



Board of Supervisors Meeting Minutes

In Person Meeting Via 801 Burrows Run Road

March 15, 2023

7:00 p.m.

Present: Geoffrey Gamble, Esq., Chairman; Dr. Richard L. Leff (phone), Vice Chair; Scudder G. Stevens, Supervisor; Eden R. Ratliff, Township Manager; Diane Hicks, Planning & Zoning Director; Ted Otteni, Director of Public Works; Matt Gordon, Chief of Police; Dave Sander, Solicitor

Absent: Amy Heinrich, Finance & HR Director

1. Call to Order

2. Pledge of Allegiance

3. Embezzlement Recovery Update

There were no updates to provide.

4. Executive Session Announcements

There were no Executive Sessions to announce.

5. Meeting Minutes

a. March 1, 2023

www.kennett.pa.us/DocumentCenter/View/6278

Motion to approve the March 1, 2023, Board of Supervisor meeting minutes was made by Stevens and seconded by Leff. Motion passed 3-0.

6. Public Comment on Agenda

No Public Comment on Agenda Items.

7. Business Items

a. Consider March 15, 2023, Bill Voucher

www.kennett.pa.us/DocumentCenter/View/6279

Motion to approve the March 15, 2023, Bill Voucher in the amount of \$323,680.12 and to approve total transfers in the amount of \$28,286.34 was made by Stevens and seconded by Leff. Motion passed 3-0.

b. Consider approving Kilkenny Engagement Letter for Legal Services

www.kennett.pa.us/DocumentCenter/View/6281

Motion to accept the Engagement Letter for Legal Services submitted by Kilkenny Law, LLC. For the calendar year of 2023 was made by Stevens and seconded by Leff.

Ratliff: The Board of Supervisors directed me in 2022 to review with Kilkenny if there were different billing structures that the Township could engage in to save costs. We arrived at a retainer of \$8,500.00 a month. We looked at three years of run rate with legal costs to determine what was a fair amount and arrived at \$8,500.00. If you think that the costs for 2023 will be the same or greater than 2022, we are seeing a savings of \$15,000.00. The \$8,500.00 a month is an all-encompassing rate with a few exceptions. (1) Appeals to Commonwealth Court of Appeals (2)

Appearance at the Zoning Hearing Board. (3) Land Development. They will bill us at a rate of \$190.00 an hour. We are appreciative of the work Kilkenny has done for the Township and willingness to work with the township to arrive at this retainer amount.

Gamble: Litigation is open ended and is difficult to wrap into a retainer. These four exceptions are standard.

Stevens: Yes- that is correct and a feasible approach. Motion passed 3-0.

c. Consider waiver request for Avello Land Development (Paving & Entranceway Deficiencies)

www.kennett.pa.us/DocumentCenter/View/6284

Motion to approve the requested waiver from Section 206-518.B.(13), requiring all materials used in the construction of parking areas to comply with Section 206-502F relative to street construction, and to accept the field change as proposed was made by Stevens and seconded by Leff.

Jim Fritch (Register): Section 206-502F gives the descriptions in Kennett Township of the different depths of the cross sections of the different materials required. It's for a public road. The waiver we are asking for is an internal section of his property.

Gamble: In Stan Corbett's letter, paragraph 6 states "It is our understanding that a temporary Certificate of Occupancy (CO) may be requested in the near future. We do not recommend Township issuance of any CO until such time as the site paving and access deficiencies have been corrected." Can you tell me where that fits into what you are saying.

Jim Fritch: This waiver request would satisfy the outstanding comment with the asphalt that was already installed by the contractor. Core samples were taken throughout the site to confirm that the asphalt would be sufficient.

Ratliff: There is no objection from the Township staff or the Township engineer to the request being made.

Diane Hicks: We wanted it up to our standards, and the contractor didn't follow instructions. The option is to tear everything out or keep everything as is by taking the core samples to be tested.

Motion passed 3-0.

Gamble: We are going to switch the agenda around and start with the KAPA Presentation and then the Department Head Reports.

8. KAPA Presentation

www.kennett.pa.us/DocumentCenter/View/6292

Elizabeth Curtis Swain: I created a series of charts that we put together. Here is an overview of KAPA that we would like to educate the Board and the community on what we are and what is happening at KAPA.

Gamble: I get some feedback occasionally, that we have a lot of passive recreation, what kind of playgrounds are there? We have 4 recreational entities, Anson B. Nixon Park, Barkingfield, Chandler Mill Trail and Spar Hill. Why not (1) authority that runs them all?

Curtis Swain: This is a nice segway into the playground aspect of what I will touch on next. KAPA is stand alone. The Borough and the Township form it; however, it is a separate entity.

Curtis Swain: We have prepared a Strategic Plan and we have achieved the following: (page 5 of presentation linked above). We have a group of volunteers that come and help maintain certain aspects of the park. Paul Beech, volunteer coordinator has a program that if "XYZ" needs to be done at the park, he gathers the volunteers to help. In talking about playgrounds, we had to take one out since the equipment was old and getting to be hazardous. We recently received a state grant to install an ADA compliant playground.

Eric Gaver: We are coordinating with local clubs in the area, Latino Soccer Clubs, Lacrosse clubs, youth and inclusion to make sure we get great community use out of the fields. We don't intend to make a lot of money on this, but we would like to cover our costs.

Ratliff: Are these the fields that were built over the former landfill?

Curtis Swain: Yes. To be clear the landfill has been capped and being monitored. We are aware of the requirements and how to maintain and work on them to keep the security of the landfill.

Ratliff: SECCRA did a great job when they closed it down.

Curtis Swain: Yes- and we bring them back to monitor it, so they are still very much involved with it in making sure that it is secured.

Ratliff: Over a year ago you were here presenting on the future of that field because there were levelling issues with the field, and it was still settling. At the time one of the proposals was to make that more passive and get out of the field.

Gaver: Part of it is, we still have to evolve that plan and manage it from a community use. We have a lot of concepts for environmental/agricultural applications that we might use that space for. So far, we have two multipurpose fields that are in play now and we are excited about the outpouring of interest for that.

Curtis Swain: We are trying to turn what isn't being used into open space with the planting of native species and exploring some of the other possibilities.

Ratliff: It appears we were identified as a community with stress of the lack of fields that are available and the amount of demand for the fields.

Gaver: We may go further into it over time if the interest and field use is beyond what we can handle. Chester County had six fields in that area but as time went on, they fell into disrepair, and were not playable for a few years. We were able to restore two of them. There is still a sprinkler system that is there, and we maintain that.

Curtis Swain: The fields won't be able to be to have that professional play on them, but they are good for practice and informal play.

Gamble: We as a Township have been trying to improve our relationship with the Borough in many ways because we believe it is to our mutual advantage, economically as well as community wise to do that and it strikes me that since this has always been a joint activity any opportunities where we could emphasize that cooperation would be appreciated.

Curtis Swain: We also try to maintain an ongoing relationship with the Borough to get their support. I would think that having a joint meeting would be wonderful. Have the Borough, the Township and KAPA meet and have a meeting at the park. We can then share a little bit more detail about what is going on and what our plans are and how we can help each other.

Sheila Tekavac: We would like to invite the Board of Supervisors and those who work at the Township to come out to the Trout Rodeo or the Concert Series, most events are free; if you are available, come out and join us, it's a great time. We welcome you! We really would like to sit down with you in the Park.

Gamble: Thank you for that opportunity.

Pat Muller (22 Deer Pond Lane): I am just curious of the status of Wi-Fi at the Park?

Curtis Swain: That is a good point you raise. We do not have Wi-Fi at the Park, it is something that we didn't think we needed to have, in speaking to other people when you're walking you want to put your phone down. It is something to look at, it takes some planning, and looking into funding from the state. It is something to think about, when having events, it would be nice to have a connection. We have looked to see how we would do that, and we have received some quotes. It's a question of putting a plan together and getting the funding.

Diane McGovern (345 E. Hillendale): How are the ponds, how is the ecology in them?

Curtis Swain: I'm not the one who works on them, but I know we have a very strong plan on the ponds and making sure they are usable. I can send you some information about the program that they are maintained. We do take it seriously so that it is clean and it can be fished.

Chief Gordon: Former Supervisor Whitney Hoffman was working with an agency to help with the Wi-Fi.

Curtis Swain: Yes. I was working with Whitney on it as well. It would be nice to revisit that whole idea as well.

Gamble: Thank you, Liz.

Ratliff: I am going to piggyback on some of the things that Liz touched upon, and Liz, Thank you again. The Flats community, which is new, if you live there, or are looking to move there or just curious like some of us are if you go onto The Flats website; one of the things they market is the amazing proximity to this wonderful park. What they don't tell you is good luck getting there. We appreciate the partnership we have had with KAPA over the years on trying to solve that problem. We are trying to work through a solution with the developer to move pedestrians to that new pedestrian walkway. Barkingfield does have Wi-Fi, I know I have taken meetings and Zoom calls while walking my dogs, so we are excited you are looking into Wi-Fi at Anson B. Nixon.

9. Department Head Reports

a. Eden Ratliff – Administration

www.kennett.pa.us/DocumentCenter/View/6294

Curtis Swain: We had an Eagle Scout Project construct 10 bat boxes as well.

Stevens: I want to congratulate Eden on receiving that award, a very important accomplishment. I am glad the Board is supportive and encouraging him to do so, because it is not only good for him it is good for the township.

b. Amy Heinrich – Finance & HR

www.kennett.pa.us/DocumentCenter/View/6280

c. Diane Hicks – Planning & Zoning

www.kennett.pa.us/DocumentCenter/View/6277

d. Ted Otteni – Public Works

www.kennett.pa.us/DocumentCenter/View/6283

Ratliff: The Board of Supervisors with their infinite wisdom chose not to choose which “grey, gray” the public meeting room should be.

Richard Gaw (Chester County Press): I know this room was closed last August, but when did the rehabilitation begin?

Otteni: It began October 3rd which is a date that sticks out in my mind because it was my first day and I walked into the Township building shoulder to shoulder with a contractor to do the demolition.

Gaw: When do you think it was wrapped up?

Otteni: Probably the end of February. We were thinking of having the meeting here, but the trim wasn't on the wall and the bathrooms weren't put back together yet.

Gaw: Who do you want to give credit to in terms of who you worked with to getting it back to its current state?

Otteni: A lot of people here at the Township, the contractors, Denise Serino our Purchasing Agent, she was making all the phone calls and getting the contractors lined up. Every single one of these lines items is a different contractor. We had multiple contractors.

Ratliff: I agree with the October 3rd demolition date but back in August, when we identified there was a moisture issue, we were getting ServPro in here to deal with the mold aspect. We were not

sure if the mold issue was down here or throughout the meeting/building space. We started doing testing, we tried to make the building safe prior to Ted's arrival.

Gaw: Did the damage necessitate everyone working from home?

Ratliff: It didn't. Because of ServPro's quick acting process, we closed off the downstairs to the entire Township Staff until we could stabilize it, and we kept it closed until we were able to start the remediation process. It did not affect any employees on a health-related basis or workflow. It really was a basement issue.

e. Matt Gordon – Kennett Township Police Department

www.kennett.pa.us/DocumentCenter/View/6276

10. Public Comment

Stevens: Many years the Supervisors have struggled with issues in development and sustainability particularly with affordable housing and gentrification. We have been trying to figure out solutions. I found an article: ["What the longest lasting Mesoamerican cities all had in common?"](#) The well-being of locals as well as infrastructure are keys to a lasting society. The first item I want to bring to everyone's attention are the co-authors of the report: Gary Feinman, the MacArthur Curator of Anthropology at the Field Museum in Chicago and co-author Linda Nicholas- who is also an adjunct curator at the Field Museum. When the team got together there were two reports that were done over a period of time. They surveyed a wide range of Mesoamerican cities representing thousands of years. They found a broad pattern of societies where government structures that promoted the well-being of its people lasted longer than the ones with large wealth gaps and autocratic leaders. When I got to that part, there was resonance. The second study was ["A study published on March 3 in the journal Frontiers in Ecology and Evolution analyzed the remains of 24 ancient cities in present-day Mexico and found that collective governance, investments in infrastructure, and cooperation between households were consistent in the cities that lasted the longest."](#) This was before the Spanish invasion and the influence of western civilizations. "The cities that had more collective forms of governance tended to remain in power longer, more than those with autocratic governments." Very interesting and resonates within our world to date. Now this is very important for the Township in my mind because it speaks to the kind of government influenced, that encourages kinds of development that encourage long term sustainability and livability. Governance had a key role in sustainability. The article is available on the website. I asked my fellow Board members to look, if they thought it had any relevance and they asked me to report to you.

Gamble: It is a very interesting read.

Leff: This is something we wrestle with all the time.

Diane McGovern (345 E. Hillendale): On behalf of the Historical Commission is there any feedback on the name for Spar Hill Farm?

Gamble: Not yet. We are going to have to discuss it under the Sunshine Act at a meeting, which won't be tonight since Rich is not here in person. It is certainly a name worth considering. Thank you for the recommendations. Thanks to the Historical Commission for all its work, it has not been easy making Spar Hill the place it's meant to be. If you have been down there, it is an amazing transformation and very much an enhanced park. Congratulations on behalf of us.

Stevens: It occurred to me; we are going to have an opening in May at Spar Hill. Please send a special invitation to the Board of Mount Cuba and the member of the DuPont family who was very influential and were instrumental in helping the Township with the funds to make the purchase.

11. Adjournment

Motion to adjourn was made by Stevens and seconded by Leff. Motion passed 3-0.

The meeting was adjourned at 8:18 p.m.

Respectfully submitted,
Eden R. Ratliff
Township Secretary