

## OFFICIAL MINUTES August 3, 2020

The Regular Meeting of August 3, 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*

*Borough Manager Joseph C. Scalise*

Absent: *Mayor Matthew W. Fetick*

### ADOPTION of AGENDA

*It was moved by Councilmember Doerfler to approve the agenda as presented; seconded by Councilmember Waterkotte.*

*The motion carried unanimously.*

### PUBLIC COMMENT

John Thomas, 406 South Broad Street, commented once again that he does not see Councilmembers sharing information with the community about COVID-19 in town. He questioned why the Borough would pay so much for the Birch Street project, \$750,000, when Kennett Township is only putting in \$300,000. Mr. Thomas also commented that Pennock Park was the former town dump and the property by the railroad tracks was a junk yard, therefore it is dirty property. He suggested the Borough should be concerned about seepage under the railroad tracks where Kennett Township wants to put in a tunnel, and the liability of the Borough.

Wayne Braffman, 472 East South Street, shared that this is the time for Council to take action to reduce systemic racism in the Borough. He commented that he and Councilmember Myers spoke at length when he was a Councilmember regarding the rules for public comment and the requirement to not speak for more than three (3) minutes. Councilmember Myers explained to him that it was a racially biased rule and resigned her presidency in protest. Mr. Braffman shared that they talked about the issue at length until he understood and at the next Council meeting suggested Council change the rule to a guideline, rather than

a maximum requirement. He noted that Council stopped there and has not done anything since to change systemic racism in the Borough. Mr. Braffman suggested Council take action now, as he believes this to be the right time to do so and there is much to be done. He would like to see Council move forward with action items that will lead to a better Kennett Square for residents.

Clara Saxton, 120 W. Linden Street, inquired if a rescheduled date for the community forum has been chosen.

Chief Holdsworth responded to Ms. Saxton's question noting he is trying to engage and gather more community members to the table and a new date has not been chosen yet.

## **PUBLIC HEARING and ACTION ITEM – AMEND CHAPTER 23-65 to INCREASE PARKING RELIEF DISTANCE**

A public hearing was held to discuss the amending Chapter 23-65 to Increase the Parking Relief Distance.

**Borough Solicitor Michael G. Crotty opened the public hearing at 7:13 p.m.**

The public hearing was transcribed by Mark Hagerty, Court Reporter. A transcript of this public hearing is available through the Chester County Court Reporters Office for a period of seven (7) years.

**It was moved by Councilmember Doerfler to approve the amendment of Chapter 23-65 to Increase the Parking Relief Distance as presented; seconded by Councilmember Moore.**

Borough Council's discussion was transcribed by Mark Hagerty, Court Reporter. The transcript is available through the Chester County Court Reporters Office for a period of seven (7) years.

**The motion carried unanimously.**

**Borough Solicitor Crotty closed the public hearing at 7: 34 p.m.**

## **CONSENT ITEMS**

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

- Approval of Minutes – July 20, 2020
- Approval of Bills
- Change Order #15 Wastewater Treatment Plant Credit

## **REPORTS**

### **PRESIDENT'S**

President Mercomes did not have a report.

## FINANCE

Councilmember Waterkotte reported that the Committee met on Monday, August 3, 2020 at 9:00 a.m. and noted the following items were discussed:

- Review of Bills; ten (10) percent (65 invoices were reviewed), as well as the process of staff approval for each invoice, and invoices were moved to the Council Dropbox;
- Review of monthly financials – we are trending similarly to previous years;
- COVID 19 impact – we should know a little more about the impact at the end of August;
- Contract extension for solid waste through 2021; and
- Refinancing of debt.

In addition, Councilmember Cramer spoke about the Capital Improvement list which is currently being revised. He shared that the Committee spoke about issuing bonds because the interest rates are low and we could potentially save a couple hundred thousand dollars in the future. Councilmember Cramer explained that the Committee recommends that Council fully authorize forward progress of the refinancing of bond debt. He noted that the Committee will come to Council with a set of projects and a bond amount.

**Councilmember Cramer motioned to fully authorize our bonding agent to move forward with the refinance of existing debt through a bond issuance; seconded by Councilmember Myers.**

Councilmember Waterkotte commented it is very important that we do not waste time on this process because the interest rates are very low.

Councilmember Myers thanked Finance Committee for taking her advice to look into the possibilities of refinancing debt to take advantage of this unique financial opportunity. She would like to see money put towards the Borough's water system and infrastructure, as a whole.

Councilmember Doerfler shared his agreement with Councilmember Myers comments.

Vice President Moore asked if the Finance Committee has an amount in mind for the refinance and thanked the Finance Committee for their work on this issue.

Councilmember Cramer explained that the refinance is set according to our current debt and new money is determined by thresholds that have to be met. He noted the Finance Committee will come back to Council with a clear number.

Borough Solicitor Crotty shared that the numbers will be clearly defined because the refinancing of debt must be done via ordinance.

President Mercomes called for the vote.

**The motion carried unanimously.**

## PERSONNEL COMMITTEE

Councilmember Doerfler reported that the Committee held an executive session on July 29, 2020 to discuss a personnel matter. In regard to communications, he noted the Committee is looking at various ways to get information out to residents. He shared that the week one (1) Facebook COVID communications

post was viewed over 5,000 times and the second post has over 2,000 views and we are looking at ways to increase these numbers.

## **ECONOMIC DEVELOPMENT DIRECTOR – QUARTERLY UPDATE PRESENTATION**

Nate Echeverria, Economic Development Director, shared that his presentation accompanies the report that was submitted, and is covers all activities, but is primarily focused on COVID-19 and how he responded to the crisis from an economic development perspective. He highlighted the Small Business Response Fund, a completely private effort, using no tax payor dollars; the Borough's loan program with True Access Capital, a zero percent loan program for one (1) year, which converts to a three (3) year loan for small businesses; the Support Local Safely Campaign, geared towards communicating what businesses were open and what businesses were offering curbside pickup; April Heather Art provided COVID related illustrations which was a great way to remind people to socially distance and wear masks to protect each other during this time; the Kennett Strong initiative was led by Nick and Melinda Winkler, the husband and wife team behind Work2gether (the new co working space on State Street) with promotional efforts led by HKS which consisted of selling gift cards and generating some cash flow for businesses in need; and the Parklet on State Street that was partially funded by an AARP grant.

Mr. Echeverria also highlighted activities during the non-pandemic times as well, including a wealth of small business support including technical assistance connecting individuals and businesses to programs, adherence and understanding of safety guidelines, and where to purchase PPE; a Spanish Language Business Plan course in partnership with True Access Capital, which is a five (5) week True Access Capital business plan course taught in Spanish that HKS will host at their office; the Facade Improvement Grant program which offers matching grants to businesses and property owners that make beautification enhancements to their storefronts, and prior to the pandemic, the American Legion and Work2gether received a grants.

Mr. Echeverria spoke of additional projects and future planning work that he was involved with, including the TCDI program, in which the Borough of Kennett Square was one of two Chester County municipalities to receive this \$100,000 federal grant to study different elements of transportation within the Kennett area; the Kennett area Freight Transportation Study which was conducted by the DVRPC which looked at truck traffic in our region and offered a variety of different recommendations; the VPP grant that was awarded by the Chester County Planning Commission for the zoning code amendments which is still ongoing; and last spring HKS was able to bring on a group of graduate students from the University of Pennsylvania to conduct a "studio" on the Kennett area and offered a variety of recommendations. He also noted that LatinX small business outreach work was done in conjunction with a PennPraxis Design Fellow who is a native Spanish speaker which was very helpful.

Bo Wright, Executive Director of HKS shared that he will be working with Borough and Township staff to develop an updated MOU for the position of Economic Development Director focusing on continued collaboration between municipalities, support for small businesses, taking the best of what Mr. Echeverria has been able to accomplish over the past two years and building on that, looking forward to the future. He will share that with Council in the near future to open up the conversation as to the future of the position, which we think is incredibly valuable for this community. He noted that Mr. Echeverria has done a great job and his presentation illustrates just some of the work he has done.

Councilmember Moore shared her appreciation of the efforts of Mr. Echeverria and his team in regard to the outreach to the minority community.

Councilmember Waterkotte posed a question from Luis Tovar about whether Mr. Echeverria's presentation can be posted on the Borough's website for public viewing.

Both Borough Manager Scalise and Bo Wright (HKS) acknowledged the presentations will be available on both websites for the public viewing.

President Mercomes thanked Mr. Echeverria for his presentation and let everyone know in the meeting that Councilmember Zavala has joined the Council Meeting.

## **ACTION ITEMS**

### **CERTIFIED LOCAL GOVERNMENT MASTER GRANT CONTRACT**

Borough Manager Scalise explained that the Pennsylvania SHPO is in the process of implementing a new grant contract system for Certified Local Governments in the Commonwealth. Enclosed is a Master Grant Contract between the Borough of Kennett Square and the Pennsylvania Historical and Museum Commission for the Certified Local Government (CLG) Grant Program. He explained that even though we have not applied for or received funding under the most recent CLG grant rounds, the SHPO is asking all CLGs in Pennsylvania to sign a Master Contract so that it will be easier to award grants to us in the future. This agreement is an "umbrella" that will last through December 31, 2024 and will make it faster and easier for a municipality to apply for and receive CLG grants for any amount for eligible projects between now and the end of the agreement. Borough Solicitor Crotty has no concerns and is comfortable with the terms with the agreement. Assuming Council is comfortable, Borough Manager Scalise recommended it for approval.

**Councilmember Waterkotte motioned to approve the CLG Master Grant Contract; seconded by Councilmember Cramer.**

### **PUBLIC COMMENTS**

There were no public comments.

President Mercomes called for the vote on the amended motion.

**The motion carried unanimously.**

## **ADVERTISEMENT for PUBLIC MEETING to AMEND MS4 STORMWATER PERMIT**

Borough Manager Scalise advised we are going to formally request DEP to amend our Stormwater Permit to take credit for the stream bank restoration project at Anson Nixon Park. He noted that DEP is aware of the project and our desire to use this project to meet the requirements contained therein but will

not give an official answer without an official application. If DEP agrees, it will save the Borough a significant amount of money in meeting our TMDL reductions. Borough Manager Scalise explained that all we are doing today is authorizing the advertisement and we would like to have the public meeting on September 8<sup>th</sup> Council meeting, which provides for the required 30 days for public comment.

*It was motioned by Councilmember Cramer to authorize the advertisement for a public meeting to amend the MS4 Stormwater Permit; seconded by Councilmember Zavala.*

Councilmember Cramer commented this issue has come up before and anything we can do for this situation is good. He shared that our water is compromised, and we continue sending it on into Delaware. Councilmember Cramer noted it is important for the long term that this remain on our radar because it is important for our environment and the future.

#### **PUBLIC COMMENTS**

There were no public comments.

President Mercomes called for the vote.

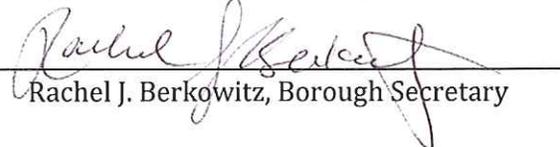
*The motion carried unanimously.*

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

Borough Manager Scalise reminded everyone that this is the only Council meeting in August, and we reconvene on Tuesday, September 8, 2020.

#### **ADJOURNMENT**

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

  
Rachel J. Berkowitz, Borough Secretary