



801 Burrows Run Road  
Chadds Ford, PA 19317

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## **BOARD OF SUPERVISORS MEETING via ZOOM MINUTES**

August 19, 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, Director of Planning & Zoning; 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 7:01 p.m., explained how the meeting would proceed and gave a COVID-19 update. Supervisor Stevens reminded everyone that while physical distance is necessary for protection against the virus, it is important to remain virtually socially close to those you love to combat the loneliness that results from COVID-19. Vice Chair Hoffman added the importance of remaining diligent with mask wearing and showing kindness during these frustrating and stressful times. She also reported that Kennett Area Community Service is collecting items needed for the flood victims in Avondale.

### **2. TOWNSHIP RECOVERY UPDATE**

Ratliff had no update at this time as the Township is waiting on the criminal process.

### **3. EXECUTIVE SESSION ANNOUNCEMENT (ACTION ITEM)**

There were no executive sessions to announce.

### **4. OLD BUSINESS**

There was no old business.

### **5. NEW BUSINESS (ACTION ITEMS)**

- a. Consider the Recommendations from the Planning Commission**
  - i. Kennett Gateway Final Approval**  
([www.kennett.pa.us/DocumentCenter/View/4197](http://www.kennett.pa.us/DocumentCenter/View/4197))

**Motion presented by Hoffman to approve the final land development plan application of KG Townhomes, LLC/KG Apartments, LLC (“Applicant”) for the Kennett Gateway Project on a 13.15-acre tract (“Property”) located on the SWC of E. Cypress Street and Ways Lane for a Planned Village Development as depicted on the final subdivision & land development plans (34 sheets) prepared by Rettew Associates, Inc. dated 7/15/2020 subject to the following conditions:**

- 1. Compliance with outstanding comments in the review letters of the Township Engineer, AECOM, dated 7/31/2020 and the Township Land Planner, Thomas Comitta & Associates, Inc., dated 7/27/2020;**
- 2. At the time of the issuance of the first occupancy certificate for either the residential or retail/commercial portion of the development, the Applicant shall post a cash escrow with the Township in the amount of \$100,000 (the “Escrow”), above and beyond the financial security required for the proposed development. The Escrow shall be retained by the Township while the Township pursues the establishment of a re-directed portion of Ways Lane east and north to align with Exelon Way on the south side (the “Loop Road”). If the Loop Road is designed and approved within two (2) years of the posting of the Escrow, the Township may use the Escrow toward construction of the Loop Road. If the Loop Road is not designed and approved within two (2) years of the posting of the Escrow, the Township shall release the Escrow to the Applicant. Notwithstanding the foregoing, the Township shall retain the right to notify the Applicant at any time that the Loop Road concept will not be pursued, and, in that event, the Township shall return the Escrow to the Applicant and the Applicant shall thereafter complete all Ways Lane improvements as depicted on the final land development plan.**
- 3. If the Escrow is returned to the Applicant, the Applicant shall make the improvements to the Ways Lane cartway as illustrated on the Applicant’s approved final land development plan in order to accommodate safe passage of emergency vehicular traffic into and out of the Property (“Ways Lane Improvements”). The Applicant, its successors or assigns, shall maintain its owned portions of the Ways Lane cartway for a period of ten (10) years from the date of completion of the Ways Lane Improvements or until such time as the Township may exercise its power of eminent domain for public road purposes to all or the aforementioned portion of Ways Lane, or until such time as the Township accepts dedication of the right-of-way of Ways Lane that includes the Ways Lane Improvements.**

**This approval shall also include approval of the twenty (20) waiver requests set out in writing in a Memorandum from Rettew (Kevin Ember) to the Township and AECOM dated December 23, 2019, last revised August 4, 2020, and a waiver from SALDO Section 206-307.A.3.(C) to enable earth disturbance on site prior to permit issuance of the DEP Permits for the Sewage Pump Station.**

**Stevens seconded the motion. The motion was passed unanimously after the following discussion.**

**Discussion:**

- Ratliff and Director of Planning and Zoning Diane Hicks gave an overview of this project, that it is a mixed-use development located on E. Cypress Street and Ways Lane. Preliminary approval was granted by the Board of Supervisors on July 15<sup>th</sup> and was brought before the Planning Commission on August 12<sup>th</sup> meeting, where they recommended final approval subject to some conditions and requested waivers.
- Leff explained the history and challenges of developing Ways Lane and stated that Gateway would be the first development to begin to address these challenges.

- Ratliff commented that this proposal puts the Township in a position to drive a solution for the development of Ways Lane with this public private partnership, predicated on the desire for economic redevelopment in that area per the 2016 Economic Development Study. This agreement basically says that the Township is going to pursue a realignment for Ways Lane with Exelon Way and the property owners that abuts that. Should this not come to fruition, it will be the responsibility of the developer to make improvements to and maintain their portion of Ways Lane as identified by the plan. After 10 years, the Township will take ownership of their portion of Ways Lane.
- Leff summarized this motion and Ratliff again explained the time constraints of 10 years, adding that the desire of the Township is to pursue the Loop Road. He stated that it was the desire of everyone involved to not spend money on the developer's plan for Ways Lane only to potentially tear it up and rebuild it with the Loop Road. This agreement allows time to pursue this better option while not wasting money.
- John Jaros, Counsel for the applicant, explained the history of this development and the several years they have worked long and hard on it. He stated sincerely that this is the kind of cooperative effort between the Township and the developer that should happen. He thanked the Supervisors and Kennett Township staff for working intently on this to get it where it is now. He personally feels that this development will be an impetus for further development of the Ways Lane area.
- Hoffman stated that unlike other single-family developments in the Township, this is the first TND (Traditional Neighborhood Design) with townhomes and commercial all in one and she feels the location for this is great being so close to the Borough. She added that this is the first great chance to redevelop Ways Lane in a meaningful way.
- Stevens agreed with others that Ways Lane has been an issue from the very beginning and cited a Comitta report from 2012. He, too, is pleased that the cooperative efforts by all involved have progressed. Stevens then went on to explain his concerns with the number of contingencies laid out in this plan. He wants to make it work while not giving up the responsibility he has as a Supervisor to approve something with contingencies. Ratliff noted that it is the responsibility of the staff to execute the policy decisions of the Board of Supervisors. So, if the Board adopts a resolution with contingencies, it is the responsibility of the staff to monitor those contingencies and ensure it is executed as adopted by the Board of Supervisors. Ratliff also respectfully noted that the other contingencies are an exercise in paperwork and do not change the plan or design in any way, and are believed to be acceptable by the Township's counsel, engineer, and Planning Commission to attach to a final land development approval.
- Leff asked what happens if the paperwork is not signed by all three Supervisors. Dave Sander explained that final plan approval would have to be granted by a majority motion, and when it comes to signing the plans, only two out of three signatures are required to have the plan recorded.
- Ratliff asked Sander on behalf of Stevens how the Board of Supervisors have oversight that the conditions attached to a land development plan are enforced prior to or after the plan is signed. Sander stated the conditions of final land approval are enforceable by the Township. To help make those conditions even more enforceable, the Supervisors can require the applicant to add the conditions of final land approval to the final plan, which gets recorded.
- Jaros stated on behalf of the applicant that he has no problem recommending this motion of approval be incorporated into the final plan sheet set. He also replied to Stevens and said that this plan goes nowhere until the Township staff says that condition #1 is met. Sanders raised Steven's concern about conditions #2 and #3 that could occur long after development and again stated these are enforceable by the Township. Ratliff added his confidence in the Township's administration to ensure these conditions are met.
- Stevens thanked Ratliff for rephrasing his question in a positive way, as he in no way is trying to be an obstructionist in this process.
- Ratliff stated that he thinks this is a good recommendation and that he appreciated the creative solution and the willingness to get there together with Diane Hicks, Dave Sanders, John Jaros and Don Robitzer.
- Don Robitzer, developer with The Commonwealth Group, said he was appreciative of the collaboration with the Township and he is proud to be a part of this creative solution.

- Kathleen Snyder (115 Quail Lane) asked via Zoom chat: “Will housing on proposed Ways Lane development, will there be affordable housing?” Robitzer answered that the townhomes will be listed at market price in the \$300,000’s. He explained that based on the determination in Chester County, homes in the lower \$300,000’s are considered affordable, but there are no restrictions based on a certain percent of average median income.
- Hoffman asked how much the 24 apartments would be listed at. Robitzer answered ~\$1.65 per square foot compared to mid to lowers \$2.00 per square foot of other apartments close by, which equates to \$1,100 - \$1,700 range per month depending on the size of the unit. Hoffman added that while this is not subsidized housing, having the mixed-use townhomes and apartments helps offer options to people at various levels.
- Leff commented appreciation for all involved and said the Township is fortunate to be working with Commonwealth, a local developer.

ii. **Fairville Friends Final Approval**

([www.kennett.pa.us/DocumentCenter/View/4198](http://www.kennett.pa.us/DocumentCenter/View/4198))

**Motion presented by Hoffman to approve requested waivers from Sections 206 – 403.B, 403.C, 403-D, 403.E, 403.I and 517 of the Subdivision Land Development Code. Further to grant Final Plan approval conditioned on all open items in the AECOM letter of July 31, 2020 being addressed and addressing any issues relating to easements for Lot 57 and Lot 60. Stevens seconded the motion. The motion was passed unanimously after the following discussion.**

Discussion:

- Hicks explained that this plan is a simple lot line revision of a plan previously approved in 2017. The requested waivers would only be necessary if it were a full-blown subdivision plan, rather than a simple lot line.
- Hoffman added for clarification that this is changing the lot lines in Ponds of Woodward for Fairville Friends School located just off Route 52.
- Stevens reiterated his comments about being uncomfortable with contingencies from the above Ways Lane discussion but due to the assurances he was given by others and Eden, he is in favor of moving forward with this.

iii. **Avello**

([www.kennett.pa.us/DocumentCenter/View/4199](http://www.kennett.pa.us/DocumentCenter/View/4199))

**Motion presented by Hoffman to grant preliminary plan approval conditioned that all outstanding items of the AECOM review letter dated July 13, 2020 are addressed to the satisfaction of the Township Engineer. Stevens seconded the motion. The motion was passed unanimously after the following discussion.**

Discussion:

- Leff provided a brief overview of this plan, stating that this property is along Creek Road and is a redevelopment that is going to produce six (6) townhomes.
- Stevens added that it is the current mushroom house at the sharp bend on Creek Road.
- Leff pointed out that the contingencies associated with this plan are to the satisfaction of the Township Engineer.
- Hoffman added that is a sort of continuation of the sight line clearing from a couple of months ago.
- Jim Fritsch, Engineer with Register Associates, Inc., overviewed the plan and explained the waivers.
- Leff asked about left turns in or out and Fritsch explained that the eastern most entrance will be restricted from left turn movements in due to line of sight issues as you head from east to west on Creek Road. Also, that entrance will be restricted from trucks making a right turn out.

- Stevens had confirmed by Fritsch that this is the preliminary approval, and this will have to go back through the Planning Commission once the Township’s engineer’s comments have been addressed before final approval is recommended. As such, he is comfortable moving forward.
- Richard Gaw (Chester County Press) asked for the street address of this location and Fritsch answered 558 Creek Road.

**b. Consider the August 19, 2020 Bill Voucher in the Amount of \$445,101.21**

([www.kennett.pa.us/DocumentCenter/View/4200](http://www.kennett.pa.us/DocumentCenter/View/4200))

**Motion presented by Hoffman to approve the August 19, 2020 Bill Voucher in the amount of \$445,101.21. Total transfers equal \$59,637.75. Stevens seconded the motion. The motion was passed unanimously after the following discussion.**

Discussion:

- Stevens asked about the polygraph service charges. Heinrich explained it was for new hires in the Police Department and Ratliff further explained that as part of the hiring process, candidates are required to undergo a polygraph test.
- Stevens asked about the multiple references to “New Fulton Consolidated.” Heinrich explained that this is the account that was opened in August after the fraud for the General Fund.
- Stevens also asked what check number 1070 for Clark Contractors in the amount of ~\$155,000 was for, and what “100.41 · Sewer Fund x3012 New” meant under the Account column. Heinrich explained this was for the contractors who worked on the Rosedale Road sewer project on. This contractor was obtained through the Keystone Purchasing Network, a network that allows competitive bidding in accordance with the State laws. Prior to the Township paying these invoices, the contractor’s work is inspected by the Township Engineers, AECOM to ensure it was completed correctly.

**c. Discussion of Black Lives Matter Resolution**

([www.kennett.pa.us/DocumentCenter/View/4196](http://www.kennett.pa.us/DocumentCenter/View/4196))

Chairman Leff opened this discussion by explaining how to participate and offered the following remarks:

*I want to thank everyone who replied by email, phone and by participating in this meeting tonight to discuss this draft Black Lives Matter resolution.*

*Even prior to our founding as a nation, we have struggled with racism. Part of Kennett Township’s proud heritage is its positive impact upon making progress for all people, regardless of race.*

*We should be proud of having been part of the underground railroad, not a universally popular practice and one which was against the laws of that time, and currently being in a school district which is fantastic at educating students from diverse backgrounds.*

*For some perspective, Kennett Township is a relatively wealthy community which according to the US Census Bureau is over 75% white/non-Hispanic and 6% black. Over 90% of residents have a high school degree and 2/3rds have a college degree. In short, we are a majority white, well educated, and successful community.*

*We are all aware of the historic atrocities committed upon people of color in our country. We are all aware of atrocities still being committed against people of color as they are recorded and posted on social media seemingly every day. I believe that everyone, including minorities, in our township rest a little easier knowing that over the past few years we have built a full-time police force that is diverse in its composition. We were the first municipal police force in Chester County to institute the use of body cameras to advance oversight and improve training; we have a Police Chief, Matthew Gordon, who is committed to respectful, humane, and equitable enforcement of our laws, and who has spoken out in emotional terms of the injustice of what happened to George Floyd in Minneapolis and other gross discriminatory acts and abuses of power.*

*Many have written to us in support of this resolution, calling it long overdue. Others have written to us saying that it is a waste of time, as they do not see any anti-black issues in Kennett Township. I want to acknowledge that I have heard and understood all of your opinions. I'd like to clearly state that I don't think anyone who has provided comment in advance of this meeting is knowingly racist. Nor do I believe that the current policies and practices of Kennett Township are.*

*Yet that statement of my belief yields the first reason why I feel we must entertain and adopt this resolution. My fellow supervisors and I sit here this evening in humble recognition that we are part of our township's white majority, that the lenses of our eyes and the frame of our minds have been formed by our similar cultural, historical, and racially-advantaged experiences. Might it be that some of our ordinances, policies and procedures harbor innocent, unintended vestiges of racial bias? I feel that if this is even a possibility, we owe it to our community to investigate and correct any inequities that arise out of our governance.*

*To those who say we have had no incidences of racial bias, I say, that is no reason not to act preemptively. As supervisors, we are sworn to protect the safety and well-being of all of our residents and visitors. Waiting until harm has occurred when the potential for injury has already been identified, leaves scars unnecessarily inflicted.*

*We need to be cognizant of the damage done to people of color far and wide when humiliating acts are committed against people who look like them. Minneapolis and other big cities seem far away, but just down the road in Chadds Ford, a Black man was pulled over in his driveway last year and handcuffed in front of his teenage daughter and wife. Not in our community, but just down the road. Can you put yourself in that man's place? In his wife's or daughter's place? Now, can you put yourself in the place of a person of color living in our township? It happened just down the road, what's to say that it couldn't happen here?*

*Some have said that singling out black lives as mattering is unnecessary and redundant; if we believe in the equality of all people, and in the value of life, then all lives and not just black lives matter. We should not have to say Black Lives Matter. Can we all not recognize the historical, sanctioned mistreatment of Blacks in this country, and the dark shadow it still casts to this day?*

*People of color are asking us to listen to them. They are showing us the pictures of the abuse and inequities of their daily lives. They are asking us, if you see us, if you feel our pain, speak up. I do believe in the equality of all, and that all life matters; but in recognition of past and continued injustices against black people, I will say, "Black Lives Matter, Black lives matter, black lives matter." And I will keep saying it until Blacks and everyone are afforded the same rights and privileges that I enjoy.*

*Others say, where does it end; next will we need to call out each minority one-by-one and resolve that their lives matter? Is there evidence of inequity? If so, sure, let us add them to the list and work in the same fashion to identify and resolve contributing factors. What is the cost of doing so when compared to the societal toll of systemic discrimination?*

*I have confidence in our Kennett Township residents, police and employees. I believe that our police and other employees try to be fair, and they that they learn, from their job and their colleagues. Reviewing our governance for bias does not make us out to be weak or flawed, it assures our continued growth and strength.*

*This resolution is designed to examine if any polices of Kennett Township are racially biased, and to help our employees learn about unknowingly racist policies, procedures, and actions. Although the BLM movement is the stimulus for this resolution, the action items are not focused upon anti-black, but are anti-any race. My goal for this evening is to have a dialogue over what might be seen by others as bias in our township governance and suggestions for remedy.*

*In moving our dialogue forward, I would like to open the floor first to my fellow supervisors, next to Anton Andrews a resident of Kennett Township and the originator of this proposition, and then to residents of the township for comment.*

Discussion:

- Hoffman reported that in just the past few weeks, the Pines/Fussell House received formal recognition as a stop on the Underground Railroad by the Department of the Interior. She said that goes to show how important it has been to Kennett to fight for equal rights and equality throughout the years. While she hopes everyone feels they are treated equal in every aspect, she does not think there is a problem trying to understand any area where we may have implicit biases. She added the example of mushrooms being thrown at Kennett basketball players during a game and how that can be taken as racially divisive. She also commented that when ICE comes to inspect for illegal immigrants, the whole community feels under threat. Hoffman also spoke about the efforts of Kennett Township and community policing. She said that anti bias training to cover any minority community and everyone is a good thing to have because no one should feel they can not have their concerns addressed by the government, particularly here.
- Stevens thanked Leff for his kind, thoughtful, sensitive, and important initiating comments to pull this discussion out of the shadows and into the open. He said we need to address and confront the hatred that has emersed our country for a while now and go back to having respect and love for each other. Stevens also thanked Leff for pointing out that resident Anton Andrew was the initiator of this. Stevens then talked about the importance of the phrase, “say her name” to continue to bring into the light these issues in our historically racist country as silence does not work.
- Anton Andrew (26 Southridge Dr.) for the sake of transparency, explained that he is a candidate to represent this District in Pennsylvania’s State House. That said, he views the Black Lives Matter movement as non-political. He said our country’s guiding principles are that all of us are created equal and all want liberty and justice for all; however, those goals have not been achieved especially as it pertains to people of color as racism and injustice persist and permeate our country, commonwealth and communities. Andrew explained that the protestors want to be heard and seen and all Americans, especially leaders like the Board of Supervisors, need to step forward to discuss the importance of this matter. He supports this resolution as it acknowledges that Kennett, like every other municipality, has work to do to identify and root our racism and commits the Township to that task. It is his hope this resolution can serve as a model to other surrounding municipalities. He said that this issue has broad support and reiterated that this is not a political matter, but one of human rights. He finished his remarks by offering to help in any way and again thanked the Supervisors for taking this issue forward.
- Michael Graves (107 Willow Glen Dr.) wanted an email he submitted to the Board of Supervisors in advance read for the public record. That email was:

*Dear Supervisors,*

*I suggest the following edits to the proposed resolutions:*

- 1. All Township policies should have included within the policy a schedule for periodic review. All policies should be designed to serve ALL of our citizens.*
- 2. Township diversity training should be DIVERSE and not “focused” on a poorly defined concept of “direct and indirect racism”.*
- 3. I would edit the emergency service response resolution to acknowledge appropriate responses at the township level in the context of county, state, regional and national emergency management resources. This is a township level police department.*
- 4. ANY policy that fails should be reviewed and revised on a planned and regular basis. See resolution #1.*

*I could with the above edits support any of these resolutions as stand alone matters. If these are necessary, they are necessary outside of virtue signaling about race.*

*I oppose framing these resolutions under the banner of "Black Lives Matter". I see this as identity politics, race-bating, political correctness and woke politics. I see this as another*

*example of what Shelby Steels calls White Guilt. I oppose any resolution the endorses the organization Black Lives Matter.*

*Your well documented negligent governance and oversight over the past several years should be your focus rather than other matters. This strikes me as misdirection, diversion and “wagging the dog” that adds to the carnival atmosphere in the township.*

*I spent my entire working life building strong children, families and communities for ALL. On multiple occasions I took potentially career ending positions to promote diversity, inclusion, equity and justice. I don't take a back seat to anyone on evidence based solutions to improve race relations.*

*Sincerely,  
Michael P. Graves  
107 Willow Glen Drive*

- Betsy Wenny (122 Kendal Dr.) stated via Zoom chat: “Excellent Resolution. I hope it will be approved!”
- Peter Rittenhouse (1414 Berry Dr.) stated via Zoom chat: “I'd love to have a copy of [Dr.] Neff's opening remarks if they are available.” To which Leff and Ratliff confirmed they would be a part of the minutes.
- Meaghan Toohey (620 Creek Rd.) stated via Zoom chat: “I fully support this resolution.”
- Richard Gaw (Chester County Press) asked via Zoom chat: “I would like to know what actions the township will take to engage in continuing conversation related to its commitment to address racism. What are the "moving parts" of this resolution?” Ratliff answered that the four items listed in the resolution are concrete, tangible action items that the Board and staff will work on and report on accordingly.
- Gaw asked who determined the resolution and action plans; was it over time with the Supervisors, was it in consultation with any other stakeholders in the community like Mr. Andrew? Leff explained that he and Ratliff discussed the action items after looking at other resolutions that were being passed in other municipalities as they both agreed that while a resolution is nice, without action there will not be change. He also listed a few examples of the public input received and how that might tweak some of these.
- Gaw asked for a response to the email that was read, specifically in regards to the comment that the Township should be focusing on other more pertinent matters and the claim that this was, (paraphrasing) a knee-jerk reaction to the Black Lives Matter movement. Leff responded that there is enough momentum and information available that every governmental body in the United States should be looking at what they are and are not doing. While Kennett Township has a history to be proud of, he wants to do anything possible to do things as close to perfect as possible.
- Hoffman cited an incident where the police were not able to offer a service due to COVID-19. That individual was concerned they were being denied for bias driven reasons. While it clearly was not, the appropriate questions were asked and investigated to prove that. It is important to her that people know Kennett takes this seriously and everyone should feel comfortable coming to their local government to have their concerns addressed.
- Stevens addressed Gaw's offer to respond to the critical email by stating that the agenda for this meeting shows that the Supervisors and Township are involved an a wide variety of topics and adding another item to their agenda that addresses the wellbeing of the members of the community does not prevent the other work from getting done. The desire is to address issues that are implicit to how we all live, and he said it is the Supervisor's duty to speak to these matters.
- Bill Van Wie (252 Kendal Dr.) stated via Zoom chat: “I strongly support this resolution as an important, appropriate step for our township which furthers the best values of our country and our community and I'm pleased our supervisors have made this public commitment.”
- Louise B. Bennett (202 Kendal Dr.) commented her support for this resolution and said it was important to recognize that Black lives do matter as well as the history of black discrimination and injustice. She said it is important to have resolutions like this to take a stand for the principles that we all believe in, otherwise how will the future and our children know where we stand? We have to be

models for them. Saying Black lives matter does not suggest that the lives of others are not important. This is a way to bring attention to a situation that has not been given full support in the past. She also spoke briefly about unrecognized racial bias and privilege.

- Leff proposed having a diverse advisory committee to help oversee the development of some of these items, a suggestion he received from another Kennett Township resident. Stevens agreed that this was a good idea. Ratliff said that this and the other comments/suggestions will be discussed moving forward to determine how they can add value.
- Leff offered as next steps that he and Ratliff work on revisions to this resolution and take it to the Board for a vote at the next meeting. He added that they are still open to questions and comments from the public and enjoyed the engagement from the public regardless if they agree or disagree as the public knows the Township is trying to do things for *all* residents.
- Stevens requested that the revisions be done via an Executive Session as all the Supervisors are equally committed to this matter. Ratliff said he would happily meet with all three Supervisors individually and share the feedback, comments, and contributions because he does not believe developing this resolution qualifies for an Executive Session. Solicitor Sander confirmed by suggesting Ratliff not meet with more than one Supervisor at a time because it does not fall within any of the permitted Executive Session matters. Leff agreed with Stevens point that all three Supervisors should be engaged in the revisions.

#### **d. Consider Proposed Settlement Agreement with the Voyant Group, LLC**

**Motion presented by Hoffman to approve the proposed settlement agreement with the Voyant Group, LLC. Stevens seconded the motion. The motion was passed 2-0 after the following discussion. Stevens absented.**

Discussion:

- Stevens commented that this was not in the Board Packet and added that he had been having internet issues. Ratliff confirmed that it was provided to the Board in full prior to the meeting and is recommended by our counsel. Stevens abstained from voting as he did not want to take a formal position on it without reading it.

## **6. MEETING MINUTES (ACTION ITEM)**

**Motion presented by Hoffman to adopt the July 1, 2020 Meeting minutes. Stevens seconded the motion. The motion passed unanimously with no discussion.**

Discussion:

- There was no discussion.

## **7. DEPARTMENT HEAD REPORTS**

### **a. Eden Ratliff, Township Manager**

[www.kennett.pa.us/DocumentCenter/View/4216](http://www.kennett.pa.us/DocumentCenter/View/4216)

Ratliff provided updates on the Barkingfield Park meadow, the Sustainable Energy Task Force, the Woodlands Classification Map, the Kennett Greenway, and the Kennett Newsletter. The full report is available in the link above.

Discussion:

- Leff referred to Ratliff's report that the Chandler Mill Bridge is 95% complete and asked how to get it to 100%. Ratliff said that the only item remaining is to determine the structure of the gates to go on either end of the bridge.

- Hoffman thanked Ratliff for being on top of everything. Ratliff replied that he could not do it without the support of the rest of the Township team.

**b. Amy Heinrich, Director of Finance & HR**

[www.kennett.pa.us/DocumentCenter/View/4217](http://www.kennett.pa.us/DocumentCenter/View/4217)

Heinrich's full report is available online and includes a year-to-date financial report through July. She will update this report online to include graphs that show the Earned Income Tax (EIT). Her report also included updates with the 2019 audit by Maillie, the new general ledger implementation timeline, sewer billing updates, and gave an overview of the now fully staffed Finance & HR Department.

Discussion:

- Stevens thanked Heinrich for the financial statement, or balance sheet, and is looking forward to being able to see that information when the general ledger system goes live.
- Leff commented on the EIT that is behind by ~\$300,000 and stated it is hard to know where that is going due to the COVID-19 related delays. He asked if the Real Estate Tax is holding steady. Heinrich confirmed and added that the Real Estate Transfer Tax is trending high – higher than they budgeted. This speaks to the extremely competitive housing market right now.
- Hoffman asked if the Township still gives out a new resident packet. Heinrich said that there is something available on the website, but nothing is proactively being sent at this time.

**c. Diane Hicks, Director of Planning & Zoning**

[www.kennett.pa.us/DocumentCenter/View/4193](http://www.kennett.pa.us/DocumentCenter/View/4193)

Hicks noted that most of the items on her monthly report are reiterating items that have already been addressed by the Board. The one open item was a sketch plan that was brought to the Planning Commission for Exelon located at 300 Exelon Way for improvements. They are planning on presenting a preliminary plan to the Planning Commission next. Hicks also gave updates on the Zoning Hearing Board, the Historical Commission, and the Codes Department.

Discussion:

- Leff commented on the challenge of the Isaac Allen House not being owned by the Township. The owners are willing to let the Historical Commission help with the maintenance. He asked if the structure was hanging in there. Hicks referred to the presentation for the Board on July 28<sup>th</sup>, that the structure is holding up for now but will need help in the future.
- Leff added that the entire report speaks to all the work Hicks is doing, and that work is appreciated.

**d. Roger Lysle, Director of Public Works**

[www.kennett.pa.us/DocumentCenter/View/4194](http://www.kennett.pa.us/DocumentCenter/View/4194)

Lysle provided a report that highlighted recent road line painting, the Rosedale Road sewer project, repairs to a traffic signal, the closed Kaolin Road Bridge, paving updates, storm damage, the Yard Waste pile, bids for salt, and stated that interviews for the Public Works Department Lead Forman position will start soon. He added that the Chandler Mill Bridge survived the big flood with a foot of water over and appreciated the patience of the residents. He said the police and fire departments did a great job.

Discussion:

- Leff added that many have appreciated what Lysle has done throughout the storms. He asked if Lysle could give an update on the bridge at South Ridge. Lysle commented on the flooding there and added that he and his team have been checking on all the bridges in the Township.
- Stevens and Hoffman both thanked Lysle.

- Lysle encouraged residents to continue to call with reports of inlets that need to be cleared and explained that it does take a while after a big storm to get everything cleared but he will address it as soon as he can.
- Stevens commented that if Peco would bury their lines, the Township would have less problems.

**e. Matt Gordon, Interim Police Chief**

[www.kennett.pa.us/DocumentCenter/View/4195](http://www.kennett.pa.us/DocumentCenter/View/4195)

Gordon provided five months' worth of updates in the above linked document. He reported on staffing challenges, two new officers that were hired (Robert Dowd and Colin Vannicolo), and two part time positions they are hoping to fill. He commented on the challenges of COVID-19, social unrest and the recent storms. He then provided statistics for each month. They have also increased patrols along Round Hill Road, in Penns Manor and Marshall Bridge Road to try to reduce the impact of impatient drivers due to bridges being closed.

Discussion:

- Hoffman stated that she was surprised the incidents were down in July and asked Gordon if he had any concerns. Gordon said it is probably an anomaly and thinks August will be over that. He added that the reduced number of calls for service in July allowed more time to interact with the community, something they are good at anyway.
- Stevens asked if there is anything the Board should be aware of as to why Kennett Township Police Department lost two police officers in the last six (6) months and also asked if Gordon recalled which fire company did the water rescue for the BMW that was floating in the Red Clay Creek. Ratliff commented that the personnel issues were addressed previously in an executive session with the Board. Gordon reported that Kennett Fire Company performed the water rescue and added that there is a water rescue task force for the southern part of Chester County.
- Leff commented that he is looking forward to meeting the new officers and thanked Gordon for all he and his department does to keep the Kennett community safe.
- Beth Thomas (126 W Hillendale Rd.) commented via Zoom chat: With the Chandler Mill Road bridge closed and now the Kaolin Road Bridge W Hillendale Road is like a high speed highway. Like Marshall Bridge being heavily used so is W Hillendale. I have not seen any police patrol on our road. I understand being down officers but is it a possibility of getting some patrol on the road to control speeding. Thank you!! I appreciate all that everyone in the Township does for the residents." Gordon explained that this is a matter of juggling as there are a lot of speeding complaints from the closed bridges with only one officer on duty at a time. Once the training for the new officers is complete, they will have multiple officers on duty and will address this. He is also aware that there is a lot of large truck volume on W. Hillendale as well.

## 8. PUBLIC COMMENT

- Roger Lysle gave an update on the State Street Bridge and says it is expected to be open in mid-September.

## 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 9:38 p.m.

Respectfully submitted,  
Eden R. Ratliff  
Township Secretary