

## OFFICIAL MINUTES April 19, 2021

The Regular Meeting of April 19, 2021, 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*  
*Interim Borough Management Team – Chief William Holdsworth*

### ADOPTION of AGENDA

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

It was moved by Councilmember Cramer to amend the agenda by removing the discussion on the wastewater treatment plant (item number 7); seconded by Councilmember Doerfler.

The motion carried unanimously.

It was moved by Councilmember Doerfler to remove item 6 from the agenda to see if the State Street closure near Bancroft Road is put on hold; seconded by Councilmember Cramer.

The motion carried unanimously.

Councilmember Doerfler motioned to approve the agenda as amended; seconded by

The motion carried unanimously.

### PUBLIC COMMENTS

John Thomas, 406 South Broad Street, commented that he was disappointed he did not see something regarding commendations for the COVID clinic volunteers and the Kennett Fire Company. He feels that people need to be acknowledged for doing great things in an effort to uplift and encourage them.

He also commented that he would like to talk more about the building at 600 South Broad Street, as he believes it is really important that we have a municipal center.

President Mercomes noted that comments were made at the end of the last meeting commending Mayor Fetick and all of the volunteers for participating in the COVID Clinic. She also noted that we can commend them again as their efforts are ongoing.

Doug Hayes, 611 Magnolia Court, thanked Council for all of the work they do and brought up the issue of the outage of streetlights on D Street as a result of what happened at Victory. He shared that he continues to receive concerns from residents about their discomfort walking around at night without the streetlights. He asked for an update on where the investigation stands and when the streetlights on D Street will return to operation.

Luis Tovar, Chair of the Advisory Commission on Latino Affairs (ACOLA) shared that his comments are both personal and as a representative of ACOLA. He noted that we will be celebrating an anniversary for ACOLA, as it was put into place on My 16<sup>th</sup> of 2016. He shared insight on three (3) topics in the spirit of how and why, ACOLA was created, which is to represent a voice to draw attention to the injustices that occur intentionally and unintentionally, and to take it as an opportunity for education as well as bridging the community for cultural understanding and awareness for both sides, the Latinx community, as well as our local white community members.

Mr. Tovar shared the news reported of Avondale man who was arrested and is in Chester County prison awaiting trial. He noted that criminal briefs are common and usually short, but the Chester County District Attorney's Office felt it necessary to identify this criminal as a Guatemalan National who was arrested wearing a Homeland Security Investigations ankle bracelet after recently crossing the border into the United States as a refugee. He explained that the description calls attention to the differences between us, both in his nationality and residence status. There were over 400 comments in response to the news post, all full of hate. He explained that this news post was subtle racism, we see it all the time and we feel it all the time. Mr. Tovar commented that when we talk about it with one another but do not bring attention to it, it is an act of racism. Mr. Tovar noted he reached out to the County Commissioners with his concern and the request to take down or edit the post and a public apology to the LatinX community and commented that AOLA will continue to press this issue and appreciates the support that Council gives to ACOLA. Mr. Tovar shared that over the last few years, we have seen an influx of individuals coming from Venezuela, Honduras, and most recently a large influx of Guatemalans. He commented that we are trying to wrap our arms around solutions and hope to plan a cultural/social event where we could develop an immigrant welcoming committee and pursue something where we could share cultural information.

Mr. Tovar commented that his next issue was a report from the justice department about the arrest of a labor contractor. He explained that it has been difficult for the farm owners to manage a consistent work force, so they hire a contractor to handle the applicant screening process. In this case, the defendants knew they were employing undocumented workers as part of a years-long scheme to avoid paying their fair share of taxes, thereby exploiting those less fortunate out of greed. The workers who are under that contract are left without jobs and so now face evictions. Mr. Tovar asked how we maintain civility against this population and how is this community going to deal with the possible evictions. He noted that many people are answering the call for help, which is phenomenal. He asked for Council to be aware of this situation because we need to bring an awareness and sensitivity to this community that is in turmoil.

Mr. Tovar's third issue is with a German Imperial flag flying in front of a home in one of our neighborhoods which is a flag originally created for German Naval ships during WW1 to identify themselves. He noted this flag has become a substitute for the Nazi flag since Germany has decried the Nazi flag. He asked Russel Drumheller where in the current Borough code this type of situation is addressed. He shared this is subtle racism and we have come to take it as the norm and it should not be the norm. We need bring education to the forefront so that people can understand the issues, what is considered a norm and what they really mean. He suggested A great YouTube TED Talk by Baratrunde Thurston, a comedian on the Daily Show, called "How to Deconstruct Racism, One Headline at a Time" who takes a very serious topic and inserts a little bit of humor so it can be very clear in understanding what the issue is, what we take as norm, and what it really means. He encouraged everyone to view it. Mr. Tovar believes it is his duty as ACOLA to bring forward these gaps with our community, and to see how we can build bridges and nurture understanding and compassion towards one another.

President Mercomes thanked Mr. Tovar for his comments and letting us know the kinds of things that are happening in the Borough.

Karen Marshall, Heritage Preservation Coordinator for the County shared that the Brandywine Battlefield Task Force is delighted to have Lynn Sinclair as the Borough's representative. She commented there is a series of signs being placed in each municipality in the Battlefield and Kennett Borough is a major site the British occupied with British troops. She explained that the proposal is to put the interpretive sign at the new Heritage Center, so there will be interpretation for the southern Battlefield, all of the events of the British coming into Pennsylvania, and their preparations for the battle the next day. She shared they are all very excited and she hopes when the topic comes up that the Council will be supportive.

## **CONSENT ITEMS**

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

- Approval of Minutes – March 15, 2021
- Approval of Minutes – April 5, 2021
- Approval of Bills

## **REPORTS**

### **PRESIDENT'S**

President Mercomes did not have a report.

### **INTERIM MANAGEMENT TEAM'S REPORT**

Chief William Holdsworth did not have a report but shared, in reference to Mr. Doug Hayes and the lights on D Street, that he had a meeting with the Chester County Fire Marshal last week and should have some answers within the next two weeks. He expects they will announce a get-together to determine the actual cause of the incident at Victory, also as it pertains to the streetlights on D street. He is also working with PECO to get an idea of a timeline for the replacement of the lights, as they are all tied to the transformer that blew as well.

**PUBLIC SAFETY and INFRASTRUCTURE COMMITTEE**

Mayor Fetick reported that the Public Safety Committee approved a couple of no parking zones that will be coming in front of Council for safety issues and additional ordinance updates in specific areas in front of Victory and on Union Street and these will come in front of Council soon. Mayor Fetick noted the second item the Committee debated at length is the future for any type of road closures to support the restaurants on State Street, and other areas of town, based on need. He explained there are a couple of concerns there that have been a challenge that we are trying to figure out, and it is still changing which is why we asked to take it off the agenda for tonight. Council can consider it at the next meeting, but just to give you the basic information, to be thinking about ahead of time, he shared there was a request from the restaurants through Historic Kennett Square to continue to close off the 100 block of East State Street Thursday evenings, Friday evening, and Saturday and Sunday for outdoor dining, even as the restrictions are being lifted and restaurant capacity is increased to a 75%, there are still many people who are uncomfortable dining inside. The restaurants asked for additional consideration for outdoor dining, and they moved in that direction but then found out that PennDOT will be closing Baltimore Pike, due to the construction on the bridge at Bancroft Road in New Garden Township. When that gets closed the truck traffic going to Manfredi, South Mill and other mushroom houses and businesses in New Garden will not be able to access from the other side to come down Newark Road, so all of that truck traffic is going to have to come through the center of Kennett Square. He stated there is no way else around it; Chief Holdsworth has spent a lot of time trying to look at alternative routes for them, and they do not exist. He commented that we expect the bridge to be closed for approximately three months and significant truck traffic increase through the center of town. He noted there are a lot of moving pieces with this and we hope to have a recommendation for Council at the May 3<sup>rd</sup> meeting.

Mayor Fetick shared the Committee had a presentation from the Director of Public Works, Rob Moran, regarding the state of the Wastewater Treatment Plant, for which he has some serious concerns. However, in doing final calculations Mr. Moran wanted to go back and double check all of their numbers to present the most accurate information to Council, which is why his discussion was removed from tonight's agenda but as soon they are comfortable with the numbers it will come back before Council.

The third topic discussed at the Committee meeting was regarding the Regional Fire and EMS Commission. At the time, acting on what we knew at the Public Safety Committee a recommendation was made to bring to Council, to consider leaving the Commission. However, since that time, there have been a lot of moving parts both between Kennett Township and the Fire and EMS Commission, so at this point we will not provide any input to Council. There seems to be more cooperation now than there has been in the past and maybe we are on to some real clarity in the Commission. We do have some concerns about the Commission and the way things are there, but not enough to bring to the Council tonight. So, we are going to leave that on pause and see how things play out over the next several weeks and we ask for a discussion item at the second meeting in May, and we're allowing enough time for the Regional Finance Commission to meet again.

**POLICE DEPARTMENT**

Chief William Holdsworth submitted a written report that was included in the Council packet. In addition, he announced that the police department lobby is open to the public and anyone can bring in medication to dispose of from 8:30 a.m. to 4:30 p.m. He also noted they are expanding fingerprinting to Tuesdays and Thursdays and asked that people call in to schedule during those times.

**FIRE COMPANY**

Ms. Gina Puoci submitted a written report that was included in the Council packet.

**KENNETT FIRE and EMS COMMISSION**

Councilmember Cramer reported that it became clear that the Kennett Fire Company, although it was turning out responses, was not turning out crews that were able to get into buildings during the day, especially because of certification issues. Meanwhile, Kennett Township took some action including ending the territory for Kennett Fire Company's ambulance in the Township. Subsequently, they were also saying that they were going to end Kennett Fire Company's territory for fire in the Township as well, which means Kennett township itself would only have Fire and EMS service through Longwood Fire Company. So, with that in mind, and through a number of meetings, a deal was proposed by Eden Ratliffe, Manager of the Township, Kennett Ambulance was to be retired and Kennett Township ended their involvement with it as well. Kennett Fire Company would see a paid 3-person crew and Kennett would be able to respond to all fires within Kennett Township, while losing status as first responding agency, but able to go to all calls. He noted he will report back what moves forward at the next Commission meeting.

**HISTORIC KENNETT SQUARE (HKS)**

Bo Wright, Executive Director of HKS, stated he planned on sharing more on the street closure, but with all of the changes happening, he will wait for things to become clearer. He shared the Micro Transit grant update and noted they chose (through RFP) the group called Via, [www.ridewithvia](http://www.ridewithvia) as the consultant because they are one of the best groups in micro transit and what that looks like in communities of our size. Mr. Wright shared they took the time to understand transit in the Kennett area and placed a high emphasis on the power of the study to affect our community. They have two (2) bilingual staff persons who are on this team and he believes this group could actually give us something that we can act on with a workable product. He noted HKS will put together a contract with them and all of work will be covered by the grant.

Luis Tovar asked if Via is a minority owned business and Mr. Wright shared that he does not believe that it is.

Councilmember Cramer recommended that SCOOT should be considered and he would like to know how that fits in with Via. He really wants to support Scoot in trying to serve this community and believes they have done a great job.

Mr. Wright noted TMAAC oversees Scoot and has been very helpful and will help us survey Scoot riders. Mr. Wright also noted there is an under the radar ridership system of people who give rides to people, but in terms of public transport, Scoot is the best thing we have at this point.

Councilmember Doerfler noted that the transportation subcommittee of the Southern Chester County Opportunity Network, did a study regarding SCOOT as well, and it may be very worthwhile to bring the results of that work into the mix.

Mr. Wright commented that they will be part of our steering committee as there are lots of existing resources and an existing ecosystem there which will be taken into consideration.

**BOROUGH MANAGER SEARCH COMMITTEE**

Councilmember Doerfler reported that over the last month we have received applicants for the Borough Manager Search Committee. He asked that Councilmembers scan resumes by 2pm on Tuesday. He noted the Committee met with the recruiter and discussed each applicant, broke them down into tiers based on experience, and the goal at the end of the day tomorrow is to submit the top tier candidates to the next step in the process. The next step will be an online questionnaire to see their writing style, and participation in a short one-sided video interview. Then the committee will review the candidates again. He asks that Council add June 25<sup>th</sup> and 26<sup>th</sup> which are the days that we would like our final candidates visit/tour Kennett Square, get a feel for the town and the people, meet the staff and interview with Councilmembers.

**ACTION ITEMS****Administration****CONSIDER REGIONAL TRAILS COMMITTEE AGREEMENT for MAPPING SERVICES by the COUNTY**

Rachel Berkowitz, Borough Secretary explained that at the March 15<sup>th</sup> Council meeting, we had a presentation by Christine Norland of the Kennett Trails Alliance. Regarding the work of the Regional Trails Committee. As a follow up, this agreement is for the web-based interactive map of trails for public use in the areas, developed by the Chester County Planning Commission. The municipalities included are the Borough of Kennett Square, Kennett Township, East Marlborough Township, and New Garden Township, along with the Kennett Trails Alliance and 70% of the costs will be covered by Chester County. Square Roots Collective is responsible for the remaining balance, on behalf of the municipalities.

**Councilmember Waterkotte motioned to approve the agreement with the County for mapping service; seconded by Councilmember Doerfler.**

Councilmember Cramer thinks this is great, everyone is supportive of the trails and he is thankful for the parties to move this forward.

**PUBLIC COMMENTS**

There were no public comments.

President Mercomes called for the vote.

**The motion carried unanimously.**

**AUTHORIZATION of Advertisement to Amend Chapter 11, Parking Regulations**

Chief Holdsworth shared that this is for the consideration for the advertisement for amendments to Chapter 11 On parking regulations. that this Ordinance addresses new parking regulations that have been approved by the Public Safety and Infrastructure Committee to include changes to the parking regulations on D Street, North and South Union Street and North Walnut Street.

Councilmember Doerfler motioned to authorize the advertisement for the public meeting for the requested amendments to Chapter 11 Parking Regulations; seconded by Councilmember Zavala.

Councilmember Cramer shared that some of the amendments make sense, but the others like the North Union Street, he questioned and asked for a parking study to be completed.

### **PUBLIC COMMENTS**

Kathleen Cacamo 240 N. Washington Street asked where the public can find information on the possible amendments.

Ms. Berkowitz stated that they are advertised in the Daily Local and on the Borough's website.

John Thomas, 406 S. Broad Street commented that we should do the study and have the information to act upon.

Doug Hayes, 611 Magnolia Court, asked for specific directions on where to find the documents on the website.

Ms. Berkowitz explained that once on the website, you click on public meeting documents on the right side, scroll down to council meeting documents for April 19<sup>th</sup> and click on the item number.

President Mercomes called for the vote.

**The motion carried unanimously.**

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

Councilmember Waterkotte offered his thanks to Mr. Tovar for bringing this information forward. It bothers him that this is happening in the Borough. He is not sure what we can do that will not allow people to do this. He is appalled that someone would fly a flag that would cause harm, which is hateful and is racist.

Chief Holdsworth commented that as our nation braces for the decision on the Chauvin trial, he is confident that we will come together as we always do. He thanked Councilmember Myers for going out on a limb with him about policing in Kennett Square, which had a great effect on demonstrations in the County. It has been almost a year now and we see cities bracing for impact, but he believes Kennett Square will show everyone how community comes together.

Mayor Fetick shared there will be a vaccine clinic this Saturday and we have 135 spots available. We have 39 nonmedical volunteers and 9 medical volunteers and the only paid person is the pharmacist. There will be bilingual advocates to help. He commented that if we see a need we can bring the clinic back for another 1,000 doses. We are using the Moderna vaccine this Saturday and are working on getting the Pfizer vaccine for those 16-18 years old. He noted that for the second dose we are hoping to have a drive through event. The high school has been very helpful with giving us space for the clinic.

Councilmember Myers commented that our demonstration last year was just one way of doing this. She asked that everyone please remember to not place judgment on how other demonstrations have been planned or have happened.

**ADJOURNMENT**

There being no further business, President Mercomes adjourned the meeting at 8:33 p.m.

  
\_\_\_\_\_  
Rachel J. Berkowitz, Borough Secretary