



801 Burrows Run Road
Chadds Ford, PA 19317

BOARD OF SUPERVISORS MEETING via ZOOM MINUTES

June 3, 2020
7:04 p.m.

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 and Zoning Director; Roger Lysle, Public Works Director; Matt Gordon, Acting Chief of Police

1. CALL TO ORDER

Chairman Leff called the meeting to order at 7:04 p.m. and explained that due to the impending thunderstorms, the agenda order was going to be altered to accomplish the necessary action items before power was potentially lost. He also addressed the Township email that was sent reporting the current COVID-19 cases. Kennett's cases continue to rise, so he urged everyone to continue to follow the guidelines of masks and distance for their protection and for others, as this virus can be passed on unknowingly. PPE donations are still appreciated and helpful. Leff also mentioned the nation-wide peaceful demonstrations and the unlawful rioting by opportunists. He commended on the peaceful protest that occurred in Kennett Square, which was organized in conjunction with the Kennett Square Police Department. Leff also thanked the Kennett Township Police Department, who helped coordinate that event appropriately and the peaceful demonstrators who want to make a more perfect union and improve our way of governing for everyone fairly and equally.

Vice Chair Hoffman added that additional COVID-19 testing occurred at Kennett Area Community Services in cooperation with the Chester County Health Department last Friday and would be occurring this coming Friday. No prescription is needed, and it is free.

Supervisor Stevens reported on the current COVID numbers in Chester County. He echoed Leff's sentiment to continue to be safe and take precautions. He reminded all to keep proximate distance (at least six feet), but to continue social embracing. Keep apart but be sure to love and support each other because being alone in this time is what is really deadly beyond the virus itself. He also advised all to use care with the incoming storms and high winds.

**There was a brief pause as two of the three board members lost power and dropped from the Zoom meeting.*

2. TOWNSHIP RECOVERY UPDATE

Ratliff reported that there was no real update at this time, that they are still working the various insurance angles. The trial date has been set for the former manager for June 8, 2020 and District Attorney William Judge has been assigned to prosecute the case. It was advised to expect that date to be extended, likely due to the discovery process and other legal matters – all of which are a normal part of this process. Ratliff does anticipate additional information from the DA's office through our recovery attorney, BlankRome before the next meeting.

Discussion:

- Hoffman commented that while it is frustrating this takes so much time, it is out of our control at this point.
- Richard Gaw (Chester County Press) asked to confirm the date and time, to which Ratliff answered June 8, 2020 however, that is likely to change. Ratliff did not know the time.

3. EXECUTIVE SESSION ANNOUNCEMENTS (ACTION ITEM)

Hoffman announced that the Kennett Township Board of Supervisors met in executive session on May 27, 2020 regarding personnel.

9. NEW BUSINESS (ACTION ITEMS) (*Agenda order was revised due to weather)

a. Consider June 3, 2020 Bill Voucher in the Amount of \$39,018.51

(<https://www.kennett.pa.us/DocumentCenter/View/4049>)

Motion presented by Hoffman to approve the June 3, 2020 Bill Voucher in the amount of \$39,018.51 with total transfers equal to \$657,835.68. Stevens seconded amended motion. The motion was passed unanimously after the following discussion.

Discussion:

- Leff reported that the Township is now paying the bills twice a month to help spread out the payments.

b. Consider Master Service Agreement with Biohabitats

(<https://www.kennett.pa.us/DocumentCenter/View/4047>)

Motion presented by Hoffman to approve the Master Service Agreement with Biohabitats, which appoints them as the Township's Trails Engineer for the Kennett Greenway, and which has been reviewed and approved by Township counsel. Stevens seconded the motion. The motion was passed unanimously after the following discussion.

Discussion:

- Stevens was pleased that this was reviewed and approved by Township counsel.
- Leff reminded everyone that the terms of this agreement were discussed at the prior meeting (May 20, 2020).
- Hoffman added that she is impressed by Biohabitats and feels they will serve the Township well.

4. HISTORIC KENNETT SQUARE SMALL BUSINESS RESPONSE FUND

Nate Echeverria of Historic Kennett Square (HKS), and the joint Economic Development Director for Kennett Township and the Borough of Kennett Square, gave a report on a new initiative designed to help local Kennett small business owners. All of the details of this Small Business Response Fund can be found online at:

www.kennettsbrf.com.

Discussion:

- Hoffman asked how people can donate if they would like to contribute. Echeverria directed all people to the "Donate" page of the website listed above. Donations can be made online via PayPal or a check can be mailed to Historic Kennett Square with "Small Business Fund" in the check memo (and added that checks are preferred).

- Stevens commented that he is pleased that the community has pulled together to offer this impressive program with Historic Kennett Square leading the charge.
- Leff reiterated that this is for any business in the Borough or Township that is consumer facing.
- Richard Gaw (Chester County Press) asked how much the fund has raised since the program has gone live. Echeverria answered \$100,000, which includes the matched funds. There are others who have committed, but not donated yet; they are not included in that \$100,000.
- Leff asked how long they will be accepting donations. Echeverria said they will be accepting donations for the first round until June 12th. They will continue to accept donations after then, but they will most likely go towards a second round of dispersals.
- Ratliff added that the Township has this information available on the Kennett.pa.us website as a News Flash. He also added praise to HKS for their work on this opportunity for local businesses who are struggling. Echeverria will report back to the Board of Supervisors in July for a full Economic Development report, including data about where the grants went.
- Heinrich asked if the non-profit KAU Little League would qualify for this program. Echeverria answered that only non-profits that operate like a store front, such as the Kennett Senior Center Book Store, would be eligible.

5. MEETING MINUTES (ACTION ITEM)

Motion presented by Hoffman to adopt the revised April 15, 2020 meeting minutes. Stevens amended the motion to include adopting the revised May 6, 2020 minutes as well. Hoffman seconded the amended motion. The motion passed unanimously after no discussion.

Discussion:

- The Board expressed their appreciation in making the edits that were suggested at the last meeting.

6. DEPARTMENT HEAD REPORTS

a. Eden Ratliff, Township Manager:

Ratliff provided updates on the Township's position on reopening the office considering Chester County's upcoming move to the Yellow Phase on Friday, June 5th, the Chandler Mill Bridge conversations regarding pedestrian versus vehicular traffic, the upcoming projects at Spar Hill Farms property, and the Red Clay Stream restoration currently in process at Anson Nixon Park. The full report can be found at www.kennett.pa.us/DocumentCenter/View/4058.

Discussion:

- Stevens made a general comment regarding his preference that the Township keep communications focused on the website before social media as he believes the website has a better chance of reaching more of the community.
- Hoffman agreed with Stevens, that important information should be disseminated via email and the website but added that quick and transient information can be communicated effectively over social media.
- Hoffman asked if Ratliff knew when the Board of Supervisors meetings would return to in-person at the Township building. Ratliff replied that he has been discussing this with the Chair, who makes the final decision. Leff added that due to the challenges of requiring public engagement and the continued concerns for the safety of the staff and public, Zoom meetings will continue to be conducted for a while.
- Ratliff commented on the Township's website and communications in general, noting that there is not one dedicated person who focuses solely on communication, but rather it is a shared responsibility. He also pointed out the improvements that have been recently made to the website and agreed that it is a challenge to balance the demand for social media.
- Heinrich reported that Township posts on Facebook are visible on the Township Website.

- Richard Gaw (Chester County Press) asked via Zoom chat “if there is a scheduled grand reopening of the bridge for socially distant attendees.” Ratliff answered that Township is working to figure all of that out and once we have information, we will send it out to the press and community.
- Sue Giancola (604 Peacock Lane) asked/commented via Zoom chat: “Will safety issues on Chandler Mill Rd be addressed? I had sent an email to Eden. My concern is that due to the closing of the bridge, Chandler Mill is used for recreation and it was not meant for that purpose — which makes it dangerous for those who use it for recreation and for drivers who still need to use that road. I also had other concerns in my email, specifically around traffic in the area due to developments approved by the township and the bridge closure.” Ratliff summarized the email conversation he and Ms. Giancola have been having, adding that currently internal conversations are underway with the Public Works, Police, and Planning and Zoning Departments as the Township seeks a balance between vehicular traffic and those who see Chandler Mill Road as a recreation destination.
- Sue Giancola (604 Peacock Lane) also offer the following comments via Zoom chat: “I wanted to say that I REALLY appreciate Whitney’s FB updates. And I disagree with Mr. Stevens that social media is not as effective as the website. I agree with what I believe Eden was saying — the website is good when someone needs to look for information. Push messages through social media is more effective for keeping residents informed on an ongoing basis.” Leff thanked her for sharing her comments.
- Leff added that the Township will be keeping Chandler Mill Road in conversations, especially as Biohabitats have just been brought in to help figure out trails in that area, to address safety and the balancing of motorists and non-motorists.

b. Amy Heinrich, Director of Finance/HR

Heinrich reported that the Township is experiencing an impact to Earned Income Tax due to COVID and filings being delayed, while Real Estate Tax and Transfer Taxes remain strong and unimpacted. Her department will continue to monitor this. The Finance Department will be working to forecast everything for 2020 and look for additional ways to save given these potential revenue impacts from COVID. The Township is preparing for the 2019 audit, which was designed to be later in the year due to the state of the fraud last year; the forensic accountants and investigators were only interested in the money that left the Township, not how money had been transferred between accounts, which is what Heinrich has been working to make sense of. COVID is also delaying this as the auditors need to come into the office for on-site work. The switch to the new general ledger system, Sage Intacct, is underway with September 2020 as the target implementation. The new staff in the Finance Department have been very helpful moving projects forward. The Township is still delayed in sending out sewer bills, but they are very close to getting them out. The full report can be found at www.kennett.pa.us/DocumentCenter/View/4050.

Discussion:

- Stevens offered his appreciation for the work of both Heinrich and Ratliff, for the progress they have made and their professionalism, which was started by [interim Township Manager] Allison a year ago. Their efforts have allowed the Township to begin to come together in a way that should bring comfort to the citizens and himself as a Supervisor.
- Hoffman added her appreciation as well for Heinrich.
- Leff echoed the sentiments of appreciation, adding that 2020 has been a year of transition for many reasons, including COVID.
- Lori Stewart (543 Bayard Rd) wanted to know how to access the financial report, to which she was instructed. Heinrich added that they can also be added to the Financial section of the website in addition to the Public Meeting Documents.

c. Diane Hicks, Director of Planning and Zoning

Hicks reported that the Planning and Zoning Commission met via Zoom in May to review ongoing submission for Kennett Gateway and Enterprise. The Codes Department issued 18 building and zoning permits in the month of March and while the reviews were performed during the month of April, no permits were issued. There were 36 permits issued in May, and the permit reports are available as part of the complete Planning and Zoning Report, found at www.kennett.pa.us/DocumentCenter/View/4043.

Discussion:

- Stevens asked for clarification on the sign permit issued for “park” on Merrybell Lane. Hicks explained that they were informational signs issued to TLC for properties that are run by TLC. Stevens wanted clarification that “park” was not an abbreviation but rather referred to an actual park. Hicks confirmed.
- Hoffman commented that she appreciated Hick’s reporting of the permits and listing them out the way she did.
- Ratliff commented that Hicks has led the County by the way she handled her departments, the receptionist, and all of the restrictions that came from COVID including the complaints that came with those restrictions. Hicks added her thanks to the residents for their patience throughout this time.

d. Roger Lysle, Director of Public Works

Lysle reported that the mowing season has begun, gave an update on the repairs to the Ashford Sewer Plant, and recent work at the Spar Hill property to make it safer. Lysle reported on the Yard Waste Lot grinding, a Parish Trail repair, and explained PECO’s procedures for opening the roads after the strong windstorm took down many limbs and power lines. He thanked sign company ETC, who donated a message board for the COVID testing site at Longwood Gardens South Lot. The Chandler Mill Bridge was set back in place May 13th, the deck was poured, and the fence railings have been installed. After they pave the aprons up to the new deck, Lysle will be returning the concrete barriers to both ends of the bridge to prevent cars from driving onto it. They will remain in place until a permanent gate is installed. They began installing new cross drainpipes on Norway Road, and there will be temporary road closures while they are installed over the next week with signs posted for the detour. The full Public Works report can be found at www.kennett.pa.us/DocumentCenter/View/4044.

Discussion:

- Hoffman asked if there was any update on when the dog park would reopen. Lysle replied it will remain closed due to COVID. Ratliff added that a decision would be made by the end of the week and will circulate that decision. The concern is that the area is small and social distancing will be difficult to monitor. Hoffman offered her concerns of social distancing and suggested signs might help.
- Stevens commented that State Line Woods, which has remained open, has had a phenomenal number of people visiting causing parking problems. Even though TLC in writing, in person and through signage has asked people to maintain proximity distancing of six feet, wear a mask, keep their dogs on a leash, people are not abiding. He added that until Kennett Township is ready to come up with specific standards/rules that they are ready to enforce, he does not think it wise to open Barkingfield.
- Leff clarified that people can still walk with their dogs on a leash at Barkingfield, they just cannot go in the small, fenced in areas.
- Ratliff added that Lysle has taken advantage of those closed, fenced in areas to reseed so that when they open, they will be in great shape.
- Lori Stewart (543 Bayard Rd) commented via Zoom chat: “I agree with Scudder based on my observation living next door. They use the dog park as a place to meet and socialize. I think it will be difficult to monitor.”

e. Matt Gordon, Acting Chief of Police

Gordon will provide the monthly report on incidents at a future meeting. It was agreed upon by Leff that the annual report is more important, given that the monthly information provided in the Board Packet did not show anything out of ordinary. The monthly report is available to the public at www.kennett.pa.us/DocumentCenter/View/4045.

7. KENNETT TOWNSHIP POLICE 2019 ANNUAL REPORT

Acting Chief of Police Matt Gordon presented an extensive report on the Kennett Township Police Department (KTPD) for all of 2019, the first complete year the department provided police services to the residents on a 24/7 basis. This presentation highlighted the current staff, community involvement, department assessments and comparisons with other similar departments, statistics for the past three years of crimes and traffic citations, biased police statistics and a police vehicle report. The public was encouraged to view the report in its entirety online and

concluded with the reminder to always call 911 when anything suspicious is observed, not the Township building. The full report is available at www.kennett.pa.us/DocumentCenter/View/4046.

Discussion:

- Leff thanked Gordon for his report and commented that the Township is fortunate to have a Police Department who engages the community and respects the public because the public respects them back.
- Stevens commented that he was disappointed the section on the Mission Statement and Values of the Kennett Police Department was not mentioned in Gordon's presentation tonight, though is in the full Annual Report. Stevens said that the values listed there (accountability, integrity, honesty, compassion, and tolerance) are important and he is glad that the Police Department takes them seriously and publishes them so everyone knows who they are, and so the KTPD knows we know. He also commented on the difference between race and ethnicity for the biased policing section, that we are all the same race with different ethnic characteristics. Stevens said this report was an outstanding effort and it reflects an outstanding police force and he is proud to have been with the police department from its inception.
- Hoffman thanked Gordon for the thorough report. She asked about why the numbers were down last year compared to 2018. Gordon answered it was probably a reporting anomaly, and that his officers do not think that the numbers will stay down. He did say that he was grateful for those lower numbers considering the few officers he has. Hoffman also asked if the lower numbers of traffic accidents for March of 2020 were due to COVID and if there were other similar trends that he has seen due to the pandemic. Gordon said that he and the Manager discussed what might happen and as the pandemic continued; there were an increase in domestic issues, alcohol abuse, and disturbances but not as many as he thought there would have been. Gordon also mentioned one suicide but was grateful there were not more considering the effect of the pandemic on mental health. Overall, there was an uptick in things they were expecting, but a downtick in some of the more serious things.
- Ratliff added his thanks to Gordon and the Department for their work on this report and said that the Township is planning on filling the two vacancies in the Police Department to bring them up to nine officers. Ratliff also addressed Stevens's comment regarding biased policing, stating that it was important to note that the number of arrests proportionately matches the population of the Township which speaks to a lack of biased policing. Gordon agreed and believes it is important to show these types of sensitive statistics to ensure policing is as fair as possible.
- Ratliff also discussed the difference between a reactive department that is running from call to call and a proactive department that evaluates the needs of the community. He asked Gordon if he felt some of the lower crime statistics were a result of being a reactive department. Gordon said absolutely and explained how by making one arrest, that one officer is occupied with the paperwork and procedures of that arrest and therefore not available on the street. Ideally there would be at least two officers on duty at once to allow one to remain available. Ratliff stressed to the board the desire and importance for the police department to be able to work from a proactive approach. Gordon also added that as construction increases in Kennett Township, their need to be proactive will increase.
- Hoffman agreed and added that the police officer's time is also engaged in situations where they wait for EMS services.
- Stevens discussed further the amount of officer time that can be required for one single case with the hearing process. One event can draw down on an already strained police department, allowing for less time for that office to be available to care for the people on the streets.
- Lori Stewart (543 Bayard Rd) said via Zoom chat: "I want to thank Sgt and the PD for their hard work. I know this does not apply to our police force, but given the current national crisis, should we be proactive and schedule a review of the Use of Force Policies to show good will and be ahead of the curve? I'm very grateful for all they do!!" Gordon ensured her that this has already been done. As soon as the incident [involving George Floyd's death] occurred, he emailed their current Use of Force Policy to all officers and had them respond once they reviewed and understood it. They also referred to and sent out information to the officers from the online PoliceOne Network, a national website designed to help officers respond to crises. Gordon noted that most of the website's suggestions were things the KTPD was already doing and had been doing for a number of years. The KTPD is well versed on positional asphyxiation and excited delirium, and their policy is once handcuffs are on, the defendant is up and moving or sitting in a vehicle. Gordon suggests they move the suspect out of the crisis site to remove any emotional responses. If there is any sign of injury, EMS is immediately called every time, including any time a taser is deployed. Even if the suspect refuses treatment, it is offered to them. The KTPD also

files Use of Force Incident Reports, which are reviewed annually due to the limited severity of instances. Gordon stated that nationally, after all the bridges that had been built were destroyed, we need to rebuild them, and he appreciated Ms. Stewart's good comment.

- Leff commented that even though Kennett does not have a dense population of a city, KTDP was the first police force in Chester County to get body cameras to help document everything. He also spoke to the training that is involved. Gordon added that the officers are made aware of what is going on in the police world with multiple daily reports from the state of PA, Chester County and Delaware at their role call at the start of each shift.
- Clara Vasquez (550 Rosedale Rd) stated via Zoom chat: "I work for Domestic Violence Center of Chester County. Our numbers did not fall. We had an increase in hotlines, requests for service, LAP assessments. Additionally, our clients who have a questionable status, were very much in fear to report to their local police departments." Gordon agreed and said that his earlier statement of a lower number of calls referred to calls across the board, not just for domestics. He acknowledged that Kennett's domestic reports had declined but understood why due to the victims feeling trapped in close quarters.
- Richard Gaw (Chester County Press) echoed the sentiments of the citizens and colleagues who spoke earlier. He asked in light of the events in Minneapolis, the resignation of one KTPD officer, and the reported need to fill two vacancies, if the KTPD is considering hiring an officer of color as they do not currently have an officer of color. After confirming that Mr. Gaw was referring to potentially hiring an African American officer, Gordon said that yes, it was a strong consideration, however those candidates did not make it through the process. Gordon said he feels KTPD is representative of their community and they are always looking to be as diverse as possible. Ratliff added that the Township's hiring process follows many of the Civil Service guidelines, even though not required to as a second-class township. The scoring-based process is very objective, there is an independent review board, and diversity is valued a part of that.
- Gaw commented on the Black Lives Matter protest that was held in Kennett Square Borough and said a lot of the comments he heard from those who marched had to do with overall police hiring practices. The consensus he heard was that the four individuals responsible for the murder of George Floyd should not have even been hired in the first place. In light of that and given the national calling out of all police departments across the nation to make changes, Gaw asked Gordon if there was any consideration to revamp hiring practices. Gordon commented first on the act itself, stating that it was murder pure and simple, and then added that he cannot judge whether the four officers should have been hired in the first place. Gordon added that there is onus on administration who allowed Officer Derek Chauvin to remain on duty after a record of three prior officer-involved shootings and multiple complaints against him. He said as administrators, it is important to find out where their officers are mentally to avoid a "them versus us" mentality, where the officers feel isolated and that the public and administration is against them and to avoid post-traumatic stress. Gordon added that the police profession does not look at and evaluate the effects of policing on their members, that a psychological evaluation is done at the time of hiring, but nothing beyond that. Gaw stated that while he does not believe the police system is broken, he heard from those in the Borough who feel that it is, and it is a situation where the actions of a few speak louder than the actions of those who are doing things right (like Gordon and Kennett Township). He asked if Gordon felt lumped into this morass of indecency. Gordon replied that to the people who do not know them, perhaps, but the KTPD has worked hard to build bridges in this community. Small unit tactics will help overcome this.
- Hoffman commented on the value of community policing that is built upon trust. Leff added that if the thousands of interactions the KTPD have with the community are multiplied by the thousands of police departments around the country, those stories do not often make the press. These events tend to happen more frequently in certain areas, and that is a challenge the national government should be addressing. Leff said that acting chief Gordon will be addressing it as best he can for Kennett Township.
- Gaw thanked Gordon for his candid answers and wished him nothing but success in the future.
- Gordon commented on the role of the accreditation manager, which was put into place prior to him becoming interim chief and allows the KTPD to be measured against other departments to ultimately become the best they can be.
- Gaw asked if the Township had begun the process of interviewing for a permanent police chief. Ratliff acknowledged that as a good question and said he would have more to report on that at the next meeting.
- Clara Vasquez (550 Rosedale Rd) commented via Zoom chat: "Thank you Chief Gordon and to each of your officers!! We love working with your department."

8. OLD BUSINESS

- a. None

10. PUBLIC COMMENT (**Agenda order was revised due to weather*)

- Hoffman commented that she hopes the community continues to stay safe as more things open, to continue to wear a mask in public and maintain physical distance but not social distance from people in our community.
- Leff thanked everyone who participated tonight and who wanted to learn more about Kennett Township.
- John Haedrich (268 Kennett Pike) followed up on the Brandywine Scenic Byway situation, stating that on May 20th he sent the Township answers to a list of questions the Brandywine Scenic Byway Commission had received about their application to become a National Scenic Byway. He discussed the issue of signage for this initiative and asked if there were any follow up questions or if there was an update. Ratliff thanked Haedrich for his and the Commission's work and stated that he will be sending along a signed letter of support by the end of the week. Haedrich is thankful for Kennett's support and thinks it will join in with three other local township's support.

11. MOTION TO ADJOURN

Motion presented by Hoffman to adjourn. Stevens seconded the motion. The motion was passed unanimously with no discussion.

The meeting adjourned at 9:22 p.m.

Respectfully submitted,
Eden R. Ratliff
Township Secretary