



Board of Supervisors Minutes

August 4, 2021 | 7:02 PM

Hybrid Meeting: 801 Burrows Run Rd - Public Meeting Room & 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; Diane Hicks, Planning & Zoning Director; Roger Lysle, Public Works Director; Matt Gordon, Chief of Police; Dave Sander, Solicitor

1. Call to Order

Chair Richard Leff called the meeting to order at 7:02 p.m., explained how this hybrid Board of Supervisors Meeting would be conducted, and offered a COVID-19 update. He requested everyone who attended in person wear a mask and all complied. Hoffman shared a personal COVID-19 story, shared the website www.microcovid.org that features a risk calculator, and cautioned against the Lambda variant that is currently in South Carolina and Texas as well as the potential long term side effects of contracting COVID-19. Stevens again commented on the importance of mask wearing.

2. Township Recovery Update

Ratliff shared that the current continuance date listed on Lisa Moore's court docket is September 13, 2021 and said that as that date gets closer and he gets more information about the case, he will share it.

3. Executive Session Announcements

There were no Executive Sessions to announce.

4. Meeting Minutes

a. July 21, 2021

(www.kennett.pa.us/DocumentCenter/View/4866)

Motion presented by Hoffman to approve minutes from the July 21, 2021 Board of Supervisors Meeting. Seconded by Stevens. Motion passed 3-0.

5. Update from Congresswoman Chrissy Houlahan's Office

Rebecca Aguilera, Constituent Advocate from Houlahan's office briefly shared a brief biography of the Congresswoman. She also said that congressional offices are there to advocate on behalf of the constituents for federal agencies (Social Security, Medicare, IRS, etc.) and encouraged anyone to contact them for help with this. Aguilera shared current success rates in helping local constituents and current legislature Houlahan is working on.

Discussion

- Stephens thanked Aguilera for being here and asked her to give his best to Houlahan. Aguilera added that if anyone contacts the Township (gretchen.flack@kennett.pa.us), they can be put in touch with Aguilera for direct help or they can call Houlahan's West Chester office directly (610 883-5050).
- Hoffman also thanked Aguilera and said she has attended some of the Town Halls held by Houlahan's office and appreciated how fast they responded to questions.

6. Spar Hill Presentation by Lars Farmer, Chair of Kennett Township Historical Commission

(<https://www.kennett.pa.us/DocumentCenter/View/4859>)

Ratliff welcomed Lars Farmer, chair of the Historical Commission, and reminded all that the Township acquired Spar Hill in 2018 and is in the process of planning how to use the property. Farmer proceeded to detail the history of Spar Hill Farm and offered recommendations from the Historical Commission on which structures they would like the Township to save. The slides are available in the link above and you can hear his presentation starting at 13:30 at <https://jumpshare.com/v/QgijwDN6EvqMvryUBmnQ8>. The ultimate recommendation was:

The Kennett Township Historical Commission recommends that a historic preservation consultant be hired by the Township to work with the commission to review the recommendations in this report and develop a final preservation plan for the Spar Hill Farm. The plan would include preservation, restoration, stabilization, mothballing and full and partial demolition of all the existing historic resources within the complex, support for each recommendation, and the associated costs of each recommendation. This would be presented to the Planning Commission for further recommendations to the Board of Supervisors prior to any further conversation about demolition of resources on the farm property.

Discussion

- Leff said this presentation was very useful. He asked what the cement cattle husbandry block used for. Farmer responded it was for making cows. Leff also asked why the cow barn was classified as a Wisconsin cow barn. Farmer said Historical Commission member Karen Marshall classified it as such and Fredda Pennock (Historical Commission member) added that it came from a lecture on barns by historian Seth Hinshaw a few years ago.
- Hoffman clarified that the Emergence Abundance Farming Collective have only been there since 2021, not 2018, and that she is glad they are there and hope they stay for as long as they want to. Farmer said that he wanted to be sure to highlight them as he has been talking to more and more people who say there should be more local/community farming in the Township.
- Hoffman shared some of her ideas for using some of the buildings on the property and asked Farmer if he had any ideas or plans for how to fund these ideas or the recommendations from the Historical Commission. Farmer said that if the space is rented out, that will cover some up-keep costs but there are no plans currently for how to pay to rebuild.
- Stevens commented that originally, he did not see great value in keeping a collection of buildings. He appreciated getting a larger picture that explained the buildings over time, which he thanked Farmer and the Historical Commission for putting together. He said that this presentation along with the PennDOT report (available at <https://www.kennett.pa.us/DocumentCenter/View/4878>) gave him insights into his own historic home built in 1801. Stevens said that there needs to be a vision for Spar Hill and is in favor of an educational vision. Someone probably would not want to come to Spar Hill to see a silo, but they would want to come and see the agricultural history over the past 250 years. He acknowledged that this could take a while but there is no rush as the buildings have been sitting around for 250 years. He supports this recommendation by the Historical Commission. He then elaborated on some of his ideas. He also commented that the feldspar mining, which was an international trade, was a pleasant surprise.
- Leff pointed out that the silo was not mentioned in this presentation and Farmer said that they do want to save the red silo, that there was a slide missing that he would forward along with this recommendation. Farmer also said he liked Steven's idea of setting up a diorama that lays out the history in one of the buildings.
- Fredda Pennock (Historical Commission member) commented that Karen Marshall would be able to provide names of people to help and Ratliff agreed. Pennock also mentioned Seth Hinshaw. She asked if they needed to get an estimate or what was next. Ratliff suggested a good next step would be to compile a list of names, figure out scope of work and costs and bring that back to the Supervisors. While he said it should not take long to do this, there has been no movement forward on the planned demolition of the structures other than budgeting for that. He added that regardless of if the buildings are all demolished or all reused, the Township is interested in environmental remediation (lead paint, asbestos, etc.) so it would make sense to include costs for that as well.
- Farmer asked when the Township would take down the "No Trespassing" signs currently posted at Spar Hill. Ratliff said he would not recommend taking them down at this time as the buildings are currently unsafe. He knows that some residents are using the property, but the Township is working with the engineers to figure out how to mitigate risks and said the Solicitor also advised that the risks be posted.

- Bob Sheedy (947 Sills Mill Rd) asked Farmer if the icehouse has been dated as that can tell a lot about early Quaker settlements. Farmer said that was built in the 1848 era based on the PennDOT report. Sheedy said that he and his wife are not originally from Kennett Township, but they moved here to restore 1725 farm. He said they restored the silo on their farm for about \$18,000 and elaborated on that project. He added that historic communities like Kennett Township are not normal and are dying out and referenced the Cotswolds in England. They moved here from Lancaster for the preserved land and encouraged the Township to continue to preserve to keep this area special.
- Hoffman commented on her experiences with the Cotswolds in England and said that is why the Kennett Greenway and preservation is so important to her here in Kennett Township.
- Joe Duffy (2 Black Rock Rd) commented that the silo is the icon, and while he agrees it should not stand alone, it is like a lighthouse that can be seen from miles away.
- Heinrich asked about the current deed and easement restrictions, if a public-private partnership or a public-non-profit partnership was allowed. She also said the tax exemption status may be impacted by some of these ideas. Sanders speculated that such a partnership for preservation of historical sites and the creation of a museum is certainly possible. Ratliff added that the current deed restriction does allow for a public-private partnership so long as the activities on the property are consistent with the deed restrictions of passive recreation, open space benefits and agricultural benefits. Stevens said we are already doing it at Spar Hill with a non-profit raising vegetables on the property. He said we could work our way around the issue with a lease or other creative ways.
- Heinrich wondered if any of the larger preservation non-profits (Winterthur, Delaware Nature Center, Mt. Cuba) would be interested in extension possibilities at Spar Hill.
- Leff stated that when the Township purchased the farm, they had in mind preserving at least the foundations of the structures being discussed tonight to tell some of the story. He said the question is how much we can preserve, at what cost, and how do we tell the story. He said that while there is no rush to form the vision, there is to remove the “No Trespassing” signs which cannot be done until the buildings are safe. He also cautioned taking on another building when the Pines/Fussell House was preserved with the same idea in mind, yet there is not a non-profit in there yet. Hoffman pointed out that the Pines is listed on the National Register of Historic Places and Stevens said the history of that location is national if not international.
- Ratliff outlined the two issues at hand – how to tell the overall story of the history of the property (which can be discussed at the Committee level) and how to make the property accessible in the short term. He said remediation, in his opinion, is a better use of our limited resources to open the property while we work on a master plan for storytelling. He also thinks more research needs to be done, and he does not want to continue conversations about master planning when there is potentially significant historical information missing.
- Diane McGovern (345 E Hillendale Rd) commented that it costs money to demolish as well as to save so those costs should be compared to see if it is worth the historic value.
- Michael Guttman (14 Nine Gates Rd) discussed the current entrance to Spar Hill, which takes cars near the buildings, saying we are not limited to that entrance. He shared his ideas about connecting the trails to Lord Howe to utilize that parking. He also commented and elaborated on the possibility of getting grants to develop the property and said the focus should not just be on a partner for the buildings, but also partners to utilize the overall property like the current one farming for the food bank.
- Leff commented on the plantings to help repair the riparian buffer. Hoffman added that some of the plantings are a food forest.
- Julia Smagorinsky (Emergent Abundance Farming Collective) commented that they are interested in expanding their operations at Spar Hill and have a lot of creative ideas about how that can be done, including livestock and using the current structures to house them. She asked to be included in the visioning process to help come together with telling a story of the history while also including sustainable farming methods. Leff said other animals besides cows could also be raised there.
- Duffy presented the Supervisors with a piece of feldspar and spoke more about the history of the farming of this product on Spar Hill. He also shared a recommendation from the LCAC. That is attached to the minutes as Appendix A. He said the LCAC stands ready to do whatever they can to help.
- Leff asked if Ratliff would compile a list of people of historic preservation consultants including costs and timing. Ratliff said that he is in support of the LCAC recommendation but there is some scoping that needs to occur first and again said the first step would be to figure out what needs to be done to stabilize the current structures and deal with the environmental remediation. He said this can be worked on with the Historical Commission and the LCAC and then report back to the Board and community.
- Leff thanked Farmer, the Historical Commission and the LCAC and commented on the challenges that arise from owning a property versus simply having an easement on a property. Stevens said that it is not only a challenge,

but it is an opportunity. Hoffman agreed and said that is why it is important to take their time and develop a good plan.

- Nora Sadler (101 Buffington La) commented that she has seen people enter the buildings even with the “No Trespassing” signs up. She said even though the Township is anxious to remove the signs, she warns against it until the buildings are safe.

7. Old Business

There was no old business.

8. New Business

a. Consider August 4th Bill Voucher

(<https://www.kennett.pa.us/DocumentCenter/View/4860>)

Motion presented by Hoffman to approve the August 4th Bill Voucher in the amount of \$210,229.74 and to approve total transfers in the amount of \$142,433.74. Stevens seconded. Motion passed 3-0.

There was no discussion.

9. Supervisors Hearing – Consider Proposed Text Amendment – Medical Marijuana Dispensary

(www.kennett.pa.us/DocumentCenter/View/4864)

Ratliff provided a brief overview of the proposed text amendment for a medical marijuana dispensary in the Township, noting that Planning and Zoning Director Diane Hicks has been reporting about this in her monthly reports and this hearing has been publicly advertised as required by the municipality planning code.

Motion presented by Hoffman to open a public hearing regarding a text amendment. Stevens seconded. Motion passed 3-0.

Solicitor Sander further explained that Eagle Energy Systems LTD filed a petition to amend the current zoning ordinance regarding the language for the distance of a medical marijuana dispensary from a residentially zoned property.

Neil Land, who is representing Eagle Energy Systems LTD, the owner of the property and the sponsor of this petition, explained specifics of his clients proposed amendment and gave details about the Eagle Energy Systems LTD. Land introduced Thomas Trite, owner of PA Options for Wellness, who would be operating the proposed dispensary.

Board Discussion:

- Leff asked if his understanding of the text amendment was correct, which Land confirmed. Leff asked if there are other potential properties that might get developed subsequently. There was discussion of this current location, but Leff pointed out that this amendment would apply throughout the Township and that presumably it would be there before any other properties are built subsequently.
- Stevens referred to comment number four in the letter from Glenn Bentley of the Chester County Planning Commission (available in the link above) and asked what the reasoning was for the language in the original ordinance and what the reasons would be for the Township to change it now. Land answered that he could not speak to the original 250-foot set back and that is not something this text amendment is looking to change. He said the property that is of concern is community open space located across Baltimore Pike and that section is residentially zoned. He said that they have a use permitted by right and looked all throughout the Township for a suitable location. Stevens summarized that by changing the language to reflect that no residential building versus a residentially owned property would be in the 250’ set back, that would meet the needs of this petition. Land agreed and expounded on his theory of the original language in the ordinance.
- Hicks commented that this use is only permitted in the commercial zoning district. She and Hoffman discussed the creation of the original ordinance and some of the rationale behind it, with Hoffman pointing out that there were not a lot of medical marijuana dispensaries around when they created the original ordinance and today there is a lot of information available. Hicks agreed saying they initially erred on the side of caution for the sake of the residents.

- Hoffman expressed her concerns of laws potentially changing in the future to allow for recreational marijuana usage. Hicks explained that a medical marijuana dispensary is akin to a pharmacy compared to recreational which would be likened to somewhere where you can buy cigarettes, so they are two totally different uses. If recreational usage laws come about, then they would have to investigate that.
- Leff asked for information on the other dispensaries owned by PA Options for Wellness. Trite spoke about the locations in Harrisburg, Lancaster, Lansdale, and another coming in Fogelsville. Trite continued to offer information about the history of his company, including being selected by Penn State University College of Medicine as the clinical registrant for medical research. He said that his facilities are a cross between a pharmacy and a physician's office and discussed security.
- Leff asked if the pharmacists determine if the patients meet the criteria. Trite explained the process.
- Trite added that their facilities utilize cameras, and they work closely with local police departments.
- Hicks asked Trite about the relationship with Penn State and Trite elaborated, saying Penn State selected them out of 33 other companies to partner with them in researching a variety of illnesses.
- Leff asked if the Police Chief could offer any comments about the building that will be put in. Sander explained that this public hearing is only for the text amendment, that there is no building proposed yet although would be coming if this is passed.
- Stevens noted that there are very detailed state regulations regarding the building itself that will have to be followed. Sander agreed while Land explained that PA Options for Wellness is extremely familiar with these regulations as they have followed them in their other locations. Trite said that he will meet with the police to familiarize them with the building. Land said they will work with the Township through the land development process to be sure they adhere to ordinances and laws. Ratliff agreed with Land that the land development process would be the best place for the Township staff including police to weigh in on this.

Public Comment:

- Denise Klein (594 E Hillendale Rd) asked how many more Board of Supervisor meetings would occur until this is a done deal. She also said if something changes and recreational use is permitted, she would want the wording to go back through the Township channels for approval as she would not want it to flip flop into recreational with no conversation. Finally, she asked about parking at the dispensary and how many spaces there would be. Land said the parking has not been finalized yet, but the number of spaces will be in accordance with the land development process and will have to be approved by the Supervisors prior to the project moving forward. Sanders addressed her concern of this rolling into allowing recreational marijuana, explaining that the ordinance and state laws currently only allow for medical marijuana dispensaries. Land added that Trite's company only has legal authorization for medical marijuana.

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

Motion presented by Hoffman to grant approval of the proposed text amendment to permit the proposed use as follows: A medical marijuana dispensary shall not be operated or maintained on a parcel within 250 feet, measured in a straight line in all directions, without regard to intervening structures or objects, from the nearest point of a residentially occupied dwelling unit or a parcel containing a public, private or parochial school, or daycare. Stevens seconded. After discussion, motion was amended by Hoffman for the proposed use as follows: A medical marijuana dispensary shall not be operated or maintained on a parcel within 250 feet, measured in a straight line in all directions, without regard to intervening structures or objects, from the nearest point of a residentially zoned and occupied dwelling unit or a parcel containing a public, private or parochial school, or daycare. Stevens seconded the amended motion. Motion passed 3-0.

Discussion

- Land brought it to the Board's attention that the initially proposed motion/text amendment was different than what he had submitted. What he submitted had to do with residentially zoned and occupied dwelling. After discussions between the Board, Hicks, Sander, Ratliff, and Land, it was determined that the correct motion was advertised, reviewed by the Chester County Planning Commission and Kennett Township Planning Commission, and that the motion on the screen contained a typo. Hoffman amended the motion accordingly.
- Land thanked the Supervisors and the Township staff for their work on this.
- Richard Gaw (Chester County Press) asked what happens next and what the public can anticipate regarding when the building gets constructed and when the company move in, etc. Land said that the applicant will need to secure

a zoning permit from the Township, then move forward with the land development approvals, setting up escrows, and eventually construction.

- Denise Klein (594 E Hillendale Rd) asked for clarification as to where this 716 West Baltimore Pike property was located. This was discussed and Klein was sent the link listed above that detailed this agenda item.

10. Public Comment

- Hoffman shared that she had just submitted to the Department of Community and Economic Development for a National Telecommunications and Information Administration grant to help with broadband issues, specifically to install a free 1G WiFi at Anson B. Nixon Park. She also updated the progress of the CCIU grant previously awarded to map the current coverage gaps in broadband and cell phone service, saying that that project is not shovel ready yet so this NTIA grant would help bridge a gap more immediately while that CCIU grant work is completed. Hoffman thanked the following for offering their letters of support for the NTIA grant: Bike Kennett, the Chester County Commissioners, the Kennett Fire and EMS Regional Commission, Longwood Fire Company, Kennett Fire Company, Historic Kennett Square, Kennett Area Community Service, Kennett Consolidated School District, Kennett Township, Kennett Township Police Department, the Borough of Kennett Square, Kennett Trails Alliance, Square Roots Collective, New Garden Township, East Marlborough Township, Longwood Gardens, Representative Craig Williams, Senator John Kane, Representative Christina Sappey, the Chester County Planning Commission, Brandywine Red Clay Alliance, Kennett Library, the Land Conservancy for Southern Chester County, La Comunidad Hispana, the Southern Chester County Opportunity Network, and the Kennett Area Park Authority. She expects to find out about the award for this grant in November. She outlined some of the benefits for the community and said this would not add administrative work to KAPA as the grant would manage that.
- Ben Cordivano (710 W Cypress St) commented via Zoom chat, “I represent Cypress Street Holdings, the owner of 719 W. Cypress St., Kennett Square, PA and can confirm that our property is "mixed use" and does have 3 residential occupied dwelling units. We have concerns that we may be restricted on future use if this zoning language is changed. Would this inhibit our ability for future use? example, daycare.” Hicks answered that his property was measured and the changed text amendment will not affect his apartments. She said that future use should not be limited because it is already listed as a residential use and that in fact, it would have impacted the medical marijuana dispensary not the daycare.

11. Adjournment

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

The meeting adjourned at 9:06 p.m.

Respectfully submitted,
Eden R. Ratliff
Township Secretary

Appendix A

Spar Hill Farm Discussion from LCAC meeting 7/15/2021

Objective: To develop suggestions/proposals for a plan for the future of Spar Hill Farm (SHF).

Background: SHF is a 107± acre historic former farm that has recently been acquired by Kennett Township (KT). Several years after its acquisition, there is a need to develop a long-term plan for SHF that meets KT's objectives to preserve it as open space, protect its historic nature, and do so in a financially prudent manner.

There appears to be general agreement as to the extent of the high protection areas of the property, which include riparian buffers, trail locations, sensitive areas, also the standard protection areas mostly under agriculture. This acreage lends itself naturally to passive recreation. The center core area of 11+ acres contains a number of identified sound historic structures, with various needs of remediation, which can potentially be repurposed. Their preservation and reutilization is important to provide the Historic, Cultural, Scenic/Visual, and Heritage backdrop of a rich farming community dating back to the 1700s. However, KT must find a prudent way to cover both the initial cost of any such remediation/repurposing, and the on-going costs of maintaining these improvements and making them available to the public.

Approach: Instead of trying to develop such a plan on its own, KT could issue an RFP aimed at a broad swath of nonprofits, community-based organizations, sustainable start-ups, etc., who would perhaps be in need of such space, location and facilities as SHF offers. The awarded bidder(s) would be required to repair the structures suitably and to perform modifications as approved under a 'net lease' type arrangement. At the same time, it would be a long-term lease thereby shifting most of the maintenance cost burden onto the tenant who enjoys great space with a very reasonable rent arrangement. As appropriate, KT could cooperate with the winning bidder(s) to obtain various state, county, and private grants to ameliorate costs.

The LCAC stands ready to aid the effort in any way possible.

Respectfully,

Joe Duffy for the LCAC