



Board of Supervisors Meeting Minutes

In Person Meeting Via 299 Starr Road Landenberg, PA

October 5, 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; Ted Otteni, Public Works Director

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

We will defer to the next meeting when the Township Solicitor is back to announce Executive Sessions.

5. Meeting Minutes

a. [September 21, 2022](#)

Motion to approve the September 21, 2022, Board of Supervisor meeting minutes was made by Gamble and seconded by Stevens. Motion passed 3-0

6. Business Items

a. [Consider October 5, 2022, Bill Voucher](#)

Motion to approve the October 5, 2022, Bill Voucher in the amount of \$534,899.63 and to approve total transfers in the amount of \$20,766.77 was made by Gamble and seconded by Stevens. Motion passed 3-0

b. [Consider Eagle Systems Escrow Release No. 5](#)

Motion to approve Eagle Systems Escrow Release No. 5 in the amount of \$115,299.00 as recommended by the Township Engineer was made by Gamble and seconded by Stevens.

Twp. Manager Ratliff briefed all in attendance this is Eagles Systems 5th escrow release. The requested amount to be released from financial security held by the Township for improvements construction per the MPC is \$117,649.00. We recommend this amount be

reduced to address a 90% release for landscaping instead of the requested 100%, as several open landscaping items remain per a September 16, 2022, inspection by TCA. The recommended amount for this release is accordingly \$115,299.00 and remaining in the improvements financial security after this release would be \$49,039.92.

Vice Chairman Stevens asked for clarification on if the recommendation came from the Township Engineer.

Twp. Manager Ratliff replied, yes- it is attached to the agenda packet and is linked online.

Chairman Leff- I am glad they are paying attention to this sort of aspect.

Twp. Manager Ratliff- Yes, I am very pleased with our team and how they are thorough. Although, escrow releases seem somewhat run of the mill, they are not.

Motion passed 3-0.

c. Consider Resolution 2022-15 Record Retention Manual

Motion to adopt Resolution 2022-15 declaring Kennett Township's intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual was made by Gamble and seconded by Stevens.

Twp. Manager Ratliff briefed all in attendance- In 2008 the commonwealth adopted the Records Retention Act. Act 428. The Township is required to keep many files on If you want to dispose of the records you have to get permission from the governing body, and it must be within the accordance of the act. We first must adopt the Records Retention Manual to dispose of the records. Tonight, we are proposing (2) items. 1. We adopt the Records Retention Manual, Resolution 2022-15. I think we may be the only municipality in Chester County that has not adopted the Records Retention Act. And then the (2) item is the document destruction.

Supervisor Gamble asked how long do you keep the records for under the Act? I know there are exceptions.

Twp. Manager Ratliff said that "some exceptions" is an understatement. There are certain records we must keep forever such as land development plans, Zoning Hearing Board decisions, ordinances, meeting minutes, resolutions, both a hard copy and an electronic copy must be retained. When we get into building permits, certain financial records ranges from anywhere from 1 year to 7 years is normal in the finance world, 10 -15 years. It just depends on what we are dealing with. Tonight, we are looking at disposing of building permits during a period of time from 2014-2017 which is 13 boxes.

Supervisor Gamble asked if this Act somehow make it easier to get rid of historical documents?

Twp. Manager Ratliff explained that within the Act there are different sections that go further into historical documents. In my own opinion with that said: anything that we want to get rid of must be approved by the governing body.

Motion passed 3-0.

d. Consider Resolution 2022-16 Document Destruction

Motion to authorize the destruction of the following records as set forth in the Municipal Records Manual was made by Gamble and seconded by Stevens.

RECORDS TO BE DESTROYED:

<u>OFFICE</u>	<u>RECORD TITLE</u>	<u>DATES</u>	<u>FILE SIZE</u>
Planning	Res. Building Permits #14000 – 17299	1/1/2014 – 12/31/2017	13 Boxes

Vice chairman Stevens asked what is preserved aside from the paper? Are any of these recorded with the Dept. of Records? Are we scanning electronic copies of these documents?

Twp. Manager Ratliff stated the Township is the Department of Records with limited exceptions. There are certain things that get recorded with the county or state depending on the nature, ie. Land Development for subdivision would get recorded with the county. We have a program called Laserfiche which we have had for a few years that all records have been scanned into a cloud-based system. However, if something happens and we lost a record, we would still be covered under the Board's action tonight.

Vice chairman Stevens stated we are clearing out the paper.

Richard Gaw (Chester County Press) – The Resolution for the destruction of records, does that pertain to financial records? Let's say all the financial records from 2011-2020 are secure.

Twp. Manager Ratliff- Correct. The financials that we inherited from Spring of 2019 will not be destroyed. Tonight, the Board is authorizing the destruction of 3,299 building permits.

John Wilkens (138 Round Hill Road)- I was very pleased to hear the discussion that although the paper would get destroyed an electronic copy would be retained. Because as you can imagine if you have a house, and something needs to be proved in years to come it would be beneficial. I was hoping that you could put into the motion that the destruction pertains to paper records and that an electronic copy be retained.

Supervisor Gamble asked if the Records Manual itself mandates that?

Twp. Manager Ratliff clarified that it would be inappropriate for myself or any member of the team to take a record, scan it with Laserfische and destroy the paper copy without bringing it to the Board of Supervisors.

Supervisor Gamble stated I think John has a point but might need some more refining than to just amend a motion. Maybe at the next meeting something can be made

Twp. Manager Ratliff stated if the Board wishes to adopt its own Records Retention Manual it certainly can. I think that is what John is driving at, whether he thinks it or not.

Vice chairman Stevens is comfortable with how the motion reads.

Motion passed 3-0

e. Consider Resolution 2022-17 to Repeal Resolution 2006-14

Motion to approve Resolution 2022-17 repealing Resolution 2006-14 which provided the reservation of public sewer capacity was made by Gamble and seconded by Stevens.

Twp. Manager Ratliff - Two weeks ago we reviewed in detail Resolution 2006-14 that at the time allowed for the reservation of sewer capacity. That Resolution says a couple of things that are no longer true. 1. Being the Borough supplying unlimited sewer capacity to the Township, and although we wish that were true today, that is not the case. The recommendation at the lats meeting was to formally repeal Resolution 2006-14. This is the formal repeal that was drafted by the Township Solicitor doing so.

Motion passed 3-0.

f. Authorize the Sale of the 2016 Ford Explorer

Twp. Manager Ratliff recommended the Board take no action on agenda item 6f. which is the sale of the 2016 Ford Explorer.

Motion to table the sale of the 2016 Ford Explorer was made by Stevens and seconded by Gamble. Motion passed 3-0

Chairman Leff commented that if it was a little too fast for everyone, we thought we wanted to sell the 2016 Explorer but have since decided against it for the time being.

g. Consider execution of Falcons Lair HOA Chandler Mill Greenway Easement

Twp. Manager Ratliff explained the project requires obtaining a Right of Way from the landowners who live on Chandler Mill Road for the trail to be built. One of the landowners is the Falcons Lair HOA, which the Township needs a Temporary Construction Easement. When we engaged in conversation with them, they were more than agreeable, some might say enthusiastic to provide the TCE (Temporary Construction Easement) to the Township. Because it is a contract with a monetary value attached to it, it must be approved by the Board of Supervisors. The monetary value attached to this is \$700.00.

Motion to authorize the Township Manager to execute the documents submitted to Falcons Lair HOA for the easement of Kennett Greenway on Chandler Mill Road was made by Gamble and seconded by Stevens.

Motion passed 3-0.

h. Consider re-investment in Pennsylvania Local Government Investment Trust

Motion to approve the re-investment of \$6,473,182.45 from various current bank and investment accounts to new PLGIT accounts following the included schedule.

Finance Director Heinrich further explained that PLGIT is a common investment trust that is used for government and schools. This is a reserve and not the pension. Interest rates have been "0". All interest rates are now approximately 2%. The low average is 2.8% with some being as high as 4%. Which could generate \$220,000.00 in estimated interest. It is insured by the FDIC and it is very safe. It is a recommendation we reinvest and gain some interest on some assets.

Motion passed 3-0

i. 2023 Budget Presentation

Heinrich outlined the process for the upcoming meetings to discuss the 2023 Budget process. The link above contains the slides presented during the meeting. There is a requirement to advertise. The 2023 Draft Budget is extremely tight given large increases in expenses for Police, Fire & EMS along with other inflationary pressures and large capital projects. Reductions have already been made in most discretionary places and we have declined many requests from Department Heads—these cuts will be explained throughout this presentation. The draft includes a half of a mill Real Estate Tax increase (avg \$123 per parcel) which will produce about \$405K in revenue. Funding of our capital needs and projects will require some use of reserves (~429K) and leveraging Open Space maintenance funds and the Open Space loan proceeds not in use. This can work for 2023, however we continue to have challenges covering capital projects in future years

Supervisor Gamble thanked Heinrich & Team for a thorough analysis. Additional comments are attached for inclusion with the minutes.

Vice Chairman Stevens my comments are driven by questions but mirror my colleagues. I am a little surprised by net effect the Fire & EMS portion and am aghast that we must increase our commitments. Although it may be a 32% increase it will be a net 28% increase. Thank you to the staff for a diligent job well done.

Chairman Leff echoed the others. Compared to 40-50 years ago 90% of firefighters were volunteer. If you go across state lines to Hockessin, they have full time paid firefighters run by the county. Efforts take time to come to fruition. There is a decline in volunteers which is what we are currently fighting. Limiting the increase to a ½ mil instead of a 1 mil increase which was proposed. Inflation is the driving factor. This presentation gives us a good basis for the year as a start. Having our own police force is crucial to which our residents expect the high expectations.

Diane McGovern (345 E. Hillendale)

Great job Amy. I am an avid supporter of the Chandler Mill Trail from the beginning. There is a lot of money going into the trail. I know most is covered by grants and the open space fund. It seems to me it would be more important to fund the police pension or put some money aside for potential petitions or the Township Building. I really question the rush to get the Greenway complete whether it can be spread out further s there any way to release pressure on funds or reallocated?

Matt Sabo (805 New Spartan Lane)- I have a question on the Open Space Fund. I would like to know the details before asking my question.

Mark Rybarczyk (108 Viburnum Drive) Kennett Area Park Authority

On behalf of KAPA, we support the move from the General Fund to the Open Space Fund.

Richard Gaw (Chester County Press)

Ms. McGovern stole some of my thunder. But I too saw the same thing, and I have always applauded the Chandler Mill Trail & The Greenway. I ask this question as if I were a person on a fixed income: With the projected budget increase, to those on a fixed income \$123 a year but the Chandler Mill Trail System is spending \$4 million dollars which some people may consider frivolous. I would like the Township Supervisors to respond.

Chairman Leff: We have been talking about this trail and this rant that has been going on for years. And we have to have substantial completion by June, or we lose the \$1.7 million dollar grant. There is a need to proceed with all speed. We have also applied for other grants.

Supervisor Gamble: We are where we are. I was not on the Board when this ship was launched, or I would have done a one-way trail and would have saved all trees ie. Last meeting when Eden discussed with Mr. Wilkens. We are where we are. Your point is well taken.

Vice Chairman Stevens: It is always a pleasure to have you here Richard because you go right to the core issues. We have been talking about this trail in one state or another for longer than I have been on the Board for which is approximately 12 years. We have invested in the concept. It is not simple, and we are committed to the process. We are committed in what the community wants to invest in.

Richard Gaw (Chester Country Press): For a Township who is so committed to Public Safety, why are you not pushing 5-Points Intersection down the road like a pebble more than doing the trail?

Vice Chairman Stevens: We are committed but there are certain things that have to happen first in order to not lose the grant money.

Nora Sadler (101 Buffington Ln.): Aren't the grants specifically designed for specific. There is money and a grant that will be utilized for 5 Points. The money for the trail can not be used for 5 Points.

Twp. Manager Ratliff: You are correct Nora. We have two grants. One for Chandler Mill and one for 5 Points. He is asking why the Township is focusing on the Chandler Mill Trail instead of pushing out 5 Points Intersection.

Ted Otteni (Public Works Director): People wants parks & recreation. Parks and Rec. increases property value, therefore the current homeowners will recoup the money.

Heinrich went through the Open Space Fund

Open Space Earned Income Tax (EIT) is expected to come in at \$1.018M, outperforming 2021 by \$58K (6.5%) and 2022 Budget by \$50K Open Space EIT is generated by only Township residents. Note that General Fund EIT is running 2% below 2021; this indicates that those that live in Kennett Township are increasing compensation faster than those that work here but do not live here

Matt Sabo (Environmental Advisory Committee): This was only to be used for Open Space Preservation. When this was first proposed it was voted on in a May election and people were really upset about it. What is the maintenance plan?

Twp: Manager Ratliff: For example, the mowing of Spar Hill, the gravel to pavement over Barkingfield.

Matt Sabo: It is literally maintenance on Open Space, not for roads etc. I advise that you spell out what the legally defined uses are for and be very sensitive to the fact that, there are many people in this community from 20 years ago when this was passed and there was a lot of controversy. Be very careful and sensitive to what the funds are being used for.

Diane McGovern (345 E. Hillendale): It was not clear to me in the package what would be left in the Open Space Fund after the \$1 million and the \$300,00 Maintenance costs. I am wondering if a great property came up in 2023.

Twp. Manager Ratliff: We have a list of properties from the EAC that we are working with.

Heinrich: We are making sure we have sufficient funds. It comes to roughly \$2 million dollars

7. Public Comment

Nora Sadler (101 Buffington Lane): I wanted to talk about some of my concerns with the Chandler Mill Trail Greenway Project, which I am very much in favor of. Concerned with the large number of trees that will be removed. The removal of big trees then gives way for more invasive species that will overtake the area. I am wondering if there is a maintenance plan for the greenway.

Twp. Manager Ratliff: The Township is putting together an extensive Maintenance program that will be done by the Public Works Dept. Every tree that is being impacted by the trail has been inspected by an independent arborist.

Matt Sabo: EAC wrote a memo to the BOS after the last EAC Meeting listing all the details and meetings that were with the consultants and the EAC. There might be a disconnect between the details of those who are working very hard and are normally "in the weeds" every day with the trail and the community at large. We suggested a period for engagement to have feedback.

Diane McGovern (345 E. Hillendale): The Chandler Mill Open House is on Saturday, October 8, 2022, from 1pm-4pm to look at the plans and offer comments.

8. Adjournment

Motion to adjourn was made by Gamble and seconded by Stevens. Motion passed 3-0. Meeting adjourned at 9:07PM

2023 Kennett Township Budget

G. Gamble Remarks

2022-10-05-1900

New Garden Township Building

- Amy, thank you for your presentation and my thanks not only to you but to Eden and Dina for the hard work you have done putting the draft Budget together.
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- You have done a great job of making it both understandable and providing detailed information to support it.
- The Draft and the charts supporting it are, at first a bit overwhelming, so I want to focus briefly on a couple of points:
- As Amy said, Police make up 36% of our total budget expenditures. Fire and EMS make up 16%, and Public Works 13% - that totals 65% of our overall budget.
- If we look at 2023B vs 2022B we see an increase for the Police of 26%, an increase in Fire and EMS of 28%, and we are pretty much flat on Public Works.
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- The sticker shock on these increases is, at first glance, breathtaking.
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- But in going through the numbers, I think there are some reasons.
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- My overall conclusion is that we have very little choice as a practical matter.
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- May of us believe that the Commonwealth of Pennsylvania is controlled by unions who have cemented in pro-union laws that not even a jackhammer could break up.
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- Insofar as the Police are concerned, we have no choice but to comply with pension and other obligations imposed by law.
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- Many during my campaign a year ago asked me why we have a Police department at all? What not go back to using the State Police?
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- My answer is two-fold
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- One is that I think we have an outstanding Police Force, competency and personnel-wise, and it is in the best interest of our Township to maintain it at present levels
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- Secondly, I am advised that it is indeed possible to get rid of all of them, but the legally imposed separation obligations would cost upwards of \$9 million, so our total 2023 Budget would go from \$11 million to more than \$20 million.
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- Turning to Fire and EMS, I ask myself why is this increase almost double the current rate of inflation.
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- I think the answer lies partially in the fact that the cost of emergency equipment and medications has risen far more than the consumer price index. An economic fact of life.
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- Looking at page 6 of the Draft Budget, I see that the Proposed Tax Increase for the Township is 1/2 of a mill.
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- In dollars and gets this means the average Township implied house market value of \$625,000, which currently generates a tax of \$617, would go to \$740 - an increase of \$123.
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- In other words, as Amy said, an increase of \$10 a month.
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- I don't know about you, but my school real-estate taxes are 10 times what I pay the Township. It stands to reason that that budget should get ten times the scrutiny. Hope it does.
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- As for County taxes, I confess that I do not know what they do for us.
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- I am anxious to hear from our fellow Kennett residents on their ideas and suggestions as to how we approach the 2023 Budget.

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- But I have to say, if we want an adequate level of public safety and protection from criminals, thieves, and drug dealers,
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- if we want an adequate level of fire protection for our homes and businesses
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- if we want effective and timely emergency medical attention for our loved ones and for ourselves,
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- if we want our roads plowed in snow and our streets properly maintained,
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- there is a price to pay.

- Let me conclude by saying that in the year I have been a Supervisor, I have found the Township staff, led ably by Eden, to be excellent.

- I have found my fellow Supervisors, with whom I have worked week after week, to be dedicated and fiscally responsible. They are Democrats, but nobody is perfect.

- Again, I congratulate the Township Finance Department for the Budget drafted in these difficult times.