



Board of Supervisors Minutes

November 3, 2021 | 7:02 | 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; Roger Lysle, Public Works Director; Matt Gordon, Chief of Police; Dave Sander, Solicitor

1. Call to Order

Chairman Leff called the meeting to order at 7:02 p.m., explained the hybrid meeting format and thanked those present in person for wearing their masks. He also announced Executive Assistant to the Township Manager and Zoom Host Gretchen Flack recently got married and her name is now Gretchen Porterfield.

2. Township Investigation and Resolution Update

Leff reminded everyone of the recent sale of the former Township Manager's house, which resulted in the Township receiving a check in the amount of ~\$355,000 towards her restitution. In total between the bond and what she has submitted, Moore has repaid ~\$2.7 million and will presumably pay what is still owed once she gets out of jail.

Discussion:

- Joe Duffy (2 Black Rock Hill) asked if there was a subrogation cause from the surety company. Leff answered that he did not believe there was. Hoffman and Stevens spoke to the sensitivity of ongoing litigation, so they were not able to elaborate further.

3. Executive Session Announcements

Solicitor Sander announced that the Board of Supervisors met in Executive Session on October 21, October 22, and October 29, 2021 to discuss matters of litigation; on November 1, 2021 to discuss potential acquisition of real property; and November 3, 2021 for a collective bargaining Executive Session.

4. Minutes

(www.kennett.pa.us/DocumentCenter/View/5018 & www.kennett.pa.us/DocumentCenter/View/5019)

Motion presented by Hoffman to adopt the September 15, 2021 and the October 6, 2021 Board of Supervisors Meeting minutes. Stevens seconded. Motion passed 3-0.

5. Old Business

There is no old business.

6. New Business

a. Consider November 3rd Bill Voucher

(www.kennett.pa.us/DocumentCenter/View/5002)

Motion presented by Hoffman to approve the November 3rd Bill Voucher in the amount of \$656,743.86 and to approve transfers in the amount of \$8,273.99. Stevens seconded. Motion passed 3-0.

b. Consider Salt Bid

www.kennett.pa.us/DocumentCenter/View/5003

Motion presented by Hoffman to award the Rock Salt bid to Morton Salt, Inc. in the amount of \$71,870 (1,000 tons at \$71.87/ton) and to authorize the Township Manager to execute the agreement. Stevens seconded. Motion passed 3-0.

Public Works Director Lysle explained that after the October 19th Municipal Co-Op meeting, the purchasing committee made the recommendation for this lowest bid to Morton Salt. The price per ton is \$20 more than last year due to the prices of everything going up. Lysle said the amount of 1,000 tons may look higher because this is normally split between two different bids (the co-op and PennDOT) but the Township missed the State bid.

Discussion:

- Leff asked what the split normally was between the two bids and if Lysle knew what the state bid was. Lysle answered the split was ~300 tons from this co-op and ~800 tons from the PennDOT bid. He did not know what the PennDOT bid was and added a lot of people missed it due to the bid being put out earlier than normal. He said he may end up purchasing less depending on the winter.
- Stevens asked why the motion was for \$71,870 when the contract was for \$345,000. Lysle explained that the contract was for all seven municipalities in the co-op and confirmed that Kennett Township only must adopt its portion of that.

c. Consider Biohabitats Change Order #2 to Task Order No. 9

www.kennett.pa.us/DocumentCenter/View/5004

Motion presented by Hoffman to consider Biohabitat's Scope of Work and Fee for Change Order #2 – Supplemental Engineering Services – Task Order #09 – Full Design Services Chandler Mill Road Greenway Segment in the amount of \$11,910. Stevens seconded. Motion passed 3-0.

Discussion:

- Stevens summarized his understanding of this motion for additional data as a result of the public get together on Chandler Mill Road. Christina Norland, Executive Director of Kennett Trails Alliance, explained the additional work is coming from the two-way, one-lane pilot study conducted along Chandler Mill Road as well as feedback received at the open house held earlier this month. Steve Giampaolo of McMahan Associates said the current final design proposal to Biohabitats only included traffic studies of those two one-lane stretches, but the number of questions that came at the October 17th outreach about additional data for pedestrian and bicyclist usage and speed data led to this change order. For the initial proposal, McMahan did not think it was necessary as they were trying to keep costs down. He added that this additional data will help pinpoint where other traffic calming measures could be added since traffic calming is most effective in a series. They also want to take another look at some of the embankments going northbound regarding sight distance as it relates to bicyclists as only vehicular sight distances were initially studied.
- Stevens said he would have expected McMahan to have already factored these things in originally and is concerned of an increased escalation in costs. Giampaolo explained why things were not originally in the scope and said that this is not for the engineering, but simply for additional data.
- Hoffman said that early in the meeting process with residents and Supervisors, she was assured that McMahan had historical data that could be used from satellites for the traffic data. She was not happy for another request for almost \$12,000 more to study that again. Giampaolo explained that they are not going to redo the vehicular traffic study. Rather, this is to measure the number of pedestrians and bicyclists on Chandler Mill Road as a direct result of the October 17th public event. He went on to explain how changing the speed limit on that road to 25 mph plus the two locations of the one-lane pilot impacts this data and makes this a unique situation as they were unable to obtain speeds between the two sections prior to them being

installed. Christina Norland summarized Giampaolo's request. Discussion continued about the prior speed studies.

- Norland asked Giampaolo if this was necessary or if other townships have chosen not to do this. He said some townships skip this and usually decide on traffic calming measures that are less effective. Hoffman asked if this should have been included in his design. He again said this does not affect the design, just adds data.
- Geoff Gamble (560 Chandler Mill Road) agreed with the comments made by Stevens and Hoffman as it seems to him that we would be paying for a study of obvious behavior. He asked if this was necessary as validation for legal purposes or for some other reason. Giampaolo said if the Township does not want to count the bikes, they do not have to. McMahon is acting after the public asked those specific questions. Giampaolo again spoke about the uniqueness of this corridor due to the changed speed limit and current pilot study. This study will provide speeds in between the two pilot one-lane sections and will help further inform traffic calming measures that have already been planned for.
- Stevens commented he is hopeful this is not a pattern for renegotiating the original contract for things that could have or should have already been included. He added that he does not mean that to be harsh.
- Leff commented that now that it is getting colder, there will be fewer bicyclists and pedestrians out there than there would be during warmer weather.
- Leff asked for more information about the embankment issues. Giampaolo explained that it was to look to see if anything could be done to embankments in a few spots to enhance visibility for bicyclists. He said that bikes and cars will share the road until cars can safely pass the bicyclists.
- Norland noted that this is optional, that the Supervisors can decide whether to do this or not. She also said that there is a spectrum of things that can be done to engineer a project to minimize safety issues or other concerns. There has been extensive public feedback publicly and privately about whether the engineering has been appropriately extensive and that is what is driving this request.
- Leff summarized that this is coming from the October open house and is an opportunity to get more data. Hoffman said she feels as if these conversations were already addressed and that this is rehashing the same data repeatedly.
- Cathy Burkett (818 Williams Lane) asked what the deliverables would be for this. Giampaolo said the deliverables will be in the final design plan.
- Peter Doehring (5 Nine Gates Road) believes it make sense to do this for the traffic calming measures based on his work with another engineer. He said part of the proposal that he submitted to the Supervisors back in May asked for Giampaolo to look at speed approaching the choke points to control speeds around the limited sight sections. He asked if that was being looked at with this proposal. He also asked if, given the data already collected, whether Giampaolo believed the length of these two one-lane sections would have to change in any way. He emphasized the importance of reducing speeds for the safety of cyclists. Giampaolo said yes, that was the speed data he would be looking at. Doehring then asked if it were possible to make the one-lane section narrower, realizing that it might make it more uncomfortable for buses and emergency service vehicles, but it will encourage motorists to slow down. Giampaolo said after observing the pilot and buses going through it, he wants to stay with 12' lanes but will look at necking down some of the sections within those corridors.
- John Wilkins (138 Round Hill Road) said he was disappointed that they were looking at the embankments just as he was disappointed over losing trees. He thinks reducing speed is good but looking at the embankments would be doing more damage to nature. He also said he is still unclear on the tree situation after reviewing the plans from the October open house. Norland said that the consultants are still analyzing the trees and that information would not be known until the final plans are completed. Wilkins said he would prefer to be able to help with that before the plans are final.
- Sue Giancola (604 Peacock Lane) asked if the survey data collected would eliminate some of what this change order is talking about. She said her opinion is that 25mph is slow and she wishes they could split the difference. She then went on to describe how she uses Chandler Mill Road. She said with the bridge closed, this is primarily affecting local people, not those cutting through. She does not know if spending \$12K would be worth it when they could just ask the residents if they speed up. Leff said it is known that they do, but the question is how much. Giancola said that there are far more cars on the road than others and agreed with Hoffman that GPS data was promised to measure the car traffic.
- Leff asked if there was any other way to do this cost effectively and Giampaolo said this was cost effective. He added that while yes, there is data available it would not pick up locations specific to the corridor.

- Peter Doehring (5 Nine Gates Road) discussed the trees that may be impacted and asked a question about how the trees were classified. Leff asked if this could be held to the end of the meeting as it was not specific to this agenda item.
- Hoffman said she does not want to be pecked to death, but said some people have made a case that it would be good to look at. Leff agreed and said that while some of this came up from the open house, some of these things may have been able to be anticipated.

d. Consider National Opioid Litigation Settlement
www.kennett.pa.us/DocumentCenter/View/5005

Motion presented by Hoffman to opt in to the National Opioid Settlement and to authorize the Township Manager to execute the necessary documents to opt in. Stevens seconded. Motion passed 3-0.

Discussion:

- Ratliff, who joined the meeting at 7:47 p.m. due to another matter of Township business running long, offered a brief overview of this agenda item followed by Solicitor Sander also providing background on this national opioid settlement. He recommends the Township opt in to collect in the event the settlement is approved, but there is no guarantee of payment. The deadline to opt in is January 2, 2022.
- Hoffman related this to Amazon overpayment settlements and asked if the Township would be responsible for compiling victim impact statements and documentation of the Police Department using Narcan to help save lives of those affected by opioids. Sander does not yet know but said the State's Attorney General will consider population and severity of harm when deciding.
- Stevens commented that the name of the family who created this was not listed as one of the defendants, that this is just the cost of doing business, and the way to deal with this situation is to make the penalty sufficiently onerous. He said that it is a disgrace that this is a problem, and the system is designed to protect the guy who created the problem. Sander spoke about the Sackler family mentioned by Stevens and explained that case with Purdue Pharma before elaborating on the current distributors in this settlement and how much they may have to pay.
- Geoff Gamble (560 Chandler Mill Road) asked if Kennett Square was going to participate in this, and if so, would there be merit to filing a joint impact statement. Leff said we do not yet know what will be required for this and Sander did not know what the Borough was planning. Sander said some municipalities filed their own lawsuits, but we would have wait to see what is required and that a joint statement may be a good idea.
- Leff spoke of his professional medical experience of the challenges dealing with opioids. He thinks joining the group action is a good idea and Hoffman agreed.

e. Consider Mondo Media Solutions Proposal
www.kennett.pa.us/DocumentCenter/View/5024

Motion presented by Hoffman to approve the Mondo Media Solutions proposal Version #5 dated November 3, 2021 in the amount of \$20,990.26 to update the technology in the Public Meeting Room and to authorize the Township Manager to execute the agreement documents. Stevens seconded. Motion passed 3-0.

Discussion:

- Gretchen Porterfield summarized the Policy Briefing Summary she prepared that outlined what was needed to update the technology of the Public Meeting Room to better conduct hybrid meetings. She also briefly reviewed the four received proposals and explained why the Mondo Media Solutions option was optimal.
- Hoffman commented on the case studies provided by Mondo Media Solutions, adding that it appeared they would remove the equipment that was no longer going to be used.
- Leff asked how old the technology was in the room and Porterfield answered it was installed at the latest in 2013, and a lot of that equipment was refurbished.
- Porterfield discussed the central processor proposed and explained how this would set up the Township for future screens in future budget seasons, which helped keep this proposal more cost effective. Hoffman said that this seemed to be a more modular approach and asked if this was why the cost was different. Porterfield said yes, the lack of screens and the type/brand of equipment proposed. Hoffman then asked when the time came to add the screens, how much would that cost. Porterfield said it would not be astronomical.

- Porterfield explained how the Mondo Media Solutions proposal is best for a long-term approach verses the hodge-podge set up of the current room. She added that this equipment would be easily transferred to a new location should the Township move to a new building.
- Hoffman asked if this would be user friendly enough for the other committees to use and Porterfield said yes, this will allow for the push of one button on an iPad to enable them to easily use it. This is important because all Township committees much offer an in-person option, yet many of the committees seem to prefer to remain virtual. Leff commented on his experience in several conference rooms and said the iPad is a nice feature. Hoffman said this investment would be a community one.
- Leff summarized his understanding of this proposal.
- Porterfield noted that this industry is not immune to the availability of products due to COVID-19 and that should there be an extremely long wait, Mondo Media Solutions will offer a substitution with a change order. Leff said the option would be to limp along with what is currently installed until equipment becomes available or approve a change order. Porterfield said yes and added that the sooner an approval is granted, the sooner the Township could get in line for the items.
- Heinrich commented that she and Ratliff met with Mondo Media Solutions last week and explained how they provided the option to test screens in the front and back before deciding on that piece of this project.
- Stevens admitted to not having a lot of time to review the proposal, then summarized what he understood this to be. Porterfield elaborated on Stevens understanding. He then asked if the other proposals included the screens. Porterfield explained the differences in the proposals and added that Mondo Media Solutions does more than just audio/visual, so the potential to streamline the Township's VIOP phones, IT, and security also makes this company a good option for future consolidation.
- Leff asked if the new system would be able to be integrated for those who wear hearing aids. Stevens said it was the t-coil system. Porterfield said she could ask them as she was unsure.
- Hoffman asked if funds received from the American Rescue Plan and the Recovery Act would be able to be used for this. Ratliff said that yes, they could as it would enhance the ability to have virtual meetings.
- Peter Doehring (5 Nine Gates Road) asked if this would be a way to help more people participate in the meetings and thinks it would be a great way to improve upon Hoffman's efforts to increase the digital infrastructure of the Township. Hoffman said that over COVID-19, they have found that more people have been participating virtually and wants to continue to offer ways for as many people as possible to be a part of what is going on in the Township – including other committee meetings.

7. 2022 Budget Discussion

(www.kennett.pa.us/DocumentCenter/View/5006)

Heinrich outlined the process for and the upcoming meetings to discuss the 2022 Budget process. The link above contains full details for tonight's discussion plus the slides presented during the meeting.

IT: IT Services expenses are estimated at \$84K, up \$8K or 11% from 2021 Budget between cyber security and redundancy, Microsoft Office, Sage General Ledger enhancement options, Police computer replacement, Document management/sharing. See the link above for the details behind this estimate.

Discussion:

- Leff asked if the Police would continue to share computers and Heinrich said yes, for now, as there is the potential for them to reorganize their space to give each officer their own cubical. At that point, they would need additional computers.
- Ratliff commented on the automated AP/Bill Pay Sage enhancement option saying that they are not completely sold on these features as there are not many in municipal government using them. He said the question is whether we want to explore this. Should the Board decide to approve this, it may not actually happen. Leff said it sounds like it is worth exploring and spoke about the added security that would come from digital signatures and the convenience of signing checks and sending them electronically. Stevens commented on the amount of people who currently see everything that comes in and goes out, compared to only one person seeing everything in the past.
- Leff asked if the spend management has been a problem so far and Heinrich said it takes manual effort and then explained the current process.
- Hoffman commented on the potential increased efficiency, saying if the Sage enhancement save hours of staff time which could be allocated towards other projects, this should be considered. Leff said if the first three enhancements presented save about as much time as a half-time person.

- Leff commented on the ease of using Teams in terms of file sharing and it is worth more discussion as the year goes on. Heinrich said there is not currently a budgeted amount for this, but it is something she is thinking about and welcomes feedback on.
- Hoffman said given the concerns of police logging into the network from personal computers, would that also be a concern if she and the Supervisors were logging into SharePoint from their personal computers. Heinrich explained because Microsoft is online with its own securities in place, it does not affect our network.

ENGINEERING: Engineering expenses estimated at \$619K. Please see the link above for the details.

Discussion:

- Leff asked if the amount for the Revolving Water Fund would have come out of 2021 if it were not delayed until 2022 and if this expense was every year. Heinrich explained the delay from DEP that pushed this expense into 2022 and Ratliff said this was a one-time, contracted amount.

SEWER: Heinrich explained that the Sewer Fund has an Operating piece funded by the sewer rent and a Capital piece funded by tapping fees. Operating net gain is estimated at \$10K, a \$8K decrease from 2021 and expenses are estimated at \$1.72M, a \$56K or 5% increase from 2021 budget. Capital Revenue is estimated at \$525K, an increase of 190K or 81% from 2021 and the Capital Expenses are estimated at \$130K, an increase of \$60K or 85% from 2021. The link above detail these figures and Heinrich explained them all in depth.

Discussion:

- Hoffman asked how often the Act 537 Plan is conducted. Ratliff estimated the last one was done in the 1990's. Heinrich added that the Township applied for a grant for this but did not receive it.
- Ratliff said that he and Heinrich need to conduct a sewer rate study and explained the reasons why. Leff agreed that was a good idea given the many systems and different fees and Hoffman commented specifically on the Ashford sewer fees.

FIRE & EMS: Per the Kennett Regional EMS Commission meeting held on October 26, 2021, the Kennett Township contribution for 2022 will be \$746K, an increase of \$180K from the 2021 Budget. Ratliff explained in detail how and why this increase was decided and voted on at the Commission meeting as outlined in the link above.

Discussion:

- Stevens spoke about the decision made months ago in consolidating Fire and EMS services and his estimations at that time that it would cost the Township \$250K, not save. He said he was only off a little as the actual cost was \$185K, so we were promised a savings and did not get it. He said that he has lost the ability to negotiate what it cost to run fire and EMS and said there is now basically a monopoly. He concluded that the ends justified the means as those he has talked to from both companies are saying it is working. He is still unsure of its effectiveness because there is less service for more money based on the number of hours for vehicles on the roads. He said it is unfortunate that he does not have the ability to vote on the numbers for this part of the budget due to the locked in rate from the relationship with the Commission.
- Leff stated that he and Stevens have disagreed from the beginning about this but given that there are 87% fewer volunteer firefighters than 30 years ago, an increase in funding was necessary for paid firefighters due to that decline. Money is now going towards recruitment and retention volunteer firefighters, to have more available.
- Stevens agreed that the system was broken but questioned whether it should have been Kennett Township or the Commission to fix it. Discussion continued around Steven's view of a monopoly and whether the most expensive service (ALS) is really needed when, he said, BLS does a better job and is used much more broadly across the country.
- Hoffman discussed the differences in fire and EMS personnel, the differences in volunteers and paid staff for each, and how they were not being used as they should have been with the old system due to a lack of overall personnel. She also spoke about ALS and BLS differences and her recent conversations with the Chief of Longwood Fire Company over the current statistics.
- Geoff Gamble (560 Chandler Mill Road) stated that this seems to be not only a budget issue but a longer-term strategic issue which will be monitored as time goes on. He said this discussion was beneficial for those who did not have the background as the more clarity there is, the more united they will be in finding the right solution for the Township.
- Diane McGovern (345 E Hillendale Road) asked Heinrich what the \$115K was for in the engineering budget (item 53170 on page 15 of the link above) and asked if there were other places in the budget besides

engineering that are allocated funds to trails. Heinrich said the Open Space Budget also has items in there for trails, and that would be presented at the next meeting. Heinrich said the \$115K is for Chandler Mill per task and change orders from the consultants. McGovern asked if that meant there was no money allocated for South Street, Magnolia Underpass, Anson B. Nixon trail or the Flats Connector. Heinrich said the Anson B. Nixon trail is the cross between the Flats and Anson B. Nixon Park, for which there has had a feasibility study completed and they expect to know more at the end of the year. Ratliff said this would be a better discussion to have at a later meeting with this information in front of everyone.

- Christina Norland said regarding the \$115K that not all of that has been requested and it may not need to be requested. She explained that in certain circumstances, State agencies may require additional work in the permitting process.
- Stevens asked Norland why there would be permitting fees for 2022 if there is to be no construction for 2022. Norland explained that permitting is required before construction. Ratliff agreed that we could not put this project out to bid for construction without the permits and discussed the grant deadline as a reason to not push the permitting costs to 2023.
- Peter Doehring (5 Nine Gates Road) said he appreciated the work Heinrich was doing to work on the Capital Plan and suggested any money that comes in from the settlement (that is not already allocated) be dedicated for the Capital Plan.

8. Public Comment

- Hoffman reminded everyone of the coat and supply drive currently underway for the folks with Mighty Writers. This is to help people throughout the community, especially during the holiday season. Donations can be dropped off at the Township building and/or both fire companies through November 12th.
- Lysle reported that on November 4th, Bucktoe Road will be closed from about 8:30 a.m. until about 4:00 p.m. to replace a pipe, as the materials have finally arrived.

9. Adjournment

Motion presented by Stevens to adjourn. Hoffman seconded. Motion passed 3-0.

The meeting adjourned at 9:36 p.m.

Respectfully submitted,
Eden R. Ratliff
Township Secretary