



Board of Supervisors Meeting Minutes

Hybrid Meeting Via 801 Burrows Run Road & Zoom

July 19, 2023

7:00 p.m.

Present: Geoffrey Gamble, Esq., Chairman; Scudder G. Stevens, Supervisor; Eden R. Ratliff, Township Manager; Amy Heinrich, Finance & HR Director; Ted Otteni, Director of Public Works; Matthew Gordon, Chief of Police; Dave Sander, Solicitor

Absent: Dr. Richard L. Leff, Vice Chair; Diane Hicks, Planning & Zoning Director

1. Call to Order

2. Pledge of Allegiance

3. Embezzlement Recovery Update

There were no updates to provide.

4. Executive Session Announcements

The Board met in executive session on Wednesday, July 19, 2023, to discuss a matter of litigation.

5. Meeting Minutes/Presentations

a. June 21, 2023, Meeting Minutes

www.kennett.pa.us/DocumentCenter/View/6602

Motion to approve the June 21, 2023, meeting minutes was made by Stevens and seconded by Gamble. Motion passed 2-0.

6. Public Comment on Agenda Items

Peter Doehring (5 Nine Gates Rd.): I was inquiring about the next steps of the Fire & EMS Commission which is part of Eden's report.

Gamble: Since we are not voting on Eden's report, can you hold off until he gives his report?

Doehring: Sure.

7. Business Items

a. Consider July 19, 2023, Bill Voucher

www.kennett.pa.us/DocumentCenter/View/6609

Motion to approve the July 19, 2023, Bill Voucher in the amount of \$283,900.38 and to approve total transfers in the amount of \$4,949.52 was made by Stevens and seconded by Gamble. Motion passed 2-0.

b. Consider approving the County of Chester Tax Claim Bureau document.

www.kennett.pa.us/DocumentCenter/View/6606

Motion to execute the document to the Chester County Tax Claim Bureau in the amount of \$38.92 for uncollected real estate property taxes was made by Stevens and seconded by Gamble.

Ratliff: From time to time the Tax Bureau will deem certain taxes not recoverable and will ask to be expunged from the record. This is for a property in the Township in the amount of \$38.92. The mobile home that was on the property is no longer there. For it to be expunged the Board of Supervisors needs to approve it. Motion passed 2-0.

c. Consider approving Kennett Gateway Townhome Escrow Release No. 6

www.kennett.pa.us/DocumentCenter/View/6603

Motion to approve the Kennett Gateway Townhomes Escrow Release No. 6 in the amount of \$78,052.02 as recommended by the Township Engineer was made by Stevens and seconded by Gamble.

Ratliff: The Township Engineer (AECOM) has written a cover letter recommending this escrow release, the total balance is still \$530,762.65. Still a long way to go but it continues to make progress.

Stevens: Since it has been reviewed thoroughly by our Engineers, I am in favor of it.

Motion passed 2-0.

d. Consider approving Kennett Gateway Apartments Escrow Release No. 6

www.kennett.pa.us/DocumentCenter/View/6604

Motion to approve the Kennett Gateway Apartments Escrow Release No. 6 in the amount of \$128,446.68 as recommended by the Township Engineer was made by Stevens and seconded by Gamble.

Stevens: Same reason as the last, I am in favor.

Ratliff: There is still a long way to go.

Motion passed 2-0.

e. Consider advertisement of Ordinance 302- Non-Uniform Pension Plan Amendment

www.kennett.pa.us/DocumentCenter/View/6605

Motion to authorize the advertisement of Ordinance 302: Non-Uniform Pension Plan Amendment was made by Stevens and seconded by Gamble.

Ratliff: At the beginning of the year the Board of Supervisors adopted an amendment to the Police Pension plan, eliminating the 1-year lag for the uniform and is still the case for non-uniform personnel. They would need to work for the municipality for 1-year before their pension could take effect, so that has an impact on their ability to vest for their years of service. If you had 5 years to vest and a 25-year service requirement, it would take 6 years to vest and 26 years of service. In the Collective Bargaining Association process, the Board of Supervisors deleted that for the police which is common in Southern Chester County. That principle is true for non-uniform. The Board authorized a cost study to be done by PMRS to see what the financial impact would be, and it came back at .08% which is an annualization \$67 per year until 2027 and that was per member, which is about \$900 per year. What the Board is considering tonight is advertising that change to the Ordinance. We will receive public comment and see if the Board will implement that change based on the discussions and comments.

Motion passed 2-0.

f. Consider approving the renewal of Sage Intacct.

www.kennett.pa.us/DocumentCenter/View/6611

Motion to authorize Amy Heinrich to sign the renewal contract for Sage Intacct and to implement the spend management and bill pay automation modules as described was made by Stevens and seconded by Gamble.

Amy Heinrich: Sage Intacct is our general ledger which we put in at the beginning of 2021. Every year there is a new contract and an increase. \$3,000.00 increase to put it just over \$32,000.00 for all the modules we use. There is one more that enhancement that we budgeted for which is a \$1,400.00 that helps with accuracy with all our entries, that flag it if it is over budget, under budget etc. I am recommending we keep this enhancement. There is also a new capability which is automating the bill pay, using object character recognition. It allows you to take an invoice, scan it,

the system will read the invoice and automate some of the entry that you would be keying in. We looked at doing this with a partnered vendor, but we did not move forward because it was quite pricey. In the meantime, Sage has implemented its own. We have the ability to try it for free, which we have not done yet. There is no fixed cost, it would be \$.50 a bill. The level of payback would be around \$1,000.00 for the level of bills we have.

Stevens: *The Township had trouble in the past. What safeguards are built into this that it does not run amuck? If it does run amuck how to we get it back on course?*

Heinrich: *The piece I was speaking to was the scanning of the bill and entering it so that it gets to the place where you will approve it, which is the bill voucher and the printed check which you are still signing. There is a second step that I want to investigate that would eliminate the print checks. The \$.50 that I just talked about would not change anything from you signing the check. That is another step that I need to look further into, but I am not asking for approval of that yet, because I need to look into it more.*

Stevens: *If I understood your explanation, it would require an operator (flesh and blood) to feed it in, read it and manage it internally. But it takes a person to initiate it. It does not feed it or manage itself in this regard?*

Heinrich: *Yes, it has to be directed. We are scanning it and the program is doing the typing for us. Then the person would look at it side by side which is a faster process than keying it in. There is still someone reviewing it and hitting submit. The approval process is still the same as it is today. Everything comes to me first, then the Department Head, if it's over a certain threshold it goes to Eden and then everything gets on the bill voucher. All of that would still exist.
Motion passed 2-0.*

8. Department Head Reports

a. Eden Ratliff – Administration

www.kennett.pa.us/DocumentCenter/View/6618

Richard Gaw (Chester County Press): *What is the intention of the committee that you are a part of with Cuyler? Is it to get the Borough to come back to the Commission?*

Ratliff: *The entirety of the region wants to ensure that Fire and EMS services is provided to the Borough of Kennett Square and to the entirety of the region. In addition to making sure appropriate funding is provided to the fire companies which the region has worked hard to do since the inception of it in 2016, beginning of 2017. The commission and the township want to make sure there are appropriate next steps that everyone still receives service, and that funding is still being if it works for everyone.*

Peter Doehring (5 Nine Gates Road): *I would just like you to clarify that you do not have any conflicts of interest in this position on the committee whether by birth or by marriage? The reason for my question is that we know this has come up before and as of last year I believe the Township adopted a Code of Conduct that clarified what a conflict of interest would look like, clarified that a conflict of interest would include volunteering for the fire companies and did also clarify that members of immediate family by birth or marriage that conflict would extend to. As the code was adopted last year do you have any conflicts of interest as that code is defined?*

Ratliff: *I did not hear all of Mr. Doehring's questions.*

Gamble: *He is referencing whether you being on the negotiating committee violate our conflicts of interest rubric.*

Ratliff: *I will review the policy that the Board of Supervisors adopted on the Conflict of Interest and the behavior as the State Ethics acts but at this point, I am not in any position where I am providing*

a vote or making decisions. I am working with a group at the permission of the Board of Supervisors to help determine the next steps and offer administrative support.

Gamble: The Board of Supervisors unanimously is very supportive of Eden being a part of this for several reasons. 1. His considerable knowledge of the Fire/EMS situations history. 2. This is more anecdotal; I have found him to be more hawkish in representing Kennett Township than some members of the Board, including myself. Let me state categorically that we will never end up in a situation where our residents are subsidizing the residents of Kennett Borough. We hope that they will find a way to stay in the Commission and some understanding on how they might do that. We are interested in the welfare of a group of people who live wholly within the Township. But at the same time, we are not going to end up in a situation where our residents are supporting, I have my own personal views about Boroughs and their usefulness. Kennett Borough succeeded from Kennett Township in 1855 and has been an interesting experimental all these years. Situations from time to time need to be reassessed. I will emphasize again we will not be supporting in this effort.

Pat Muller (22 Deer Pond Lane): Is the formation of the committee welcomed by the Borough Council and leadership?

Gamble: A year ago when the Borough threatened to leave the Commission, there was a proposal that a committee be formed and headed by Mayor Matt Fetick which would review this. At the last Commission meeting I asked him "What happened?" to his reply, "It was never formed." We find ourselves a year later with no progress made and one has to wonder where everyone has been on this the last year. It is now in crisis sense they have served formal notice, whether it was done in a timely fashion is questionable. I'm not on the Commission but as a citizen I ask myself "Where have they been?" There is a level of frustration that I believe is justified.

Pat Muller: Have they weighed in at all on this committee?

Ratliff: The Borough has their own committee which meets very early to address their financial situation and they welcome the opportunity to meet with the committee of the Commission. Just to clarify the Borough is still a voting member of the Regional Commission and they were in favor of creating this committee as well. I think it is a collaborative working group, and I hope to be speaking for everyone, where we just want to continue to make sure the region is getting professional services.

Jen Samuels (Daily Local News): I am hoping that by being a daughter of the American Revolution, that does not preclude me from asking questions for conflict of interest or nepotism of public service. I wanted to ask if the committee is open to the public? Firefighters have decreased by 85% in the last 20-30 years. As a resident now from Landenberg into Kennett Township at The Flats, I see so often Longwood Fire trucks coming through into the Borough, do you have stats on how many Longwood calls are being answered into the Borough?

Ratliff: That is a great question about the subcommittee. I do not know the answer to that currently. I know they will not be meeting until mid to late August. I do not have the call stats in front of me for the Borough, I know for the region it is pretty busy with Longwood, Kennett and Po Mar Lin respond for the entirety of the region. Every time there is a call for Kennett Square, Kennett Township, East Marlborough and throughout the Commission are answered by both Longwood and Kennett Fire Company.

Stevens: I want to comment on the subject: conflict-of-interest by Mr. Doehring and then followed up by the representative from the Daily Local. The issue on the conflict of interest in the past was based upon state law and reviewed at the state level and the township level. Because of several circumstances that were a part of it were resolved in question in a complicated but complete resolution. I am not aware of any conflicts of interest on Mr. Ratliff's role on the subcommittee. That would violate any of the resolutions adopted by the Board. I certainly would support the

review by counsel and read the charge to the subcommittee. I do not see a conflict of interest arising. I do look to counsel for further investigation.

b. Amy Heinrich – Finance & HR

www.kennett.pa.us/DocumentCenter/View/6612

Peter Doehring (5 Nine Gates Rd.): I was curious, with the construction plan for Chandler Mill changing significantly, is there a plan for reallocating funds to other capital projects within open space?

Heinrich: We are not in an immediate rush to reallocate. There are a couple of ideas for machinery and equipment, cars that are a possibility. As we get into budget discussion it may come up where we end up buying sooner rather than later. We have thrown some ideas out there, but we are not quite there yet. As we go through the budget process, we will look at equipment, vehicles, and capital projects on the priority list.

c. Diane Hicks – Planning & Zoning

www.kennett.pa.us/DocumentCenter/View/6608

Ratliff: I failed to mention at the end of my report that both Amy Heinrich and Diane Hicks celebrated milestone birthdays recently.

d. Ted Otteni – Public Works

www.kennett.pa.us/DocumentCenter/View/6616

Gamble: I noticed the other day someone was out on Kaolin spraying something in a pothole.

Otteni: It's a state road and they have a "one man band" type of machine that cleans the hole, sprays some epoxy in it and then puts some aggregate in it to fill it.

Peter Doehring (5 Nine Gates Rd.): We have a project we are using mulch to protect some of the trees at Anson B. Nixon Park, and we would love to use the mulch from the yard waste. The question is would you separate out the large logs from the rest of the yard waste? We can't use mulch if it has invasives in it. Is that something you would consider?

Otteni: We would have to consider it before the pile gets like the picture in my report. After we reset the pile we can encourage people to put clean woody debris in one area and all the other yard waste in a separate pile. It would be a good use, since it just gets hauled away to offset the cost on what we pay to have the grinder to come out.

Jen Samuels (Daily Local News): How closely are you working with Emergency Management or Public Works in general on the possibility of the next hurricane? We haven't had one in 2 years, but we have received a lot of rain in the last month. Any proactive steps you are taking?

Otteni: I would not say we are taking proactive steps but we are always maintaining our highway facilities and our drainage facilities. I have several years working drainage issues and prevention. An ounce of prevention is worth a pound of cure. When the drainage infrastructure doesn't work the water doesn't go through where it is engineered to go through, it will find a different relief valve. I use the 30 bypass and the drainage inlets have not been cleaned out, so when it rains hard, the 30 bypass becomes a lake. I want to stop my car and get my shovel and clear int inlet. It's 5 minutes of effort. There is only so much we can do in preparation, but I believe in maintaining our infrastructure to be in tip top shape which will go a long way. If you look at Vermont, no engineer could have prevented that.

Stevens: With all the rain that we have had in the last month and all of the storm/flash flood warnings, were there any issues that transpired within the Township and there were not. With all that you have just commented on I want to congratulate you and the department and thank you for keeping the Township in the shape that it is. Please pass along our sincere thanks.

Pat Muller: I notice that when plans come into the Planning Commission they have storm water for the 100 year storm, in your professional opinion should we require a higher level?

Otteni: As engineers we are updating the databases on what a 100-year intensity is- which is making its way though. There is a point of diminishing return when we impose on developers, we are also imposing on the property owner. It drives up the cost of housing in the long run. If we want to fix storm water issues we have to invest in the sins of the past, where there are developments and stores that have zero storm water retention. Townships, state and local governments need to partner with these places and give them some grants that are out there to install something on the property and then turn it over to them to maintain it. Our ordinances are quite strict enough for new storm water infrastructure.

- e. **Matt Gordon – Kennett Township Police Department**
www.kennett.pa.us/DocumentCenter/View/6607

9. Public Comment

John Wilkens (138 Roundhill Rd.): On a positive note, today Mrs. Jean Tennent on Chandler Mill Road had her 100th birthday. Her husband lived until 104. I have also been very concerned with the recent burglaries, so I was very pleased to hear what Chief Gordon had to say. Is there any news on the Chandler Mill trail projects.

Ratliff: The Board authorized to purchase mitigation credits which has to deal with the environmental impact of the project. That is the last step that we need to take to get our DEP permit to put the project out to bid. The Board decided to bid the project from the Whittle/Brewer section to just shy of Oriole and they are going to bid two alternatives: one is on BRC property up to Roundhill and then Roundhill up to the overlook. We have not finalized the bid documents.

Peter Doehring (5 Nine Gates Rd.): This is a follow up comment on the Chandler Mill Trail. There will be one section in the Whittle connector that will end by the road and does not provide any type of connection. The other segment is at the southern end of Chandler Mill but right now those sections are disconnected and there are no plans to connect them. There is no seizing of public land, as Geoff made that perfectly clear where his viewpoint stood. We have not heard from Rich Leff on his viewpoint and Scudder is stepping away. It does raise the question on where the candidates: Republican and Democrat to clarify would they seize the land to support the Kennett Greenway. If neither of them support the seizing of the land then the Kennett Greenway is dead and we need to look at where we can reallocate some of those funds for other projects. I do want to mention that one of the ideas is to create a pathway from BRC parking lot to the overlook- if the goal is to create an accessible path that has minimal environmental impact and is low cost, I would be happy to talk more about that.

Gamble: One more thing I would like to say on the Commission- there is an old Scottish saying, "He who calls the tune pays the piper." And the reverse is true, "He who pays the piper calls the tune." And E. Marlborough and Kennett by far have the biggest contribution in the Commission. One of the proposals that came out of the Borough was a veto power over an increase in the budget. We in our letter that we wrote do not support that. The other two comments would be the creation of a Township medal: one for valor and another for service. It is something we are going to look at the cost so that when people merit it's not just a handshake but something a bit more meaningful. Finally, the last thing I hope we can consider in the future is to get two more flagpoles out front. Somewhat like what New Garden has with the state flag and the Township flag. Any ideas of Township activities, I would like all those to feel comfortable in expressing themselves in the Public Comment portion.

10. Adjournment

Motion to adjourn was made by Stevens and seconded by Gamble. Motion passed 2-0.

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,
Eden R. Ratliff
Township Secretary



July 5, 2023

Via Email Only

Kennett Fire and EMS Regional Commission

ATTN: Cuyler Walker, Chairman

801 Burrows Run Road

Chadds Ford, PA 19317

RE: Notice of Withdrawal of Borough of Kennett Square from Kennett Fire and EMS Regional Commission

Dear Chairman Walker:

I am writing on behalf of the Kennett Township Supervisors concerning the Borough of Kennett Square's notice of withdrawal from the Kennett Fire and EMS Regional Commission. In the final days of June 2023, the Council of the Borough of Kennett Square voted unanimously to withdraw the Borough's membership in the Commission. The Borough's voting delegate to the Commission, Mayor Fetick, was absent from the meeting.

This action of the Borough Council is another development in a long history with the Kennett Fire and EMS Regional Commission. The Borough's engagement over time with the Commission has ebbed and flowed with periods of significant engagement and periods of noteworthy absence. The Commission has served as a mechanism for the region to provide necessary funding to the regional fire companies. In addition, the Commission serves as a forum for the fire companies to review their services, challenges, threats, opportunities, and successes. Pre-dating the Commission, the fire companies met separately with all six municipalities to request funding. As the Borough knows, this was ineffective, unhelpful to the fire companies, and did not allow for long-term planning of funding nor service delivery.

While the Commission itself has processes in need of improvement, it is worth noting some of its successes. In the beginning of the Commission, the commissioners pleaded with the fire companies to work together and improve their relationships. The tension between them was comparable to a localized cold war. Since then, the companies have elected to form a regional command structure where they operate as one regional fire company. This has improved their service delivery strategies, moved toward more efficient operations, and unified services across the region.

In addition, the Commission has continued to conduct and execute studies of services being provided to the region. The 2016 VFIS Study, among other things, recommended that Emergency Medical Service be consolidated to a single provider for cost and efficiency gains. This was implemented in 2021. The apparatus replacement study recommended fleet consolidation and a replacement schedule. The Kennett Township team is advising the Commission on how to fund this recommendation which has majority support from the Commission and the fire companies.

The Borough seems to be relying, in part, on a recent study they commissioned by Fitch Associates to justify its withdrawal from the Commission. It should be noted that this study only evaluated the Borough of Kennett Square and did not look at the needs of the region which are served under a single provider model (regional response

model). The study also has material misstatements which call into question its validity. For example, it says that the Fire Commission does not have an audit, which is not true. It also states that EMS deployment comes from Longwood Fire Company and PoMarLin Fire Company. This is also erroneous as there is no deployment of EMS from PoMarLin, rather, it comes from Kennett Fire Company. It must be said that since the Borough raised the issue of its financial difficulties more than a year ago, a committee was setup under the chairmanship of the Borough to address these issues and failed to do so.

Kennett Township continues to be a supporter of the Commission and the six original municipalities remaining within the Commission to work together to solve common problems and fund required infrastructure. Kennett Township has supported multiple reductions in funding from the Borough to the Commission leading to more than \$150,000 in savings for Borough taxpayers. This support was in recognition of the Borough's alleged financial difficulties and the Township's desire for the region to continue working together.

Kennett Township recommends the following:

1. The Commission should appoint a new negotiating committee to engage with the Borough.
2. The Commission engage in negotiations with the Borough to allow the Borough to rejoin the Commission or otherwise be served by the Regional Fire Company in a manner that is equitable to the Commission and the fire companies.
3. Municipalities being served by the Regional Fire Company who are not members of the Commission or do not provide emergency services mutual aid, should be responsible to fund the full cost for the services they receive from the Regional Fire Company.
4. Any balance of future funding left by the Borough's withdrawal be absorbed by the municipalities and not the fire companies.
5. The Borough be requested to pay its 2023 funding forgiveness amount of \$122,828.98 as it promised to do so.

In response to the three points in the Borough's June 27, 2023, letter:

1. Kennett Township agrees that the Commission should hire and empower a qualified regional administrator.
2. Kennett Township is willing to discuss the merits of an independent fire and emergency services evaluation.
3. Kennett Township will not support amending the agreement of the Commission to require budgets to be adopted unanimously effectively giving one municipality veto power.

In closing, Kennett Township believes the Commission should remain unified in its pursuit to support the fire companies and ensure there is adequate funding for them to provide high quality services. We hope this letter serves as a plan of action for the next steps by the Commission.

Sincerely,



Eden R. Ratliff,
Township Manager