



Board of Supervisors Minutes

February 3, 2021 | 7:00 p.m. | Remote Meeting Via Zoom

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

1. Call to Order

Dr. Leff called the meeting to order at 7:00 p.m. and explained how the meeting would proceed. He then reported on the most recent COVID-19 cases and reviewed precautions that should be followed to help mitigate the spread. Hoffman added information about possible long-term side effects and urged everyone to continue to wear their masks.

2. Township Recovery Update

Ratliff had no update this week.

3. Executive Session Announcements

Solicitor Sander announced the Board of Supervisors met in Executive Session on January 22, 2021 to discuss a matter of personnel.

4. Old Business

a. EMS Update

(www.kennett.pa.us/DocumentCenter/View/4566 & www.kennett.pa.us/DocumentCenter/View/4579)

Leff summarized the process Kennett Township has been involved with since the end of October. On December 2, 2020, the Board of Supervisors voted 2-1 to consolidate EMS services to Longwood Fire Company (LFC) effective March 1, 2021 if Kennett Fire Company (KFC) did not submit a proposal by January 20, 2021 offering a viable alternative. He provided background on the Kennett Fire and EMS Regional Commission and continued with his presentation that detailed the proposal submitted by Kennett Fire Company on January 27, 2021, which the Supervisors still considered despite its tardy submission. The letters between Kennett Township and Kennett Fire Company can be found at www.kennett.pa.us/DocumentCenter/View/4566 and the full presentation offered by Leff and Ratliff is available at www.kennett.pa.us/DocumentCenter/View/4579.

Discussion

- Stevens asked Hoffman why she was not willing to postpone and further discussions on this topic until the KFC's proposal, which he said saved more money, was fully investigated and the questions Ratliff posed were all addressed. Hoffman said the proposal had positives to it, but was dependent on a lot of factors, some of which were based on an estimated increase in calls and was dependent on what the Borough would do. She said it is time for the Commission to act and that it comes down to economies of scale, so the Commission needs to make considerations regionally. She believes that the chase car model proposed by KFC would end up costing more and that their suggestion to save money by hiring part-time rather than full-time EMS

providers brings into question whether the providers would be taken care of with adequate vacation, insurance, etc.

- Stevens asked Hoffman, given the KFC's proposals saves money to the Township and the residents for BLS services, and given that there is little chance that a Longwood chase car or MICU will find a home in KFC's station resulting in a longer response time, and considering that there is a better than 50/50 chance the Borough would pull out of the Commission which could raise the dues to the Township and/or cause the breakup of the Commission, and acknowledging that personnel, human relations, or quality of service concerns were never raised by the Township until KFC explained their numbers and produced a viable counter proposal, and understanding that the discussion for the past six months has been solely about saving money, why she was unwilling to endorse the KFC proposal or postpone a decision. Hoffman explained that she has met with KFC since their proposal and that the decision was already made at the December Board of Supervisors meeting. Stevens said decisions can be changed. Discussion continued about the process Hoffman went through since October including the problems she sees with the KFC's proposal and the reasons she wants to continue with the decision made in December.
- Ratliff explained how he and Hoffman met with the leadership of KFC on January 28th and together went through the letter the Township supplied them in response to their proposal. During that meeting, many of the questions Ratliff had were addressed, although he does feel the Commission should drill down on and analyze some of the points made such as their proposal for LFC to reduce to one MICU, ultimately providing less service. He further explained the revenues associated with the KFC Proposal. Stevens stated that the lack of communication is most unfortunate in that this meeting happened and he was not made aware of it or given a copy of Hoffman's letter. Leff said he also did not receive the Hoffman's letter.
- Stevens asked Ratliff a similar question to that which he asked Hoffman: that if the purpose of consolidation was solely saving money, why now add the new demand of quality of service, and did he demand the same of LFC, and should the quality-of-service question be one for the Commission to address? He wanted to know why the goal posts were being moved at this late hour. Leff commented that the proposal came a week late, so the longer they delayed, the less time was available. He also said that it was never solely about finances although anything that helps increase savings is useful. Ratliff stated that he does not believe they are moving the goal posts and that he is not engaging either company in discussions about quality of service as he has said many times both companies have great providers. His question was whether the proposal impacted other townships and if that should be discussed at the Commission. Ratliff gave an example about how a larger regional Commission would better serve everyone, and Stevens agreed but stated that consolidation is not what this Commission is about. Leff reminded Stevens that in 2018 the Commission voted to consolidate to one provider by a vote of 5-1. Stevens said he remembered as he was the one vote against.
- Ratliff commented that the Board of Supervisors has a statutory obligation of setting the territory for fire and EMS per the Second Class Township Code (Sanders agreed) and that authority should probably not be given over to the Commission. He also said that part of that process in 2018 included a proposal by KFC.
- Hoffman then read aloud the letter she sent to KFC and apologized it did not get to Stevens as she wanted to avoid breaking the Sunshine Law. That letter went as follows:

I want to thank each of you for working with me and discussing our emergency services needs over the last several months. There has been a lot of data and ideas shared, and I have spent lots of time trying to find a solution that is inclusive, meeting the needs of the region's residents while trying to contain costs as best as possible.

One of the things that has become clear to me is that efficiencies can be gained through regionalism and cooperation. It may be in the best interest for all of Southern Chester County to one day develop an independent EMS Corps rather than having small operations from town to town. This is why I originally suggested that we find a way to amicably create a joint EMS service between the two providers. I have been hoping that by working together, we could come up with a solution that serves both the emergency services needs of residents while maximizing their return for every tax dollar. The core concept behind the idea of creating a regional service provider is consolidation of services, and gaining efficiencies and consistencies of service delivery across the region. This is what every resident expects, and it's what we should be striving to deliver.

Emergency services are one of the most important things local municipalities provide, along with traditional infrastructure maintenance, to our residents. Hard-earned tax dollars have to be invested in

our community- as well as being "spent" on services we all share. That's why it's also important that everyone receiving tax dollars, whether it's the Township employees, local service providers, our schools, and even local non-profits, use those tax dollars carefully and stretch them as far as they can go. Every dollar has to be spent cautiously and with good reason, because we are all accountable to every citizen to use this money wisely.

I have spent many, many hours over the past few months with both of our EMS providers, to understand the full picture of any decision we make. There are consequences to every decision, and in this case, it is possible that whatever decision we make in the best interest of Kennett Township residents may also affect residents in neighboring townships as well. But my goal remains clear. We need to be able to provide efficient, professional services to the residents of Kennett Township.

In my many hours of what I will refer to as EMS School, this is what I have learned:

We are all concerned about the level of care people receive in an emergency. Giving the right care quickly can save lives. Whether we are discussing the ambulance or fire response, minutes matter, and having the right help show up quickly can contain and mitigate property damage, as we've seen in several recent fires, including the fire at Victory just last week. When it takes up to 6 minutes to get out a fire truck with low staffing, the fire on the other end could have at least doubled in size, putting more lives and property at risk.

We have been looking at something called unit hour utilization (UHU) rates. As you can imagine, when people do "enough of a task" they get better at it each time, but when they don't get enough practice, that's problematic as well. Whether it's surgery, mastering a musical instrument, learning a language, or performing emergency services, being the right amount of busy is actually a safety issue in and of itself.

In our area, some EMS providers run three shifts- 6 am to 2 pm, 2pm to 10 pm and 10 pm to 6 am. I was surprised to learn that the first two shifts are always the busiest and have the most calls, with a UHU at about 24% with only an 8% utilization rate for the overnight hours. I believe, after reading numerous articles and research shared by the Fire Companies, that UHU should be between 20 - 50%; but the sweet spot is around 30-40%.

Currently, Kennett Fire deploys a staffing model that relies on volunteers for Fire which sometimes presents challenges getting fire trucks out in an emergency. Their EMS/fire staffing model is cross staffing, where they use the EMTs to run the fire trucks to ensure the emergency is taken care of, but this takes the ambulance out of service and unable to respond to other emergencies in the region. This predominantly happens during the day when the ambulance is the busiest.

As a result, they will be seeking to have paid firefighters join their ranks in the next few months. This is very important, and I hope we will all support them in this move. We expect they will provide the needed data to support this change to the Commission. In addition, Kennett Fire is proposing some changes to make sure their full-time staff is more fully covered for insurance and benefits, which is very important. We are asking those who literally risk their lives to save the rest of us when we are in crisis to do the incredible, and we should all be responsible that, in exchange, they receive insurance and benefits. It's our duty to keep those who are keeping us safe, safe and healthy in return.

In setting our first response territory, we want to make sure every resident is getting the best service as cost-effectively as possible. There will be times, no matter what we spend, that calls will be missed and picked up by other companies in the area through mutual aid. There will also be times, despite best efforts, that an emergency response won't arrive as quickly as we would like.. We need to do everything we can to minimize those circumstances, but whatever we decide, it won't be perfect. The County EMS system is designed to address this through County Automatic Vehicle Locator (AVL) which dispatches the closest available unit via GPS when the primary unit is not available.

I have reviewed the proposal from Longwood Fire and Kennett Fire, one with 2 MICU units for the region and one for one MICU, one BLS ambulance and a chase car with a paramedic to service the region, respectively. The hard part of all of this is that there are times when someone could argue we need a third transport vehicle during the busiest times, and neither of these models provides a third transport vehicle. Additionally, the demand for EMS in the region will continue to grow as the region

grows. With that will come a need for more units than 2 MICUs, or the 1 MICU, 1 BLS ambulance and chase car model proposed by either company provides. My hope is that, as a region, we can begin to build a consolidated system that addresses all of our needs, including flexibility to add services evenly throughout the area as demand grows, while providing efficiencies for all. That's truly what we need, but it cannot be forced into being in the short term. Until that time the best efficiency we can achieve is consolidation of what we have.

While we need to go with the Longwood proposal for the two MICUs to serve as first "bell" or responder to all calls in Kennett Township for this year, we will still be receiving services from Kennett Fire for our residents as a mutual aid response. The projected data from Kennett for the proposed Chase car model has ripple effects for other neighboring townships that cause concerns, and I remain concerned that until Kennett receives paid staffing to help with fires during the day, leaving them as first response leaves residents west of Bayard Road potentially at risk during critical periods of the day.

I strongly urge both fire companies, hopefully in concert with the EMS commission and other local providers, to meet and consider forming a joint regional EMS company for ambulance services, which will provide us with the high-quality services we need, while achieving regional cost savings through "back office" efficiencies, and eliminating the duplication of emergency response vehicles which add additional expenses to taxpayers throughout the region. Emergency response vehicles and the need to outfit them properly is very expensive, and the unnecessary duplication of equipment has perhaps led to spending of tax dollars less than efficiently in the past due to our historical choices and set up.

In these times, when so many people are in pain economically and more aware of the importance of good health and cautious spending of every dollar, we hope our decision, which may be a disappointment to some, will spur the cooperation and community-minded spirit of everyone to create the system we really need, to benefit everyone in our region for years to come.

- Leff continued with the presentation that is available in the link mentioned above that summarized the current structure, the enacted change by Kennett Township and the Kennett Fire Company Proposal. Pros and cons, personnel and visual representations of the current/proposed coverages were also shared.
- Stevens asked for clarification on the numbers Leff presented, which Ratliff explained.
- Discussion continued with Hoffman regarding costs, different scenarios, and billing.
- Leff concluded his presentation by saying if we continue to wait, we will never get anywhere in making improvements to a vital system that all the residents of Kennett Township deserve. He acknowledged that he does not know if the Kennett Township change will be perfect but does know it will be an improvement. He also mentioned the decline in volunteer firefighters.
- Stevens commented that throughout Leff's presentation, Stevens was communicating with various members of KFC who feel what was presented is not an accurate summation, and that this is not a simple topic. He said he concerned because people's lives are on the line and he is discouraged because this started out to save money but was about a lot of other things. Leff agreed that what stimulated this topic for him was the initial cost savings, but the more he looked, the more he realized the system was inefficient.
- Stevens asked if Leff ever sat down with KFC. Leff said yes. Stevens said KFC says no.
- Hoffman said that what she hopes people take away from this is that all three supervisors care deeply about this and are trying to make the best decision. She also said a long-term goal that could come from consolidating would prevent tax dollars from being spent in ways they do not need to be spent in, such as by purchasing additional apparatuses.
- Stevens agreed that they are doing their best to see the full picture and about not spending extra on apparatuses. He said this will affect a lot of people who will have to find other work and the implication of how many dominos this will cause to fall is unclear, which makes this complicated.
- Hoffman feels a decision for change must be made and can be evaluated in another year. She thanked both companies for answering her many questions through her meetings with them and for all they have taught her.
- Ratliff echoed Hoffman's sentiments, stating that this is an emotionally charged and challenging issue that involves volunteers who have been serving for generations. He wanted to acknowledge that sometimes those emotions are not visible at these Supervisor meetings, where it is easy to focus on policy. He said he has appreciated the professionalism of everyone throughout this process including KFC's Ricky Franks who, although they may not agree, Ratliff has very much enjoyed working with.

- Leff said that they have heard from many people both for and against this change. He reminded everyone that there is no motion before the Board as this is from a motion in December. While he feels Steven’s question to delay this is not unreasonable, he did not see any advantages to the Township in the KFC’s proposal.

5. New Business

a. Consider February 3rd Bill Voucher in the amount of \$369,123.44

(www.kennett.pa.us/DocumentCenter/View/4567)

Motion presented by Hoffman to approve the February 3, 2021 Bill Voucher in the amount of \$369,123.44 and approve total transfers in the amount of \$4,394.71. Stevens seconded. Motion passed with a vote of 3-0 after the following discussion.

Discussion

- Leff noted the \$72,000 donation from the Township to the Land Conservancy for Southern Chester County. He said they are excited to support this organization who maintains preserves and helps the Township find and preserve open space throughout the Township. He looks forward to continuing to preserve open space in the Township for years to come.
- Stevens commented that after fighting this Board for the past year about the money that was budgeted for TLC last year, he is pleased this has been resolved.
- Hoffman also said she was glad this was all straightened out.
- Abbie Kessler (TLC) commented via Zoom chat, “TLC appreciates the donation!”

b. Consider Enterprise Escrow Release #4

(www.kennett.pa.us/DocumentCenter/View/4576)

Motion presented by Hoffman to approve the Enterprise Rent-A-Car Escrow Release No. 4 in the amount of \$38,932.40. Stevens seconded. Motion passed with a vote of 3-0 after the following discussion.

Discussion

- Leff commented that this has been approved by our engineers and can therefore go forward.

c. Consider Sinclair Springs

i. Phase 1 Escrow Release 9 – Final

(www.kennett.pa.us/DocumentCenter/View/4568)

Motion presented by Hoffman to approve the Sinclair Springs Phase 1 Escrow Release No. 9 in the amount of \$455,718.90. Stevens seconded. Motion passed with a vote of 3-0 after the following discussion.

Discussion

- Hoffman thanked Diane Hicks, Stan Corbett and everyone else who clarified questions she had about this prior to the meeting.
- Heinrich noted that this is the final release for Phase 1 and the next motion is the final release for Phase 2 of their Letter of Credit.

ii. Phase 2 Escrow Release 4 – Final

(www.kennett.pa.us/DocumentCenter/View/4569)

Motion presented by Hoffman to approve the Sinclair Springs Phase 2 Escrow Release No. 4 in the amount of \$267,876.60. Stevens seconded. Motion passed with a vote of 3-0 after the following discussion.

Discussion

- Leff asked how much escrow was remaining for Phase 2 and Heinrich again said this was the final release. The development escrows are now closed, and they have paid their cash inspection escrow as well.
- Hicks confirmed that they have been approved, signed off on and are now good to go by AECOM.

iii. Sewer System Dedication

www.kennett.pa.us/DocumentCenter/View/4570

Motion presented by Hoffman to accept dedication of the gravity sewer mains within the development drives, the development pump station, and the force main which conveys sewage from the pump station to a manhole located in Ridge Avenue, all as part of the Sinclair Springs development. Stevens seconded. After the following discussion, the motion passed with a vote of 3-0.

Discussion

- Hicks reported that AECOM has been there on a regular basis and recently the inspectors were present to make sure everything associated with the sewer pump station within Sinclair Springs is working efficiently and they confirmed it is able to be dedicated to the Township.
- Leff asked about maintenance for the first 18 months and Heinrich confirmed that there is a maintenance bond Sinclair Springs is having Morgan Stanley issue to the Township.
- Leff asked if Sinclair Springs was close to capacity and if the sewers have been working. Hicks said yes.
- Hoffman commented that this development took a long time and that she is glad it is concluding.

d. Consider Open Space Grant Funding Application

www.kennett.pa.us/DocumentCenter/View/4571

Motion presented by Hoffman to authorize the Township Manager to sign the Grant Assistance proposal for open space acquisition provided by the Land Conservancy for Southern Chester County in the amount of \$7,000. Stevens seconded. Motion passed with a vote of 3-0.

Discussion

- Ratliff said there are two grant opportunities that the Township is looking at with our Land Conservancy Advisory Committee and the Land Conservancy for Southern Chester County (TLC) that could be used towards potential land acquisition. TLC has submitted a proposal to apply for those grants on the Township's behalf and that is the action before the Board.
- Leff noted that the land in question is not disclosed at this time as the outcome is not yet known.

6. Public Comment

- Beth Thomas (126 W. Hillendale Rd) asked via Zoom chat, "I know some of the issues that brought this to the forefront was the double billing. Do we know if the two companies are going to offer membership to the community? The problem with double billing would not be such a financial issue if you joined each fire company. I am in support of keeping the two companies involved in our coverage since I live West of Bayard. I would like to see the communication continue before any firm decision is made. Sometimes money is not the most important factor but response time is. Previously we heard from most living W of Bayard would like to see the two company approach continue." Leff said Longwood does have a membership and Hoffman said she believes Kennett has started. Ratliff added that there are some details to be worked out on the joint-ambulance club, but KFC has been waiting to see what the final decision on their territory would be before finalizing these types of details.
- Beth Thomas (126 W. Hillendale Rd) asked via Zoom chat, "Has Kennett and Longwood with the Supervisors come to the table to talk or has this all been one sided?" Hoffman answered that everyone has been involved in the discussions. She was willing to provide dates and times and said some meetings were both LFC and KFC, and some were KFC alone. She said these meetings were productive and now believes the next round of action is at the Commission level as both companies are their own 501c3 companies with their own boards. Stevens said that the Board has not met with the companies, only Hoffman and Ratliff had. Leff said that he has been involved with many discussions over the past three months. He has been responsive to questions and comments at these Board meetings with long discussions and was available at the Commission meetings. He feels the doors have been open to the even reviewing a proposal that came in seven days after the deadline. He agrees that a lot of discussions need to happen next at the Commission level. Ratliff, in defense of the Board of Supervisors, explained that they must adhere to the Sunshine Law which he and Sander explained in detail. Ratliff said this is why these conversations have been occurring at the public

Supervisor meetings, both for the public's benefit and to allow the Supervisors to come together to discuss. Hoffman elaborated on her process of meeting with both companies, the importance of making an informed decision, and additional factors that will need to be addressed in the future.

- Steve Melton (Kennett Fire Company) stated via Zoom chat, "The commission was given five different plans for EMS not just one for one sole provider. Supervisor Leff maybe you would know some of this information if you had meetings with Kennett Fire Company. Mr. Leff when did you meet with Kennett Fire? Why would Longwood agree to a proposal from Kennett when Longwood knew they were going to take over the entire township?" Leff responded that he cannot speak for LFC, but he did meet with KFC late last year in addition to the public meeting discussions and said he was available if anyone ever wanted to reach out to him. Leff agreed that there were multiple plans given to the Commission five years ago, but the ultimate recommendation was to move to a sole provider.
- Sue Giancola (604 Peacock Ln) asked via Zoom chat, "Do we know where the ambulance will be placed for the western side of Kennett Township and how much that will cost? If not, how can a decision be made without those key pieces of information?" A similar question was posed by Diane McGovern (345 E Hillendale Rd). Beth Thomas (126 W Hillendale Rd) also asked via Zoom chat, "If you go with Longwood and Kennett can't house the MICU that you keep saying will be housed near or in the borough has the expense of an alternative home been explored? I have not heard anyone talk about that expense." Ratliff responded to the these questions by saying his understanding is that the two fire companies are engaging in discussions about the feasibility of storing a MICU at KFC. He is unaware if a definitive answer has been decided and he anticipates this is something the Commission will take up.
- Richard Stat (731 Norway Rd) commented via Zoom chat, "Interested to know when the work of the zoning code task force will be made public, and how much time thereafter will the public have to understand and comment upon that subject prior to the Supervisors taking action on any recommendations that may be forthcoming from the task force. Thank you very much." Hicks said the proposed changes are still being finalized. She explained that it will go to the Planning Commission first and she is hopeful this will happen in the beginning of March. She explained there is a 30-day public review period and then it will go to the Board of Supervisors. Sander added that a public hearing is also required, and it will be advertised in newspaper. Leff asked how the public will know when this is at the Planning Commission. Hicks said the Township could send a Township-wide email if that is warranted in addition to being on the website and on the agenda of the Planning Commission. Leff said it would be good to notify people as this has been worked on for three years. Ratliff confirmed that he would exercise a public engagement strategy.
- Henry Schlimme (9 Black Rock Rd) thanked the Supervisors for all the time they have put into this decision. He agreed with Hoffman about the potential need in the future to add a third transport unit and asked how many hours of coverage were being cut with the new recommendation. Leff said they are going down from five and one third people 24/7 to four people 24/7 and said their utilization needed to be evaluated as well as hours. Schlimme asked if the Fire Companies could comment on how much they are getting paid. It was determined by the Township Solicitor that it was not appropriate to direct questions to anyone other than the chair of the Supervisors. Schlimme then talked about the recommendation for regional police that would save \$400,000 and asked when the taxpayers could expect to see that shift. Leff was unsure of where the amount of \$400,000 savings came from and recounted what the experts said the advantages of moving to regional policing would be, but ultimately a large savings was not one of them. He said they continue to investigate ways to work cooperatively with neighboring police forces.
- Richard Gaw (Chester County Press) reported the timeline from the December 2nd Board of Supervisors meeting which emphatically set the deadline for KFC's proposal as January 20, 2021. He asked why, then, was KFC tardy in submitting their proposal to the Township. Leff said they cannot speak to that and encouraged Gaw to follow up with the companies directly and added that the Supervisors did all they could to consider it especially under the limited time constraints.
- Richard Gaw (Chester County Press) asked for clarification on what the yearly savings will be to the Township by consolidating EMS services. Leff said those numbers were discussed in depth at the December 2nd meeting and explained that due to several factors that are still outstanding, and until this change becomes operational, the precise savings amount is not known.
- Richard Gaw (Chester County Press) asked what the duration of the contract with LFC is for these services. Ratliff answered that this contract is annual, explained the annual reorganizational meeting of the Board of Supervisors, and said this change is slated to take effect March 1st. At the next reorganizational meeting in

2022, both fire company's territory agreements would be renewed. Leff added that this is an annual responsibility of every municipality and there was clarification that this agreement would be effective March 1st through the date of the next meeting in January.

- Leff thanked Roger Lysle and his work crew for the work they did clearing the 48-hour snowstorm. Hoffman added her thanks. Lysle said he appreciated the mention, that his team did a great job, that a lot of materials were used and now being restocked, and he thanked the public for staying off the roads to allow them to get the roads clear. Lysle also thanked the resident who called in after the road crew accidentally plowed their driveway in. He apologized as sometimes these things happen and went out right away to fix that.
- Ratliff shared a letter received from the Tredyffrin Township Police Department Superintendent that detailed exceptional service provided by Kennett Township Police Officer Miguel Juarez. On December 28, 2020 there was a fatal car accident in Tredyffrin Township involving individuals who only spoke Spanish. After unsuccessfully attempting to find a translator through multiple counties, someone remembered Kennett's diverse Police Department had officers who spoke Spanish. Officer Juarez was asked to assist and arrived on scene to provide professional interviews in Spanish. Ratliff said he is extremely proud of Officer Juarez, of the diversity of our Police Department and Administration, and was happy to be able to assist a neighboring police department.

7. Adjournment

Motion presented by Hoffman to adjourn. Stevens seconded. Motion passed with a vote of 3-0.

The meeting adjourned at 8:50 p.m.

Respectfully submitted,
Eden R. Ratliff
Township Secretary