



Board of Supervisors Meeting Minutes

Hybrid Meeting Via 801 Burrows Run Road & Zoom

August 3, 2022

7:00 p.m.

Present: Dr. Richard L. Leff, Chair; Scudder G. Stevens, Vice Chair; Geoffrey Gamble, Esq., Supervisor; Eden R. Ratliff, Township Manager; Amy Heinrich, Finance & HR Director; Diane Hicks, Planning & Zoning Director; PJ Groff, Public Works Interim Director; Matt Gordon, Chief of Police; Solicitor Sander

1. Call to Order

Chairman Leff called the meeting to order at 7:00PM

2. Pledge of Allegiance

3. Embezzlement Recovery Update

There was no update on the Embezzlement Recovery.

4. Executive Session Announcements

Solicitor Sander announced that there were no Executive Sessions.

5. Business Items

a. Consider August 3, 2022, Bill Voucher

Motion to approve the August 3, 2022 Bill Voucher in the amount of \$474,521.78 and to approve total transfers in the amount of \$41,641.20 was made by Gamble and seconded by Stevens.

Motion passed 3-0

b. Consider Eagle Systems Escrow Release No. 3

Motion to release Escrow No. 3 from Eagle Systems Escrow in the amount of \$95,713.18 was made by Stevens and seconded by Gamble. Motion passed 3-0

c. Consider Longwood Gardens Nursery Stormwater Management Waiver

Motion to approve the requested waiver to allow for field changes to the Longwood Gardens Nursery Greenhouse project conditioned upon compliance with open comments of the July 27, 2022, AECOM letter was made by Gamble and seconded by Stevens. Motion passed 3-0

d. Consider Approval of the Amended Preliminary/Final Land Development Plan for Exelon

Recording Began for Zoom Meeting

Motion to approve the amended Preliminary/Final land development plans for Exelon conditioned upon:

- 1. Amended agreements for site improvements, financial security posted in a form acceptable to the Township Solicitor prior to signing of final plans and their being released for recording.*
- 2. Execution and recordation of an agreement addressing helipad use by the Township's emergency service providers is completed prior to any building permit application for helipad construction. *Motion to Amend and remove #2 was made by Stevens and seconded by Gamble.*

Vice Chairman Stevens wanted clarification on what entities were being referred to when speaking in regard to emergency services.

Motion passed 3-0.

e. Consider Injunction for 821 Burrows Run Road

Motion to authorize the Township Solicitor to file an action in equity against the owners of 821 Burrows Run Road, Chadds Ford, PA, (a property in Kennett Township) to obtain compliance with applicable Township ordinances was made by Gamble and seconded by Stevens.

Township Manager Ratliff mentioned that 821 Burrows Run Road is in violation of our zoning code as well as our property maintenance code. The Zoning Officer, Diane Hicks cited 821 Burrows Run Road for several different ordinances such as large construction vehicles, tree removal vehicles. A large nuisance. The violation was not cured by the property owner, so we have gone to the District Magistrate for enforcement. They issued a \$500 fine. In some cases, property owners pay the fine and move on, but it does not solve the problem. We are asking the Board tonight to add another "tool" to the toolbox by having the Township Solicitor file an injunction in which case it would then be mandated the property owner clean up the property. We are not interested in fines; we are looking for compliance. We are not to this point yet; we are just looking for authorization from the Board to take it to the next step of compliance with the property owner if it gets to that point.

Vice Chairman Stevens had a question asking if this was reviewed by Council and if the phrase (an injunction) could be removed.

Solicitor Sander confirmed we can remove "an injunction"

Vice Chairman Stevens was not trying to "split hairs". He just did not want to limit what we could do if we were too specific.

Supervisor Gamble would like the address specified that it resides in "Kennett Township".

Motion Passed 3-0

f. Consider Resolution 2022-14 Chester County Emergency Response Team Articles of Agreement

Motion to adopt the Resolution No. 2022-14 approving the Articles of Agreement for the formation of the Chester County Emergency Response Team was made by Stevens and seconded by Gamble.

Township Manager Ratliff asked Kennett Township Chief of Police Matt to the podium to offer additional comments. Ratliff explained that there are four other municipalities within this team that is through the Chief's Association. The idea is to create this commission and Kennett Township would be a member and Chief Gordon would be the designee to help formalize its existence to help with some of the issues as previously noted.

Chief Gordon explained the CCERT is made up of 27 different police departments throughout Chester County. We only exist under a Memorandum. By coming under a "single umbrella" with the other 27 departments- we then can apply for different grants that we wouldn't normally be able to do if we were a singular unit. We would then share the need of such equipment for example with the other task forces across Chester County which would then make our odds greater for receiving such a grant.

*Chairman Leff asked Chief Gordon to explain the reformation of S.W.A.T which is now CCERT.
Motion passed 3-0*

g. Consider Sage Contract Renewal

Motion to approve the Sage Intacct contract for \$25,261.20 and authorize Amy Heinrich to sign the electronic contract was made by Gamble and seconded by Stevens.

*Township Manager Ratliff clarified this was already budgeted.
Motion passed 3-0*

h. Ratify the Purchase of 2022 Chevrolet Silverado

In the 2022 budget there is \$99,000 allocated for the purchase of a new Public Works vehicle. As everyone knows that now is not the best time to be purchasing a vehicle. This vehicle became available since another municipality backed out, and we wanted to move on this quickly.

Motion to approve the purchase of the 2022 Chevrolet Silverado at the purchase price of \$115,619.00 was made by Stevens and seconded by Gamble.

The truck will be white in color. We are making the delicate decision to transition the fleet to white. It will also have the new seal on it.

Motion passed 3-0

i. Ratify the advertisement of the 2016 Ford Explorer

Motion to ratify the advertisement of Municibid for the auction of the 2016 Ford Explorer was made by Gamble and seconded by Stevens.

Township Manager Ratliff further explained that in March of this year the Board of Supervisors approved for us to advertise selling this vehicle. A bid was accepted in April and the vehicle was sent to Texas in May. Once in Texas there was some confusion as to what the state of the vehicle was in. This was the Township's mistake. We have paid for the vehicle to be returned to Pennsylvania. It is in our possession and now we are now asking the Board to approve the advertisement of it again and not make the same mistake as last time. The confusion was in running hours vs. idle hours (where the vehicle is on but is not moving) and we did not know this at the time.

Motion passed 3-0

j. Consider Resignation of Richard Leff from Kennett Fire & EMS Regional Commission

Motion to approve the resignation of Richard Leff from The Kennett Fire & EMS Regional Commission a role that he currently holds as alternate from Kennett Township was made by Stevens and seconded by Gamble.

With Thanks and appreciation for all you have done was made by Vice Chairman Stevens.

Motion passed 3-0

k. Consider Appointment of Geoff Gamble to Kennett Fire & EMS Regional Commission

Motion to approve the appointment of Supervisor Geoffrey Gamble as an Alternate Voting Member to Kennett Fire & EMS Regional Commission from Kennett Township was made by Stevens and seconded by Leff

Gamble - It's an honor I have not sought but accept with equanimity.

Motion passed 3-0

6. Public Comment

Peter Doehring (Zoom) 5 Nine Gates Road

Commented briefly on something that has pointedly not been discussed here publicly: the proposal by the Borough of Kennett Square in June to withdraw from the Fire EMS commission over continuing concerns about escalating costs and other related issues. (See attached for further explanation)

Vice Chairman Stevens answered Doehring's concerns with the cost we provide. We are only paying a small portion of what it costs to provide Emergency Services we as residents and citizens of the township have grown to expect. And we expect the very best service and very best providers. The Conflict of Interest- the problem has been addressed and is no longer a problem and Eden has recused himself from policy decisions.

Supervisor Gamble asked Doehring to send the comments so he could look it over and Vice Chairman Stevens asked Doehring to send it to all.

Township Manager Ratliff commented that the board and an HR Specialist is drafting a Conflict-of-Interest Policy. I was very hands off in that process that the Board can attest to as they were very hands on.

Cathy Burkett (Zoom) 818 Williams Lane- *Thank you for your action on 821 Burrows Run Road, as our Board of the HOA has been quite concerned with the condition of the property for quite some time. We just had another property sell that has over 3 acres, and everyone is asking if you can just do anything you want on your property in this area. So, I appreciate you trying to follow up with these people and making them comply with our rules in the Township.*

7. Adjournment

Motion to adjourn was made by Stevens and seconded by Gamble. Motion passed 3-0. The meeting adjourned at 7:57 p.m.

8-3-22 BOS comments

Tonight I want to comment briefly on something that has pointedly not been discussed here publicly: the proposal by the Borough of Kennett Square in June to withdraw from the Fire EMS commission over continuing concerns about escalating costs and other related issues. While the Borough ultimately decided to stay in the commission - for now - the episode reminds us of important issues left unresolved.

1. The Borough voiced concerns about escalating Fire/EMS costs. We are now more than halfway through the year - do we know if Fire/EMS costs will increase again this year? Are we just going to wait for an October surprise?

2. This episode reminds us of a conflict of interest that remains unresolved even after hundreds of thousands spent to understand it. For months, we had expressed concerns to the supervisors and then to Blank Rome that the greater potential for Eden Ratliff's conflict of interest lay in his role in advising Kennett Township. Eden claimed throughout that the only conflict of concern was associated with his role advising the Commission. At some point in June, Township supervisors decided they would not join forces with the Borough - we do not know how that decision was made. Any situation in which Eden expressed an opinion to Supervisors about whether the Township should join forces with the Borough, or participated in efforts to gather information that might influence the Township's decision, would be a conflict of interest. Yet when pressed on this issue, Eden has refused to commit to recusing himself from advising the Township on Fire/EMS issues.

3. This episode also blows a big hole in the 6 figure BlankRome review of the ethics issues. When BlankRome presented their findings in April, they claimed that the only conflict of concern arose from Eden's role advising the Commission, and that they could not imagine a set of conditions under which Eden could ever influence a decision by the Township. We disagreed and, barely ten weeks later, those conditions were created. This re-affirms our conclusions that the BlankRome review did not resolve any issues that were not already resolved by the ethics commission, but merely functioned to whitewash concerns about the ethical conduct of Township employees. And since then, we have seen no evidence that the township has taken any meaningful steps to prevent conflicts of interest in the future.

4. The Borough's concerns about the ever escalating costs of Fire/EMS services should also remind us about how the takeover of Kennett Fire by Longwood Fire was originally - and as it turns out - misleadingly - marketed - as a way to save money and increase efficiency. Since then, costs have only increased, and there has been no evidence advanced to support claims that services are more efficient.

5. Finally, my comments are likely to result in someone standing up and claiming that this is yet another personal attack. As I have said before, as citizens, we have the right to raise concerns, and as taxpayers, we have a duty to hold those persons responsible for

the public purse accountable for what public money is spent on. Anyone concerned that my claims are unfounded are free to forward any information to support their position. So far, all of those claiming to have been personally attacked have either failed to forward such information, or have made public claims that proved later to be false or misleading.