

OFFICIAL MINUTES November 16, 2020

The Regular Meeting of November 16, 2020, of Council for the Borough of Kennett Square was called to order at 7:05 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

President Mercomes stated that Council held Executive Sessions on Monday, November 16th at 6:15 p.m. regarding a personnel matter.

ADOPTION of AGENDA

It was moved by Councilmember Waterkotte to adopt the agenda; seconded by Councilmember Moore.

It was moved by Councilmember Doerfler to amend the agenda to consider a resolution for the interim manager arrangement joint responsibilities of duties; seconded by Councilmember Cramer.

President Mercomes called for the vote on the amendment.

The motion carried unanimously.

It was moved by Councilmember Cramer to amend the agenda to consider authorizing Borough Manager to sign the approval of the proposal for inspection of 600 South Broad Street; seconded Councilmember Doerfler.

President Mercomes called for the vote on the second amendment.

The motion carried unanimously.

President Mercomes called for the vote on the amended agenda.

The motion carried unanimously.

CONSENT ITEMS

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

- Approval of Minutes – November 2, 2020
- Approval of Bills
- Resolution – Section 125 Premium Only Plan, Year 2021
- Reimbursement Resolution
- Authorization to Move Forward Resolution
- M. Stein Bond Council Conflict Waiver Letter
- VPP Grant Extension

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, commented that he knew Officers Posey and Davis, as he and they were good officers. He also commented that a resident who is deaf, Ms. Jeannie Jims, would like assistance during these meetings so that she can follow along.

Rachel Berkowitz, Borough Secretary, explained that a transcription service is available for her and it is coordinated with Zoom to provide a real time transcript of the meeting. Ms. Berkowitz noted that the transcript can be accessed by clicking on the red “LIVE” button at the top of the Zoom screen or by clicking on the link provided in the chat function. The link will open a new page with the transcript and you can watch both screens side by side.

Charla Watson, 523 Magnolia Street, shared her concern regarding the parklet and other outdoor dining areas and street closures when it is too cold and no one is eating outside. She does not believe the streets should be used in this way and noted that handicap parking is inhibited as well. Ms. Watson does not believe the Mayor has the control he thinks he has and is doing things against the Borough code. She believes that the only responsibility the Mayor has is to the Civil Service Commission and does not believe permits were in place for the parklet and tents because they infringe on traffic and sidewalks.

Councilmember Waterkotte asked if Borough Solicitor Crotty could comment on the legalities of the Mayor’s actions.

Borough Solicitor Crotty advised that it is within the Mayor’s authority under the Borough code and the Pennsylvania Emergency Management code to take the actions that Mayor Fetick has taken.

REPORTS

PRESIDENT’S

President Mercomes gave an update on the status with the Genesis property, noting that the Letter of Intent was signed and sent to Genesis and our solicitors are preparing the agreement of sale. She advised that we have started our due diligence on the property and on Tuesday, our Codes Department staff will do a walkthrough and begin their own review. She also noted that Pennoni, the Borough’s Engineer, has provided a proposal to evaluate the building and mechanicals and Mr. Drumheller will make recommendations as to what should be evaluated.

MANAGER'S REPORT

Borough Manager Scalise submitted a written report that was included in the Council packet. In addition, he received the final two (2) payment applications today for the garage expansion project and it looks as though the project came in at approximately \$40,000 under budget. He noted that the Wastewater Treatment Plant upgrade is also complete, and we expect the final paperwork to come in this week. Lastly, Mr. Scalise shared that the Magnolia Dedication was official as of November 1, 2020.

FINANCE COMMITTEE

Councilmember Cramer reported that the Committee met this morning, Monday, November 16, 2020 at 9:00 a.m. He shared that the Committee:

- Requested that Borough Manager Scalise be tasked with how to move forward on the Capital Improvement Program; he will give us guidance and recommendations.
- A recommendation was made regarding nonprofit funding: to have President Mercomes appoint an ad-hoc committee to examine how allocations are made to various nonprofits; that we reserve the level of funding for the agencies we funded last year; and that we set aside \$6,500 for the ad-hoc committee to work with to set up a slightly different path forward for next year.
- Councilmember Cramer thanked Borough Manager Scalise for his work on the budget.

Councilmember Myers stated that she would be interested in serving on the ad-hoc committee.

PERSONNEL COMMITTEE

Councilmember Doerfler reported that the Committee met on Thursday, November 5th at 7:00 p.m. and they are discussing the structure for the interim period, before we have a new permanent borough manager. Borough Manager Scalise will be working on a transition document that will capture all the projects that are in the works, ongoing, or might be ending soon, as a way to collect information that can be passed on the next regime for a smooth transition.

PUBLIC SAFETY and INFRASTRUCTURE COMMITTEE

Mayor Fetick reported that the Committee met on Wednesday, November 4th and shared that they reviewed a speeding issue at Magnolia and Garfield Street and the police department has stepped up enforcement at that location. He noted that the resident who made the complaint called to let him know she noticed the increased police presence and found it to be helpful. Mayor Fetick commented that the Committee is addressing a request for an additional handicap parking space on West State Street and the existing handicap parking space usage is being evaluated to determine if an additional handicap space is needed on State Street.

Councilmember Doerfler noted that a stop sign was installed at Magnolia Street and Sycamore Alley and the residents responded they are happy that this request was acted upon so quickly.

KENNETT FIRE and EMS REGIONAL COMMISSION

Councilmember Cramer reported that the Commission meeting was cut very short due to a fire call. He will have more to report after the next meeting.

POLICE DEPARTMENT

Chief Holdsworth submitted a written report that was included in the Council meeting packet. In addition, he shared that he is very appreciative of the moment silence shared in memory of Officers Posey and Davis, as this is an important time for us every year. He noted it is hard to believe that 48 years could have gone by since this tragedy occurred. He shared that the police department holds a memorial service every year for these officers, places remembrance wreaths and grave blankets at the cemetery the day before their families have the opportunity to visit.

Chief Holdsworth shared his thanks with Borough Manager Scalise from the Police Department for his years of cooperation and assistance, noting that it has been a pleasure to work with him for the past 20 years and he will be missed.

The Chief highlighted that this year, the Motor Carrier Safety Assurance Program (MCSAP) has had the safety impact that we hoped it would have, noting that even with reduced traffic due to COVID and the various bridge closures in the area, 41 commercial motor vehicles were cited for violations and there were 31 commercial vehicle out-of-service determinations. These large commercial trucks were put out of service for a multitude of safety reasons, such as brake issues, load restrictions and other violations, and it is a significant number, especially at a time when we have actually seen a reduced amount of truck volume coming through the borough.

Councilmember Myers commented that as with EMS issues, it is time for us to think through what fairness looks like with our police department and with the assists our officers provide to Kennett Township, which are at 107 this year, versus only 73 last year, which is a 46.5% increase over 2019 ytd. She noted that we want our officers in the Borough and they are not when they are assisting another township. She asked the Mayor, President and Chief to address this trend because it is a big concern.

President Mercomes noted Councilmember Myers makes a good point and she will work with the Mayor and Chief to discuss the issue and come back to Council with a plan.

FIRE COMPANY

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

PRESENTATION – PROPOSED 2021 BUDGET 2nd PRESENTATION

Borough Manager Scalise presented the highlights of the proposed 2021 Budget, noting that we still do not know the budgetary impacts of COVID-19 and we have taken the approach that what happens in 2021 will be similar to 2020, commenting that fortunately, our reserves are fully funded. Borough Manager Scalise shared there will not be a tax increase; the water utility fees show a \$15 per quarter credit; no increase in sewer or parking fees; solid waste fees will be credited an additional \$2 per totter per quarter for 2021 (\$7 per quarter per credit over the 2020 budget); all funds are balanced; 2.5% raises for police and 3.5% raises for non-uniform employees; a 1% increase in health insurance and other insurances remain steady. He noted that the purchase of 600 South Broad Street will be \$6.2 million in bond financing, and the sewer fund will contribute \$1 million out of its reserves to hold the property until settlement. Borough Manager Scalise's budget presentation can be found on the Borough's website.

Councilmember Cramer commented that this is a well put together budget and it is one of the areas where we will miss Borough Manager Scalise's expertise.

Councilmember Doerfler thanked Borough Manager Scalise and Lisa Ionata, Finance Director, for all their hard work, noting that budget is well done and fiscally responsible.

ACTION ITEMS

Administration

HOUSING PRINCIPLES RESOLUTION

Councilmember Cramer explained that we have talked a lot about housing and moving forward with mixed price point housing and this proposed resolution is designed to move that forward. He commented that there are conceptual pieces of this resolution that speak to the values of the community, public policy and good economic planning and economic resilience. Councilmember Cramer noted there is not a model for this, especially in small municipalities, but what this resolution does is help us set a goal of robustly mixed price point housing and push those who are involved in development in the Borough to find ways to fulfill the goals set by Council as representatives of the community.

It was motioned by Councilmember Zavala to approve the Housing Principles Resolution as presented; seconded by Councilmember Waterkotte.

Councilmember Waterkotte thanked Councilmember Cramer and those that helped him with this resolution. He commented that we have people from all walks of life in this one (1) square mile community and this resolution gives us something in writing to share with developers.

Councilmember Zavala commented that she is very proud of this resolution and it will serve as a valuable tool in the future. She noted that COVID-19 has layered a housing emergency on top of a long-term housing crisis, which makes it even more important that we work with urgency to find housing solutions to keep people in their homes and to create more affordable homes into the future. Councilmember Zavala shared that she hopes Council will continue to build on this resolution and setting these preliminary goals is a thoughtful approach to housing and hopefully the beginning of breaking a cycle that too many people in our community struggle to navigate.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, commented that the concept is great, but we do not have the space for low income housing in the Borough. He noted that Chester County is one of the most expensive counties in the state in which to live and suggested that this resolution could chase out good builders.

Luis Tovar, Chair of ACOLA, shared that he likes the thought behind the resolution, but feels that if it does not include something in terms of metrics on current landlord performance, you will continue to have situations where marginalized tenants are at risk.

Charla Watson, 523 Magnolia Street, commented that she is sorry she cannot see this plan and that this discussion should be tabled for when we meet in person again.

President Mercomes called for the vote.

The motion carried unanimously.

FINANCE COMMITTEE

CONSIDER CAPITAL IMPROVEMENT LIST

Borough Manager Scalise explained that the Finance Committee has recommended the 2021-2025 Capital Improvement Program (CIP) and recommends Council adopt the document as submitted.

It was motioned by Councilmember Cramer to adopt the 2021 – 2025 Capital Improvement Program as presented; seconded by Councilmember Doerfler.

Councilmember Cramer shared that Borough Manager Scalise did a terrific job of updating the CIP list and this document is a living document that will need to be updated. He is proud of the work done on this and it will serve us well as a guide.

Borough Manager Scalise asked if we should include additional projects in the bonding. He noted that from an administrative standpoint, considering there is a lengthy list on the 2021 budget, we do not have a new manager yet and we have a new public works director, it might too much to add. His recommendation would be to look at additional projects to 2022.

Councilmember Cramer shared that he feels strongly about moving forward with water main projects and he would be disappointed if they were put off because if we are not on top of it every year, we are in trouble. He suggests adding them in for 2021 and we will work with the Public Works Director.

Councilmember Waterkotte suggested taking into consideration Borough Manager Scalise's comments, and Councilmember Cramer's and re-prioritizing to add in the water projects and take something else off to move to 2022. He also recommended that we should plan it into the budget for bonding mid-year so that we have continuous water projects one after another.

Borough Manager Scalise advised that we have a lot of grants already and suggested waiting for at least one or two projects to be completed before bonding.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, commented that we keep doing these projects and the next time we do a sewer deal, if Kennett Township is using 20% of our sewer, they should pay the appropriate percentage. He shared his concern with taking money out of the sewer fund for the new building instead of borrowing that amount in the bond issue, considering we may need additional money for reconfiguring the new building.

Borough Manager Scalise shared that it costs money to borrow money, and the goal is to borrow as little as possible. He shared that the idea is to sell the current borough hall to upgrade the facility for the police department. When the police department moves into the new building, we sell the police station and use the funds from the sale to do additional work or use it for debt repayment.

President Mercomes called for the vote.

The motion carried unanimously.

CIVIL SERVICE COMMISSION

AUTHORIZE the CIVIL SERVICE COMMISSION to GENERATE a CERTIFIED LIST

Chief Holdsworth shared that we have reached the end of the Civil Service process that we began earlier this year and now we are asking Council to authorize the Commission to generate a certified list for the hiring for one (1) police officer.

Councilmember Cramer motioned to authorize the Civil Service Commission to generate a certified list; seconded by Councilmember Waterkotte.

PUBLIC COMMENTS

There were no public comments

President Mercomes called for the vote.

The motion carried unanimously.

AUTHORIZE the CIVIL SERVICE COMMISSION to CONDUCT PROMOTIONAL TESTING for LIEUTENANT

Chief Holdsworth shared that he would like to continue to develop and strengthen our police department's leadership team, especially focusing on a lieutenant position which would be at the executive level. He noted that he and Mayor Fetick are asking Council to charge the Civil Service Commission to move forward with conducting a promotional examination for the position of Lieutenant. Chief Holdsworth explained this is a very vital position for the police department as the position is the official second in command and allows for continued training at the executive leadership level. Additionally, he noted this is a budgeted position for 2021, not a newly created position.

Councilmember Cramer motioned to authorize the Civil Service Commission to conduct promotional testing for the position of Lieutenant; seconded by Councilmember Zavala.

Councilmember Cramer commented this is important because we need a second in command and we want to make sure we have a clear path forward on who should move into the Chief role when needed.

Councilmember Doerfler noted this is crucial step in leadership preparedness.

PUBLIC COMMENTS

There were no public comments.

President Mercomes called for the vote.

The motion carried unanimously.

RESOLUTION for INTERIM MANAGER ARRANGEMENT, JOINT RESOLUTION of DUTIES

Councilmember Doerfler shared that he, along with Councilmembers Zavala and Myers are on the Search Committee for the new Borough Manager. He noted that the Committee received a proposal from Chief Holdsworth, Lisa Ionata (Finance Director), and Russell Drumheller (Codes and Zoning Officer) to have them act as interim managers so that our search committee could focus on finding a new manager. The proposal set up the basic responsibilities of the borough manager as a joint effort. The Committee spoke with each of them and the proposal was run by the Personnel Committee. He noted that there are some great benefits to utilizing the internal strengths of our staff, with the hopes of utilizing the knowledge of the Borough and operations and minimizing any disruptions. The Personnel Committee was in favor of trying out the arrangement and will take an active role with communications expectations of the proposed triumvirate.

Councilmember Doerfler motioned to approve the Resolution Establishing the Joint Responsibilities of Duties of the Borough Manager to Chief Holdsworth, Lisa Ionata and Rusty Drumheller for the interim period; seconded by Councilmember Waterkotte.

Councilmember Myers shared that everyone was willing to sign on to the various tasks in the job description and she noted that Council is here to support them during this transition time.

President Mercomes commented that when someone leaves who has done a great job for us, it is difficult to bring in someone who will do an equally good job. She suggested that these three (3) individuals are able to carry on the work of the Borough and it is a great plan.

Councilmember Waterkotte thanked each of them for stepping up and taking on additional work.

Councilmember Cramer noted that he will vote yes, as he has a great deal of confidence in the three (3) individuals who he knows well and has confidence in the staff as a whole. He believes collaborative leadership is something this Council is in support of, and as we move forward in the search for a new Borough Manager, that spirit will continue.

PUBLIC COMMENTS

John Thomas, 406 South Broad Street, shared his opinion that one person has to be the leader and the three (3) each have their own jobs. He feels this could work out well or it could be a disaster and he hopes a new Manager is found quickly.

Charla Watson, 523 Magnolia Street, commented that she does not see any problem with this plan, as each person is volunteering for the parts of the job they are comfortable doing and the search could take 3 to 6 months. Ms. Watson also commented that someone with the expertise, such as another Borough Manager, should be able to come in and manage effectively from the beginning of their appointment.

President Mercomes called for the vote.

The motion carried unanimously.

AUTHORIZE BOROUGH MANAGER APPROVAL of PROPOSAL for INSPECTION of 600 SOUTH BROAD STREET

Councilmember Cramer shared that Pennoni sent us the list of services, and the Finance Committee discussed and feels it is an appropriate amount for due diligence and a thorough inspection before we purchase. He explained we have 30 days to do the due diligence and we are two (2) weeks into that timeframe.

Councilmember Waterkotte suggested there may be things on the list that Genesis has already completed during their upgrades and asked if there are things on the list that we can get existing reports for through Genesis.

Mayor Fetick explained they looked at that list and the best course of action for Council would be to authorize Borough Manager Scalise to sign the contract, based on Mr. Drumheller's recommendation of what is needed on the ala carte menu, because they provided us with ala carte instead of just one number, so that if certain things were available from Genesis, we would not have to spend the money on those items. Mr. Drumheller has that list, anything that is on that list that he recommends we spend the money on is what he thinks Council should authorize. Mayor Fetick's recommendation is to let Mr. Drumheller review the list from Pennoni, and anything that he determines is appropriate, Mr. Scalise be authorized to sign.

Borough Manager Scalise echoed that recommendation to authorize up to \$31,500 in inspections and only authorize the ones that are necessary.

Councilmember Myers commented that this is a big purchase and even if we have documents from Genesis, we should not do this a la cart, we should let our engineers do a full inspection and do it right. She noted that \$31,500 is nothing compared to what we are going to spend.

Councilmember Cramer motioned to authorize the Borough Manager to sign the Pennoni contract for the appropriate inspections; seconded by Councilmember Myers.

PUBLIC COMMENTS

Charla Watson, 523 Magnolia Street, commented that she does not believe the building has been renovated in many years and we should pay the engineer to do the appropriate tests.

John Thomas, 406 South Broad Street, noted that the building was a factory for many years and was completely renovated when it was purchased by Clarks Shoes. He also noted that the building was renovated again when it was purchased by Genesis. Mr. Thomas suggested that if you have certifications from a reputable company, why pay for the tests again.

President Mercomes called for the vote.

The motion carried unanimously.

COUNCIL, MANAGER and MAYOR COMMENTS and ANNOUNCEMENTS

Councilmember Doerfler shared that it has been a pleasure working with Mr. Scalise, who is respected among your peers and it is tough to see him leave.

President Mercomes shared it was a pleasure getting to know Mr. Scalise and she appreciated working with him.

Councilmember Waterkotte commented that Mr. Scalise is patient and awesome and wished him all the best in his next venture.

Borough Manager Scalise noted that we scheduled an extra meeting for November 23rd dedicated to the budget, but he suggested if Council does not need to have the meeting, we should cancel it tonight.

Councilmember Waterkotte motioned to cancel the November 23rd Council meeting; seconded by Councilmember Zavala.

President Mercomes called for the vote

The motion carried unanimously.

Borough Manager Scalise thanked everyone and commented that he is proud of what we have accomplished and will always be grateful for these opportunities.

ADJOURNMENT

There being no further business, President Mercomes adjourned the meeting at 9: 12 p.m.



Rachel J. Berkowitz, Borough Secretary