



Board of Supervisors Minutes

April 7, 2021 | 7:00 | Remote Meeting Via Zoom

Present: Dr. Richard L. Leff, Chairman; Whitney S. Hoffman, Vice Chair; Scudder G. Stevens, Supervisor; Eden R. Ratliff, Township Manager; Roger Lysle, Public Works Director; Matt Gordon, Acting Chief of Police; Dave Sander, Solicitor

1. Call to Order

Chair Leff called the meeting to order at 7:00 p.m., explained how this virtual meeting would proceed, shared the latest case counts of COVID-19, and urged all to continue to follow the appropriate precautions. Hoffman spoke about the challenges of getting a COVID-19 vaccine and thanked Kennett resident Kathy Corcoran for working hard to help others find and sign up for vaccine appointments. Stevens commented on the long-term effects of COVID-19 – neurological, physiological, and emotional – saying that it is becoming more serious the more we learn about it and the more time that passes. He, along with Hoffman, encouraged everyone to get vaccinated to help achieve the “herd immunity” necessary for really overcoming this and asked everyone to continue to wear their mask, even once vaccinated.

2. Township Recovery Update

Manager Ratliff had no update at this time. Leff said that we are waiting for this case to progress through the justice system.

3. Executive Session Announcements

Solicitor Sander announced that the Board met for informational sessions on March 19th with the Township Auditors and on April 1st.

4. Meeting Minutes

- a. **January 4, 2021**
(www.kennett.pa.us/DocumentCenter/View/4666)
- b. **January 20, 2021**
(www.kennett.pa.us/DocumentCenter/View/4667)
- c. **February 3, 2021**
(www.kennett.pa.us/DocumentCenter/View/4668)
- d. **February 17, 2021**
(www.kennett.pa.us/DocumentCenter/View/4669)
- e. **March 3, 2021**
(www.kennett.pa.us/DocumentCenter/View/4670)
- f. **March 17, 2021**
(www.kennett.pa.us/DocumentCenter/View/4671)
- g. **March 25, 2021**

Motion presented by Hoffman to adopt the Board of Supervisors Meeting minutes of January 4, January 20, February 3, February 17, March 3, March 17, and March 25, 2021. Stevens seconded. Motion passed 3-0.

5. Kennett Area Park Authority Presentation

www.kennett.pa.us/DocumentCenter/View/4680)

Ratliff thanked the Kennett Area Park Authority (KAPA) Board for agreeing to join this meeting and provide an update for the Board of Supervisors and the Kennett community. KAPA Board members Elizabeth Curtis Swain, Richard Lyon, Eric Gaver, and Maria Dziembowska were present on the Zoom meeting along with Sheila Tekavec, KAPA's Office Manager. They each took turns explaining the history of KAPA, updates with the landfill and the soccer fields they are planning to add there, future sports fields ideas, and habitat plants they intend to incorporate. The presentation can be viewed online at <https://jumpshare.com/v/HtALWrPBuvEZLSq4WtvK>.

Discussion

- The Board of Supervisors and the KAPA Board discussed the fees to use the sports fields, the safety of different crops/agriculture with the landfill below, and the potential interference from deer and other wildlife.
- Stevens asked if the KAPA Board would be willing to accept an easement across Walnut to allow residents from The Flats apartments to access the park. Swain answered that they would have to include KAPA Board member John Gaadt into any discussions of easements to see what is possible. Ratliff added that the Township is currently in discussions with the developer to address this and Christina Norland, chair of the Kennett Township Trails and Sidewalks Committee explained the current order of operations and said she would be happy to include KAPA Board members into those discussions. Swain again said that Gaadt would be the point of contact to opine on what would be possible or not from KAPA's perspective.
- Stevens also asked if the purpose of this presentation was strictly informational or if they were requesting something from the Supervisors tonight. Swain said that this is for informational purposes only.
- Leff asked about the amount of soil on top of the landfill. Lyon said there is three to four feet of dirt present and offered to forward the depth testing that SECCRA did, which concluded there was sufficient soil coverage to do what is proposed with the soccer fields.
- Leff also asked if the area will continue to settle. Lyon explained that in the excavated areas, organic material is what has decomposed over time causing settling. What is left to settle is inorganic material and he feels the rate of settling will slow down. He said there is a piece of equipment KAPA is seeking funding for that could help regrade the land if needed and this is the reason sports fields were not planned to cover the entire area.
- Leff mentioned a group that approached the Township looking for a skate park, but he said he assumed there should be no structures built here due to the settling and Dziembowska confirmed. Lyon said they were planning more for green space in this area, but they could discuss the skate park idea.
- Leff asked what the maintenance fees would be. Lyon listed what would need to happen for the soccer field restoration maintenance and estimated the cost to be between \$40,000 - \$60,000. He again mentioned the equipment they are seeking, which would enable them to mow the trails and meadows themselves in addition to regrading the fields. Lyon said they are seeking a grant that would help make it easier to maintain the fields. Discussion continued around the future maintenance of the fields.
- Hoffman asked why KAPA wants to move towards a more passive recreation environment, when this is the most active place in the Township/Borough, and the Township already has a lot of preserved open space for passive recreation. Lyon said that if there is a need for more fields in the future, they can look at it then, but they felt this would be a good start at one-third of the cost of repairing the entire landfill. Additionally, they do not feel they can maintain the whole complex without a support structure. He said that while there are groups who can rent the fields, they will be open for public use. Swain added the mission of KAPA includes both [active] recreation and passive recreation as well as environmental preservation, so this is a way to try to achieve all the purposes.
- Stevens commented that the KAPA Board has done an outstanding job over the last ~35 years receiving and maintaining this property and he said he has the highest respect for the work they are doing in the community. He added that while he was glad to know they were not asking for anything tonight, that he would be positively inclined to consider such asks in the future.

- Hoffman also added her appreciation for the Park and listed some of the ways it is a positive resource for the community.
- Lyon said that he hopes to return to the Board of Supervisors later this year with plans on what to do with the old water works building that has been lying derelict since the 1970's. He also said that they are digging out the old entrance on Walnut Street to put a trail in.
- Richard Gaw (Chester County Press) asked if this site was located directly across from The Flats. Lyon said this is adjacent to Route 1 closer to East Marlborough. Gaw also asked for clarification on the size of this project and Lyon confirmed approximately 11 acres. Gaw asked how large they were planning on making the "crops" section. Lyon explained that this is still a concept, but they are thinking two to four acres and are looking for community groups and/or commercial operators who would be interested in an area this size. Gaw recounted the Board of Supervisors allowing an acre of Spar Hill to be farmed with the intent to donate the crops to KACS and asked if this was what KAPA was thinking. Lyon said that what is grown here might not be edible but rather have some other agricultural value. They are still thinking through all the choices and have not made a definitive decision yet.
- Gaw asked who would be paying for all of this. Lyon said they do not have that answer yet as they are just getting started with this, but they have been advised that if they were to seek funding, they needed their programing in place.
- Gaw asked what the appeal of this project was since Lyon described it as a sinking piece of infrastructure. Lyon answered that this is what they have been given, and they are trying to figure out the best things to do with it and explained some of the history of the old landfill/ water treatment facility for the Borough. Stevens added the valuable history that it played in the underground railroad. Lyon offered to pass the historical review they had done on the old mill and other structures on to the Township, which dated some structures back several hundred years.

6. Old Business

a. Consider Next Steps for Kennett Greenway (www.kennett.pa.us/DocumentCenter/View/4681)

Motion presented by Stevens to proceed with both the final design phase for Chandler Mill Road Path and West South Street Connector, as well as development of funding strategies. Hoffman seconded. Motion passed 3-0 after the following discussion.

Discussion

- Ratliff introduced the trails consultants. Jennifer Dowdell from Biohabitats summarized the past couple months of work and the next steps, Clair Agre from Unknown Studios summarized the public engagement process, Steve Giampaolo from McMahon Associates summarized meetings with South Mill Champs and Sylvan mushrooms about the proposed sidewalks on West South Street (the representatives from both companies supported what has been proposed). Dowdell explained that the recommendation is to move into the final design phase to complete the design of the two trail segments to support future implementation and construction. Dowdell also outlined the results of the tree assessment completed to better understand the trees that would be impacted along Chandler Mill Road. The study is available under the Public Meeting Documents section of the Township website: <https://www.kennett.pa.us/DocumentCenter/View/4716>.
- Leff thanked Dowdell and said that now this study is completed, he looks forward to learning how the path can be adjusted to save specific trees and what the costs of those changes would be in the final design phase.
- Ratliff commented that the report would be publicly available for anyone who has asked for it.
- Norland, said that this was discussed at the Trails and Sidewalks Committee meeting on April 6th and they recommend the Board of Supervisors to move forward with final design and engineering for both segments with a vote of 5 affirmative and 1 abstention. Stevens asked why there was an abstention. Norland said that it was related to concerns over how this would be funded over the long-term and the desire for more information on the financial aspect before deciding. Diane McGovern confirmed that that was the reason she absented at the Trails and Sidewalks Committee meeting.
- Ratliff explained that the decision before the Board did not include any specific task orders, but more generally was whether the Board wanted to move forward with one or both projects. Leff asked if future task orders with pricing will come soon if they decide to move forward (Ratliff confirmed) and if there was an

estimate of cost. Ratliff explained that the team has not yet spend a great amount of time on these details in the event the Board did not wish to pursue one or both trails.

- Leff said that this would officially begin the Kennett Greenway and spoke to the advantages and benefits of both the Chandler Mill Road path and the South Street sidewalks. He acknowledged that until final design happens, they will not know the exact cost and that the implementation and timeline of these projects would be determined by those costs.
- Hoffman added that she recently had a walk through with a bunch of the residents at Stonehouse and they are looking forward to having good access to the Greenway.
- Peter Doehring (5 Nine Gates Road) said that he would be forwarding a separate set of recommendation to make changes to the final design as he feels the current designs do not make it safe for most cyclists. Leff said he was surprised Doehring said this design was inadequate for cyclists and recounted the meetings Doehring attended where they discussed the current rating of Chandler Mill Road, the fact that less experienced cyclists will be able to utilize the path in certain areas, and other additional safety measures that were being considered. Giampaolo again explained the Level of Traffic Stress (LTS) ratings set by the local Delaware Valley Regional Planning Commission (DVRPC). Chandler Mill Road is considered an LTS2 which states that most adults will feel comfortable riding on that road, as documented in his report to the Township. Doehring stated that he has had direct discussions with the DVRPC where they have recognized that Chandler Mill Road has been misclassified and he will include that information in his detailed set of recommendations he plans on sending the Board. Leff said that they spent a lot of time looking at Doehring’s suggestions on Edge Land Roads even though they are not included in this design, but if Doehring had something else to suggest, Leff would be happy to listen.
- John Wilkens (138 Round Hill Road) asked questions about the timeline and stated he was worried that things would be locked in before the public had enough time to contribute to the process. Dowdell explained that the next steps would include an engagement component and she also explained that the preliminary permit process does not lock anyone into a plan, but rather helps inform what the permitters are looking for as they develop the final plans. Michele Adams with Meliora confirmed that the next step would be noncommittal discussions with the permitting agencies. Agre likened this project to pregnancy, explaining that the first trimester (now completed) is about the broad strokes of design. The second trimester is when key design elements are worked out and the public engagement is crucial for this next step. She expects that by mid-summer conversations with the public will resume to offer feedback on design elements with resolution to those elements coming in the fall.
- Wilkens reminded Stevens that he agreed to a walk the path now with the tree assessment in hand to help figure out what it looks like now verses waiting until summer. Agre said she would love the next public engagement session to be along the corridor rather than Zoom. Stevens thanked Wilkens for the reminder and said that if Agre can set up that meeting, he will do all he can to adjust his schedule to be there. Dowdell said that she would make sure this walk was in a future task order should the Board decide to move forward.
- Leff mentioned the additional testing of the one-lane, two-direction sections that were discussed at previous meetings as proof there would be engagement moving forward.

7. New Business

a. Consider April 7th Bill Voucher in the amount of \$189,071.08

(www.kennett.pa.us/DocumentCenter/View/4673)

Motion presented by Hoffman to approve the April 7th Bill Voucher in the amount of \$189,071.08 and approve total transfers in the amount of \$12,112.96. Stevens seconded. Motion passed 3-0.

b. Consider Road Maintenance Materials Bid Award

(www.kennett.pa.us/DocumentCenter/View/4674)

Motion presented by Hoffman to award the Black Top material to Allan Myers in the amount of \$15,800, and the Road Oil to AMS in the amount of \$39,770, and to authorize the Township Manager to execute the agreement(s). Motion seconded by Stevens. Motion passed 3-0.

Discussion

- Ratliff explained that this bid was administered by the Public Works Consortium. Lysle added that this is done every year and that all materials were bid on even though there are only two awards tonight. He said the second advertisement and the bid openings will be done tomorrow for the remaining three materials and expects to be back next month with those awards.

c. Consider Stonehouse Escrow Release No. 13

(www.kennett.pa.us/DocumentCenter/View/4675)

Motion presented by Hoffman to approve the Stonehouse Escrow Release No. 13 in the amount of \$138,919.44 as recommended by the AECOM letter dated April 1, 2021. Stevens seconded. Motion passed 3-0 after the following discussion.

Discussion

- Ratliff noted that this is not the final escrow release and listed the remaining items that need to be done.
- Hoffman shared again her recent Stonehouse walk with a resident as well as conversations she has had with other residents about this development. She said after reviewing the AECOM letter, only those things that are completed are being released and the amount that is being held back should cover the outstanding items that still need to be completed. She added that after going through this process in the past and the resulting problems with the Ashford sewer system, she is sensitive to this and wants to ensure everything is done correctly by the developer from the conditional use plan.
- Stevens spoke of the numerous stormwater issues with this development so far. He also explained problems in the past with developments and escrows and said he is not sure if the problems stem from the developer or the HOAs. While he is comforted that the Township engineers are overseeing things, he is reminded that they went through the same stormwater issues with Granite Ridge. He said he wants to make sure the developers and HOA of Stonehouse knows that he is very concerned with how this moves forward. Additionally, he wants these problems addressed in a timely manner by the parties responsible for managing them rather than waiting until the last payment when there is not enough money and then as a last resort, turning to the Township to address them.
- Hoffman agreed that escrow funds should not be released too early, but she is confident given the details of Tom Committa's letter and AECOM's letter that nothing more than is required is being released right now. She said they are keeping an eagle eye on this and will continue to do so.
- Leff said there is about \$350,000 left in the escrow so there is still a fair amount to go.

8. Public Comment

Discussion

- There were no public comments.

9. Adjournment

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

The meeting adjourned at 8:41 p.m.

Respectfully submitted,
Eden R. Ratliff
Township Secretary