



801 Burrows Run Road
Chadds Ford, PA 19317

BOARD OF SUPERVISORS MEETING via ZOOM MINUTES

July 15, 2020
7:05 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; Roger Lysle, Public Works Director; Matt Gordon, Acting Chief of Police; Dave Sander, Solicitor

1. CALL TO ORDER

Chairman Leff called the meeting to order at 7:05 p.m. and gave a brief COVID-19 update. He said that even though we are in the “Green Phase,” it is important to realize that increases or decreases in new cases after a change in behavior can take up to two to three weeks to materialize. He encouraged everyone to continue to take precautions when around others who may be asymptomatic, including adhering to the Pennsylvania directive to wear a mask when you leave your home. He thanked everyone for their continued donations of PPE to first responders and thanked the various nonprofits who have helped those in need.

Hoffman cited the changes the Governor made earlier in the day that limits the number of people in a restaurant, recommendations to telework where possible, and other restrictions that will be posted to the Kennett Township website. She referenced the other parts of the country who are seeing their COVID cases rise and hopes these measures will help this area return to the “new normal” sooner.

Stevens explained the new data which shows that transmission often happens before symptoms present themselves, which is why wearing masks and maintaining proximity distance of six feet or more is so important. He also stressed the dangers of seclusion and encouraged everyone to reach out and care for loved ones to let them know they are important to you. Maintain proximate distance, but social closeness. Stevens also spoke to the number of current detours in Kennett Township and the Borough and New Garden Township, requesting communication between the municipalities to share all those closed roads for ease of travel.

Discussion:

- Lori Stewart (542 Bayard Road) asked via Zoom Chat: “Our testing numbers seem very low. Does anyone know why we are testing so few people the last week or two when the numbers of cases are increasing around us? I did try calling the health dept a week ago, because I use the county dashboard to gauge my activities, and they promised to call back but didn’t. (FYI)” Leff commented that all of the numbers are run by the Chester County Health Department. He also spoke about testing and the challenges using different labs. He pointed out that Kendal at Longwood is testing residents and staff for surveillance. Leff said he suspects there is less testing because less is needed. Hoffman added that she has heard the frustrations of people having to wait for results.

2. TOWNSHIP RECOVERY UPDATE

- Leff laid out a history behind the recovery efforts up to this point. For over a year, the Board of Supervisors set in motion a variety of means to recover the stolen money. It is of his opinion that the person behind any money stolen should repay that money. Last year the Board, under Stevens' leadership with Hoffman as the point person, filed the information necessary to obtain the payment from the Bond company. Legal counsel Blank Rome was hired to aid the Township in this effort and since Eden Ratliff was hired, he has also continued to pursue the recovery and that is why the Township received a check for \$1 million this past week.
- Hoffman highlighted that this recovery did not come from the Township's insurance company, and therefore not tied to any rates. Rather, it came from a bond that insured the previous manager.
- Stevens commented that from the beginning, April 2019, the Board knew there were a number of things that needed to be done in order to close down the leaks and worked diligently go after those responsible for the stolen money both from a criminal perspective and civil perspective. While it has taken a long time and the Township has seen some success, there is still much work to be done and the Board is actively committed to pursuing it and succeeding. He requested patience but stated that the board would not let go of this bone, that they are aggressive dogs when it comes to hanging on to this bone.
- Leff reminded everyone that there was \$80,000 recovered last year and \$1 million so far this year. He said there is more to go but there are plans in place for that.
- Ratliff confirmed that the Township received the \$1 million check from the surety bond company and confirmed Hoffman's point that no insurance rates have been impacted by this. He said that while this process can seem slow and grueling at times, it is great to see the hard work of the Board and the consultants come to fruition with this substantive update. The District Attorney's office has advised the Township that plea discussions with the accused will begin at a later point this year, which he will hopefully be able to provide an update as the year and those conversation progress. If this were to go to trial, that most likely would not begin until the later part of 2021 for two reasons: first, the court system is extremely backed up thanks to COVID-19 and the way the courts are prioritizing their cases moves this to the end of the list. Second, the amount of discovery for this case is very significant, about a terabit of information, and will take time to go through.

Discussion:

- Diane McGovern (345 E. Hillendale Road) asked via Zoom chat: "What is the likelihood the case will go to trial?" Ratliff said there is no way to guess, that those conversations are between the DA's office, the defense counsel, and the accused.

3. EXECUTIVE SESSION ANNOUNCEMENTS (ACTION ITEM)

Dave Sanders reported that there were no Executive Sessions to announce.

4. ECONOMIC DEVELOPMENT UPDATE, NATE ECHEVERRIA, HISTORIC KENNETT SQUARE

Ratliff introduced Nate Echeverria, who is the Director of Economic Development for both the Township and the Borough of Kennett Square, and is housed under Historic Kennett Square (HKS). Echeverria proceeded to offer a substantive report that included topics of the COVID-19 response, small business support, grant projects and planning studies, Latinx small business outreach, and development updates. The full report can be found on the Kennett Township website at: www.kennett.pa.us/DocumentCenter/View/4147.

Discussion:

- Leff thanked Echeverria for his report and noted that should the Parkside Development project be completed, it will be the first usage of Transfer Development Rights in Kennett Township, where we preserve land elsewhere in Kennett Township and we allow the flexibility for developers to put a bit more development in areas generally closer to the Borough where we want to see it happen. This helps the Township achieve the opens space yet still gives opportunities for growth.

- Leff asked if Echeverria could describe some of the businesses moving to Kennett. Echeverria answered that it is a mix including a women’s boutique retailer from Hockessin, Delaware who would like to move downtown. They are also working with a hair salon that is in the Borough but needs to relocate due to the new library that is getting built. Work2gether is based in Downingtown and they felt there was demand for small office space rentals in the Borough.
- Hoffman referenced the slide in the presentation that showed businesses were using the awards to help pay for rent. She asked if the moratorium due to COVID-19 will affect rent abatement and non-evictions expiring in August for downtown businesses. Echeverria said it would be hard to predict as the grant applications represent a wide variety of situations. He knows that some property owners have been passing their mortgage deferrals on to the tenants.
- Hoffman asked if the need for small business grants and other community philanthropic efforts will slow down projects like the library, recognizing that there are acute needs now, but only so much money to go around. Echeverria said that there is currently need everywhere (including internally at HKS, since most of their revenue is generated from Brewfest, a large event that cannot happen this year as it had in past years due to COVID-19). Everyone is struggling in terms of revenue and raising funds, so when the opportunity and offer from Square Roots Collective came about to provide funds for small businesses, HKS wanted to launch the program. Hoffman shared her concerns, not knowing if there would be an economic recession coming, if long term planned projects would be at risk.
- Hoffman asked if the current detours due to the State Street bridge work would help solve the truck traffic problems in the future in the Borough. Echeverria answered maybe and added that the freight transit study that was done showed most of the through traffic was from folks from out of town whose GPS takes them though the Borough.
- Hoffman commented that closing State Street for dining now is great but asked what will happen in September and October. Echeverria answered that they have talked about that internally and will have to wait and see if people will be agreeable to eating outside in colder weather.
- Stevens thanked Echeverria for his report and commented that it shows, for those who were opposed to it at its inception, the value of Historic Kennett Square. Stevens also commented on his own experiences recently in the Borough and congratulated HKS on their work playing to the needs of the community, both the Borough and the Township.
- Ratliff added his appreciation for Echeverria and HKS. He went on to explain that some communities need to hire an Economic Developer to attract developers and growth while some communities, like Kennett Square at large, hire an Economic Developer when there is already growth and it is already attracting developers in order to make sure the growth is smart and not created in a vacuum with perhaps undesirable long term effects. Ratliff asked Echeverria to comment on how he is shaping the development and growth Kennett is experiencing. Echeverria stated that the 2016 Economic Development Study set a lot of this work in motion. He said that projects like mixed use properties are trickier so working with the developers and Planning Commissions to make sure zoning is where it needs to be is a big part of his work. There is also the desire ensure quality, thoughtful developments in the core and preserving as much space in the Township and on the periphery as possible.
- Lori Stewart (543 Bayard Road) commented via Zoom chat: “Thanks to all for some good news in midst of a very difficult time (Twp Recovery and Economic Development Initiatives). Very hopeful news!” Leff thanked her for her comment and added that is encouraging that our communities are pulling together in these COVID-19 times when plans could be thrown in a variety of different directions.

5. MEETING MINUTES (ACTION ITEM)

Motion presented by Hoffman to adopt the June 3, 2020 Board Meeting minutes. Stevens seconded the motion. The motion passed unanimously with no discussion.

Discussion:

- There was no discussion.

6. OLD BUSINESS (ACTION ITEMS)

- a. None

7. NEW BUSINESS (ACTION ITEMS)

- a. **Consider Enterprise Rent-A-Car Final Land Development Plans**
(www.kennett.pa.us/DocumentCenter/View/4136)

Motion presented by Hoffman to grant the waiver request for six parking spaces to have precast concrete wheel stops as recommendation by the Planning Commission. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Discussion:

- Hoffman and Leff commented that this request seemed reasonable.
- Stevens commented that he was satisfied that it was handled by our engineers and met the critical professional view that was necessary.

Motion presented by Hoffman to grant final approval for the Enterprise Final Land Development Plan conditioned upon satisfying all comments of the AECOM letter dated May 18, 2020 recommended by the Kennett Planning Commission. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Discussion:

- Stevens again commented that he is pleased that this comes with the recommendation of not only the Planning Commission but also of the Township engineers.

- b. **Consider Reimbursement to The Luther Foundation**
(www.kennett.pa.us/DocumentCenter/View/4137)

Motion presented by Hoffman to approve a payment of a refund of \$10,000 to the Luther Foundation of Southern Chester County for a refundable Sewer EDU Deposit paid on January 23, 2009. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Ratliff explained that the Township has a limited number of Sewer Equivalent Dwelling Units (EDUs) and in 2009, the nonprofit Luther Foundation reserved some of them with a \$10,000 deposit while they worked with the Planning Commission for an affordable housing project. The project was never accomplished so they have asked the Finance Department for this refund. The Finance Department and Ratliff recommend this refund.

Discussion:

- Leff stated that the Luther Foundation did provide a copy of their canceled check as a receipt, which Ratliff confirmed and added that there is documentation to support this request.

- c. **Consider the July 15, 2020 Bill Voucher in the amount of \$356,628.70**
(www.kennett.pa.us/DocumentCenter/View/4138)

Motion presented by Hoffman to approve the July 15, 2020 Bill Voucher in the amount of \$356,628.70. Total transfers equal \$312,924.22. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Discussion:

- Hoffman commented that she had most of her questions answered in advance of the meeting.
- Leff added that they are in a good mode with clear information coming from the Finance Department.
- Hoffman asked when they should come in to sign and Ratliff answered that the Finance Department would be in touch.

d. Appointment of Scudder Stevens and Diane McGovern to Brandywine Battlefield Heritage Interpretation Plan’s Steering Committee

Motion presented by Hoffman to appoint Scudder Stevens and Diane McGovern as Kennett Township representatives to the Brandywine Battlefield Heritage Interpretation Plan’s Steering Committee. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Discussion:

- Ratliff explained that McGovern and Stevens volunteered to be a part of this steering committee and gave a brief history of the Brandywine Battlefield Heritage Interpretation Plan, which was set into motion a year or two ago and is a joint effort with several other municipalities with Birmingham Township hosting.
- Stevens recalled that Kennett Township decided to contribute to this a year or two ago because the Brandywine Battle emanated out of Kennett Square and marched down Route 1 and that history of our area is important to honor. That is why he was pleased to be asked to serve on this committee.

e. Consider Mike Bontrager’s Resignation from the Trails & Sidewalks Committee
(www.kennett.pa.us/DocumentCenter/View/4139)

Motion presented by Hoffman to accept the resignation of Mike Bontrager from the Trails and Sidewalks Committee. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Discussion:

- Hoffman commented that Bontrager has done a great job and has been invested in this since its inception and will be sorry to see him go but understands at the same time. She added that she feels he has found a nice replacement.
- Ratliff agreed and added that based on the letter Bontrager submitted to the Board, he enjoyed his time representing the Kennett Trails Alliance and advocating for trails of all kinds.
- Leff commented on the importance of trails and sidewalks and how there seems to be a good synergy regionally with the Chester County Planning Commission.

f. Consider Appointment of Christina Norland to the Trails & Sidewalks Committee
(www.kennett.pa.us/DocumentCenter/View/4140)

Motion presented by Hoffman to appoint Christina Norland as a member of the Trails and Sidewalks Committee for an unexpired term ending on December 31, 2020. Stevens seconded the motion. Hoffman amended the motion to extend the term, ending on December 31, 2024 rather than December 31, 2020. Stevens seconded the amended motion. The motion was passed unanimously after the following discussion.

Discussion:

- Hoffman and Leff both commented that they are glad Norland is joining this committee.

- Norland thanked the Board for considering this appointment as she looks forwards to continuing the work that has been done before her establishing trails and sidewalks in this area, especially given COVID-19.
- Ratliff added his approval of Norland, who is a member of (and was a driving force behind) the Regional Trails Committee.
- Hoffman asked if Norland was involved with the recent Regional Trails survey. Norland replied that yes, she also serves on the Advisory Committee for the Circuit Trails Feasibility Study, which is looking at whether it is possible to connect this part of Chester County (particularly Kennett Square to Oxford) to the Circuit Trail Network around Philadelphia. There was a public meeting yesterday about this and if people would like to give feedback, information is available on the Chester County Planning Commission's website.
- Stevens suggested that there should be a trail from Kennett Square to the Brandywine Battlefield. Leff agreed, adding that many of the routes are along Route 1 and are cognizant of Longwood Gardens, Boroughs, and other interesting features.
- Hoffman commented that riding her bike along Rout 52 is always a bit dismal so more trails there would be a fantastic.

g. Proposed Resolution 2020-13, Authorization to use dotGrants System for Liquid Fuels Forms

(www.kennett.pa.us/DocumentCenter/View/4141)

Motion presented by Hoffman to approve Resolution 2020-13 authorizing Dr. Richard Leff and Whitney Hoffman to execute and provide all information necessary for the completion of the application to use the dotGrants system for submission of Liquid Fuels forms. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Discussion:

- Ratliff explained that every township in the Commonwealth must file end-of-year reports. PennDOT moved to an online filing system a few years ago and requires municipalities to pass a resolution to file online. This resolution allows Kennett Township to set up an online account, file reports and access those reports electronically.
- Leff asked if he and Hoffman were authorizing the Township staff to do the filings. Ratliff confirmed.
- Heinrich added that there is a specific contract that needs to be signed in addition to this resolution, and this is technically an intergovernmental agreement, which is why a resolution is required.

h. Consider 2020 Paving Program Bid Award

(www.kennett.pa.us/DocumentCenter/View/4142)

Motion presented by Hoffman to award 2020 Paving Program Bid to Long's Asphalt, Inc. in the amount of \$321,250.35. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Discussion:

- Ratliff explained that there was a budgeted amount for paving in 2020 and he asked Lysle to reduce that amount by \$100,000 based on the analysis of the incoming revenue and the uncertainty of that revenue for the remainder of 2020. Ratliff noted that this was a significant reduction and that while Lysle was a good sport about it, he was not thrilled with it. Ratliff added that reducing costs now does not mean that infrastructure can be ignored or neglected, and the balance of this paving program will have to be caught up. Ratliff proposed this be part of the 2021 budget process, a year which will hopefully see better revenues.
- Leff asked which projects will be postponed. Lysle responded Norway Road will be completed as originally budgeted. Chandler Mill Road between West Hillendale Road and South Street will have a

reduction. They will reconstruct the road with a new base, but the top will wait. Leff asked what that means for the road surface and durability. Lysle answered that they can do without the top for a year; the base can last up to three years, so structure wise, it will be good. Making this road wider and giving a solid base is a necessity for the volume of heavy trucks that use that road.

8. PUBLIC COMMENT

- Diane McGovern (345 E. Hillendale Rd) asked via Zoom chat: “How will the \$1million bond money be used?” Ratliff answered that right now the Township will hold on to it, see if it can be invested to gain some interest. There is not a need for that money today, and it is still unclear what the fund balances should have been for the general fund, open space fund, etc. That will be made clear at the conclusion of the 2019 audit. At that time, the \$1 million, plus any more that will be recovered, will be used to reimburse those funds back to what they should have been.
- Leff asked when the audit would take place and Ratliff answered next week is audit week. Heinrich added that it is extra challenging given the auditor teams are still not coming on site, so the finance department have been working to load as much information remotely as possible. This may make the process take longer than usual. Leff also commented that 2019 was not a normal year, and they will most likely look at everything with additional scrutiny which may add time as well, which is appreciated as this should not be rushed.
- Lysle commented that the Kaolin Road Bridge started this Monday and Kaolin Road is now closed with detour signs posted. Local traffic is finding its way through and there has been some tractor trailer traffic on other roads as a result. He wanted to alert residents and ask them to drive a little slower, pay extra attention, and expect heavier traffic on the back roads. This project is schedule to be eight months but may not take as long if the weather is good. Leff asked if the tractor trailers were following the PennDOT detour or if they were finding their own way. Lysle was not sure but said he would keep an eye on it.

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 8:56 p.m.

Respectfully submitted,
Eden R. Ratliff
Township Secretary