

OFFICIAL MINUTES July 20, 2020

The Regular Meeting of July 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.

The motion carried unanimously.

PUBLIC COMMENT

John Thomas, 406 South Broad Street, commented that he does not think Council is doing enough for the community in regard to Covid-19 information and that people are looking for guidance from their Council. Mr. Thomas shared that he does not like the exterior design of the new library because it is too modern. He also commented that the Borough is wasting money on economic development because Kennett Township was able to approve condos and apartments with commercial on the first floor on Ways Lane. Mr. Thomas feels we need to expand our economic base and believes we had the wrong builder who fought against commercial on the first floor of his apartment buildings on State Street.

CONSENT ITEMS

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

- Approval of Minutes – June 15, 2020
- Approval of Bills
- PennDOT Winter Traffic Services Agreement

PRESENTATION

Deborah Bacon, Principal, Zelenofske Axelrod, LLP (ZA) gave a PowerPoint presentation of the Borough's Audit for the fiscal year ending December 31, 2019. The clean opinion audit was conducted in accordance with U.S. Generally Accepted Auditing Standards and no deficiencies were found to be reported.

Ms. Bacon thanked management and staff for all of their work and she looks forward to working with us in the coming years. She thanked staff for their cooperation and assistance with the preparation of the audit and then entertained questions from Council.

Councilmember Cramer asked if Ms. Bacon could confirm whether any other letters were sent to Council from her firm for deficiencies or any other issues.

Ms. Bacon shared that there were none except for the communications at the beginning of the audit process during the planning phase and at the conclusion of the audit. She noted ZA did not issue a management recommendation letter because nothing came to their attention that warranted a need.

Councilmember Myers asked what the internal process is to help us remember and track the definition changes and how things have to be captured.

Ms. Bacon advised that the Director of Finance, Lisa Ionata, is familiar with the changes and has attended trainings for the updates. She shared that ZA is always available to help if we need assistance and ZA can come in to meet and go over some of those changes, especially for the statements that are large and involve a lot of change.

Councilmember Myers advised that may be helpful and Ms. Bacon noted she will talk to Ms. Ionata about scheduling.

PRESENTATION – BIRCH STREET

Borough Manager Scalise gave an overview of Birch Street and how it plays in with another project that could be part of a joint application with Kennett Township, called the Magnolia Street Underpass, and how both of those projects tie into the larger Kennett Greenway. He explained background information about the effort to get a trail system installed with the Red Clay Valley Association and noted that one of the points that was never able to be installed was the part across the railroad tracks in the vicinity of the Creamery, Cream Street. This portion of the trail was met with resistance from the railroad. In the meantime, he shared we have looked at other alternatives to get around that route, which is now partially part of Birch Street plan. He explained that the Magnolia Underpass is more of Kennett Township's initiative, at Pennock Park the trail will go under the railroad tracks to connect the south side and the north side. Borough Manager Scalise noted the Kennett Greenway is five (5) municipalities (East Marlborough, New Garden, Kennett Township, Kennett Borough and in New Castle County, Delaware) and about 14 miles of trail if or when it is all completed. The idea is to have a 14-mile loop that connects places within the Borough to other areas and trails that are already installed. The loop will have protection from vehicles and easy road crossings, with inclusive and equitable designs to promote health, safety and environmental stewardship and other typical trail features.

Borough Manager Scalise explained they would like to take the \$710,000 to do all the projects at one time rather than in phases over a few years. The Borough would be the grant applicant and the application deadline is the end September. He explained that the Birch Street sidewalk is incomplete, and we do not have good cycling facilities, although we are working on that through the TASA grant in the interim. He noted we already have a stormwater management grant from the County to help put in stormwater management upgrades, and road reconstruction will be necessary. He shared that the improvements would include better pedestrian facilities and trail connections, bicycling improvements, roadway reconstruction, streetlights, trees, traffic calming and a more complete, cohesive sidewalk network. In addition, he commented that making the final connection to the Kennett Greenway within the Borough will provide for safe routes for Borough high school students and local residents.

Borough Manager Scalise explained that we currently have a \$500,000 grant from the County's Community Revitalization Program and we have reserved \$200,000, approximately, towards our match, which means we have about a \$700,000 project solely for stormwater management. He further explained that with this joint grant we could to take the \$700,000 and use it towards the match for a larger project which would take care of all the projects at once and take less time; it would be the same or less amount of money from the Borough, and we could use the cash funds as part of the match. He advised that the idea would be to take \$710,000, using County funds and Borough funds to match the nearly \$2 million project. He shared his opinion that to do this project all at once instead of in phases over the next three (3) to four (4) years is the next logical step. He commented that if this is not something that Council is interested in, there would be a stormwater project first and the next project would be for curbs, sidewalks and trails, and then finally would be the road reconstruction.

Discussion ensued over the particulars of the grant, including the matching fund sources and how the match of 30% was developed. Borough Manager Scalise will send the details of this to Council.

Councilmember Moore asked how long the project will take if we do it piecemeal versus this way.

Borough Manager Scalise explained that doing the project piecemeal would be asking for grants for each portion of the project and would three (3) to four (4) years at the earliest, while doing it through the joint grant would be less expensive and take a shorter amount of time in the long run.

Councilmember Waterkotte inquired if we would we have to undo work to do more work if the project is done piecemeal and shared that it makes sense to do it all at one time with one grant if possible.

Councilmember Doerfler noted he likes the concept and we should consolidate the three (3) projects into one (1). He shared he attended the meeting with the Planning Commission talking about the County looking for numerous trail opportunities to help people around the area.

REPORTS

PRESIDENT'S

President Mercomes reported her concern with Council's decision to remove the Black Lives Matter resolution from the agenda at the Council meeting on July 6. She felt that Council should have had an opportunity to have a robust debate about the resolution and then either rejected it, accepted it or created a way to make the resolution more meaningful. President Mercomes asked for action items to be developed

that would be relevant to Kennett Square in the area of race relations, by the Municipal Relations Committee to bring forward to Council by November 2, 2020. She offered to meet with the Committee at any time to expand on this idea and suggest a possible framework. She noted she will be in contact with the Committee.

MANAGER'S REPORT

Borough Manager Scalise provided a written report that was included in the Council packet. In addition, he shared that Rusty Drumheller, Zoning and Codes Enforcement Officer, did a walk-through of the Parking Garage and the punch list is nearly complete. He noted we are still working with PECO to move the pole to help the turning radius. Borough Manager Scalise also shared we have picked up negotiations with Aqua because Aqua will complete the purchase of New Garden Township Sewer System possibly by November 2020. He explained that the Borough has an agreement with New Garden Township to take up to 100,000 gallons a day of sewer, and we are working with our environmental solicitor and Mike Crotty on an interim agreement with Aqua, and then potentially a long term agreement as well, which will come

before Council when complete. Lastly, Borough Manager Scalise commented that the developer has almost completed the items necessary for the final dedication for Magnolia Place. Once everything is complete, we will record all the deeds of dedication, easements and agreements, their solicitor will provide us with all the paperwork to keep for our records, and that project will finally be completed and dedicated.

KENNETT FIRE and EMS REGIONAL COMMISSION

Councilmember Cramer reported that the Commission discussed and voted on allocation of payments. He also reported there was extensive discussion on COVID, which continues to be a problem, in terms of the rate of infection, and for our providers, in that the volume of transports is much lower and with higher associated costs. He noted the budgeting process will begin soon and there is a proposal to pay Kennett Township to manage the administrative aspects of the Commission's work, but the proposal has not been brought forward to Council yet. Councilmember Cramer shared that Deputy Chief Melton spoke to the problem of the various bridges closed in the area, including the bridge on Chambers Mill Road, which is actually complete but is supposed to have gates, so Kennett Township has not opened the bridge yet. He explained the fire companies are very concerned about accessing the lower half of their territory since both Kaolin and Newark Roads are closed.

REVOLVING LOAN FUND

Vice President Moore reported that the Committee did not meet this month because there was no new business. She shared that six (6) loans have been approved totaling \$60,000, and five (5) out of the six (6) loans went to women or minority-owned businesses.

POLICE DEPARTMENT

Chief Holdsworth provided a written report that was included in the Council meeting packet. In addition, he highlighted that the Police Department opened their lobby to the public for fingerprinting, the prescription drug drop-off program and other community functions. Chief Holdsworth also shared that the department began an Implicit Bias training for all members of the Police Department. He noted that once we complete this, we will then then move on to a De-escalation Training for every member of the

Department. He explained that even though the majority of the Department has had some level of this training during their careers, we are cycling every officer through this as part of our continued effort to increase the professionalism of our agency. The Chief shared they are also planning a community discussion on policing and code enforcement; they originally planned an in-person session at the American Legion on Saturday, July 25, but that date has changed to Saturday, August 1, 10:00 a.m. to 12 p.m. and a Zoom webinar discussion on Tuesday, August 4, 7:00 p.m. to 9:00 p.m.

Councilmember Myers asked who is providing the Implicit Bias training and the Chief shared that is a national agency that does all police training called Caliper Press.

FIRE COMPANY

Chief Mitchell provided a written report that was included in the Council meeting packet.

ACTION ITEMS

PERSONNEL COMMITTEE

BOROUGH MANAGER EVALUATION PROCESS

Councilmember Doerfler reported the Committee finalized the Borough Manager's evaluation form and evaluation process and noted that a just small change was made to the form. He advised that we are not talking about specific personnel issues on this Zoom, just the process. He explained it is set up so that upon approval by Council, the evaluation form sent to each Councilmember will have two (2) weeks to complete the form. Then there would be another executive session to review the individual comments. From that meeting, the Personnel Committee will complete one (1) summarizing document that will serve as the review and will be delivered to Joe Scalise, Borough Manager, by the Council President, Vice President and Personnel Committee Chair. Borough Manager Scalise will have seven (7) days to provide feedback and then Council will have another executive session to discuss anything that comes from the feedback. Councilmember Doerfler explained that for 2020, we will focus on getting on the same page with expectations, as we are already halfway through the year; then going forward annually, starting in mid-January 2021 we will repeat the process, incorporating a mid-cycle review halfway through the year.

Councilmember Doerfler motioned to approve the Borough Manager evaluation and process as presented; seconded by Councilmember Waterkotte.

Councilmember Myers asked how the decision to include the President and Vice President in delivering the evaluation, as it seems like a lot of people potentially if the Personnel Committee does not include the President and Vice President. She made the point that Council wants a lasting process, so it could just be that the Committee members deliver the evaluation to the Borough Manager.

Councilmember Doerfler commented that the Personnel Committee would drive the process and the President would ultimately have the responsibility to deliver the evaluation on behalf of Council. He noted that the Committee wanted more than one (1) person to be there at the delivery and are open to suggestions if too many people are involved.

Councilmember Myers advised that one of the things that personally drove her to push for voting for the Personnel Committee was that the President and Vice President were not seen as an executive committee, and she thinks we are moving back towards that direction, as opposed to having a committee that has that function. Her next question was what the rationale was behind a mid-January cycle?

Councilmember Doerfler shared that it is a Human Resources best practice to meet mid-year. He noted the fact that we have a Personnel Committee, and we can bring attention to issues to the Borough Manager through that process, as well throughout the year, and maybe a mid-year review is not necessary, it could be just a "touch base" with the Personnel Committee in July, halfway through the year.

Councilmember Myers noted that the Borough Manager contract expires every two (2) years during the reorganization meeting at the beginning of January, according to Borough Code, and the Borough Manager evaluation should happen before the contract renewal, if we are considering the time constraints.

Councilmember Myers motioned to amend to remove the President and Vice President from the delivery of the evaluation to the Borough Manager and to move the evaluation cycle to November/December each year; seconded by Councilmember Cramer.

The amendment was approved unanimously.

PUBLIC COMMENTS

There were no public comments.

President Mercomes called for the vote on the amended motion.

The motion carried unanimously.

CRISIS COMMUNICATION PLAN

Councilmember Doerfler shared that the Committee met to develop the COVID communication plan and spent time balancing the skills, expertise and resources of the current staff to the work. He noted that Item Two (2) is where we would like to focus now with a Borough update going out once a week to include information on Borough specific resources, and where to find information from the CDC, County, Governor's Office, and items shared from our internal and external partners as well, in both English and Spanish. He commented that initially, we would like to post to the Borough Facebook page, the website, and individual Councilmembers can distribute as they would like. He shared that the Committee also would like to target messages to phones using Swift 911 since not everyone is on Facebook, and some people are not online and do not have an email address.

Councilmember Moore commented that we need to have these updates in multiple languages and definitely Spanish.

Councilmember Doerfler noted that the Committee will provide updates to Council going forward.

It was motioned by Councilmember Cramer to approve the Crisis Communication Plan as presented; seconded by Councilmember Zavala.

Councilmember Waterkotte commented that Councilmember Doerfler made a great point in that everyone has a phone, although not everyone has Facebook and the internet. He thanked the Committee for putting the plan together.

Councilmember Cramer shared that he believes the phone part is very critical. He noted that the Borough cannot take credit for this, but he did give credit Councilmember Zavala, Chief Holdsworth and a few other people who produced videos on COVID and thanks to the videos, we stopped the rise of COVID in the Borough and are now at a pretty stable rate. He advised it is important that the message gets out in a variety of ways and we have to encourage, make as strong a case as possible, to make sure that people continue to do those things that have worked in stopping the spread of the virus. He strongly recommended that we start the phone calls in English in Spanish this week.

Councilmember Doerfler asked the public to sign up for Swift 911 and for everyone to ask their neighbors to sign up as well. He explained that one of the things the Committee would like to do moving forward is include community ambassadors to help share information with their neighbors.

Councilmember Waterkotte noted it is important that the community members help and encourage each other to sign up for the service and that neighbors check on neighbors.

Councilmember Myers commented that this will be an evolving document and suggested we need to determine the person who will be responsible to vet the reliable sources because we want to make sure the information we send out is accurate.

Borough Manager Scalise explained that we do not have many staff members with extra time on their hands and it is collaborative effort, using County and State resources. He shared that he gives information to Rachel who handles posting it to Facebook, and/or to Denise who handles the website, translation to Spanish and Swift 911. Borough Manager Scalise noted we have also talked about outreach to community partners to see if they have messages, such as Kennett Area Community Services, La Comunidad Hispana, the Senior Center and the School District. He shared that one thing to consider is the amount of information we want to send out on Swift 911 because we do not want to end up with ten (10) minute long phone messages, and we will have to constantly evaluate.

PUBLIC COMMENTS

John Thomas suggested talking with the Rotary about placards that could go into people's windows or yard signs with the important information.

President Mercomes called for the vote.

The motion carried unanimously.

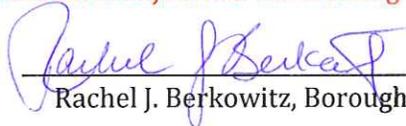
COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

Councilmember Cramer shared that he is very upset and explained that he has been on Council for several years figuring out the principles and rules and doing things to make sure the context for conversation is fair and level for all. He noted part of that is making sure we have committees to send things to and the idea that the President would take a moment in a report to try to advance an agenda by assigning a particular committee to figure out how to do something, in his view, is a violation of the power of the presidency. He advised that the President's role is to manage and his concern is that the President and Vice President take over and run everything. He asked for those of you that care about government, to re-trench and help us go back to a structure where we can make conversations work, make motions and ensure that the President and Vice President do not end up being the only ones conveying messages and that they have exactly the power they are supposed to have.

Borough Manager Scalise advised, as a follow up to Councilmember Myers' request, that he looked up the budget and in the capital improvement section under Section 13, there is \$700,000 budgeted this year, which would mean that we put in a match of \$200,000 in the 2020 budget.

ADJOURNMENT

There being no further business, President Mercomes adjourned the meeting at 8:37 p.m.



Rachel J. Berkowitz, Borough Secretary