

**MINUTES OF THE BOARD OF SUPERVISORS
OF KENNETT TOWNSHIP**

**Kennett Township
801 Burrows Run Road
Chadds Ford, PA 19317**

September 4, 2019

Chairman Stevens called the meeting to order at 7:00 p.m.

Present: Chairman, Scudder G. Stevens
Vice Chair, Dr. Richard Leff
Supervisor, Whitney S. Hoffman
Dave Sander, Solicitor
Alison Rudolf, Interim Township Manager

AWARDS/COMMENDATIONS

Officer Juarez-Life Safety Award:

Chief Lydell Nolt presented Officer Juarez with a Life Safety Award with the following presentation:

Officer Juarez, on July 23, 2019 at 0741 hours, was dispatched to the 200 block of Stewarts Lane for a overdose. Officer Juarez arrived at 0744 hours, within three minutes of being dispatched and observed a 23 year old male not breathing, no pulse, blue and cold lying on a couch. Officer Juarez began immediate lifesaving actions, which include the administration of three separate doses of Naxolone and performing CPR. Then upon the arrival of Kennett and Longwood EMS was revived and transported to a local hospital.

Officer Urbany-Commendation:

Chief Lydell Nolt presented Officer Urbany with a Commendation with the following presentation:

On August 3, 2019 at approximately 3:20pm, in the area of Old Kennett Road and Bayard Road, Officer Urbany performed a vehicle stop on a Honda sedan for driving erratically. The initial investigation led to the driver, a 24 year old male from Newark Delaware being a arrested for driving under the influence of a controlled substance. Officer Urbany based upon his training and expertise as a police officer continued his investigation. In the subsequent days, Officer Urbany applied for and executed a search warrant on the defendant's vehicle. Officer Urbany seized over 100 bag of suspected heroin, over 100 hypodermic needles, fentanyl test kits, and various other drug related items. The defendant is being charged with the addition crimes of drug possession with the intent to deliver and related criminal charges for the possession of controlled substance.

Chairman Stevens commented congratulating the officers noting that they make the community whole and thanked all of the officers for the work that they are doing.

TOWNSHIP INVESTIGATION UPDATE

Chairman Stevens presented the following prepared statement on the status of Township Investigations:

Good evening, Everyone.

As you know, we made a commitment to keep you informed about the two investigations currently underway in Kennett Township by the Chester County District Attorney's Office and a forensic auditor hired by the Township.

These investigations are looking into suspicious transactions on Township accounts which came to light in late April of this year.

As you probably also know, all Township employees (including the Supervisors) have been asked by the District Attorney not to discuss any information which might jeopardize the investigations, and to refrain from speculation. We have been following those instructions and cooperating fully in the investigations. What that means is that we are not free to talk about any of the facts or details of this matter that everyone wants to hear about – YET. We all understand that and I appreciate your understanding.

Nerveless, in keeping with our commitment to communicate what we can, we have two items to mention tonight.

First, on the progress of the investigations:

You'll recall that I've reported at each meeting on both parts of the investigation:

The District Attorney's investigation into potential criminal wrongdoing and the forensic accountant's investigation into determining actions which might have been either improper or illegal.

Chief Nolt continues to be in touch with the D.A.'s office as appropriate.

Both investigations are continuing. We have been reminded regularly that these kind of investigations take time – and to be patient.

I do also want to remind everyone again that the timing of both investigations is not under our control, nor is the time when they will conclude and report their findings.

They will tell us when their investigations are complete and what their findings are – and what if any further actions should be taken – not the other way around.

We are waiting to hear their results along with all of you.

Second, I'd like to add an early comment about what happens when the investigations eventually end.

When that time comes (and it is not here yet), we want very much to be able to share with you whatever the public portions of the findings are – and discuss those findings.

We are preparing for that time and how best to discuss and communicate those findings – and what is appropriate for us to do.

Here's one reason why that's so important:

We recognize that even after the investigations conclude that there may be continuing constraints on what we can discuss because of possible future legal proceedings, but we have no specific information about any of that, at present.

That's all I can say about that at this time. My intent here is simply to let you all know that this matter is a priority every day for us as Supervisors and that we will see it all the way through – Including communicating with all of you as we have done from the beginning.

Last, on behalf of Richard Leff, Whitney Hoffman and myself, I would like to thank all our Township staff and all the residents of Kennett Township once again for their continued support and encouragement as we navigate this challenging process.

I will now take questions specifically related to the investigations. We will take questions on other Township business later on in the meeting as we usually do.

Chairman Stevens opened the floor for questions:

Richard Gaw asked the Chairman to define “public portions” part of his statement. Chairman Stevens replied that once this matter is open for discussion, there may be constraints on what can be discussed by the District Attorney as it could effect next steps, Chairman Stevens committed that he will discuss everything and anything allowed by the District Attorney.

Richard Gaw asked if the District Attorney and Forensic Auditor will have separate findings. Solicitor Sander responded that the District Attorney’s office operates separately and the public will likely hear from them directly before hearing anything from the Board of Supervisors.

Thank you for your questions. I'll be glad to answer additional questions personally after the meeting, should you have any.

Now we will return to the Agenda and Township Business.

MINUTES

Supervisor Hoffman made a motion to adopt the minutes from the August 21, 2019 meeting. Vice Chairman Leff seconded the motion. Motion passed unanimously.

ANNOUNCEMENTS

Executive Session Announcement:

Solicitor Sander announced that the Kennett Township Board of Supervisors met in executive session on August 21, 22, 27 and September 4th to discuss personnel matters.

Chandler Mill Bridge Update:

Interim Manager Rudolf reported that the Townships engineer will present an overview of the Chandler Mill Bridge plan, projected timeline, cost estimates at the September 18th meeting.

OLD BUSINESS

No old business.

NEW BUSINESS

Spar Hill Farm Discussions:

Michael O'Brien presented the general recommendations from the Spar Hill Task Force, a group of residents who have been meeting to discuss and provided ideas and recommendations to the Board of Supervisors on what to do with the Spar Hill Farm property.

The following recommendations from the task force were presented:

The general recommended purpose: Township Open Space with primary use to be passive recreation.

- Recommend keeping smoke house (#1 in the Breckstone report) as location for interpretation signage telling the history of the Spar Hill property.
- Recommend that other structures be demolished - assumption is that costs of refurbishing and maintaining are not reasonable for the township to bear and there is no reasonable intended use by the township.(plans for demolition need to be developed for bidding)
- Retain portions of some structures (footprint) including stone walls that retain something about the farm and/or architectural features – examples: features of the farm house, courtyard ruins, the foundation of others, etc.
- Plan out trail network within the site and connect to Lord Howe. Recommend installing trails conducive to bicycling and walking. Evaluate the possibilities of building trails for horseback riding. (Recommend working with the Trails and Sidewalk committee, TLC and Penn Trails to develop a plan).
- Keep farming the property while developing a sustainable land stewardship program.
- When easing the property, keep options open for active recreation possibilities, amenities (restrooms, pavilions, parking) as well as the possibility for alternate energy (solar panels).

The following recommendation from the Historical Commission was reviewed:

- We are unanimous in urging the Township to repair as needed and save the small smoke house near the old farm house.
- Several of our members felt that consideration should be given to saving the circa 1930 grain bin/silo near the farm house. To long-time residents, this structure presents the landmark view of Spar Hill Farm. If the structure is sound enough, perhaps it could be used for displaying farm artifacts & history- a sort of mini museum, which the Historical Commission would install. Or if not safe enough to allow entry, but stable enough to safely stand, to just remain as a visual reminder of the farm.
- If structures are demolished, we also recommend keeping some foundations and ruins (safe-standing remains of walls) which would help establish an image of the farm that once was.

The Board of Supervisors discussed the preservation of the Silo commenting that any goal of saving the silo would need the consideration of serious preservation. Michael O'Brien noted that the Township's Architectural review noted that the Silo appears serviceable; structurally however, it is rusting due to the deterioration of the galvanized coating and while sound, if there is no further functional use, it should be removed.

Elizabeth Curtis Swain commented noting that she is on the task force and the task force reviewed all of the structures and the general consensus was that the silo or other structures except the smoke house should not be kept unless there is an identified use. Elizabeth Curtis Swain also noted that as it pertains to the trails, it is important to connect with other organizations who have trails to learn from them and how their trails on similar properties are used.

Hoffman made a motion to authorize the Township Staff to work with the Township Engineer to develop a plan and bid package to carry out the recommendations from the Spar Hill Task Force as presented that would lead to the ultimate advertising for bids for the work. Leff seconded the motion.

Motion passed unanimously.

Parrish-Whittle North and Pennock Park Trail payment

Michael OBrien presented a payment release request for Stephens Excavating for work they completed on the Parrish-Whittle North and Pennock Park trails as part of the Greenways, Trails and Recreation Program Grant from the Commonwealth Financing Authority. Stephens excavating was the low bidder for this project at \$252,270.00 and came in with a final cost of \$252,475.50. The Townships engineer has reviewed the project and recommends a release of the full amount less a 10% retainage which is \$224,527.95. The Township will be reimbursed 85% of the total construction as part of this grant, \$212,054.18.

Supervisor Hoffman made a motion to approve a payment of \$224,527.95 to Stephens Excavating. Leff seconded the motion.

Discussion:

Supervisor Hoffman commented on the great job the contractor did on this project.

Vice-Chairman Leff commented on the trail surface materials.

Motion passes unanimously.

BlankRome lawfirm engagement letter

Solicitor Sander asked Board of Supervisors to consider the execution of an engagement letter with the law firm of BlankRome as special counsel to handle any civil liability associates with the matters currently being investigated by the Chester County District Attorney's office and the Townships forensic auditors.

Hoffman made a motion to execute an engagement letter with the law firm of BlankRome as special counsel to handle any civil liability associates with the matters currently being investigated by the Chester County District Attorney's office and the Townships forensic auditors. Leff seconded the motion.

Discussion:

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Vice Chairman Leff commented that having this counsel in place allows the Township to be ready once the investigations have reached some level of conclusion and will be in a position to act more expeditiously.

Solicitor Sander commented that this is a critical and proactive step to take considering that the DA investigates criminal behavior but there may be some civil remedies that the Township should be availing itself of, so the Township needs to be prepared.

Richard Gaw asked what type of issues would the engagement with this Law firm would help with. Solicitor Sander responded that this law firm would, if needed, assist the Township recover any funds that could have been inappropriately used or spent.

Motion passes unanimously.

SUBDIVISIONS

None

PUBLIC COMMENT

None

ADJOURNMENT

Supervisor Hoffman made motion to adjourn.

Vice Chairman Leff seconded the motion.

Motion adopted unanimously.

The meeting adjourned at 8:07 p.m.

Respectfully submitted,
Michael O'Brien
Recording Secretary