



801 Burrows Run Road
Chadds Ford, PA 19317

BOARD OF SUPERVISORS MEETING via ZOOM MINUTES

May 20, 2020
7:01 p.m.

Present: Dr. Richard L. Leff, Chairman; Whitney S. Hoffman, Vice Chair; Scudder G. Stevens, Supervisor; Eden R. Ratliff, Township Manager; Amy Heinrich, Finance/HR Director; Diane Hicks, Planning and Zoning Director; Roger Lysle, Public Works Director; Matt Gordon, Acting Chief of Police

1. CALL TO ORDER

Chairman Leff called the meeting to order at 7:01 p.m. and gave a brief COVID update. He also noted the location change for KT3 for the upcoming June 2nd election and thanked the community for their contributions of PPE.

Supervisor Stevens gave an update on the progress of Chandler Mill Bridge including some history of the bridge. He also reminded everyone that while social (physical) distancing continues, it is ever important not be distance emotionally from one another.

Vice Chair Hoffman thanked those who continue to do their part and wear masks. She encouraged anyone who still needs a mask to reach out to her, adding that the group she's been working with has made over 7,000 of them so far.

2. TOWNSHIP RECOVERY UPDATE

Ratliff noted that there have not been any status changes in the recovery process. The Township is still working with Hardtford with the Surety Bond recovery efforts and expect to have more information on this later this summer. Leff added that the Township is now a year through this process, the Township has initiated civil actions, and that he looks forward to seeing what will happen as the criminal system gets back up and running.

Discussion:

- There was no discussion.

3. TOWNSHIP UPDATES

a. CHANDLER MILL BRIDGE

Ratliff gave an update on the bridge, stating that the original goal for completion was the end of June. There were, however, some timeline setbacks in March and April due to COVID-19. Lobar Construction restored the original steel beams of the bridge, which allowed the historic registry designation to remain for Chandler Mill Bridge. Ratliff added that completion is now more likely going to be some time in July, although any ribbon cutting ceremony or dedication is unclear at this time due to the pandemic. He encouraged people to walk the preserve and see the bridge.

Discussion:

- Stevens commented that originally, they were hoping to get a weight limit of 30 tons for the bridge, but due to some of the events that occurred during restoration, the limit will more likely be between 25 and 30 tons carrying capacity, which will still enable emergency vehicles to cross the bridge. Discussions for how to control the passage of emergency vehicles will develop as time progresses. Stevens added that both the weight capacity and the bridge keeping its historical designation are both great accomplishments for the Township.
- Ratliff confirmed that emergency vehicles will have access to the bridge, but it is unclear now what the total weight limit will be and therefore which vehicles can cross it (regular fire truck versus a ladder truck). Fire chiefs Michell and McCarthy are part of the current conversation surrounding what the gate to Chandler Mill Bridge will look like, and those options/decisions will be brought to the board.
- Leff added his positive enthusiasm and excitement in seeing this restoration project being completed.

b. STATE STREET BRIDGE REPAIR AND DETOUR

Ratliff explained an upcoming planned bridge closer at State Street by PennDOT that will have the most impact on tractor trailers, as they will be re-routed. The project will begin in June of 2020 is expected to take a couple of months.

Discussion:

- There was no discussion.

c. ELECTION DAY

Ratliff reported that the Township offices will be closed Tuesday, June 2nd for election day and used for a polling location for those residing in KT 1. He said that while there would be PPE available on site, he encouraged everyone to bring and use their own PPE (masks, hand sanitizer) and to stay 6 feet apart. Ratliff also reminded those in KT 3 that their polling place has been moved from Kendal Crosslands to Greenwood Elementary School.

Discussion:

- There was no discussion

4. EXECUTIVE SESSION ANNOUNCEMENTS (ACTION ITEM)

Hoffman announced that the Kennett Township Board of Supervisors met in executive session on May 8, 2020 to address potential litigation and on May 18, 2020 to discuss the proposed trail consultants Biohabitats.

5. MEETING MINUTES (ACTION ITEM)

Motion presented by Hoffman to adopt the April 15, 2020 meeting minutes. Stevens seconded the motion. Motion was amended by Hoffman to include the changed suggested by Stevens. The motion was not passed; minutes will be brought before the Board for reapproval at the next meeting after suggested changes have been made.

Discussion:

- Stevens outlined several small changes that the Board and Ratliff agreed would be made and then resubmitted to the Board at the next meeting.

Motion not presented; minutes will be brought before the Board for reapproval at the next meeting after suggested changes have been made.

Discussion:

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6. OLD BUSINESS (ACTION ITEMS)

- a. **None**

7. NEW BUSINESS (ACTION ITEMS)

- a. **Ratify the Delta Agreement for Grant Applications**

<https://www.kennett.pa.us/DocumentCenter/View/4016>

Motion presented by Hoffman to ratify agreement with Delta Development Group to assist with grant applications for PA Sewage Facility Program and PennDOT MTF Program grants. Stevens seconded the motion. Motion was amended by Hoffman to include the approval of the contract by the Township Solicitor. Stevens seconded amended motion. The motion was passed unanimously after the following discussion.

Ratliff explained that in the 2020 adopted budget, there were funds allocated to apply for grants including the Multimodal Transportation Fund (MTF), something the Township has applied to unsuccessfully in the past, with the intention of improving the Five Points intersection with a roundabout (~ \$3 million dollar application). The second grant, the PA Sewage Facility Program (~ \$200,000 project), is a joint submission with the Borough of Kennett Square to develop a comprehensive Act 537 Plan to study the sewage/wastewater needs for both communities and the sewage treatment facility in the Borough. There is an Act 537 Plan in existence in Kennett Township, but it is outdated and only includes part of the Township. Each grant application costs \$15,000. If awarded the PA Sewage Facility Program, the match amounts would be divided equitably between the Township and the Borough.

Discussion:

- Leff commented that the PA Sewage Facility Program makes sense, but he questioned the necessity of the MTF grant for Five Points intersection improvements, adding that COVID-19 has decreased the amount of traffic.
- Stevens questioned the contract; page one stated three grants, but only lists two. Ratliff clarified that there are only two, that is a typo. Stevens also asked if this contract has been vetted by counsel. Ratliff answered that there was not a written memo from Sanders for this boiler plate contract. Stevens asked if this contract would cover all the needs of the Township, to which Ratliff responded yes. It was confirmed that Delta is the same company who has helped the Township for the past several years. Stevens wants it on record that this contract was vetted by counsel and that he gave approval to sign it.
- Stevens spoke in favor of pursuing the MTF grant for the Five Points intersection.
- Hoffman added her desire to pursue the MTF grant that all prior work put into this effort to date would not be undone and the Township would not have to start all over again in the future.
- Stevens asked about costs for the intersection. Ratliff explained it is a \$3.2 million dollar grant and we have a 20% match (\$640,000).
- There was discussion between the Board of Supervisors about whether similar contracts have been signed.
- Beth Thomas (126 W. Hillendale Rd) asked via Zoom chat: “Why are we putting money out for this and not letting the state pay for the whole thing? I live just down the road from this intersection and

my business is at the intersection but I am not a fan of the circle. I am not in favor of paying for this with our current financial situation. We continue to say we have done this before doesn't mean we have to continue to do it.” Ratliff explained that if fixing this intersection was left up to PennDOT, it would take 15 or 20 years until they work on it. He added that if the Township is willing to pay for this grant application and lobby for it, it would present a cost-sharing opportunity that PennDOT may want to take advantage of and complete this project much sooner. Hoffman asked Ms. Thomas if people were concerned with the increased traffic proposed by residential developments of Sinclair Springs and Stonehouse. Ms. Thomas replied that traffic is heaviest in the morning during school time and between 4:30 – 6:00 p.m. but thinks it is not that big of a deal. She also added that it was her preference to preserve the land at Sinclair Springs in the past, that she did not believe this was a project needed right now, and that she feels the roundabout will be a nightmare. Leff added that studies show the effectiveness of roundabouts in improving traffic.

- Gordon, on Hoffman’s request, commented that he has not seen the traffic study but there have not been a lot of crashes at that intersections. He realizes that the Township is more concerned for future traffic. While COVID has negated current rush hour traffic, the traffic will be back.
- Lysle pointed to the multiple studies that have been done regarding this intersection and that the roundabout was the only option PennDOT would consider. He also confirmed that if left up to PennDOT, this intersection would likely not be addressed for ~20 years. He added his comments as to the flow of traffic and minor accidents there. Leff asked what the cost was to maintain the intersection. Lysle responded that we currently pay for light repair and upkeep. Ratliff contended that PennDOT would likely own the roundabout, thus decreasing the Township’s upkeep costs.
- Stevens also reminded the other supervisors about the multiple studies, past public meetings on this topic, and PennDOT’s preference of the roundabout. The consensus from the professional consultants was that the roundabout was the only practical way to proceed. Stevens believes now is the time to act to do what is best for the community.
- Ratliff confirmed that PennDOT has already approved this project. Hoffman asked for clarification on what we are lobbying for, to which Ratliff responded grant funding. Ratliff also clarified that if we spend \$15,000 for Delta to lobby for this grant, and we are awarded the grant, we will be able to begin construction within about six (6) to eight (8) months compared to the estimated 10 to 20 years it would take PennDOT to do it alone. He also reminded everyone that the intersection has a low “D” rating. Discussion continued with Hoffman weighing the decision to wait or go forward. Ratliff added the amount of work that has already gone into the project by meeting with legislators, key staff, and various committees asking for support ahead of this application. He also noted that this project was selected as a priority by the board last year as part of the 2020 budget process.
- Leff asked when the grant would be awarded. Ratliff answered that the deadline has been pushed back given the pandemic, but his estimation is sometime in the fall of 2020. That would allow for construction in 2021 verses waiting for PennDOT. Leff added his appreciation of the discussion given the unique times the Township is in.

b. Consider the Proposed Resolution 2020-9 for SFG Grant Application

<https://www.kennett.pa.us/DocumentCenter/View/4017>

Motion presented by Hoffman to adopt Resolution 2020-9 authorizing the submission of a Sewage Facilities Program application to the Pennsylvania Commonwealth Financing Authority. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Discussion:

- Stevens raised some form questions regarding the order of the information listed in the resolution. Ratliff explained that this was reviewed by counsel but would confirm with them legal counsel again.
- Ratliff confirmed that this grant was for the Act 537 plan that was discussed earlier for up to \$100,000 that had a 20% match which would be shared by the Borough.
- Leff and Ratliff agreed that the substance of this resolution warranted an approval verses needing to wait for clarification on the order of the paragraphs within the resolution.

c. Consider the May 20, 2020 Bill Voucher in the amount of \$591,017.06

(<https://www.kennett.pa.us/DocumentCenter/View/4024>)

Motion presented by Hoffman to approve the May 20, 2020 Bill Voucher in the amount of \$723,417.92 Total transfers equal \$237,497.67. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Discussion:

- Stevens thanked Heinrich and Ratliff for their work on the form of the voucher report. He also asked about the purchase of gloves as they were listed in three different places for three different amounts. Heinrich explained that the gloves ordered by the Public Works Director are at a very large quantity versus those ordered through Amazon's special COVID supply, available to the Township due to their first responders. Those specific COVID expenses are being tracked with the hopes that the Township may be reimbursed. She also added that due to supply and demand issues, when something becomes available, it gets purchased to ensure the Township has what they need.
- Heinrich added that two large check payments were made to Lobar Construction for their completed work thus far on Chandler Mill Bridge and Clark Contractors, who are working on the Rosedale Sewer. She explained how our engineer vets the requested payments against the actual work done prior to paying them.
- Leff added his appreciation for Heinrich's work improving the transparency in reporting.

d. Consider Biohabitats as the Township's Greenway and Trails Engineer

(<https://www.kennett.pa.us/DocumentCenter/View/4018>)

Motion presented by Hoffman to approve Biohabitats and their subconsultants Meliora and Unknown Studio to serve as Kennett Township's Greenway & Trails Engineer. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Discussion:

- Ratliff is recommending Biohabitats be appointed as the Kennett Greenway engineers due to their ecologically sound practices and their experience in placemaking and Greenway engineering. He further outlined the three consultants and their local experience (Kennett Square Borough, Longwood Gardens), noting that all three of them (Biohabitats, Meliora, and Unknown Studios) lead with the environment first. This aligns with the priorities of the Board of Supervisors and Township. The Township currently has a grant from the Commonwealth to complete trails from Chandler Mill Bridge to as far north as South Street. They would also work on the Magnolia Underpass as part of their engineering.
- Stevens added that he is encouraged with the consultant's experience with railroads and that they have a plan to continue the path across the railroad tracks on the New Garden side of the tracks.
- Hoffman added that she was pleased that they emphasize place-finding and that their projects integrate well within the community.
- Leff added how Biohabitats have done large and small projects, far and near, and really pay attention to sense of place, which is important to maintain in Kennett Township for the future. He also appreciated getting to meet with them for their presentation ahead of this vote.

e. Consider Biohabitats Task Order #1 for the Magnolia Greenway Underpass

(<https://www.kennett.pa.us/DocumentCenter/View/4019>)

Motion presented by Hoffman to approve Biohabitats Task Order #1 for the Magnolia Greenway Underpass. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Discussion:

- Ratliff explained this segment of the Kennett Greenway, which was budgeted by the Board and runs near Pennock Park. The challenge is crossing the railroad tracks. This task order, which has a cost of \$21,408.30, is for the preliminary engineering by Biohabitats and their consultants to show how the Greenway will go under the railroad tracks. While there is a stream that could be an underpass, that is not ideal given that would mean designing a trail in the flood plain of that stream.
- Stevens and Hoffman agreed that it makes sense to create the underpass away from the stream to avoid creating a swamp.

f. Consider the Proposed Resolution 2020-10 for Open Space Loan Deferral

(<https://www.kennett.pa.us/DocumentCenter/View/4020>)

Motion presented by Hoffman to adopt Resolution 2020-10 authorizing, approving, and adopting a modification of its General Obligation Note, Series 2018. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Discussion:

- Ratliff reminded everyone about a loan through Fulton Bank which the Board drew on for the purchase of Open Space. There are currently options to save as there is the availability to defer the June payment for three months. That would allow time to research saving options thoroughly to see if refinancing is the best option.
- Hoffman commented that with interest rates being so low, she is glad that they are investigating this option.
- Leff added his appreciation of this effort to lower the costs of the Township. Ratliff said that all credit goes to the Finance Department.

g. Consider Contract Addendum #1 for Vision Partnership Program Grant with increased cost of \$5,568.00 for Contract Number 18334 (Zoning)

(<https://www.kennett.pa.us/DocumentCenter/View/4021>)

Motion presented by Hoffman to approve the Chester County Vision Partnership Grant Program's Contract Addendum #1 for Contract Number 18334, with additional costs of \$5,568.00 and an extension until December 31, 2020. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Discussion:

- Stevens asked to confirm that this was about our zoning codes. Ratliff said yes and explained that Diane Hicks has been guiding a committee of volunteers as they review and update Kennett Township's zoning codes. This is a result of the Economic Development Study of 2016. While the County does cover most of the costs, there were several items that were found that could be added, hence the additional cost to the Township. Ratliff commended Hicks and the Zoning Task Force for their commitment to continue meeting virtually due to COVID restrictions.
- Leff added that this has been a two-year project, and that the extension of time will be helpful to complete these additions as this process simplifies the current codes in addition to adding new ones.
- Hoffman added her approval for this process.
- Heinrich commented on the "additional costs" and explained that if the amounts were over a certain threshold, there would have been a formal budget amendment. She also added that due to COVID, there are going to be a lot of areas that will need to be reforecasting for an updated budget.

h. Consider Contract Addendum #1 for Vision Planning Partnership Grant for Contract Number 18431 (TND Development)

Motion presented by Hoffman to approve the Chester County Vision Partnership Grant Program's Contract Addendum #1 for Contract Number 18431, which extends Contract Terms until October 31, 2020. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Discussion:

- Ratliff explained how the Board of Supervisors prioritized a traditional neighborhood design development targeted for the ring around the Borough. There is a joint VPP grant with the Borough to address that specific area, which is managed by a consultant hired by the Borough called LRK.
- Leff asked and Ratliff confirmed that this was only a time extension, that there would be no additional costs for this.
- Hicks added that this is similar to the VPP Grant for Zoning, but will help ensure everything is complete.

i. Consider the Escrow Release for Kennett Apartments

<https://www.kennett.pa.us/DocumentCenter/View/4022>

Motion presented by Hoffman to approve the release of Escrow No.1 in the amount of \$1,876,921.90 for completed site improvements at the Kennett Apartments (The Flats at Kennett). Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Discussion:

- Stevens noted that this has been reviewed by the Township Engineer.
- Hoffman asked Hicks if there were any concerns about drainage, to which Hicks responded that she has no concerns and that Stan Corbett (Township Engineer) has addressed all of those in his review letter.
- Heinrich explained that while the amount is large, this is a financial security agreement the that Flats have retained with a bank (line/letter of credit). The Township is not doing anything with cash, only allowing their bank to reduce their credit. Leff added that that specific line of credit still will have \$1.6 million after this release.
- Stevens explained how the Township does not have a lot of choice in this matter as it is mandated by state law that we cannot withhold escrowed funds beyond the point where the work that is being covered has been approved for the release. This is simply a formalize approval process.
- Heinrich added that the information included in the packet for this agenda item shows a very detailed list of all the work they have completed. It is this list that our Engineer reviews and confirms. The remaining items that are not yet completed will make up the remaining \$1.6 million that Leff alluded to.
- Leff added that this an improvement for the Township by providing a range of different affordably priced housing and that he hopes these apartments will be open by the end of the year.

j. Consider Proposed Resolution 2020-11 to Extend Real Estate Tax Deadline

<https://www.kennett.pa.us/DocumentCenter/View/4035>

Motion presented by Hoffman to adopt Resolution 2020-11 extending the real estate tax deadline without incurring a penalty to December 31, 2020. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Discussion:

- Stevens asked who drafted the resolution and Ratliff responded the Township Solicitor Dave Sander.

- Ratliff commented that in trying to find ways to provide our citizens relief in this time, the neighboring municipalities were also passing similar resolutions.
- Leff added that this also aligns Kennett Township with what the County is doing.
- Heinrich explained that less than a month ago, the Township was not allowed to extend this tax deadline, but thanks to new legislation this Resolution is now possible. She also said that to date, most residents who have their taxes escrowed have already paid.

8. PUBLIC COMMENT

- Ratliff thanked Roger Lysle and his work in managing the Chandler Mill Bridge project. He also informed everyone about the agenda that now has hyperlinks to the various documents for the meetings and encouraged everyone to view that on the Township website. It is available the Friday before a meeting but noted that sometimes it may be amended if something needs to be added. Lastly, Ratliff wanted to introduced Jasmin Lopez as the Accounting Assistant.
- Beth Thomas (126 W Hillendale Rd) commented via Zoom chat: “Do we know if the Kaolin Bridge is still planned to be worked on in August? I know with the pandemic I was not sure with budget items didn't know if it was being pushed back. I know it is a state road. Thanks”. Ratliff answered that as far as he knows the project is still expected to begin in August and will keep the public posted as the Township gets updates/confirmation.

9. MOTION TO ADJOURN

Motion presented by Hoffman to adjourn. Stevens seconded the motion. The motion was passed unanimously with no discussion.

The meeting adjourned at 8:41 p.m.

Respectfully submitted,
Eden R. Ratliff
Township Secretary