



801 Burrows Run Road
Chadds Ford, PA 19317

BOARD OF SUPERVISORS MEETING via ZOOM MINUTES

December 16, 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 & Zoning Director; Dave Sander, Solicitor

1. CALL TO ORDER

Chairman Leff called the meeting to order at 7:01 p.m., explained how the virtual meeting would proceed and gave COVID-19 update. Hoffman shared positive case counts in surrounding municipalities and expressed condolences in the recent loss of Judge Daniel Maisano to COVID-19.

2. TOWNSHIP RECOVERY UPDATE

Township Manager Eden Ratliff reported that there was originally a trial for the former Township Manger scheduled for the beginning of December, but that was extended to a new date in 2021 for purposes of continual review of discovery.

3. EXECUTIVE SESSION ANNOUNCEMENT

Solicitor Sander reported that the Board of Supervisors met for two Executive Sessions on December 15, 2020 to discuss matters of real property acquisition.

4. MEETING MINUTES

- a. Consider Approval for October 29th Meeting Minutes**
(www.kennett.pa.us/DocumentCenter/View/4433)

Motion presented by Hoffman to adopt the October 29, 2020 Board of Supervisor Meeting minutes. Stevens seconded the motion. The motion was passed unanimously with no discussion.

5. OLD BUSINESS

- a. Consider 2021 Budget for Final Approval**
(www.kennett.pa.us/DocumentCenter/View/4434)

Heinrich detailed the entire budget process and explained the steps taken to get to this vote. The presented budget, available on the Township website at the link above, had no material changes made to it from the advertised version, only minor dollar amounts.

Motion presented by Stevens to adopt the 2021 Budget as presented. Hoffman seconded the motion. The motion was passed unanimously.

Discussion:

- Ratliff thanked the Board of Supervisors and the staff for the amount of work invested in this budget process.

6. NEW BUSINESS (ACTION ITEMS)

a. Consider the December 16th Bill Voucher in the Amount of 560,407.22

www.kennett.pa.us/DocumentCenter/View/4435)

Motion presented by Hoffman to approve the December 16, 2020 Bill Voucher in the amount of \$560,407.22. Total transfers equal \$640,338.57. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Discussion:

- There was a discussion about the transfer amounts and accounts between Heinrich and Leff.

b. Consider Conditional Approval of Mitchell Homes (Smith Property) Land Development

www.kennett.pa.us/DocumentCenter/View/4436)

Hicks reviewed the Policy Briefing Summary about Mitchell Homes/the Smith Property she provided in advance to the Board. This PBS is available online at the above link. She said that the motion before the Board is what the Kennett Township Planning Commission recommended following their review of this plan at the December 1st Planning Commission Meeting. She explained that there are still open items, and that is why this is a conditional approval.

Discussion:

- Leff asked for clarification about the conditions surrounding the sewer pump. Hicks confirmed that there is not yet clarity on how this item would be resolved. Leff asked if final approval would be conditional on the Board of Supervisors being satisfied with the outcome. Hicks said yes. Ratliff clarified that the sewer planning module would have to come back to the Supervisors for a separate vote.
- Stevens asked if all of the conditions that have been raised in the past have either been addressed or are listed as conditions to be addressed before final approval and asked if this is what the Township engineering firm has recommended. Hick confirmed.
- Hoffman mentioned concerns she had from the TCA letter regarding commercial grade play equipment versus consumer grade. Hicks said that item number 6 in the proposed motion addresses the TCA letter.
- There was discussion between Solicitor Sanders and Ratliff about if all conditions put forth by the Planning Commission recommendation needed to be included in the motion. Sanders said no.

Motion presented by Stevens to grant conditional final plan approval for the Mitchell Homes/Smith Property Development subject to the conditions that will be set forth in the letter from the Township to the developer. Hoffman seconded the motion. The motion was passed unanimously.

c. Consider Conditional Approval of Exelon (12 Waivers)

www.kennett.pa.us/DocumentCenter/View/4436)

Hicks reviewed the Policy Briefing Summary about the Exelon property she provided in advance to the Board. This PBS is available online at the above link. She explained that in addition to this proposed conditional approval, there are also 12 waivers being requested that would also need approval by the Board of Supervisors.

Discussion:

- Leff asked if the updates are being done for security purposes. Hicks confirmed and then they discussed the change to the helipad location.
- Leff said that the neighboring Flats apartments do not have a good connection to Anson B. Nixon Park. He recalled one option for a bridge to go over the creek at the tip of the Exelon property. He asked if that would be inside or outside of the fence Exelon is putting up. Hicks said that there have been no discussions of trails on the Exelon property and that Exelon does not connect to Anson B. Nixon. Rather, it is a different small property next to Exelon. Hoffman said she believed it was the Strine property and Hicks agreed.
- Ratliff and Leff agreed that a future meeting should detail the history of the lack of a trail from the Flatts to Anson B. Nixon Park. Stevens thanked Joe Duffy for bringing this matter, which Stevens said he thought was solved in the permitting process, to the attention of the Supervisors. Ratliff stated that by discussing it, there is no clear solution to this problem, but foresees it being a difficult process to work through.

Motion presented by Hoffman to approve the application of Exelon for preliminary and final plan approval subject to conditions to be outlined in a letter from the Township to the developer and to grant the 12 waivers that were listed on the review letters. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Discussion:

- Stevens asked questions regarding waiver requests 3 and 4, dealing with a private road and fire truck accessibility. Hicks said regarding waiver request 3, that the roads being private were simply stated as fact and that it was determined that a fire truck could maneuver down that road, which is why it was approved by our engineer. Regarding waiver request 4, she said again it was stated for fact that it was a private road, and the Township engineer did not see a problem with this waiver dealing with grading. After understanding that the road was private was not related to the waiver, he asked then if these waivers met the code. Hicks explained that they did not follow the code exactly, which is why the waivers were requested, but they followed closely enough that the Township engineer found no issue with them.
- Ratliff asked if the Fire Marshal commented on this and Hicks said yes that he was fine with it.

d. Consider Resolution 2020-19

www.kennett.pa.us/DocumentCenter/View/4437

Motion presented by Hoffman to adopt Resolution 2020-19 for plan revision for the new land development of Kennett Gateway. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Hicks explained that this resolution was to adopt the planning module for Kennett Gateway/Kennett Point. This was given conditional approval by the Board of Supervisors, and this is one of the conditions of approval before it can be recorded and signed by the Board.

Discussion:

- Stevens asked if this was recommended by the Township engineer and Hicks explained this was a procedural matter for the sewer planning module and the Borough has already adopted their portion via resolution.

- Upon further questioning by Stevens, Hicks confirmed that this has been approved by the Township engineer.
- John Wilkens (138 Round Hill Road) expressed confusion over this resolution as it related to the Kennett Greenway. Leff and Ratliff clarified the difference between Kennett Gateway and the Kennett Greenway. Hicks commented that the new development will be called Kennett Point, so that should help clarify in the future. There was further discussion about the location of Kennett Gateway/Kennett Point.

e. Consider Comcast Cable Franchise Agreement

(www.kennett.pa.us/DocumentCenter/View/4448)

Motion presented by Hoffman to approve the Franchise Agreement with Comcast of Pennsylvania, LLC and authorize Eden Ratliff to sign the agreement. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Heinrich explained that the negotiations have been handled by Dave Sander and John Walko of Kilkenny Law. She said the Township has the privilege of receiving a revenue from any cable company for their use of our rights-of-way for cable lines. Federal law allows for a 5% revenue fee and the Township has been receiving this for a long time from Comcast and Verizon. The agreements need to get renewed every so many years. The current agreement before the Board is for the next 10 years with no material changes. The Township will continue to get the 5% revenue, which is about \$66,000 annually from Comcast.

Discussion:

- Leff asked why Exhibit “A” also listed Greenwood Elementary school. Heinrich said that it was insignificant since the school is in Kennett Township and that at one point, there was a free option for the school district. Sander explained the history further. Heinrich added that the Township does not have a live cable line with Comcast and since it is no longer free to the Township.
- Hoffman asked Heinrich if there were similar agreements with Verizon and Heinrich confirmed.
- Stevens asked if the lines were under ground or in the air. Ratliff assumed they were in the ground and Stevens said if Comcast could put them in the ground, then why could PECO not do the same.

7. DEPARTMENT HEAD UPDATES:

a. Eden Ratliff, Township Manager

(www.kennett.pa.us/DocumentCenter/View/4443)

Ratliff highlighted his report in the link above that included the final 2021 budget, the recently adopted Local Services Tax, an update on the potential emergency services territory change, Ashford sewer update, a Land Conservation Advisory Committee meeting announcement and update, a 2020 budget amendment that included a \$5,000 donation to Kennett Area Community Services (KACS), and an announcement that the Winter Newsletter will be available online by the end of this week.

Ratliff then provided an update on the Kennett Greenway along Chandler Mill Road, specifically about the grant set to expire June of 2021, the desire for two-way travel along Chandler Mill Road, and next steps in engineering and planning including a new Task Order to cover preliminary engineering. This information is on the website (page three of the link above).

Discussion:

- Heinrich added the need to begin some of the engineering work due to the upcoming holidays and the current deadlines.
- Leff asked if by January we will know how much a one-way verses a two-way option on Chandler Mill Road will cost. Ratliff explained that concept costs were reported on at a prior meeting, but he is not comfortable paying the consultants to do more work on a one-way option which has a lack of desire from the community and a general lack of consensus around it. Leff said he thinks it would be valuable to know the cost of both options. Heinrich stated that there is no plan to work further on a

one-way option as the general costs are already known. What needs to be studied is the option for two-way traffic plus a trail. She explained that the original constraints put on the consultants of the grant time expiring and the funds led to the one-way option. With the application of an extension, the time constraint is lifted and so more options are available.

- Heinrich said the South Street option listed on Ratliff's slide would continue work in conjunction with New Garden Township.
- Stevens discussed potential scenarios for spending the grant money on both the South Street and the Chandler Mill options but said until the engineering studies are done to determine what is viable, we will not know.
- Hoffman agreed that the traffic study and preliminary engineering is needed.
- Sue Giancola (604 Peacock Lane) asked via Zoom chat, "Could they also study the community interest and feasibility in reopening the Chandler Mill Bridge (one-way as before, for local traffic, shared with pedestrians and cyclists)?" Leff answered that topic is not part of this scope of work. Giancola also asked via Zoom chat, "Is there still a plan to talk with residents along Round Hill, Chandler Mill, and Falcon's Lair? I thought I heard Eden say that the supervisors heard loud and clear that those of us who live along this road do not want 1-way, so that 1-way was off the table? Did I not hear that correctly?" Ratliff said yes, there will be meetings planned for the local residents and Leff said that the one-way is still on the table, but there will be more work done on a two-way option after hearing from the community. Stevens said he heard the same thing Giancola heard and questioned Leff about his interpretation of it. Heinrich said that ultimately, the three Supervisors are the ones who will make the final decision. Ratliff said that indeed, he and Heinrich are backing off the idea spending additional preliminary engineering money on a one-way option but ultimately, depending on the cost, it may be decided by the Board and public that one-way is the best option. While he does not think that will be the case, no formal decision has been made about any option at this time.

(The meeting was temporarily paused due to power issues that caused both Stevens (at 8:03 p.m.) and then Leff (8:05 p.m.) to be dropped from the meeting. The meeting resumed shortly thereafter once Leff rejoined (8:06 p.m.), and a quorum of the Board was reached. Stevens emailed Ratliff that he was unable to rejoin.)

- Sue Giancola (604 Peacock Lane) commented via Zoom chat, "Just to be clear — there are many who thought that the process that the township went through to close the bridge was not a fair process. If there is support to consider reopening it, how can we get that considered?" Leff said that the bridge is not part of the current topic so this can be raised again at the end during the Public Comment section, at another time, or offline.
- John Wilkens (138 Round Hill Rd) stated that he and his wife walk on Chandler Mill Road every day and feel it is fine the way it is. He referenced an email he sent earlier to the Supervisors that listed his opposition to the one-way option. He was dismayed to learn that the trail would affect the road and not go between the road and Bucktoe Creek. Wilkens stated that he is in favor of seeing work done on the northern parts of the trail as discussed in the prior Board of Supervisors meeting to allow for ample time for public input. He noted that until recently, he and his neighbors did not know about this and feels that deciding in the next couple of weeks is disconcerting. Leff commented that the Township has been working for the last four years to figure out a way to be successful in putting a trail off-road but have thus far been unsuccessful, so it has not been for a lack of trying.
- Heinrich summarized the reasons for not moving forward with a trail along the side of the road to this point, that the easements off road do now allow for a trail, the environmental impacts do not allow for it, plus a number of other elements. She also explained that one of the northern options, Penns Manor, is not viable to pursue yet. Leff added that it was not only about potentially losing the grant money, but it was also about making something better for Kennett Township and creating something that was safe for everyone to use. Heinrich agreed and said it is not safe for her children as it is now due to the vehicular traffic.
- Leff said this was a good discussion, that a lot has been learned from it, and hopefully the end result will be something that can be cherished for many years to come.

b. Amy Heinrich, Director of Finance & HR
(www.kennett.pa.us/DocumentCenter/View/4447)

Heinrich referred to her update, available at the link above, which detailed the budget process and the current updated financials. She thanked the Supervisors, the public, and her team for their hard work and explained that although it may have seemed messy at times, these conversations for a second class township are supposed to be held in public. She also provided a brief revenue update and discussed the audit which will be fully circulated to the public once the end-of-year items are wrapped up with a presentation by the auditor at a Board of Supervisors meeting. Finally, she provided an update on the implementation of the new general ledger system and the sewer billing processes.

Discussion:

- Leff said it will be good to have the auditor present at a future meeting and said it is good that so many things are getting straightened out and streamlined from 2019.
- Hoffman commented that it is impressive how much Heinrich has to do and she feels confident that a good, strong foundation is being built that will serve the Township well for years to come.

c. Diane Hicks, Director of Planning & Zoning
(www.kennett.pa.us/DocumentCenter/View/4438)

Hicks summarized her report (available online) that covered updates on the Planning Commission and permits issued last month. She said that a lot of the commissions she oversees did not meet this month.

Discussion:

- Hoffman asked if the increase in rental agreements was surprising to Hicks, who said it was not and explained that there used to be more people dedicated to those.
- Leff said he was pleased to see more solar panel installations.
- Ratliff thanked Hicks and the Planning Commission for all the work they are do behind the scenes on new land developments. Leff agreed noting that a lot of the current developments are new types for Kennett Township.

d. Roger Lysle, Director of Public Works
(www.kennett.pa.us/DocumentCenter/View/4444)

Heinrich presented Lyles's report on his behalf because he was working on snow removal. That report is available in the link above and included the recently cleaned pump stations, a new lawn mower, work on drainage areas, repairs to a culvert on Bucktoe Road, the Ashford sewer work, the installation of snowplow posts, a repaired drainpipe in Davenport and a new portable pump that will assist running all pump stations in the event of a major failure.

Discussion:

- Hoffman commented regarding the Ashford sewer work that it is important to make sure new developments are developed properly in the first place to avoid these types of legacy issues. Heinrich had explained that while replacing the sand beds was expensive and necessary every 10-15 years, it was still the most economical option according to Township engineers.

e. Matt Gordon, Interim Police Chief
(www.kennett.pa.us/DocumentCenter/View/4439)

Ratliff presented the monthly report for Gordon which cited the incident numbers for the prior month, stated the department's ongoing COVID-19's precautions, and he explained the CAD data that Gordon listed. Ratliff encouraged the community to follow the KTPD's Crimewatch page and shared reminders from that page to lock vehicles. He passed along Gordon's relief that everyone is obeying the stop sign at Kaolin and Marshall Bridge Roads and he shared the reminder to not drive through water. Ratliff then compared specific monthly statistics on types of calls and revenues received.

Discussion:

- Leff asked for specifics about the CAD incidents by day and Ratliff explained that a CAD is a dispatch, or every time someone calls 911. The discussion continued around the number of calls received per day and hour. Leff then asked about “Patrol Investigations” and Ratliff said that often, they are initiated by the officers and would be in addition to the CAD dispatches.
- Hoffman encouraged everyone to be careful and think of the police and emergency services operators while driving in the snow and ice. Hoffman also reminded everyone to secure their packages so as not to tempt potential porch pirates.
- Lysle texted an alert that Burrow’s Run Road was closed due to a tree and wires down just past the train tracks.

8. PUBLIC COMMENT

- John Wilkens (138 Round Hill Rd) commented on the great work of the Public Works Department saying that they do not wait until the storm is over before addressing it. Rather, they are out at the beginning of the storms and stay out until the end. Leff thanked Wilkens for that report and Hoffman recounted the experience she had riding along with Lysle during a snowstorm.
- Ratliff offered a correction to his earlier reporting on the CAD numbers by day, stating that the numbers in Gordon’s report are for the full month, not one week. Leff said that there will be an annual report that will detail this information and begin to study trends as 2020 will be the second annual report offered.
- Beth Thomas (126 W Hillendale Rd) via Zoom chat wished everyone a happy holiday, a sentiment that was shared by many.
- Ratliff noted that because the Township is in a cash basis accounting, there will be one more Board of Supervisors meeting that should take about ten minutes to approve the final Bill Voucher of the year so that expenses can be counted in 2020 rather than 2021. This meeting will likely be held during the day and will be advertised in the newspaper, email, and social media. Heinrich added that the Task Order discussed earlier from the trail consultants may also be part of that meeting. Ratliff agreed but there is not enough information available now to make that decision.

9. MOTION TO ADJOURN

Motion presented by Hoffman to adjourn. Leff seconded the motion. The motion was passed unanimously 2-0 as Stevens left the virtual meeting at 8:02 p.m.

The meeting adjourned at 8:47 p.m.

Respectfully submitted,
Eden R. Ratliff
Township Secretary