



Board of Supervisors Minutes

December 15, 2021 | 7:02 | Hybrid Meeting Via 801 Burrows Run Road & 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 & Zoning Director; Roger Lysle, Public Works Director; Matt Gordon, Chief of Police; Dave Sander, Solicitor

1. Call to Order

Chair Richard Leff called the meeting to order at 7:02 p.m. and gave his COVID-19 update. Hoffman shared statistics on the positive cases in Chester County and asked everyone to be careful during their holiday plans. Stevens spoke of the importance of getting vaccinated.

2. Township Investigation and Resolution Update

Ratliff had no update to report. Leff recapped the special meeting held on December 7, 2021 that detailed the investigation and resolution to date and thanked those who attended. The video is available online and the transcripts will be available at a later date. Hoffman said there was a good article by Richard Gaw in the Chester County Press about the meeting.

3. Executive Session Announcements

Hoffman announced that the Board of Supervisors met in Executive Session on December 3, 2021 regarding personnel, December 4, 2021 regarding litigation, December 6, 2021 regarding personnel, December 7, 2021 regarding litigation, and December 10, 2021 regarding personnel.

4. Old Business

a. CFA MTF Award Letter Amendment

(www.kennett.pa.us/DocumentCenter/View/5092)

Ratliff explained that an amendment was submitted to the previously accepted CFA MTF grant for the rehabilitation and work on the Chandler Mill Trail/The Kennett Greenway. This amendment will allow for some of the grant money to be used towards engineering expenses. The amendment was accepted by the PA DCED, and the Supervisors can decide if the Chair and Vice Chair would like to move forward and sign the amended CFA MTF Grantee Approval Request.

Motion presented by Hoffman to authorize Richard Leff and Whitney Hoffman to e-sign the newly amended CFA MTF Grantee Approval Request to allow for the reimbursement of engineering costs. Stevens seconded. Motion passed 3-0.

Discussion:

- Hoffman said she was glad this will allow some of the engineering expenses to be covered.

5. New Business

a. Consider December 15th Bill Voucher

Motion presented by Hoffman to approve the December 15th Bill Voucher in the amount of \$725,891.75 and to approve transfers in the amount of \$492,564.50. Stevens seconded. Motion passed 3-0.

Discussion:

- Hoffman and Heinrich discussed a small typo that had been fixed.

b. Consider McFarland Park Land Development Waivers

www.kennett.pa.us/DocumentCenter/View/5084)

Motion presented by Stevens to grant approval of the requested waivers from section 199-305.A, 199-306.B, 199-307.A, 199-308.A, and 199-309.D.3.e of the Kennett Township Stormwater Management Ordinance as recommended by the AECOM letter dated December 9, 2021. Hoffman seconded. Motion passed 3-0.

Discussion:

- Ratliff gave a brief overview of this agenda item.
- John Jaros, on behalf of the applicant, reported on prior action by the Board of Supervisors to extend the land development plan approval until January 15, 2022. He said they believe it will take a little more time to finalize the grading permit application, and that he is working with Sanders to resolve issues related to land development and financial security agreements related to construction of the last building. He asked if the Board would consider extending the land development approval until March 15, 2022.
- Stevens asked if the current motion should be tabled until after March 15th, but Jaros clarified that they would like the waivers granted in addition to the extension. He offered more history on this project, explaining that the NPDES permit related to the third building lapsed. That permit has since been obtained and McGrory would like approval on the stormwater waivers and extension so that they can finalize the grading permit application that has been submitted.
- Ratliff and Sander discussed the two requests. Sander said that the motion on the floor would need to be dealt with first before a second motion for the extension. However, because that second motion is not on the agenda, it would need to be added by a vote to amend the agenda first and explained that process. Ratliff said the Supervisors could wait until the January 3rd meeting but suggested dealing with the current motion first.
- Hoffman said she is fine with the waivers as the engineer has approved them, noted McGrory's difficult process in trying to accomplish this, and feels these waivers are a fair administrative mercy.
- Leff said he discussed his questions in advance with Hicks regarding rain amounts. Hicks added that Kennett Township's Stormwater Ordinance is much more stringent than DEP's. She said if we got a two-year storm, the water would bypass the stormwater basin, which is perfectly acceptable by DEP's standards, and which is the main reason our engineer is fine with it.

Motion presented by Hoffman to open the agenda and add the matter of extending the McFarland Park Land Development Plan approval to the agenda. Stevens seconded. Motion passed 3-0.

c. ADDED: Consider McFarland Park Land Development Extension

Motion presented by Hoffman to extend the Land Development Plan Approval of McFarland Park to March 15, 2022. Stevens seconded. Motion passed 3-0.

Discussion:

- Sanders noted for the minutes, per the new Act requirements, that this was being added to the agenda tonight as a matter of timing with the current extension set to expire. This will also prevent the applicant from having to come back to another meeting in January. He also confirmed earlier that this matter was de minimis as it did not deal with contracts or the spending of money.
- Leff said they did already grant one extension, but it seems that a little more time is needed, which seems reasonable.

- Stevens agreed that it was reasonable. He said his concern when they first addressed the extension was that this would be addressed in a timely and responsible fashion, which he feels the applicant has done.
- Hoffman said that she was sure McGrory would appreciate not having to pay attorney fees of another meeting.

6. Department Head Reports

a. Eden Ratliff – Administration

(www.kennett.pa.us/DocumentCenter/View/5098)

Ratliff presented his report available at the link above which included information on the upcoming reorganization meeting of the Board of Supervisors on January 3, 2022 and an update on the nearly completed Cedarcroft/Route 1 intersection project. Ratliff also spoke about the efforts of Hoffman and many others in Bridging the Digital Divide and suggested a regional committee to help address the concerns of digital infrastructure and keep this topic progressing. He discussed the emergency water situation at Greenwood Elementary School that will lead to the addition of a fire hydrant in the Township and provided a recap of the short-term sewer issues between the Borough and the Township. He explained how inflow and infiltration (I&I) could be affecting the sewer readings and discussed ways to better monitor that. He also discussed the long-term sewer issues and the desire to address them with a regional approach.

Discussion:

- Hoffman added to the Digital Divide conversation recent information from Senator Kane’s office and said she wants to ensure that both “last mile” fiber and cellular connections issues are addressed. She discussed the various ways a lack of connectivity is a real issue in the Kennett Community.
- Stevens, regarding Greenwood Elementary’s water problems discussed his concern of a well drying out and recounted a prior presentation that addressed the takeover of water resources. He said this is something that the EAC and Supervisors might want to look more closely at. He also addressed the issue of the sale of water resources to private water entities. He would like to see this on a near-future agenda for serious discussion.
- Leff asked if there were other wells that have run dry or if it was only Greenwood Elementary.
- Hoffman discussed Greenwood’s location, which was on a well compared to her location on public water and said it begged the question of whether new developments would be part of public water. Discussion of the Supervisor’s concerns continued.
- Referencing Ratliff’s report, Stevens said that the Township is behind on sewer billing and in some situations do not know who we are billing. Ratliff explained the sewer billing system that was inherited when he started and some of the surprising findings uncovered by the Finance and Public Works Departments, including the fact that some people were not getting billed as they should have. Those two departments will be working together in 2022 to audit this system to understand who is connected and who is being billed. He also briefly explained some of the reasons for the delays in sewer billing and noted the patience of the residents. He said this is a short-term goal for 2022.
- Stevens asked if Ratliff could provide a timeline and Ratliff explained why it is difficult to offer that because they do not yet know what they will find. Hoffman added how the weather affects the Public Work Department’s availability and Heinrich elaborated on some of the areas that have seen progress and some areas that have not yet.
- Stevens asked if there was a way to see the progress like the financial reporting that is provided on a regular basis. Ratliff said yes, that they could discuss what that could look like while explaining how there have been updates provided along the way and highlighted some of the progress that has been made. Stevens said he was not being critical. Discussion continued as Ratliff shared ideas about how to help inform the Supervisors and public on issues of sewer.
- Leff said he would like to hear from both the Township and Borough engineers about the disputed flows. Ratliff commented on the information the engineers currently have. Leff pointed out that there is dispute resolution language in the current agreement with the Borough and explained that process. Ratliff said we are actively trying to schedule information sessions with the Board to discuss this along with the sensitive legal implications involved with this topic.
- Stevens asked how the usage data was collected and calculated. Ratliff explained the use of meters in the pump station that most of the sewer passes through, along with water usage from the homes that do not pass through the pump stations, and also compare regional averages.
- Leff again said a briefing by the engineer and a public session would be helpful. Ratliff said that the Board session should happen within the next two weeks.

- Hoffman said the residents of Ashford would like to know how their rates are calculated. Heinrich said they are being calculated from the prior administration. Discussion continued.
- Heinrich said she has some ideas as to how to present the known problems and how to keep them moving forward while potentially finding more.

b. Amy Heinrich – Finance & HR

(www.kennett.pa.us/DocumentCenter/View/5099)

Heinrich shared that we are currently in the 20-day review period for the 2022 budgets, and that they are available on our website and in hard copy format in the office. There will be a special meeting on December 28th at 9:00 a.m. to approve them. She reminded everyone that the advertised budgets include a 2/10th of a mil Real Estate Tax increase. She reported on the new Capital Plan, the expected operating surplus in 2021, and the list of upcoming projects her team will focus on now that the budget is completed. More details including the full financial reports are available in the report linked above.

There was a brief recess as the audio from the room was reconnected to the Zoom meeting.

Discussion:

- Stevens asked if there was intention to hire additional personnel in the Finance Department and was made aware of an email that addressed this which he has not yet read. Heinrich said yes, they are hiring and more details would be coming soon.

c. Diane Hicks – Planning & Zoning

(www.kennett.pa.us/DocumentCenter/View/5086)

Hicks shared her report available in the link above that provided updates on the Planning Commission, Zoning Hearing Board and Historical Commission. She said there were 19 Building/Zoning permits and 3 Rental permits issued in the month of November. Hicks added regarding the Zoning Code update that she received the TND Guidelines, and the Planning Commission is awaiting the recommendation by the Chester County Planning Commission before making their recommendation to the Board. She is hopeful this and the expanded B District will be presented in January, both of which were part of the joint economic development grant with the Borough.

Discussion:

- Leff acknowledged how much work has gone into the update and looks forward to seeing the results. He added that it was nice to see Avello moving forward.

e. Matt Gordon – Kennett Township Police Department

(www.kennett.pa.us/DocumentCenter/View/5095)

Chief Gordon shared his report before Lysle's due to technical difficulties. He said for the month of October, there were 714 incidents that resulted in one criminal arrest, 21 traffic citations, and there were 19 accident reports. The Motor Carrier Safety Assistance Program (MCSAP) by Officer Cramer reported seven commercial vehicle inspections that resulted in 10 violations, two citations filed, and two vehicles placed out of service. For the month of November, there were 575 incidents bringing the year-to-date total to 7,833 incidents. He shared details of November 24, 2021 when they were dispatched to assist the State Police in a hit and run crash at Bayard Road and Baltimore Pike. A short time later, Officer Cramer was dispatched to a second accident, which involved the striking vehicle in the hit and run. The driver of the vehicle, who committed suicide at the scene, was later found to be responsible for two earlier homicides in Lincoln University. Gordon also reported on a domestic related shooting that occurred in Granite Ridge on November 9, 2021 that ended with Corporal Call convincing the shooter, who fled to Oxford, to surrender to Oxford police. Finally, he reported an accident with near drowning on Cypress Street on November 15, 2021. The Kennett Township Police and Southern Chester County Regional Police were on another call when this happened, but Officer Mark Todd of the Kennett Borough Police Department, Sargent Brandon Fuller with Longwood Fire Company, and Kennett Township's Public Works Foreman, PJ Groff were all near the scene and responded heroically to save the driver from drowning.

Considering the cold weather and holidays, Gordon asked residents not to leave their cars running unattended as that leads to vehicle thefts, cautioned everyone about porch pirates, and urged people to park in well-lit areas and be attentive to your surroundings when shopping at night. Make sure you are not being followed when going to the ATM and if you suspect you are, drive to a well populated area, sound your horn, and call 911. Do not get out.

He also cautioned residents against burglars this time of year and reminded all that the KTPD does vacation checks if anyone is going out of town.

Discussion:

- Leff asked how Officer Cramer was doing after witnessing the suicide. Gordon said he is doing fine and was offered Critical Incident Stress Management (CISM), though Cramer felt he did not need that type of help at the time. He has shown no effects of it. Gordon added that Officer Cramer being there when he was perhaps prevented other violence of passersby as no one knew the driver was fleeing double homicides.
- Hoffman publicly thanked the Police Department for a personal incident in which Officer Cramer was extremely helpful. She thanked Gordon and said his department is demonstrating how grateful they are to have a prompt, local response rather than waiting for State Police.
- Stevens commented on the drowning rescue Gordon spoke of and said that while it was not Kennett Township Police, the work the KTPD does is equally as professional and vital. Gordon said he hopes to be able to introduce the individuals involved in the rescue and other events like it at an upcoming meeting. All Supervisors liked that idea and Heinrich said it shows how well our community of first responders work together. She said our Foreman Groff is a trained firefighter in another area and just jumped in to help. Gordon said he feels lucky that all the police, fire, and EMS in the area get along and work so well together.

d. Roger Lysle – Public Works

(www.kennett.pa.us/DocumentCenter/View/5087)

Due to difficulties connecting to audio, Ratliff shared Lysle's report that is available in the link above. It highlighted preparations for winter, roads closed for the Mushroom Cap Race last month, line painting, leaf and storm damage cleanup, a recent pump station issue, the yard waste pile, repairs done to some road shoulders, the removal of the Chandler Mill Road temporary one-lane sections, and upcoming tree trimming.

7. Public Comment

Discussion

- Geoff Gamble (560 Chandler Mill Road) commented on the well going dry at Greenwood Elementary School from Ratliff's report and suggested that any study of why the well went dry be focused close to home, including Longwood Gardens.
- Peter Doehring (5 Nine Gates Road) shared his continued concerns over the recent reorganization of fire and EMS services that he said resulted in a virtual monopoly by Longwood Fire Company. He was concerned that Ratliff, Leff and Hoffman were making misleading claims about how the reorganization would save money and improve public safety. He said that the results were worse than he expected as Kennett Township and Kennett Borough are already facing a massive increase in their 2022 fire and EMS budget, while costs from neighboring municipalities are going up as they have to respond to calls Longwood Fire Company cannot. He said in addition, there is the ongoing concern of a potential conflict of interest. In April, Ratliff admitted while he was supposedly negotiating the reorganization in good faith of Kennett Fire Company, he, his wife, and brother were active volunteers for Kennett's competitor, Longwood Fire Company. Doehring went on to say that now he has learned that Ratliff's wife recently accepted a key paid position at Longwood Fire Company created to handle all the new business. Worst off all, he said, it appears the Supervisors have taken no meaningful actions to investigate or address any of these issues. He said the Supervisors all acknowledged regret last week for not acting sooner on their suspicions of Lisa Moore's questionable practices and are again ignoring warning signs of another Township manager whose own practices are leading to ever increasing costs that will be soon passed onto taxpayers. He announced that the Board's inaction left him little choice but to send a letter to all in the Township sharing his concerns and to work with them to demand change. He also launched a website, openkennett.org, for residents to get information and share concerns and hopes he can begin to generate real change.
- Leff thanked Doehring for his comments, saying the Board takes any matter of personnel seriously and that they generally do not discuss those personnel matters at a public meeting.
- Hoffman said she believed Doehring was mistaken about actions taken by the Board as she personally was involved in detailed conversations with both fire companies prior to any decision made all the way back in February and implemented in March or April. The decision was made in advance and publicly with detailed statements that are on the record with the Township meeting minutes. There was never a lack of public discussion or input, so that point is not well taken.

- John Wilkens (138 Round Hill Road) agreed that Stevens raised an important topic with the well situation and water sources as he has had concerns about this for many years. He shared his disappointment from last year's decision for the Artesian Water Company to put a well in Pennsylvania to send hundreds of thousands of gallons of water to Delaware. He said he hopes the Township Supervisors will see if there is something to be done there and cited an article in the Chester County Press on October 21, 2020.
- Leff said they do take it seriously and need to look to see if this was an isolated incident or if more are affected.

8. Adjournment

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

The meeting adjourned at 8:28 p.m.

Respectfully submitted,
Eden R. Ratliff
Township Secretary

Meeting was advertised January 6, 2021. The agenda was posted online on December 12, 2021 and physically on December 14, 2021. The amended agenda was posted on December 16, 2021. Copies of the agenda were made available for public in attendance.