



Board of Supervisors Minutes

January 20, 2021 | 7:01 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 7:01 p.m. and offered instructions for how the meeting would proceed.

2. Township Recovery Update

Ratliff had no new information to report at this time.

3. Executive Session Announcements

Solicitor Sander announced the Board of Supervisors met in Executive Session on January 9th to discuss the acquisition of real property and personnel issues and on January 20th to discuss acquisition of real property.

4. Adoption of Previous Meeting Minutes

a. November 12 Board of Supervisor Special Meeting Minutes

(kennett.pa.us/DocumentCenter/View/4538)

Motion presented by Hoffman to adopt the Board of Supervisors Special Meeting minutes from November 12, 2020. Stevens seconded. Motion passed with a vote of 3-0.

b. November 18 Board of Supervisor Meeting Minutes

(www.kennett.pa.us/DocumentCenter/View/4553)

Motion presented by Hoffman to adopt the Board of Supervisors Meeting minutes from November 18, 2020. Stevens seconded. Motion passed with a vote of 3-0.

Leff and Hoffman thanked Flack for the work to capture those lengthy meetings.

5. Old Business

There was no old business to address.

6. New Business

a. Consider January 20th Bill Voucher in the amount of \$172,944.08

(www.kennett.pa.us/DocumentCenter/View/4539)

Motion presented by Hoffman to approve the January 20, 2021 Bill Voucher in the amount of \$172,944.08 and approve total transfers in the amount of \$3,187.84. Stevens seconded. Motion passed with a vote of 3-0 after the following discussion.

Discussion

- Leff reported that the format of this Bill Voucher was different and updated so that checks, ACH pull and push were all on one report.
- Stevens asked if the amount had changed from when his Board Packet was printed. Heinrich answered yes that she recently made two changes on there to reflect an item added for TLC ad on item removed from Crime Watch.
- Heinrich explained that the new format was from the new General Ledger system. The Supervisors congratulated Heinrich on the continued progress in tracking financials.

b. Consider Enterprise Escrow Release #3

(www.kennett.pa.us/DocumentCenter/View/4540)

Motion presented by Hoffman to approve the release of Enterprise Rent-A-Car Escrow Release No. 3 in the amount of \$95,854.37. Stevens seconded. Motion passed with a vote of 3-0 after the following discussion.

Discussion

- Stevens commented that according to the letter provided by Stan Corbett, Township engineer, the requested has been approved. Leff stated that there is a little over ~\$283,000 still left in the escrow.

c. Consider Reappointments to the Brandywine Valley Scenic Byway Commission

Motion presented by Hoffman to reappoint John Haedrich and Tom Nale to the Brandywine Valley Scenic Byway Commission for a term of one year ending on December 31, 2021. Stevens seconded. Motion passed with a vote of 3-0 after the following discussion.

Discussion

- Ratliff explained that this should have been a part of the annual Reorganizational Board of Supervisors meeting on January 4th. He offered his apology to Mr. Haedrich and Mr. Nale for not including this then, saying they do a tremendous job representing Kennett Township on the Brandywine Valley Scenic Byway Commission and that they wish to continue in this role for another year.
- Hoffman said she was glad both Haedrich and Nale wanted to continue serving in this capacity. She added that Haedrich has also contributed to this community by serving on the Planning Commission in the past and is currently on the Zoning Hearing Board.

d. Consider Switching Forms of Accounting

Motion presented by Hoffman to authorize the change of forms of accounting from cash basis to modified accrual basis in line with the Government Accounting Standards Board and Best Practices. Stevens seconded. Motion passed with a vote of 3-0.

Discussion

- Ratliff explained that this motion is at the request of Supervisors Stevens to note for the record the change in basis of accounting consistent with the previously accepted audit proposals from Maillie, LLC.
- Leff asked if a date was necessary, and Heinrich answered this started January 1, 2021.
- Stevens thanked Heinrich and the entire Finance Department. Hoffman added that they have been working extremely hard and is happy they were able to accomplish this change.

e. Consider Final Approval for Avello Land Development Plan

(www.kennett.pa.us/DocumentCenter/View/4541)

Motion presented by Hoffman to grant final approval for the Avello Land Development Plan conditioned on the Applicant completing all outstanding items in the AECOM review letter dated December 1, 2020 and recommendations of the Planning Commission as outlined in the Policy Briefing Summary. Stevens seconded. Motion passed with a vote of 3-0.

Discussion

- Hicks summarized the submitted Policy Briefing Summary, including the nature of the plans and the timeline for various stages of approval up to now. Leff asked if the issues with the water and line-of-sight were resolved and Hicks said yes.
- Stevens asked about the sewer connection for this plan and asked about the water that runs onto Creek Road from this site, as in the winter it freezes and causes hazards. Jim Fritsch from Register Associates, engineer for the project, said that they are tying into the public sewer system and provided specifics for the connections and stated they have approval from DEP for this connection. Fritsch said that they are proposing a dry well on the south side of the site to accommodate for storm water management. In addition to the dry well, they are reducing the impervious coverage on site because they are returning a lot of the mushroom houses to grass. He said this more than meets the Township ordinances. He also explained that Creek Road is a state road and PennDOT has approved and issued highway occupancy permits submitted by McMahon Associates for Avello.

f. Consider Delta Contract Amendment

(www.kennett.pa.us/DocumentCenter/View/4551)

Motion presented by Hoffman to authorize the Township Manager to approve a Letter of Amendment for the original consultant agreement between Kennett Township and Delta Development Group, Inc. dated May 12, 2020 for an additional five (5) month term not to exceed the amount of \$17,500. Stevens seconded. Motion passed with a vote of 3-0.

Discussion

- Ratliff provided background, stating that in May the Board of Supervisors approved an agreement with Delta, who assists the Township with grant lobbying. That contract expired in October, but due to COVID-19, the two grant deadlines (Act 537 Plan and Five Points Roundabout) were extended. There is still work to be done on these two applications, especially with the new legislators now in office. The Board was not presented with this extension in October for budgetary and bandwidth reasons. Now Ratliff would like to move forward with extending the contract for a few months. He stated that the attachment provided is not current. He said he does not expect to pay for October, November, or December, as there was no work done by Delta on behalf of the Township. He is asking the Board for authorization to extend this contract, but at a more favorable amount than what was presented.
- Leff asked about specific amounts. Ratliff said the letter presented called for five months at \$5,000 not to exceed \$25,000. He explained after conversations with Delta, they budgeted not to exceed \$17,500. Heinrich added that equated to \$3,500 a month for five months, but Ratliff will attempt to negotiate that farther.
- Stevens commented that this was the first he heard of the relationship with Delta being canceled, and this concerned him as the role of grant writers and lobbyists is important. Ratliff clarified that the Board was made aware both when it was first approved as the contract clearly stated an end date, and again throughout the budget development process. Heinrich explained that we only have these contracts in place when there is a grant to pursue as it would be too expensive to keep them on retainer when there is no active project. There are no budgeted funds beyond these two outstanding grants, so once this next five months lapses, the contract will again terminate. She said if another grant opportunity arises later in the year, a new contract would be considered then. Ratliff added that the relationship between Delta and Kennett Township is very good.
- Hoffman appreciated that we only pay for things when we use them and knows we have had success with grants in the past, so she is happy to continue working on this while showing that we are using the Township money responsibly.
- Leff added that having a fee-for-service rather than a retainer fee clarifies where the money is going and why.

g. Consider Biohabitats Task Order 7 Change Order – Constituent Engagement – Peter Doehring

(www.kennett.pa.us/DocumentCenter/View/4558)

Motion presented by Hoffman to approve the change order to Task Order #7 not to exceed \$14,390 to allow for specific engagement with Doehring and Williams to discuss Edge Lane Roads as a potential design option for the Kennett Greenway on Chandler Mill Road. Stevens seconded. Motion passed with a vote of 3-0.

Discussion

- Ratliff explained that this is an adjustment to Task Order 7 approved by the Board of Supervisors on January 4th, which allowed for a traffic study on Chandler Mill Road to explore the Kennett Greenway on Chandler Mill Road that would still allow for two-way traffic and allow for preliminary engineering for design options on the Greenway for the Board to consider in February. After that meeting, Kennett resident Peter Doehring elevated the conversation of Edged Lane Roads (ELR, AKA Advisory Shoulders), which is an experimental traffic design popular in Europe. Doehring has retained a consultant and offered to not charge the Township for his consultant's time. Ratliff wants Doehring and his consultant to meet with the Township's consultants to ensure that this option is comprehensively discussed and considered. That meeting is scheduled for the end of the week. Ratliff then explained the specific duplications/changes of this Task Order 7 Change Order. He said they will ensure that work is not paid for twice, and that he fully expects costs not to rise to the \$14,390 amount listed on this.
- Stevens asked if Doehring is paying for his own consultant, why does the Township need to pay \$14,390. Ratliff explained this is primarily to have our consultants meet with his consultant, and that should ELRs become a viable option, more engineering would be required, thus the extra cost. Stevens understood that the cost was for additional work our consultants may be called upon to address.
- Hoffman is please to be exploring this option, though she has her concerns about the feasibility of this on a very windy road, but that is why we seek the expertise of engineers.
- Leff said that this will speak to this options viability as we do not want to leave any stone unturned.

7. Department Head Reports

a. Eden Ratliff, Administration

(www.kennett.pa.us/DocumentCenter/View/4542)

- Ratliff shared highlights from his Department Head Report above.
- Regarding Chandler Mill Road and the earlier proposition to make that a one-way road, he updated everyone that while the Board has not definitively ruled that option out, they are currently seeking options for keeping Chandler Mill Road open to two-way vehicular traffic after hearing the feedback from the community. He encouraged all to take the current Kennett Greenway survey and to continue to reach out via email to the Township staff.
- Regarding Spar Hill Farms, he said over the next couple of months, the process to demolish the current buildings will begin. Though it will not be a quick process, he is excited to for this project this year.
- Ratliff provided an update on the submitted Total Maximum Daily Load (TMDL) Plan, which is part of the Municipal Separate Storm Sewer System (MS4). The Plan, which was submitted in September of 2020, recently received feedback from DEP and is hoping to address said feedback and obtain approval in the second quarter of the year. Once it is approved, it will be shared with the Township.

b. Amy Heinrich, Finance & HR

(www.kennett.pa.us/DocumentCenter/View/4561)

- Heinrich summarized her report that can be found on the website at the link above. She explained the preliminary full-year 2020 P&L for the General Fund and said they would be adding the other funds soon to the website. She also reported on the new general ledger accounting system, Sage Intacct, that is now in place and said the focus is now shifting to move the 2019 Audit over the finish line as the 2020 Audit is about to begin. Tentatively, Maillie will be presenting at the last meeting in February to speak about the 2019 Audit.
- Leff said he is looking forward to meeting with Maillie as the 2019 Audit was not a common one given the complexities of the fraud.
- Hoffman added that she hopes this year Heinrich can get more sleep and more vacation days given how hard and stressful the prior year has been.

c. Diane Hicks, Planning & Zoning

www.kennett.pa.us/DocumentCenter/View/4543)

- Hicks summarized her report that can be found on the website at the link above. She detailed the latest from the Planning Commission, the Kennett Township Historical Commission, and the Zoning Hearing Board. She spoke of the progress of the Planning Commission Task Force is making on the update to the zoning code including updates to the Transfer Development Rights ordinance and thanked everyone who has spent many hours on this. She reported that for the month of December, there were 25 Building/Zoning permits issued and two Rental permits issued.
- Leff said he is looking forward to seeing the updated zoning code.
- Hoffman added her appreciation of the Task Force after attending some of the meetings and seeing firsthand how many details there are to go over.
- Leff asked if the County was helping and Hicks said yes, and said they are working on two grants at the same time: the zoning code and the joint grant with the Borough for the economic development TND infill area.

d. Roger Lysle, Public Works

www.kennett.pa.us/DocumentCenter/View/4548)

- Lysle read his report that can be found on the website at the link above. Topics included the first snowstorm, the Ashford sand filter, storm damage over the Christmas holiday, recycling dumpsters (come back if they are full, they are emptied Mondays and Fridays), millings and wood chip delivery for residents, current crack sealing programming, and updates on the Chandler Mill Bride gate, Township mowing, the yard waste lot, and upcoming tree trimming.
- Stevens asked why Lysle mowed the meadow now rather than a different season. Lysle explained that the field is extremely wet and the only time he can get his mower in there is when it freezes over in the winter.
- Hoffman asked about metal recycling and Lysle reported that they average about two dumpsters a month and last year, that equated to about \$2,100.
- Lysle added that he is getting a lot of calls regarding Barkingfield Park as it is being heavily used and the path there is increasingly muddy. He is trying to add stone to help.

e. Matt Gordon, Kennett Township Police

www.kennett.pa.us/DocumentCenter/View/4544)

- Gordon shared his report which is available on the website at the link above, outlining 763 incidents in December and 7,869 calls for service year-to-date. He said they are monitoring the COVID-19 rising cases and announced the hiring of a new full-time officer, Brian Bolt. Bolt is from Southern Chester County and was a Chester County Sheriff K-9 Handler for 12 years and worked part time for two other departments. He is currently in the Field Training Officer (FTO) program. Gordon said his experience and his knowledge of the records management software make him a great addition to the Department. Gordon also reported that a new police car, a Ford Explorer, will be ready by the end of this week and that they are moving forward with the Lexipol system to increase their professionalism.
- There was discussion between Gordon, Stevens and Leff about the use of an electric cars including Tesla as a police vehicle.
- Hoffman asked about the Crimewatch line item on the Bill Voucher. Gordon explained that it is a tool used on an as-needed basis and that he did not feel it was worth the cost compared to how often they used it. When they attempted to cancel it, Crimewatch agreed to waive the fee for 2021. Heinrich added that this was one of the last-minute changes made to the Bill Voucher mentioned earlier.

8. Public Comment

- Hoffman congratulated Cory McIntosh from the Kennett Fire Department and Matt Eick welcomed new babies in the last week. She also said Mighty Writers is looking for blankets and there will be bins outside the Township building, Kennett Fire Company, and Longwood Fire Company to collect donations. They need throw blankets up to full-size.
- Ratliff reminded everyone that the Township building is closed to the public due to COVID-19, but the staff is still available virtually. Additionally, we are not allowing any of the Township building to be used for public spaces or approving any special event permits at this time.
- Ratliff commented further on the Kennett Greenway Survey, stating that it is not scientific nor is it designed to be. There have been 360 responses so far and he encouraged everyone to take it. He said that this survey is

the first of many forms of public engagement the community should expect to see including targeted meetings with residents of Falcon’s Lair and Round Hill and the folks who live on Chandler Mill Road. If anyone wants to share their comments directly, they should email gretchen.flack@kennett.pa.us and they will be put in contact with Christina Norland, Executive Director of Kennett Trails Alliance and Chair of the Kennett Township Trails and Sidewalks Committee. Currently the consultants are exploring different design options to inform the Supervisors and public.

- Harry R. Luzetsky (102 Round Hill Rd) asked via Zoom chat, “Is the option they are considering now having yields in the road? I don't think that will work either. Would the Township ever considering opening up Chandler Mill Bridge for all traffic? When will the final decision for Chandler Mill Road be? Is the Township considering any other options other than changing anything on Chandler Mill Road or just that something is definitely going to be done to Chandler Mill?” Leff said the decision was already made after a lot of input to close Chandler Mill Bridge to vehicular traffic except emergency vehicles. He said of the options explored for Chandler Mill Road, the only viable ones have the trail on or near the road. Ratliff said we are early in this game and wants to know what options the community wants to see while we are considering the different options. We need the preliminary engineering completed so that we can have informed discussion about what is possible. Leff asked when those discussions would be and Ratliff said likely the end of February.
- Sue Giancola (604 Peacock Ln) stated via Zoom chat, “I really appreciate Eden’s comments about there being more opportunities to provide feedback. I am interested in being involved. With all due respect, the decision to close Chandler Mill Bridge was not a fair process. Many of us who live down this way know that. It’s hard to understand why discussion of the bridge is completely shut down each time it is brought up.” Leff said the appreciates the comments, but the answer will not change from the decision made six years ago.
- Peter Doehring (5 Nine Gates Rd) commented via Zoom chat, “Part of the modifications to work order 7 includes about \$4000 to review materials on Edge Lane Roads in preparation for a meeting this coming Friday. While some of these materials are unique to this project, some of the consultant’s time was apparently dedicated to reading up on ELRs more generally. Given that ELRs are an option that has been documented in federal guidelines for more than 4 years, I do not believe that Kennett should pay effectively for the consultant’s professional development on ELRs. I would encourage this task order to exclude time generally spent learning about ELRs.” Ratliff stated that Doehring’s comments were not entirely fair and that he does not believe we are paying for the consultant’s professional development. He added that although ELRs are in the Federal Highway Administrations Guidelines, they are extremely new in the US, with only 20 to 30 in the entire country (and none in PA that he is aware of). While the consultants are conceptually aware of this option, Ratliff’s expectation is that they would need to do more research beyond that and he fully expects them to review the information provided by Doehring’s West Coast consultant so they can come to the meeting fully prepared.
- Richard Stat (731 Norway Rd) commented via Zoom chat, “Thank you to the Township Supervisors and staff for all your hard work and steady leadership on behalf of Kennett Township, particularly during the challenges of the past year or two.
- John Taylor (117 Round Hill Rd) commented via Zoom chat, “In the lead up to the decision to close the bridge, we had so many public discussions about a 1-way Chandler Mill Rd. It was defeated then because it was shown that it would restrict access to RHR, thus endangering the residents of RHR & Hilltop Rd. Why are we having to discuss this again. Additionally, it must be noted that Kaolin bridge was closed with chandler mill bridge still closed.” Leff answered that there was a lot of discussion about Chandler Mill Bridge being one-way, but ultimately the decision was to close it except for bicycle, pedestrian, and emergency vehicle traffic.

9. Adjournment

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

The meeting adjourned at 8:22 p.m.

Respectfully submitted,
Eden R. Ratliff

Township Secretary