

OFFICIAL MINUTES June 21, 2021

The Regular Meeting of June 21, 2021, of Council for the Borough of Kennett Square was called to order at 7:18 p.m. 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
Interim Borough Management Team – Chief William Holdsworth

ADOPTION of AGENDA

It was moved by Councilmember Doerfler to approve the agenda; seconded by Vice President Moore.

Cramer motioned to amend the agenda by adding an item to consider supporting the ongoing negotiations between Genesis Inc. and the Borough of Kennett Square regarding the purchase of the property known as 600 South Broad Street; seconded by Councilmember Myers.

President Mercomes called for the vote on the amendment to the agenda.

The motion carried unanimously.

President Mercomes called for the vote on the agenda.

The motion carried unanimously.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, commented that he never saw a more ridiculous contract than the sewer contract signed by the Borough and Kennett Township and noted if the solicitor at that time was here, he and the Borough Manager would be fired. Mr. Thomas noted that we gave away 30% of our sewer capacity to Kennett Township. He asked for an outside criminal investigation because he believes it is a multi-million-dollar mistake and further commented that Councilmembers who voted for the agreement should resign tonight.

Charla Watson, 523 Magnolia Street, commented that the citizens of the Borough own the sewer plant not the Borough and they have been borrowing from the sewer fund for a long time. She stated that anything you do to the sewer plant should be decided upon in a public meeting with the citizens of the Borough. Ms. Watson accused the minorities on Council of not paying attention to the citizens. She commented that the Parklet on Broad Street had no permit to be built and the lane it was built in needs to be free for fire and police to get into American Legion for emergencies because it is a high-capacity hall. Ms. Watson also commented on the possible Genesis building purchase noting that we cannot afford that building.

Ken Edwards, 412 Meredith Street, commented that the sewer agreement with Kennett Township gave away 1/3 of the sewer capacity and yet the Borough maintains everything. He suggested that when that happened, we effectively went from being a single entity to being a Regional Sewer Authority and believes that unless you are in equal partnership, it is not a good situation. He also noted that the people who will suffer from this mistake are the Borough residents.

CONSENT ITEMS

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

- Approval of Minutes – June 7, 2021
- Approval of Bills
- Resolution – Safety and Risk Management Statement
- Fuel Bid

President Mercomes stated that due to the power outage, we will reverse the agenda and take care of the Action Items first and move on to Reports if we are able to do so.

ACTION ITEMS

Administration

Councilmember Cramer explained that because the negotiations are ongoing, there is really not much that can be said, however we want to make it clear to our negotiating partner that we are serious about moving forward and we have put about \$30,000 into a thorough building assessment. He requested that President Mercomes consider holding a special meeting next week to discuss any further developments that may happen between the two parties.

Mayor Fetick commented that he hopes to be able to deliver a final offer from Genesis for Council to consider by the middle of this week. He noted that he thinks it will be enough time for Council to review, for the public to review and discuss and then make a decision in the public meeting.

Councilmember Cramer motioned to continue supporting the ongoing negotiations between Genesis Healthcare Incorporated and the Borough of Kennett Square regarding the purchase of the property known as 600 South Broad Street; seconded by Councilmember Waterkotte.

PUBLIC COMMENT

John Thomas, 406 South Broad Street commented that he strongly encourages approval of the purchase. He believes it is a wonderful opportunity for the Borough.

Charla Watson, 523 Magnolia Street shared her disagreement with this purchase because she does not think the Borough cannot afford the Genesis building and how the cost of this purchase will affect the people who work lower paying jobs.

Borough Solicitor Crotty suggested amending the motion to include the specific date of the special public meeting.

After some discussion among Councilmembers regarding scheduling, President Mercomes stated they will try to schedule the meeting for Monday night, but will confirm the date as soon as possible.

President Mercomes called for the vote

The motion carried unanimously.

Zoning and Code Enforcement**LIBRARY REQUEST - PARKING FEE WAIVER/PARKING AGREEMENT**

Borough Solicitor Crotty shared that after the last meeting, we had a subgroup meeting between certain members of the Council, Mr. Drumheller, and library representatives to talk about the parameters for that agreement, which you now have before you this evening. He noted the parking agreement is acceptable to the Library, with the \$100 maintenance fee per spot per year for 96 spaces, triggered upon occupancy of the building. He also noted that the maintenance fee can be adjusted downward (not upward) in the future, if there is a parking study done to show that the actual usage by the library is much less than the parking that is required in the ordinance.

Councilmember Doerfler motioned to approve the Parking agreement; seconded by Councilmember Moore.

Councilmember Waterkotte shared that he was part of the ad-hoc group that worked on this agreement and he would like to see it approved so the Library can move forward with their groundbreaking plans.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, commented that Council is using the parking garage again to get the 96 parking spaces for the library when Genesis should be paying for their 150 spaces.

Charla Watson, 523 Magnolia Street, commented that Council should stop giving away Kennett and make the Library pay for their 96 parking spaces, per the ordinance. She also commented that the Library being built is not a Library for our residents, it is a cultural center for the surrounding community, and she does not believe people need a high dollar place to learn.

Ken Edwards, 412 Meredith Street, commented that the Library will pay \$9,600 a year and it should go to the parking fund for maintenance and nowhere else.

Councilmember Cramer asked for the legal opinion as to what the requirement would be on the maintenance fee if a parking study is put into place.

Solicitor Crotty explained that the dollar amount is set under the contract at \$100 per space per year and the money goes directly into the parking fund towards maintenance of the parking garage. He noted that a study will be complex, as there are many balancing factors, how long a person is actually in the library during a particular time of day, if they are parking in the garage or another parking spot on the street.

Councilmember Myers noted that we recently added this maintenance fee and fees can change from time to time, does that apply to this \$100 per space as well.

Mr. Crotty explained that yes, this fee will remain the same. He noted that the Genesis parking agreement is set up the same way and the reasoning for that is you want certainty for the person using the facility and when anyone receives approval under the municipalities planning code, they are vested in the structure that is in place at the time they receive their approval; you cannot change the setbacks, you cannot change the amount of impervious coverage and the stormwater maintenance standards; they are vested under Pennsylvania law and the regulations in place at that time.

Councilmember Cramer shared that he is very happy about the library and cannot wait for it to open, but he is also worried about the parking fund, and item number four (4) in the contract could tie the hands of a future Council.

Discussion continued regarding the benefits of doing a parking study and creating a parking Philosophy for the Borough.

President Mercomes called for the vote.

The motion carried with a vote of 5-1 with Councilmember Myers voting no; Councilmember President Mercomes abstained.

LIBRARY REQUEST – SALDO WAIVERS

Russell Drumheller, Codes and Zoning Enforcement Officer, explained that we met and resolved the 26 foot width waiver access into the driveway and it is no longer an issue. He noted the other two (2) waivers, one for the sketch plan presentation and the second for the preliminary and final approvals, both of which we support, are before you tonight for approval.

Councilmember Moore motioned to approve the approve the library's request for two waivers from the Borough's SALDO ordinance; seconded by Councilmember Myers.

PUBLIC COMMENTS

There were no public comments.

President Mercomes called for the vote on the waivers.

The motion carried unanimously 6-0; President Mercomes abstained.

Public Works Department

CRP GRANT RESOLUTION

Russell Drumheller, Code Enforcement Officer explained that what is before Council is a resolution for a joint application between the Library and Borough for a \$500,000 grant for sewer issues to help with the sewer line that the Library needs to relocate. He noted that this grant will also help the Borough with pinch points and flow issues at Terminal Way. The idea is to join forces with the Library and apply for the grant together at up to \$250,000 each for a total of \$500,000.

Councilmember Cramer motioned to approve the resolution titled Joint Grant Application; seconded by Councilmember Moore.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, asked if there are matching funds required of the Borough and if this will cost the taxpayers anything.

Mr. Drumheller stated there is no cost to taxpayers and it is a project that will help both parties.

President Mercomes called for the vote.

The motion carried 6-0; President Mercomes abstained.

Police Department

MOU BETWEEN the BOROUGH and the POLICE ASSOCIATION

Chief Holdsworth reported that MOU has been drafted to detail an agreement between the Borough of Kennett square and the Police Association which defines the lieutenant position in the Kennett square Police Department. He noted the position is managerial in nature and as such is excluded from the bargaining unit of the association. He stated that our recommendation is that you consider approving the MOU this evening.

Councilmember Cramer motioned to approve the MOU between the Borough and the Police Association; seconded by Councilmember Doerfler.

Councilmember Myers commented that there is nothing worse than an underfunded, under resourced police department. She believes this is an opportunity to strengthen and maintain a police department that we want here in the Borough.

Mayor Fetick shared that this is a really important step that was taken by developing the next line of leadership. He noted that when the former police chief was retired, we found ourselves in a situation where we did not have a funded development plan of the second-tier leadership. And while we really lucked out with a talented police chief, Chief Holdsworth, who happened to be among our ranks there was not an

investment on the first part to help him develop the leadership skills. Councilman Myers was very vocal that we needed to make sure we invested in the future of the police department with a leadership development program. Mayor Fetick commented that by recruiting this position, it allows us to take the candidate and send them to leadership training schools to get the best training possible so that he can continue to be the right-hand leader of the department. He shared that he met with the candidate last week to talk about it and his leadership aspirations. He feels it is very important for Council to take this step because it creates a pathway to leadership which keeps other younger officers wanting to stay in the department because they can see upward mobility and opportunity. He noted he is proud of Council today for setting aside the funds and making this happen. He thanked Councilmember Myers who led the charge.

Councilmember Cramer commented that this is momentous for everyone and noted we have a great officer to promote.

PUBLIC COMMENTS

There were no public comments.

President Mercomes called for the vote.

The motion carried unanimously.

Mayor Fetick commented that we will do a public swearing-in in the next few weeks.

CONSIDER APPROVAL OF PROMOTION

Chief Holdsworth commented that Corporal Kenneth Rongaus has completed the Civil Service testing process for the position of Lieutenant in the Kennett Square Police Department and is the only candidate on the Certified List for Promotion as approved and accepted by Borough Council. He noted this promotion really does put us on a consistent path forward. The candidate has excelled and wants to be part of the betterment of the Borough of Kennett Square.

Councilmember Doerfler motioned to approve the promotion of Kenneth Rongaus to the position of Lieutenant; seconded by Councilmember Cramer.

PUBLIC COMMENTS

There were no public comments.

President Mercomes called for the vote.

The motion carried unanimously.

Brandywine Battlefield Task Force

KENNETT HERITAGE CENTER MARKER

Lynn Sinclair shared that she was appointed to represent the Borough on the Brandywine Battlefield Task Force which is working on 15 markers in the 15 municipalities that make up the Brandywine Battlefield, of which the Borough of Kennett Square is one. She explained that the Sons of the American Revolution and their Color Guard had generously offered each municipality \$3,000 towards

placing one of the markers. She explained that we are seeking approval tonight to have the marker placed at the corner of West Linden and North Union Streets, on the West Linden Street side.

Councilmember Cramer motioned to approve of the agreement and the placement of the marker; seconded by Councilmember Doerfler.

Chief Holdsworth commented that he, Rob Moran Russell Drumheller actually have looked at the potential placement of the marker, and we specifically require that the marker be placed in the Borough's right of way off of the West Linden Street side, which would be far enough away from impeding sight distance on the Route 82 side.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street suggested putting the marker in front of the Heritage Center so that people walking can read the sign and it will draw people to the building.

Charla Watson, 523 Magnolia Street, shared her concern that the Brandywine battle did not happen at Linden and Union Streets, she believes the battle took place in Bloomfield which is in Anson B. Nixon Park.

Ms. Sinclair shared that the marker stands for where the 300,000 troops camped out. President Mercomes called for the vote.

The motion carried unanimously.

Administration

SPECIAL EVENT- HISTORIC KENNETT SQUARE BREWFEST

Bo Wright, Executive Director of HKS explained that he is hoping for two approvals tonight, one is for the use of the space at 600 South Broad Street, as we have done for past for events, contingent on ownership of the property, and we have approval from Genesis as well. He noted they have been working with Longwood Fire Company and have approval from the high school for parking. Mr. Wright explained that the second approval being sought is the special event application, noting this is the 23rd year of Brewfest, scheduled for October 2. There will be a road closure on South Broad Street and we are limiting the event to 2,500 people in the effort to space people out.

Councilmember Cramer reminded everyone that for events involving alcohol, he always mentions his sister who was killed by a drunk driver and that drinking and driving is something we have to take steps to ensure does not happen.

Councilmember Waterkotte motioned to approve the Special Event Application for Brewfest seconded by Councilmember Moore.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street suggested that people leave the Brewfest and walk up the street to the Creamery and other locations and suggest more police be available.

Councilmember Waterkotte asked if there should be an additional motion to approve holding the event at 600 South Broad Street if the Borough owns the property at that time.

Borough Solicitor Crotty noted there is a lot that comes into play with this and suggested holding off on that and let things play out and hold that vote later.

No action was taken on the motion.

REPORTS

HISTORIC KENNETT SQUARE (HKS)

Bo Wright, Executive Director of HKS reported that we have built a new Parklet at the corner on Broad Street, which is a beautiful space that everyone is welcome to use. He also noted that he has been working with Mr. Drumheller, with regard to economic development and trying to imagine, in an unofficial but comprehensive way, the possible uses for the NVF site. He shared that he intends to put forth public surveys and will likely have several public meetings regarding the possibilities of the NVF site in the future. He noted that we did not hire planners or engineers, at this point we want to listen to the public so that we know what they have to say about the space.

FIRE DEPARTMENT

The Fire Company submitted a written report that was included in the Council packet. In addition, Matt Eick, Assistant Chief that oversees the ambulance service thanked Mayor Fetick and Councilmember Doerfler for meeting with him to discuss the changeover of ambulance services.

POLICE DEPARTMENT

Chief Holdsworth submitted a written report that was submitted in the Council packet.

KENNETT FIRE & EMS COMMISSION

Councilmember Cramer shared the Commission had an uneventful meeting with a presentation from the Pennsylvania Wilderness Search and Rescue. He noted the agency helps find lost children and people with dementia, among others and the presentation was given to make sure people know there are services and help available.

PUBLIC SAFETY and INFRASTRUCTURE COMMITTEE

Mayor Fetick reported that we are excited that our new Public Works Director, Rob Moran, was able to provide a solution that is in the works for the fire pump in the northern quadrant that will help keep the water pressure up if there is a fire in that area. He explained that Mr. Moran found an alternative to a new pump station that fits within the water budget for this year and they are actively working on replacing the old pump with a new pump that does not require any manual access. He also shared that we have been looking at the pedestrian crossing on State Street in front of Liberty Place that connects Friends Home from across the way. He noted we put an actuated signal there, but we felt that it was not slowing/stopping traffic

as needed. PennDOT has approved a new actuated signal and we will see how it works. He noted the plan for the crosswalks is to find out what really works and use that type as standard for the other crosswalks.

BOROUGH MANAGER SEARCH COMMITTEE

Councilmember Doerfler reported that the Committee had interviews with three (3) finalists and we narrowed it down to two (2) candidates that we have invited to the Borough this Friday to meet staff and tour the facilities, and then be formally interviewed by Councilmembers on Saturday. Unfortunately, one of the final candidates received multiple job offers and has withdrawn from our process. So, at his time, we have one final candidate, Kyle Coleman, who is an assistant town manager in Florida who will be completing our interview process later this week.

BOROUGH INTERIM MANAGEMENT TEAM

Chief Holdsworth did not have anything to report from the Interim management Team.

PRESIDENT'S

President Mercomes shared that after 15 months, it is nice to see Councilmembers, staff and members of the public in person. She cautioned everyone that the pandemic is not over and people should consider continuing to wear masks and to be as careful as possible. She reported that the weekend of Juneteenth celebration went very well and was well attended.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

There were no comments or announcements.

ADJOURNMENT

There being no further business, President Mercomes adjourned the meeting at 9:19 p.m.


Rachel J. Beykowitz, Borough Secretary