

**MINUTES OF THE BOARD OF SUPERVISORS OF  
KENNETT TOWNSHIP  
801 Burrows Run Road  
Chadds Ford, PA 19317**

**June 5, 2019**

Stevens called the meeting to order at 7:00 p.m.

Present:           Chairman, Scudder G. Stevens  
                  Vice-Chair, Dr. Richard Leff  
                  Supervisor, Whitney S. Hoffman  
                  Solicitor, Dave Sander  
                  Chief of Police, Lydell Nolt

<b>TOWNSHIP INVESTIATION UPDATE</b>
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**Announcement of Executive Sessions for Personnel Matters**

Stevens read the following prepared statement:

*“At the last Board of Supervisors meeting on Wednesday, May 15, 2019, we made a commitment to keep everyone as informed as possible into the two investigations currently underway in Kennett Township by the Chester County District Attorney’s Office and a forensic auditor hired by the Township.*

*These investigations are looking into some suspicious transactions on Township accounts. As you know, all Township employees (including the Supervisors) have been asked by the District Attorney not to discuss any details which might jeopardize the investigations, and we have been following those instructions.*

*That said, in keeping with our commitment to communicate what we can, we have several important items to report.*

***First, a Joint Memo from the Investigators***

*Dell Nolt, the Kennett Township Police Chief, is the liaison between the investigators and the Supervisors. Dell received a brief, joint statement from the investigators which I would like to read you:*

*The investigators and the forensic accounting firm are in the final stages of securing records and documents, both from internal and external sources. As we speak, the analysis and qualification of those documents and records are being actively pursued by both the accountant and investigators jointly. We anticipate that this analysis will continue for an extended period of time. It is important that all pertinent documents and records are reviewed.*

*Lydell E. Nolt  
Chief of Police*

***Second, a Township Operations Update:***

***We continue to work diligently to ensure that the government of Kennett Township continues without interruption. Later in tonight’s meeting, we will be taking action on two items:***

- *The official dismissal of our previous Township Manager. This action was taken after we received new information and was announced on Monday, May 20, 2019.*

- *The hiring of a new interim Township Manager, Alison Rudolph, which was announced on Friday, May 24, 2019.*

***Third, I want to mention two additional items:***

- *Our search for a full-time Township Manager continues and we'll have further updates when we have some news to report.*
- *We continue to internally review Township operations, and take corrective actions when appropriate, to ensure the proper functioning of both financial and operational matters.*

*We will have more to report on these matters at the appropriate times – in keeping with the constraints asked of us by the investigators.*

***In closing***

*Last, I would like to thank our Township Employees, including our police force, who have risen to every challenge they have faced in recent weeks. I would also like to thank the citizens, friends, service providers, vendors and others here in Kennett Township who have been understanding, supportive and patient.”*

**Comments:**

Art Kaiser asked why the Interim Township manager is not present. Hoffman responded that she was not able to attend due to a personal conflict that she had scheduled before being hired. Kaiser commented that he feels it is unacceptable that Rudolf was not in attendance and this meeting was a good opportunity for her to introduce herself to the public. Hoffman replied that she apologizes she was not able to attend and explained that the hiring process was quick and there were obligations that Rudolf needed to take care of noting that Rudolf was working part time for the Township and if Mr. Kaiser wanted to set up a time to meet Rudolf during office hours, that could be set up.

Richard Gaw, Chester County Press asked for the names of who is doing the investigation. Nolt responded that there is not anyone specifically working only on the case but it is being handled by both the District Attorney's office and the Marcum office as a whole.

Gaw asked if Stevens opening statement will be available on the Townships website, Stevens responded that yes, the statement would be posted.

Gaw asked that Stevens to clarify the part of the statement where he noted that investigation is in its “Final Stages”, Stevens clarified that the Final stages pertains to obtaining documents and records.

Gaw asked if the amount of administrative duties of the Supervisors have been lessened with the hiring of the Interim manager. Stevens replied that the interim manager has eased the amount of work but the Supervisors still are playing an active and regular capacity every day.

Beth Thomas asked what the cost is to the Taxpayers for the investigators. Stevens and Sander replied that the Township will be billed by the consultant on a varied hourly rate. It was discussed that details for the contract will be available on the Townships website.

## **ANNOUNCEMENTS**

### **Executive session**

Sanders announced that the Board of Supervisors met in executive session to discuss matters of personnel on May 16, 17, 20, 21, 22, 23, 24, 28, 29 and June 3<sup>rd</sup> and 4<sup>th</sup>.

### **Termination of Township Manager**

**Leff made a motion to ratify the termination of Lisa Moore from the office of Township Manager for Kennett Township.**

**Hoffman seconded the motion.**

**Motion passes unanimously.**

### **Appointment of Interim Manager-Alison Rudolf**

**Leff made a motion to ratify the hiring of Alison Rudolf as Interim Township Manager.**

**Hoffman seconded the motion.**

**Motion passes unanimously.**

### **Lafayette College Manager search**

**Hoffman made a motion to ratify the hiring of David Woglom and the Meyner Center at Lafayette College to conduct a search for a permanent Township manager.**

**Leff seconded the motion.**

### **Discussion:**

Joe Duffy asked if there will be a criteria made available to the public. Stevens responded the formal job description is currently being updated but the advertisement will be on the website.

Beth Thomas asked what the hourly rate is for the interim manager. Stevens responded that the rate is \$100/hour.

Joy Davies asked if there is measures being put into place so that this situation does not happen again. Stevens responded that procedures are being looked at very closely and changes to policy and procedures are and have been updated so that nothing occurs in the future and noted that the investigation is crucial to understanding the problems as the report will give input to recommended changes.

Amy Heinrich asked if the supervisors have been able to identify any failure points in the controls. Stevens replied that unfortunately he can answer without jeopardizing the investigation.

Amy Heinrich asked if the Business Advisory committee has been re-established. Stevens responded yes and introduced Heinrich to Bill McLachlan who chairs the committee.

Art Kaiser asked what the interim manager's accountability is. Stevens responded that the Supervisors are giving direction and are accountable for the interim manager's duties and payment. Kaiser asked if there are two signatures on her time payment, Hoffman responded that yes, there are two signatures on everything.

**Motion passes unanimously.**

### **July 3, 2019 meeting cancelled**

It was announced that there would not be a Board of Supervisors meeting on July 3<sup>rd</sup>, 2019. The Supervisors will hold their July meeting on July 17<sup>th</sup>, 2019.

### **Clifton Mill Bridge**

Construction on the bridge is advancing steadily. The contractor will pour the new bridge deck this week and the deck will have a 14-day curing period. At this time, the department (PennDOT) is about a month out from reopening the bridge. At this point, the department anticipates opening the Route 82 Bridge in early/mid July.

## MINUTES

**Hoffman made a motion to adopt the minutes from the May 15, 2019 meeting. Leff seconded the motion. Motion passes unanimously.**

## OLD BUSINESS

### Hillingham/Stephens Gardens

Sander presented an update on the Stephens Gardens property noting that he has been informed that the property is under agreement of sale. Sander noted that there is an order from the Bankruptcy court that there be a settlement in August. Sander noted that he is not aware of who the agreement of sale is with or the conditions set in the agreement.

#### Comments:

John Haedrich asked if the Township has any jurisdiction to getting the property cleaned up and if there are new owners, will they be responsible for cleaning up the site. Sander responded that the Township would need to follow the steps outlined in the property maintenance code with any new owners.

Haedrich noted that there is a Rock garden in the PennDOT right of way on this property and should be remedied. Nolt commented that PennDOT has been notified by the Township of this issue.

Bill McLaughlin commented that he saw the property listed for Sheriff Sale in June. Sander noted that he will look into this.

A resident from Hillingham asked if there are any types of stipulations on what can and cannot go on the property. Sander replied that would be a zoning function and if an owner had a use that is not permitted, they can go to the Zoning Hearing Board and ask for a use variance, and in that case residents of abutting properties would be notified of that hearing.

## NEW BUSINESS

### TDR Amendments

Tom Comitta presented proposed Transfer of Development Right Ordinance amendments noting the following key changes:

1. New Sending area districts include: V-1 and BP.
2. New Receiving area districts include: V-1 and SA; and
3. New Metrics are included to incent the use of TDRs in the northern tier of the Township.

**Hoffman made a motion to send the proposed TDR amendments to the Township and County Planning Commission and any other Township committees as appropriate for their review. Leff seconded the motion.**

#### Comments:

Joe Duffy, a member of the LCAC commented on the proposed amendments as it pertains to open space.

Rich Leff discussed the proposed amendments with Comitta.

Hoffman commented that the draft is at a good place to get a County and Township Planning Commission review.

**Motion passes unanimously.**

## **Planned Village Ordinance revision discussions**

Tom Comitta and Tim Jones of the Commonwealth Group presented an overview of proposed changes to the Planned Village Ordinance to expand the Appendix F Design standards pertaining to:

1. Public Space & Open Space
2. Building Design & Height
3. Attached Dwelling Units: Front-Loaded Garages
4. Streetscape Elements
5. Park Lot Design
6. Perimeter Buffers

A "Planned Village Open Space" definition, clarification to the open space percentage, woodland disturbance as well as other minor changes are proposed.

**Leff made a motion to send the proposed Planned Village Ordinance to the Township and County Planning Commission and any other Township committees as appropriate for their review. Hoffman seconded the motion.**

Comments:

Leff commented that he feels the woodland section is a little vague.

Amy Heinrich asked if the normal requirement is that tree replacement happens on the same property or could it go to other. Sander responded that the option is there.

Amy Heinrich noted that she feels it is odd to edit an Ordinance for one property. Sander responded that these changes would be applicable to other properties in this zoning district.

Joe Duffy commented that this property sits off of Ways Lane which needs significant work and the Township has been looking for ways to improve Ways lane for a long time.

**Motion passed unanimously.**

## **Chandler Mill Bridge-approval for engineer to design**

OBrien presented a proposal from AECOM to proceed with preparing the design, scope of work, price proposal, design schedule and construction schedule for the rehabilitation of the Chandler Mill Bridge with a cost not to exceed \$68,200.00.

**Leff made a motion to approve to have AECOM with preparing the scope of work, price proposal, design schedule and construction schedule for the rehabilitation of the Chandler Mill Bridge with a cost not to exceed \$68,200.00. Hoffman seconded the motion.**

**Motion passes unanimously.**

## **SUBDIVISIONS**

### **Stonehouse Escrow Release #11**

OBrien presented an Escrow release request #11 for \$65,210.00 from the Stonehouse development which would leave an escrow balance of \$796,980.35. The Township Engineer has reviewed this request and based on their inspection findings, they issued a recommendation to release the request in accordance with the status of construction.

**Leff made a motion to approve Escrow Release #11 in the amount of \$65,210.00 for the Stonehouse development. Hoffman seconded the motion.**

**Discussion:**

Hoffman asked if Mr. Murphy’s issues regarding run off and the address, O’Brien will follow up with Mr. Murphy on any open issues he has as it pertains to the development.

**Motion passes unanimously.**

**Corrado-Minor Final-Lot Line Change**

OBrien presented Final plans for the Corrado lot line change application noting that this project consists of two (2) properties located on Old Kennett Road identified as tax parcel numbers 62-4-336 and 62-4-337. The property owners are proposing to create a lot line change of to redefine the common lot lines. The Planning Commission recommended Final Plan approval to the Board of Supervisors on May 14, 2019. OBrien asked that the Supervisors consider approving the Final Lot Line Plan for the Corrado Properties prepared by Register Associates, Inc. dated 3/27/2019, last revised 5/1/19 consisting of 1 sheet with approval of the requested waivers SALDO Sections 206-403B-L given that no earth movement or construction is proposed with this application and DEP Planning Module waiver be approved.

**Leff made a motion to approve the Final Lot Line Plan for the Corrado Properties prepared by Register Associates, Inc. dated 3/27/2019, last revised 5/1/19 consisting of 1 sheet with approval of the requested waivers SALDO Sections 206-403B-L. Hoffman seconded the motion.**

**Discussion:**

Stevens noted that he would recuse himself from this vote as the applicant is represented by Dan Maisano, a partner with the same law firm he is a partner.

**Motion passes 2-0 with Stevens recusing himself from the vote.**

**PUBLIC COMMENT**

*Hoffman commented to be on a watch for wildlife as a resident report that there have been a lot of geese and turtles on the roadways and being hit.*

*Mike Majeski commented that he would like to see the problem of illegal fireworks being used noting that this is just not around the Fourth of July holiday. Majeski noted that these are major displays and happen late at night. Nolt responded that he will notify officers to be diligent and will put together a notice to distribute.*

**ADJOURNMENT**

**Hoffman made motion to adjourn. Leff seconded the motion.  
Motion carried unanimously.**

The meeting adjourned at 8:54 p.m.

Respectfully submitted,  
Michael O’Brien  
Recording Secretary