

## OFFICIAL MINUTES May 19, 2020

The Regular Meeting of May 19, 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 Moore to amend the agenda by removing the Council Meeting Dates discussion from the agenda and return to the original meeting dates and format; seconded by Councilmember Doerfler.

The motion to amend carried unanimously.

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

The motion carried unanimously.

### PUBLIC COMMENTS

John Thomas, 406 South Broad Street, shared his frustration with last night's meeting.

### CONSENT ITEMS

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

- Minutes – April 20 and April 21, 2020
- Resolution Welcoming Refugees
- Road Materials Bid Award
- 518 Richards Road Sidewalk Waiver Request

- 518 Richards Road Final Approval
- Kennett Library Waiver Request
- Kennett Library Final Lot Consolidation
- HARB Applications: 120 North Union Street; 315 West State Street; 210 South Broad Street

## **ACTION ITEMS**

### **APPROVAL OF BILLS**

President Mercomes asked if Council has any comments on the bills.

**It was moved by Councilmember Myers to approve the bills; seconded by Councilmember Doerfler.**

Councilmember Myers advised that she believes we have a good first step from last night, and noted that all Councilmembers should be monitoring the bills. She suggested the Committee do some type of audit of the bills each month as a spot check for quality control.

### **PUBLIC COMMENTS**

John Thomas, 406 South Broad Street, thanked Councilmember Myers for the discussion on the bills and Councilmember Moore for removing the Council meeting date discussion from the agenda because major changes should not be made without the public being aware.

President Mercomes called for the vote regarding the bills.

**The motion carried unanimously.**

### **HISTORIC KENNETT SQUARE (HKS) – SPECIAL EVENT APPLICATION – THIRD THURSDAYS**

**It was moved by Councilmember Doerfler to approve the Third Thursdays Special Event Application; seconded by Councilmember Waterkotte.**

Councilmember Waterkotte noted that we need to keep in mind that this is just an application and can be changed if necessary.

**It was motioned by Councilmember Myers to make an amendment to approve the Special Event Application, contingent upon Chester County moving into an unrestricted status for an event such as this one; seconded by Councilmember Waterkotte.**

### **PUBLIC COMMENTS**

There were no public comments.

**The amendment carried unanimously.**

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

**The motion carried unanimously.**

Bo Wright, Executive Director of HKS, thanked Borough Council and noted they will work within the guidelines provided by the County and the Health Department.

### **POLICE COLLECTIVE BARGAINING AGREEMENT (CBA)**

**It was moved by Councilmember Myers to approve the CBA between the Borough and the Police Association; seconded by Councilmember Cramer.**

Councilmember Cramer asked if the Kennett Square Police Association has already approved the agreement.

Borough Manager Scalise noted that they have and were supposed to drop off their signature page at Borough Hall today.

Councilmember Myers thanked Chief Holdsworth for explaining the day to day needs of the officers and for all of his help and dedication throughout this process.

### **PUBLIC COMMENTS**

There were no public comments.

President Mercomes called for the vote.

**The motion carried unanimously.**

### **RESOLUTION IN SUPPORT OF THE CHESTER WATER AUTHORITY (CWA)**

**It was moved by Councilmember Cramer to approve the Resolution in Support of the CWA; seconded by Councilmember Moore.**

Councilmember Cramer spoke of the issues facing the city of Chester and he hopes that Councilmembers will continue to consider the issues involved.

President Mercomes shared she has received several letters of support for the CWA from community members.

## **PUBLIC COMMENTS**

John Thomas commented that Aqua will continue fighting for this purchase and we should be talking to legislature for more support. He also proposed the idea of buying in to the CWA.

President Mercomes called for the vote.

**The motion carried unanimously.**

## **AUTHORIZE STAFF to WORK WITH THE PLANNING COMMISSION TO AMEND CHAPTER 23-65 to INCREASE PARKING RELIEF DISTANCE**

Councilmember Cramer believed that when it was discussed last night, Councilmember Myers made her case for a parking study and suggested the motion tonight become an authorization to do a parking study.

Councilmember Doerfler shared his confusion, not realizing that the discussion last night was about authorizing the advertisement, when it is about authorizing the staff to work with the Planning Commission to amend the parking distance.

Borough Manager Scalise confirmed that the motion tonight is to authorize staff to work with the Planning Commission and noted that an earlier version of the agenda is the source of this confusion.

**It was moved by Councilmember Doerfler to authorize Staff and the Planning Commission work to amend Chapter 23-65 to increase parking relief distance; seconded by Councilmember Moore.**

Councilmember Waterkotte shared he is a big supporter of the Library, as most of us are and noted we need to make sure they are accommodated with parking options.

Councilmember Myers advised that we need to be focused on the Borough's needs. She noted she would like to amend the motion and direct the Planning Commission and Staff to do a comprehensive study to make an informed decision about this topic.

**It was moved by Councilmember Myers to direct the Planning Commission and Staff to do a comprehensive study; seconded by Councilmember Cramer.**

Councilmember Doerfler asked how long it will take for a third party parking study to be completed.

Borough Manager Scalise estimated it would take approximately six (6) months.

Councilmember Doerfler shared his concern that if larger projects like the Library would be negatively impacted, then we might need to be more flexible.

Discussion continued regarding a parking study, the cost and time involved, and it was made clear that professional guidance is needed.

Russel Drumheller explained that all of the Library's zoning must be in place before they submit land development plans, therefore parking relief must be dealt with first.

## **PUBLIC COMMENTS**

Jeff Yetter, President of the Library Board, agreed that the Library cannot submit their plans and noted that the new Library will be 650-800 feet away from the new parking garage, just two and half blocks.

Andrew Froning commented as a member of the Planning Commission that we should try a fresh approach. He noted we can take an inventory of parking spaces and an inventory of demand, then decide if you have enough availability to meet the demand.

President Mercomes called for the vote on the amendment to direct the Planning Commission and Staff to do a parking study before we authorize the staff to work with the Planning Commission to amend the ordinance.

The motion carried 5-2 with President Mercomes and Councilmember Waterkotte voting no.

It was moved by Council Cramer to dispose of the original motion and postpone the item until such time as it can be returned to us with clarification about its impact on the Library; seconded by Councilmember Doerfler.

## **PUBLIC COMMENTS**

John Thomas commented that the Library should be able to submit their plans by giving them a waiver to submit while this is being worked out. He also noted there was a parking study by the Walker company done years ago that would really help this discussion.

Jeff Yetter noted the Library is lacking 100 feet and the parking needs would be primarily on the weekends. He noted we are willing to work with Borough but six (6) months is really too long to wait because we are ready to go. Mr. Yetter thanked everyone for their support and will work with Staff to move forward.

President Mercomes called for the vote to dispose of the original motion.

The motion carried 6-1 with Councilmember Moore voting no.

## **NEW DATE for BOROUGH CLEAN UP DAYS – JUNE 20<sup>th</sup> and 21<sup>st</sup>**

It was moved by Councilmember Waterkotte to approve the new Borough Clean Up dates of June 20 and 21, 2020; seconded by Councilmember Doerfler.

Councilmember Waterkotte noted that given the discussion last night regarding the lower costs, the ability to hold this event safely with social distancing practices and the availability of space to line up cars, we should offer this service to the residents.

Councilmember Cramer shared he opposes this event because it is unsafe, unnecessary and is not an essential service.

## **PUBLIC COMMENTS**

There were no public comments.

President Mercomes called for the vote.

**The motion carried 6-1 with Councilmember Cramer voting no.**

## **COMMUNITY RELIEF FUND AGREEMENT with TRUE ACCESS CAPITAL**

Borough Solicitor Crotty shared there were a few changes made to the agreement circulated yesterday that involved the score card and a small change to the DCED and Borough grant criteria language.

Councilmember Zavala commented that this agreement seems duplicative of the micro-lending agreement with True Access Capital (TAC) and would like to learn more about this new program.

Borough Manager Scalise explained that this agreement is different and separate from the micro-loans in that this is a zero percent loan for 12 months to help businesses recover from COVID-19, and three (3) percent annually if the loan is not paid in the first year. The original micro-loan program was to provide an incentive for anyone opening a business in the Borough, receiving a low blended interest rate.

**It was moved by Councilmember Moore to approve the Community Relief Fund Agreement with True Access Capital; seconded by Councilmember Doerfler.**

Councilmember Zavala asked how much money is available in the fund, how the money can be used and if we have complied with quarterly reporting.

Lorenzo Merino of TAC noted there is \$50,000 left in the program to be lent out and we do comply with quarterly billing.

Discussion continued regarding the agreement, the loans that are currently out, the remainder of the money for the program, the accounting practices, and the reporting guidelines involved.

Councilmembers Myers and Zavala asked for a full accounting of the loan programs and how they all fit together. Councilmember Myers shared she is not comfortable voting on this without a full understanding and accounting of the program.

Discussion continued regarding the specifics of the loan programs.

## **PUBLIC COMMENTS**

John Thomas commented this is an emergency crisis for businesses and we should help them now with the loans.

Councilmember Moore expressed her frustration with this debate as the RLF Committee has been working with DCED, the bank, TAC, the Finance Director and Borough Solicitor Crotty to ensure that we are doing everything correctly.

Councilmember Myers noted that she understands the frustration, because she feels the concept is great, but Councilmembers do not have enough information.

President Mercomes called for the vote.

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

## **POP UP BLOCK PARTIES**

**It was moved by Councilmember Waterkotte to allow the Chief of the Police and Fire Chief to grant temporary road closures with specific safety guidelines during COVID-19; seconded by Councilmember Doerfler.**

Councilmember Myers shared her concerned that we are encouraging “events” no matter how we are trying to control them and she would like to see the name changed.

Mayor Fetick agreed and that is why he is calling it a temporary road closure, as approved by the Chief of Police.

Councilmember Doerfler shared his concern that we do not want these to be called events and noted it falls into the communication piece that is distributed to see how well these run. He suggested we review the first road closure to see if any of the rules need to be changed.

Mayor Fetick also suggested we provide a written report to Council once a month with the list of roads that were closed and if any issues were created.

## **PUBLIC COMMENTS**

Andrew Froning shared his concern about the virus spreading because many people do not pay attention to the safety guidelines. He shared that in the presentation of this to applicants, we really need to push the CDC and Pennsylvania safety guidelines and we can use this as an opportunity to educate the community.

John Thomas commented that this is a silly idea and suggested we at least wait until we have moved into the Yellow phase.

Councilmember Myers noted that she is not comfortable offering these street closures while there is still an uptick of virus cases in the Borough.

Councilmember Zavala shared that she is also not comfortable with this until the virus cases in the Borough decrease and she asked to put a pause on this until that time.

President Mercomes commented that this was not put forward as an excuse to have Barbeques in the street; it is about opening up a residential street for kids to get outside and ride bikes and skateboards.

Mayor Fetick shared that there is a significant amount of testing happening in our area right now and we will see an uptick in positive cases.

Councilmember Zavala noted that she sees people in the Borough not following the safety guidelines and is worried about the messaging we are putting out to the community.

Councilmember Waterkotte explained that residents have to apply to close their street, accept the guidelines for social distancing and wearing masks. He thinks this gives us an opportunity to further educate the community and calm traffic.

Discussion continued on waiting to allow the road closures until we move into the Yellow phase and after Memorial Day weekend.

President Mercomes called for the vote.

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

## **BUSINESS REVITALIZATION**

Mayor Fetick noted the intent of this idea was to accommodate businesses to open when permitted by the County for outside dining and shopping. He thanked Council for their guidance on businesses outside of State Street and noted the broader question is how to assist those businesses and what relief we can provide to all businesses. He noted this can wait until the June 1 meeting as we will likely not be in the Yellow phase at that time and meanwhile, we can do the research.

**It was moved by Councilmember Doerfler to postpone this item to the next meeting; seconded by Councilmember Cramer.**

President Mercomes called for the vote.

**The motion carried unanimously.**

Mayor Fetick offered to do the outreach to the businesses and asked for Councilmembers to send him any ideas they may have to assist.

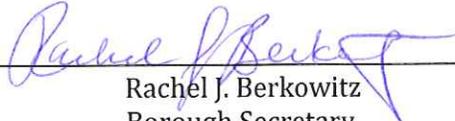
**COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS**

President Mercomes advised that the next meeting will be on Monday, June 1, 2020 at 7 p.m.

Borough Manager Scalise noted that he has started a new Dropbox file for all of information asked for tonight and it will all be available tomorrow.

**ADJOURNMENT**

There being no further business, President Mercomes adjourned the meeting at 9:15 p.m.

  
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Rachel J. Berkowitz  
Borough Secretary