



Board of Supervisors Minutes

June 2, 2021 | 7:01 | 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; Dave Sander, Solicitor

1. Call to Order

Chair Richard Leff called the meeting to order at 7:01 p.m., explained how it would be conducted, and offered a COVID-19 update reporting that Kennett Township now has 534 known positive cases including six deaths. He said that while new known cases are declining, it is still important to remain vigilant with precautions until the effects of the vaccine take hold. Hoffman noted a recent article in the Daily Local News that reported Chester County is almost at 80% vaccinated, and said caution is still necessary as Kennett Square and Avondale are current hot spots for new cases. Stevens discussed the other variants around the world and his preference to continue to wear his mask. He asked if everyone would consider joining him in wearing masks as the safer routine.

2. Township Recovery Update

Manager Ratliff had no update to report.

3. Executive Session Announcements

Solicitor Sander announced that the Board met in executive session on May 20th to discuss a matter of personnel.

4. Meeting Minutes

a. May 19, 2021

(www.kennett.pa.us/DocumentCenter/View/4789)

Motion presented by Hoffman to adopt the May 19, 2021 Board of Supervisors Meeting minutes. Seconded by Stevens. Motion passed 3-0.

5. Open Space Hearing

Ratliff explained that the purpose of this agenda item was to hold a public hearing and place conservation easements on the three Township owned properties listed below and reminded everyone that this topic was on the previous agenda on May 19, 2021. Ultimately, the hearing was postponed until this meeting due to a discussion surrounding the legal language in the documents. The discussion included the desire to add the word “passive” before the word “recreation” in the Spar Hill Conservation Easement. Since the last meeting, the requested changes were made to the documents and this public hearing was advertised in advance. Resolution 2021-12, designating three Township-owned parcels as open space benefits, must be considered by the Board prior to the opening of the hearing, Ratliff explained. He introduced attorney Sam Wiser of Salzman Hughes who prepared the documents to be considered.

Stevens asked if the Board should discuss the three parcels prior to the Resolution, considering one of the three parcels is different from last week. Ratliff explained that the UPI number for Barkingfield Park on last week’s conservation easement was the original parcel number prior to that lot being subdivided. Abbie Kessler noted this at

the last meeting. This has been updated to reflect the current and accurate UPI. Further clarification was offered by Ratliff regarding the Spar Hill property, which did not have a change in UPI number; it was only updated to say “passive” recreation per Stevens’s request. Discussion continued between Stevens and Wisner about if the easements needed to be considered prior to the resolution. Wisner assured Stevens that the documents presented in the Board Packet would remain on record as those discussed tonight and the recorded documents at the courthouse could be matched to the documents from this evening.

a. Consider Resolution 2021-12

www.kennett.pa.us/DocumentCenter/View/4778

Motion presented by Hoffman to adopt Resolution 2021-12 designating three parcels of land in the Township as open space benefits. Seconded by Stevens. Motion passed 3-0.

Discussion

- Stevens stated his appreciation of the other Supervisors and Manager for taking the past two weeks to look deeper at this.
- Leff asked if the Spar Hill easement further limited the property beyond the current deed restriction. Ratliff reminded Leff that the discussion specific to the easements would occur once the Resolution was voted on, but said the easements were created with language to mirror the current restrictions on the properties. Because there is not currently a third-party easement on Spar Hill, the language mirrors the deed restriction.
- Leff thanked the Manager and Counsel for helping with this process.

Motion presented by Stevens to open a public hearing to discuss conservation easements on Spar Hill Farm, Barkingfield, and Lord Howe. Seconded by Hoffman. Motion passed 3-0.

Discussion

- Leff called for any public comments regarding the conservation easements for the properties of Barkingfield Park, Lord Howe, and Spar Hill. There were none.

b. Consider Barkingfield Easement: <https://www.kennett.pa.us/DocumentCenter/View/4779>

c. Consider Lord Howe Easement: <https://www.kennett.pa.us/DocumentCenter/View/4780>

d. Consider Spar Hill Easement: <https://www.kennett.pa.us/DocumentCenter/View/4781>

Motion presented by Hoffman to authorize the execution of Conservation Easements for the properties identified as Barkingfield Park, Lord Howe, and Spar Hill, each in the form attached to Resolution 2021-12. Seconded by Stevens. Motion passed 3-0.

Discussion

- Leff again mentioned his question about Spar Hill and again Ratliff stated that the language in this conservation easement mirrored the deed restriction. This means that the current experience as Spar Hill will not change because of any action tonight. Leff added that they hope improve that experience one day.

Motion presented by Stevens to close the public hearing. Seconded by Hoffman. Motion passed 3-0.

6. Old Business

There was no old business.

7. New Business

a. Consider June 2nd Bill Voucher

www.kennett.pa.us/DocumentCenter/View/4782

Motion presented by Hoffman to approve the June 2nd Bill Voucher in the amount of \$59,297.14 and to approve transfers in the amount of \$3,553.05. Stevens seconded. Motion passed 3-0.

b. Consider Hnos Lara Escrow Release No. 4
(www.kennett.pa.us/DocumentCenter/View/4783)

Motion presented by Hoffman to authorize the Hnos Lara Land Development Escrow Release No. 4 in the amount of \$30,960.30 per the AECOM letter dated May 21, 2021. Stevens seconded. Motion passed 3-0.

Discussion

- Stevens commented that he seconded this motion recognizing that the Township engineers have performed a review and recommend this action.
- Leff noted that this was the final escrow release and Heinrich stated they have paid all the engineering bills except for this one and she also confirmed that Township Engineer signed off on all remaining open items.

c. Consider Longwood Nursery Greenhouse Escrow Release No. 1
(www.kennett.pa.us/DocumentCenter/View/4784)

Motion presented by Hoffman to authorize the Longwood Gardens Nursery Greenhouse Escrow Release No. 1 in the amount of \$1,914,801.55 per the AECOM letter dated May 25, 2021. Stevens seconded. Motion passed 3-0.

Discussion

- Stevens again referenced the engineer's letter authorizing and approving this release.
- Leff said it appears this is close to the final release with only about 10% remaining. Heinrich confirmed that only minor items remain to be completed.

d. Consider Road Maintenance Materials Bid Award (28:20)
(www.kennett.pa.us/DocumentCenter/View/4785)

Motion presented by Hoffman to award Stone Material to New Enterprise Stone & Lime in the amount of \$42,081.75, and the Line Painting to Alpha Space Control in the amount of \$32,708.00, and Dixie Energy for fuel at .222 differential rate off the OPIS low rack price, and to authorize the Township Manager to execute the agreement. Stevens seconded. Motion passed 3-0.

Discussion

- Lysle explained that these items had to be rebid. He also explained that for the fuel, it is .222% off the rack price and elaborated more on fuel pricing. Leff asked if oil prices drove this. Lysle said that we went to this method a couple years ago based on PennDOT's recommendation. Because we did not get any new bids, Dixie Energy is honoring last year's bid.
- Stevens asked if a specific date needed to be in motion to obtain the 22.2%. Lysle explained that the day the fuel is picked up, whatever the low rack price is that day is what they can do the .222% markup off of.
- Heinrich pointed out that the full memo including the bid schedules that support this agenda item explains these details and offers backup on what is being discussed and/or approved tonight.
- Hoffman commented that this is standard in that we have to deal with the price that they get the fuel off the pipeline for, and the price that we pay comes with a markup.
- Lysle thanked the Supervisors for awarding the contracts.

e. Consider Land Management Proposal by The Land Conservancy for Southern Chester County
(www.kennett.pa.us/DocumentCenter/View/4786)

Motion presented by Hoffman to accept the Land Management Proposal from The Land Conservancy for Southern Chester County for services outlined in the proposal on Township owned Barkingfield Park, Spar Hill, and Lord Howe effective June 3, 2021 through December 31, 2021. Stevens seconded. Motion passed 3-0.

Discussion

- Ratliff explained this motion and said the total cost of this would be \$31,000. This will help alleviate the Public Works Department who has been doing these activities such as trail maintenance, mowing, enhancing the natural habitat, vine management, etc. Ratliff said these are activities that TLC does well, and it is a chance to support a local nonprofit.
- Stevens commented that he was glad this was before the Board tonight. Hoffman agreed.
- Abbie Kessler (TLC) said she appreciates the support, and they are happy to help with this management. She also mentioned past work done by TLC specifically Lord Howe in dealing with the overgrown vines.

f. Consider Resolution 2021-13 – PA Senate Bill No. 252

(www.kennett.pa.us/DocumentCenter/View/4787)

Motion presented by Hoffman to adopt Resolution 2021-13 in support of PA Senate Bill No. 252 Session of 2021 for methods of legal notices and advertising including the publicly accessible Internet website of newspapers and the publicly accessible Internet website of Kennett Township. Stevens seconded. Motion rescinded by Hoffman, which was seconded by Stevens.

Discussion

- Ratliff explained that what the Board is considering tonight is one component of PA Senate Bill No. 252, which is whether to amend the law to allow for legal notifications for activities of local government to be posted on the municipality’s website (if it has one). He then summarized the current requirements for advertising public meetings. If the Board adopts this resolution, it will be sent to our local representatives stating our support of the change. There is no deadline or rush for this, but Ratliff said it was worth discussing as other municipalities across the Commonwealth are discussing it. He explained that different parts of the Commonwealth may view this differently depending upon their website technology (or lack thereof) and the reliance on newspapers. He added that this is likely being discussed now due to the change in rules under the Emergency Declaration from the Governor due to COVID-19 and said that it is not often the legislature considers changing the laws that affect local government.
- Stevens said that while this seems like a great idea, more direct and less expensive, his concern is for those townships who do not have good internet service. He would not want those residents to not know about a meeting because it was not in the newspaper. Ratliff clarified that the bill would not change to say a municipality would *only* advertise on a website but would rather give it the option to do so. Stevens suggested discussing this farther and then crafting a letter that states the position of the Township rather than this generalized statement.
- There was discussion between Leff and Ratliff about how the Township currently advertises and Leff asked if anyone on the Zoom call was here due to a newspaper ad. (No one answered.)
- Heinrich said that for the first five months of this year, the Township has spent \$2500 on advertisements and Leff said the obvious implications would be that it would lower revenue for newspapers.
- Leff stated that it was clear that this motion was in support of the Bill, which did not mandate a Township do one thing or another, but continued the options offered during the pandemic. Ratliff confirmed and said Kennett Township utilized the website option. Leff asked if any of the public complained about that. Ratliff said probably, as that was the case with most changes to Kennett’s operations that came through the Governor’s Emergency Declaration, but he would have to go back to find any specific examples.
- Leff asked when the Senate would be voting on this or if it was in a committee. Ratliff said he believes it is in a local government committee.
- Heinrich asked if there are still requirements for the notices to be posted somewhere. Sander explained that the annual schedule of all meetings is posted at the beginning of the year, with special meeting being advertised as needed. He believes there is already a requirement to post the meeting schedule at the Township building, and he does not foresee that changing should this Bill pass. Heinrich pointed out that if meetings were advertised only on the website, those without internet access would be able to drive to their township buildings and still know when meeting were happening.
- Hoffman asked the two members of the press who were on the Zoom call what the impacts of this would be on them. Richard Gaw (Chester County Press) said that being a weekly publication, it would impact him far less than the Daily Local News. He added that while this would have a little effect on him, he understands the point of this resolution and the flexibility it provides. Monica Fragale (Chadds Ford Live) said she is not sure what the impacts would be; that is something her editor would be better equipped to answer.

- Hoffman said that while she agrees with Stevens that there are places in the Commonwealth that have more connectivity issues than Kennett Township, she believes all channels should be used to disseminate information. She then discussed current initiatives underway to help improve connectivity, including the current study she is helping with to identify those in southern Chester County who do not have connectivity. She added that this resolution could serve as an impetus for smaller municipalities who do not already have a website to get one. She said she is generally in favor of this as she likes the flexibility it offers for Kennett who has such a good one-stop-shop.
- Leff asked the Board if they wanted to vote tonight or table until a future meeting. Ratliff reminded them that no decision was required tonight. Stevens said that he is not comfortable moving forward tonight. He pointed out where in the Bill it offers the choice of seven different ways to advertise, effectively satisfying his earlier concerns, but would still prefer to postpone.
- Leff asked if this was something Stevens would want to do in Kennett Township if enacted. Stevens is unsure as the tradition has been to look in the newspaper. His gut is that most people still use the newspaper.
- It was agreed to address this resolution again at a meeting in July.

8. Public Comment

Discussion

- Ratliff announced that earlier today, the Board of Supervisors and invitees celebrated the swearing in ceremony for Kennett Township Police Chief Matt Gordon at the Creamery of Kennett Square. The event featured speeches by Dr. Leff and Gordon and was a great time. He thanked the staff for planning the event and the Creamery for hosting. Leff added that it was a memorable day for Gordon, his family, friends, and the hundreds who came to celebrate the ~30 year exemplary career of Chief Gordon.
- Cathy Burkett, President of the Greenwood Hills Association (818 Williams Lane) commented via Zoom chat, “The GHA membership is concerned about the control of deer in the Township. Is the Township actively working to control the deer population?” Ratliff said that in his opinion, the Township does not have a robust deer management strategy or program. He said there is a Deer Management Committee who allows for and oversees targeted harvesting of deer in some of the more rural areas of the Township. Leff asked if there has been a noticeable increase. Burkett said she feels there are more deer, but it comes up every year at the annual meeting of the Association. Ratliff said he would put her in touch with the chair of the Deer Management Committee.
- Peter LaCrosse (1 Spruce Lane) said a situation occurred where a rather large tree limb on a neighbor’s property fell, hit the house, and damaged the cars. He had a tree assessment done to determine risk factors and three of the four were considered high risk. He wanted to know what ordinances and guidelines existed about tree removal or if he could submit something for the record in case there are any additional damages. Ratliff said he will touch base offline as there is a robust tree ordinance in the Township.
- Leff thanked Lacrosse for bringing this up at the meeting as a lot of others may have similar questions with the number of ash trees dying due to the emerald ash borer. Leff suggested sending that information out soon to the Township and Ratliff said he could do that.
- John Wilkens (138 Round Hill Rd) spoke in favor of continuing to utilize all the different methods of communication the Township is currently using to help reach different segments of the population. He feels the Township is doing a good job keeping up all the different pathways for people to learn and feels it is important to continue to do so.
- Richard Gaw (Chester County Press) asked via Zoom chat, “Have you heard any news about when the township will go back to in-person board meetings at the township building? New Garden is reverting back in July.” Ratliff said this is being discussed internally and explained that participation in public meetings has been very high with the advantages of the Zoom option. He said we are in the process of figuring out how to change the current audio and visual capabilities in the Public Meeting Room, which only allow for residents to listen in with no option to participate or interact with the Board. There are some costs involved, but the Township is about 85% of the way there to figuring out how to maintain a Zoom meeting and an in-person meeting.

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

9. Adjournment

The meeting adjourned at 8:07 p.m.

Respectfully submitted,
Eden R. Ratliff
Township Secretary