captures the essence of the program, so we did not change it except for one bullet point that was taken into consideration. Two years is too long. He noted that most of the comments at the last Council meeting were related to the term length, whether it be three months or six months. He explained the Committee felt that one year or two years was much too long of a term. Therefore, they wrote the term of the office shall run from September through March of the following year. At that time, there will be an option for Council to extend three more months. If the extension is selected, the term will end in June. He also shared the Committee discussed a three-month term but felt that could be limiting. He explained that in addition to seeing the action items in front of Council, they considered some of the processes, for instance something that might start here at Council, will then move to a committee or a commission, and then back to Council, and they thought that three months might miss out on the processes that could be observed. He shared it is for this reason the Committee selected the six months, and then if there is still interest, they could stay on for three more months. Lastly, the summer months would give us three (3) months to start the cycle again and look for candidates for the upcoming year.

Councilmember Cramer commented that he appreciates the Committee's work on this and agreed with the six-month term. He shared that if he is fortunate enough to be elected to school board, he would be more than happy to make sure this program is done in conjunction between the two bodies and looks forward to that collaboration.

**Councilmember Doerfler motioned to approve the Junior Councilmember Program; seconded by Councilmember Moore.**

Councilmember Doerfler noted that this establishes the change in the Resolution and at the next Personnel Committee, we will work the timeline for the application process.

### **PUBLIC COMMENTS**

John Thomas, 406 South Broad Street commented that Council is making this too difficult. He suggested we need to have someone very interested in government, history etc. and to get recommendations from the school. He also suggested bringing in a new student every September

Charla Watson, 523 Magnolia Street suggested an eight (8) to nine (9) month program beginning in September and ending before finals.

**Councilmember Cramer motioned to amend the Resolution to add a third bullet, an additional summer term to run from July 1 – Aug 31; seconded Councilmember Doerfler.**

President Mercomes called for the vote on the amendment.

**The amendment carried unanimously.**

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

**The motion carried unanimously.**

## **SPECIAL EVENT APPLICATION**

### **GARAGE YOUTH CENTER FUNDRAISER, SATURDAY JUNE 19, 2021**

Rachel Berkowitz, Borough Secretary explained that the Fundraiser will take place on Saturday, June 19 in the garage Youth Center, and also the parking lot next door. The application has been reviewed and approved by all the parties necessary, Public Works, the Fire Company, the Police Department and the Interim Borough Management Team.

**Councilmember Moore motioned to approve the Garage Youth Center Fundraiser as submitted; seconded by Councilmember Doerfler.**

## **PUBLIC COMMENTS**

There were no public comments.

President Mercomes called for the vote.

**The motion carried unanimously.**

## **CLOVER MARKET REQUEST**

Bo Wright, Executive Director of Historic Kennett Square, explained that the Clover Market request is basically just asking permission to use 600 S. Broad Street in the case that the Borough owns the property at the time of the event. He noted that the Clover Market is an event that has happened since 2017 that is a partnership between Historic Kennett Square and Clover Market, it is a free event open to the public that supports nearly 100 small businesses and food vendors from across the region. The event is scheduled for Sunday, October 24, and would just use the property, there would be no related street closures. He also noted that Clover Market event has permission from Genesis and has gone through the process to get insurance that would additionally insure Genesis and the Borough in the event of the Borough's ownership and as well as the high school, where parking will take place.

**Councilmember Cramer motioned to approve the Clover Market request to use 600 S. Broad Street for their event should the Borough own the property on October 24<sup>th</sup>; seconded by Councilmember Zavala.**

## **PUBLIC COMMENTS**

John Thomas, 406 South Broad Street, commented about how important it is that the Borough purchase this property.

Charla Watson, 523 Magnolia Street, shared that she disagrees with the Borough buying the property feeling that it will be a money pit and that the tax base is stretched to the limit. She also questioned how you can vote on something to happen in a location you do not own.

President Mercomes called for the vote.

**The motion carried unanimously.**

**Planning Commission****APPOINTMENT OF LUKE ZUBROD TO THE PLANNING COMMISSION**

Russel Drumheller, Code Enforcement Officer, shared that Mr. Zubrod submitted his application to join the Planning Commission, which recently had someone resign. He noted the Planning Commission voted to recommend approval of his application. Mr. Drumheller noted that Council has seen his resume and shared that he thinks Mr. Zubrod will be a great addition to the Planning Commission.

Mr. Zubrod commented that he is happy to accept the nomination and looks forward to working on the Commission.

**Councilmember Doerfler motioned to approve the appointment of Luke Zubrod to the Planning Commission; seconded by Councilmember Moore.**

Councilmember Doerfler thanked Mr. Zubrod for his willingness to serve.

Councilmember Cramer also thanked Mr. Zubrod for his service to the community and noted there will be times when Mr. Zubrod will need to abstain from a vote should it have anything to do with Square Roots Collective.

Mr. Zubrod acknowledged, that yes, it goes without saying, he would abstain from voting on matters relevant to Square Roots Collective.

**PUBLIC COMMENTS**

John Thomas 406 South Broad Street commented that there was no notice there was an opening on the Planning Commission and it seems like he was hand-picked to serve on the Commission.

Mr. Zubrod shared that he became aware of the position by attending the Planning Commission meetings as a member of the public, as all members of the public are welcome to do.

President Mercomes called for the cote.

**The motion carried unanimously.**

**DISCUSSION ITEM****Public Works****WASTEWATER TREATMENT PLANT UPDATE**

Rob Moran, Director of the Public Works Department, thanked Council for allowing him to speak on the Borough's infrastructure. He explained that the Borough has three (3) pump stations. The pump station basically takes the sewage from lower lying area of the Borough and pumps it to a higher level, where gravity can carry the influent to the treatment plant. The first one is Mill Road pump station and the condition is poor, it needs repairs and a lot of work, estimated at about \$750,000 to a million by the time you do engineering and construction. The next is the Cypress Street pump station which was redone in 2018 and is in good condition, our newest pump station. But we have come to a point where we no longer have the ability to handle the flow coming to it. Mr. Moran explained that there is a contractor developer in

Kennett Township who is going to pay for an increase in pumping ability for that plant so that they can continue with their development. This increase will help us with capacity for immediate needs, but possibly not for future development of the service area. He noted there may come a point in time when this pump station that is only three (3) years old now, will be inadequate. The third is the South Street pump station which services the East side of the Borough, and it is in very poor condition. He explained that the building structure itself is in disrepair; the pumps are antiquated, and the parts are no longer available. He noted that, a development developer who is doing work in Kennett Township has been mandated to pay for the upgrade at a cost of Approximately \$650,000. Mr. Moran's update continued and reviewed current issues and flow study. Mr. Moran's complete update can be found on the Borough's website.

President Mercomes asked when the study would begin.

Mr. Moran asked High Associates to train our plant staff and once that training has occurred, we will begin the study.

Councilmember Cramer shared that he is grateful to Mr. Moran for all of this information, the thoroughness and for his transparency. He also feels that it is critically important the Borough take financial responsibility for solving these issues and asks Council to consider bonding for additional monies for these projects. He also commented that the public should realize this is an instance in which it may be required that Council raise taxes. He believes these issues were missed and we were shortsighted. He urged those staying on Council, to take this very seriously.

Councilmember Myers commented that questions on this topic were asked and we were reassured that everything was fine and there were no problems. She noted they asked many times about the infrastructure issues, both above ground and underground and we were assured, on public record, that we were fine and our system had more than enough capacity.

Mr. Moran noted that he appreciates the support and commented that Mr. Drumheller has been very helpful in developing a plan.

Vice Present Moore asked what Mr. Moran feels is the most immediate need aside, from funding.

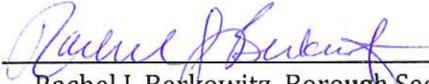
Mr. Moran noted that he needs manpower. He does not feel we have the manpower to get it all done.

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

Chief Holdsworth noted in response to the questions regarding the streetlights at Magnolia Place that he has suggested the residents reach out to PECO because unfortunately the Borough is not in control of PECO's timeframe when they fix the lights, but the more people PECO hears from, the more it may motivate them to fix the situation.

## **ADJOURNMENT**

*There being no further business, President Mercomes adjourned the meeting at 8:52 p.m.*

  
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Rachel J. Berkowitz, Borough Secretary