

## OFFICIAL MINUTES December 7, 2020

The Regular Meeting of December 7, 2020, of Council for the Borough of Kennett Square was called to order at 7:15 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*

### ADOPTION of AGENDA

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

It was moved by Councilmember Myers to amend by removing the minutes from November 16 from the agenda; seconded by Councilmember Cramer.

Councilmember Myers commented that due to some technical difficulties with the upload, the minutes from November 16 are not available and can be reviewed at the next Council meeting.

President Mercomes called for the vote on the 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 Bills
- Approval of Sale of Municipal Police Vehicles

## **PUBLIC COMMENTS**

Pete Thomas, 630 Magnolia Court, shared his concern of the spotted lanternfly that has invaded our area and noted that we would all be better off if there were fewer of them in the community. He shared that he worked for 40 years in agricultural pest management industry dealing with invasive insects and plants. He suggested there are several things the Borough could do to help manage the spotted lanternfly, specifically focusing on managing them tree of heaven, an invasive tree and the preferred host of lantern flies. Mr. Thomas commented that these trees are on the east and west sides of the Borough and Penn State Extension recommends managing these trees. He suggested we remove the trees on Borough property, work with property owners, the railroad, developers and the park authority to remove the trees as well.

John Thomas, 406 South Broad Street, commented that he hopes that the Borough does something about the trees as well. Mr. Thomas wished everyone a Happy Thanksgiving and Merry Christmas.

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## **REPORTS**

### **PRESIDENT'S**

President Mercomes reported that we continue to do our due diligence on the 600 South Broad Street purchase which should be complete by Friday of this week. She explained there will be a report for Council to review based on that due diligence and the task force that will be active will be a liaison between the Council, Borough Staff and Genesis.

### **MANAGER'S REPORT**

Chief Holdsworth reported that the Interim Management Team is has been working very well together with the daily oversight of our operations, we meet weekly to review open and continuing items. He shared that we have completed the necessary changes to our bank permissions and signers and have been working on personnel direction and guidance, including some ideas for overall improvement of morale with all employees. He noted that other highlights and main areas of work are on the acquisition and inspection process of 600 South Broad Street, updating the COVID-19 policies to include the most recent updates from the Governor, and the continued the work on projects such as the South Street pump station upgrade process and the interim sewer agreement with New Garden Township.

### **FINANCE COMMITTEE**

Councilmember Waterkotte reported that the Committee met this morning, Monday, December 7, 2020 at 9:00 a.m. He shared the Committee:

- Reviewed bills and monthly financials;
- Review and discussed the 2021 budget presentation;
- Paid off the fire truck loan to Fulton Bank;

- Discussed the General Fund and noted that it continues to hold strong even with COVID;
- Discussed 2020 bonuses for staff; and
- Held and Executive Session regarding a legal matter.

Councilmember Cramer commented that we have good documents to present in terms of the budget and shared that he thinks we are in good shape.

## **PERSONNEL COMMITTEE**

Councilmember Doerfler reported that the Personnel Committee met on Thursday, December 4, 2020 and discussed policy and pay issues and updates to the personnel manual that may become a priority once we have a new borough manager. He noted the Committee discussed the bonus for staff in lieu of the holiday gathering and explained that bonuses are at the discretion of management and per the personnel manual so no action is needed from Council at this time. Councilmember Doerfler shared that lastly, the Committee discussed their role in this interim time between managers.

## **HISTORIC KENNETT SQUARE**

Bo Wright, Executive Director of Historic Kennett Square, shared they have been trying to get everyone into the holiday mood by hanging lights and putting up the Christmas tree in town and thanked the Public Works crew for their assistance, noting they were great to work with and very helpful. He advised that his goal was to create an inviting and welcoming place to be, and hopes it helps lift everyone's mood.

## **FIRE and EMS COMMISSION**

Councilmember Cramer reported that the Commission meeting is tomorrow and he will report at the next Council meeting.

## **ACTION ITEMS**

### ***Public Works***

#### **RESOLUTION - CYPRESS STREET PUMP UPGRADE**

Russel Drumheller, Codes and Zoning Enforcement Officer, explained that the proposed development in Kennett Township requires our Cypress Street pump station to be upgraded. Sewage Facility planning module applications are required for any proposed increase to flows in the Borough's sewer plant. The DEP asks for a resolution from Council approving the module upgrade, but only with respect to the proposed Borough pump station. He noted that the resolution is a requirement.

**It was motioned by Councilmember Waterkotte to approve the resolution for the planning module update for the Cypress Street Pump Station; seconded by Councilmember Moore.**

Councilmember Waterkotte thanked Mr. Drumheller for explaining the resolution and making it clear that this a requirement from the DEP.

**PUBLIC COMMENTS**

John Thomas, 406 South Broad Street, commented that this is caused by more flow coming from Kennett Township and they ought to pay for the upgrades.

President Mercomes called for the vote.

**The motion carried unanimously.**

**INTERIM SEWER AGREEMENT WITH AQUA**

Mr. Drumheller explained that New Garden Township is selling their sewer system to Aqua and New Garden Township conveys some of their sewer to the Borough's sewer plant under an existing agreement and MIPP permit. He stated that Aqua needs a new MIPP permit to be issued from the Borough Public Works Department and will need a new agreement with the Borough.

Mr. Steve Miano, the Borough's environmental solicitor, shared that he has been working for the Borough for 25 years and has gotten to know the Interim Management Team with respect to this issue. He shared some background on the agreement, explaining that there is an existing treatment agreement between New Garden Township and Kennett Square and New Garden Township has what is called a municipal industrial pretreatment permit from Kennett Square for that discharge. He explained that because of the sale, Aqua needs to get a new agreement and obtain a new municipal industrial pretreatment permit from Kennett Square and noted that just today, Aqua received its permit. Mr. Miano advised that this interim sewage agreement sets out the basic terms under which Kennett Square will allow an entity to discharge, the quantity of the discharge, the rate per gallon, and the need for a permit. He noted that by way of background, it is essentially the same agreement that was approved by a different Borough Council back in 2017. Mr. Miano further explained that because Aqua is purchasing New Garden Township's system, the agreement is structured as an interim agreement among all three entities, Kennett Square, New Garden Township, and Aqua, and it sets out the obligations of the three parties during a six (6) month interim period including requirements for Aqua to make payments to maintain the sewer system, proper treatment of the sewage, New Garden has responsibility of issuing permits to individual dischargers within New Garden Township and enforcement of violations that might occur, and Kennett Square is required to treat the waste in compliance with its own permit that it has from Pennsylvania DEP. Mr. Miano noted that the agreement also provides for indemnifications by the parties, so that if Aqua sends us something it shouldn't and it causes a concern or a problem with our wastewater treatment plant, they indemnify us for that. Finally, he shared that the agreement provides for Aqua to pay Kennett Square's legal fees associated with negotiating this, so all of his time and costs will be paid by Aqua. He stated that the parties are going to negotiate in good faith over the next six months to formalize a more formal long-term agreement, and that will depend on how things go when they take over the system and what provisions all the parties would like to have in the agreement.

**It was motioned by Councilmember Moore to approve the interim agreement with Aqua and New Garden Township; seconded by Councilmember Waterkotte.**

**PUBLIC COMMENTS**

John Thomas, 406 South Broad Street, commented that over the next six (6) months, there should be a lot of negotiation so that New Garden pays their fair share of any necessary upgrade required.

Keith Smithyman, 212 North Lincoln Street, shared that he has lived in the Borough for 40 years and was appointed by Borough Council, along with Mr. Thomas on an Advisory Board for sewer treatment. He asked Mr. Miano if Aqua will be dealing with EPA Region Three (3).

Mr. Miano explained that Aqua will be required to do everything that has been required of New Garden Township to run its systems.

President Mercomes called for the vote.

**The motion carried unanimously.**

**Administration**

**CONSIDER GEORGE GERMANOVICH, INC. WATER/SEWER LIENS**

Rusty Drumheller explained that Mr. Germanovich, Inc. owes the Borough \$18,440.49 in water and sewer liens. Mr. Germanovich has requested the Borough waive these fees. The Interim Management Team does not recommend waiving the fees.

Councilmember Waterkotte asked if Mr. Germanovich gave reasons why we should waive the fees.

Mr. Drumheller advised that he received a letter from Mr. Germanovich on November 13 and shared the eight (8) reasons he gave.

**Councilmember Cramer motioned to deny relief from the liens; seconded by Councilmember Doerfler.**

Councilmember Cramer suggested that we do not have many tools as a municipality to enforce our actions and this is an important one and this denial is sets a precedent.

**PUBLIC COMMENTS**

There were no public comments

President Mercomes called for the vote.

**The motion carried unanimously.**

**HISTORIC Architecture Review Board (HARB)**

**HARB APPLICATION – 319 MARSHALL STREET**

Andrew Froning, HARB Chair, commented that this is a wonderful effort to return this home to its original design and has the HARB's full support.

**Councilmember Waterkotte motioned to approve the certificate of appropriateness for 319 Marshall Street; seconded by Councilmember Moore.**

**PUBLIC COMMENTS**

There were no public comments.

President Mercomes called for the vote.

**The motion carried unanimously.**

**Human Relations Commission**

**APPOINTMENT to HUMAN RELATIONS COMMISSION – ALICIA HICKS**

Rachel Berkowitz, Borough Secretary explained that the Human Relations Commission's Chair recently resigned and the Commission is actively looking for new members. Ms. Alicia Hicks is a candidate who has stepped forward and has been recommended by the Commission members.

**Councilmember Doerfler motioned to approve the appointment of Alicia Hicks to the Human Relations Commission; seconded by Councilmember Waterkotte.**

Councilmember Waterkotte thanked Ms. Hicks for stepping up to help on the Human Relations Commission.

**PUBLIC COMMENTS**

There were no public comments.

President Mercomes called for the vote.

**The motion carried unanimously.**

**HISTORIC KENNETT SQUARE (HKS)**

**TAKE HOME WINTERFEST**

Bo Wright, Executive Director of HKS, explained they are seeking conditional approval, according to who owns the property at the time, to use 600 South Broad Street on February 26<sup>th</sup> and 27<sup>th</sup> for Winterfest Take Home version. He has already secured an approval letter from Genesis for this if they still

own the property on the days of the event. He noted that HKS did a similar event in the October and they had all the permits and insurance necessary and will do so again for February.

**It was motioned by Councilmember Cramer to approve the access to 600 S. Broad Street for the HKS Take Home Winterfest to the; seconded by Councilmember Myers.**

Councilmember Cramer commented that HKS is headed in a very positive direction and he strongly supports their community engagement and development.

Councilmember Waterkotte agreed with Councilmember Cramer and shared that it is not just a fundraiser selling beer, it is being done safely and is in full support of the take home event.

Councilmember Doerfler noted that he participated in the October Backyard Brew Fest and it was extremely well run through every step of the process. He explained that people sign up, arrive at a scheduled time, and cases are loaded in their cars by volunteers, all happening over a couple of hours.

### **PUBLIC COMMENTS**

John Thomas commented that if the agreement of sale is final, we just need the insurance. He also noted that id there is going to be a Committee to decide on how the new building will be used, he would be happy to volunteer.

President Mercomes called for the vote.

**The motion carried unanimously.**

### **FINANCE COMMITTEE**

#### **CONSIDER AMENDMENTS TO 2020 BUDGET**

Lisa Ionata, Finance Director, shared they analyze the budget every month at Finance Committee meetings, not just because of COVID, but because of a variety of things that can happen throughout the year where we need to change our projections. Moving forward, she reviewed the projections for where we will be at the end of 2020.

**It was motioned by Councilmember Cramer to approve the amendments to the 2020 budget; seconded by Councilmember Doerfler.**

Councilmember Cramer thanked Ms. Ionata for her work presenting this detail at the request of the Finance Committee. He shared that these Committees and Commissions are where a great deal of work gets done and he thanked everyone who takes part in these forums.

Councilmember Waterkotte thanked Councilmember Cramer and shared that roughly three (3) years ago, Councilmember Myers approached him about stepping onto the Finance Committee, he accepted a little hesitantly and has learned so much.

**PUBLIC COMMENTS**

There were no public comments.

President Mercomes called for the vote.

**The motion carried unanimously.**

**ADOPTION OF 2021 BUDGET**

Ms. Ionata asked if anyone has any questions regarding the 2021 budget. She shared that a lot of work has gone into this budget and she hopes everyone has had the chance to review.

**It was motioned by Councilmember Waterkotte to adopt the 2021 Budget; seconded by Councilmember Cramer.**

Councilmember Doerfler shared a big thank you to Ms. Ionata and to the Finance Committee.

Councilmember Waterkotte reminded everyone that these are public meetings and everyone is welcome to attend and participate.

**PUBLIC COMMENTS**

There were no public comments.

President Mercomes called for the vote.

**The motion carried unanimously.**

**CONSIDER ADOPTION OF RESOLUTIONS ESTABLISHING 2021 BOROUGH TAX RATE AND FEE SCHEDULE**

Ms. Ionata shared there are two (2) resolutions in your meeting packet. The first one is for the tax rate which we are not changing, it is remaining at 6.75 mils. The second resolution is the fee schedule that has been changed in minor ways.

**It was motioned by Councilmember Cramer to adopt the 2021 Borough Tax Rate and Fee Schedule; seconded by Councilmember Myers.**

Councilmember Cramer noted that he has been on Council for five (5) years and have only had to raise taxes once to augment our public safety budget. He commented that we strive to keep taxes low. He also noted that he has suggested having a running legislative agenda of things that we need to address such as fees attached to false and silent alarms and the updating of the related ordinance. Councilmember Cramer also noted that our Fire Ordinance is outdated, and we need to support our Fire Company by updating the Ordinance.

## **PUBLIC COMMENTS**

There were no public comments.

President Mercomes called for the vote.

**The motion carried unanimously.**

## **MANAGER SEARCH COMMITTEE**

Councilmember Doerfler and the search Committee reached out to four (4) potential firms, two (2) of which we have proposals from. Both firms have a similar approach and speaking on behalf of Councilmembers Zavala and Myers, Strategic Government Resources (SGR) is the company we would like to move forward with. He shared that they have worked with a very diverse group of municipalities with a very thorough process and timelines, everything is very spelled out. Councilmember Doerfler commented that we appreciate the vision of a strict timeline and SGR has a very proactive approach, meeting with Council, staff and residents to get a good idea of who would work best for the Borough. He also stated that they have a national network of job seekers which provides opportunities to match individual skills with our needs. He commented that he Committee likes the idea of looking outside of Pennsylvania and advised that this is transformational time for the Borough. He explained that the goal tonight is to get a motion to move forward with whatever conditions are necessary.

Councilmember Myers added that SGR demonstrated to us that they have a vetting process before it even reaches Council that allows for us to get into detailed questions from the candidates. She feels that SGR will help us know before the candidate gets to us that they really want the position.

Discussion continued regarding the fees and length of time for the search.

**It was motioned by Councilmember Doerfler to appoint SGR as our search consultant with two (2) conditions (clarification of fees and contract term); seconded by Councilmember Waterkotte.**

Councilmember Myers feels that SGR really came prepared for this job, she believes this is promising for the Borough and SGR really heard that we are a Borough in transition.

## **PUBLIC COMMENTS**

Keith Smithyman, 212 North Lincoln Street commented that he looked up to Joe Scalise and he would like to serve the Borough. He shared he is retired from Lincoln University and would be honored to go through the application process.

Councilmember Doerfler noted that when the the job is posted, he will send him a note so that he can follow up.

John Thomas, 406 South Broad Street suggested we start with this firm by the end of the month and get started. He is impressed with what was said about SGR and is crossing his fingers.

President Mercomes called for the vote.

The motion carried unanimously.

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

Councilmember Cramer shared his concern over actions taken by Kennett Township regarding EMS. He noted that as that gets worked out between the various partners, it is important that we as Council keep ourselves in tuned in and set the tone.

Mayor Fetick shared that the Mushroom Committee will drop the mushroom for a virtual live stream from 9pm-midnight and will include some of the acts that would normally play live. He shared there is more about the Mushroom Drop on Facebook.

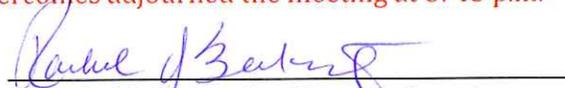
Councilmember Doerfler moved to cancel the second December meeting, December 7, 2020; seconded by Councilmember Waterkotte.

The motion carried unanimously.

President Mercomes wished everyone happy holidays and noted the next Council meeting is Monday, January 4, 2021 at 7 p.m. via Zoom.

### **ADJOURNMENT**

There being no further business, President Mercomes adjourned the meeting at 8: 43 p.m.

  
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Rachel J. Berkowitz, Borough Secretary