



Board of Supervisors Minutes

April 20, 2022 | 7:00 p.m. | Hybrid Meeting Via 801 Burrows Run Road & Zoom

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

1. Call to Order

2. Pledge of Allegiance

3. Embezzlement Recovery Update

There were no updates to provide.

Public Comment: Richard Gaw, Chester County Press asked how much money the Township has been returned to date. Ratliff said \$2,706,828.56 has been recovered to date.

4. Executive Session Announcements

The Board met in Executive Sessions on April 13, 2022 to discuss matters of personnel.

5. Meeting Minutes

a. February 2, 2022

www.kennett.pa.us/DocumentCenter/View/5546

Motion to adopt the February 2, 2022 Board of Supervisor meeting minutes was made by Gamble and seconded by Stevens. Motion passed 3-0.

6. KACS Presentation

www.kennett.pa.us/DocumentCenter/View/5547

The presentation on a proposed Land Development Plan by Joe Riper, solicitor of Kennett Area Community Service and Tom Schreier of Hillcrest Associates can be downloaded and watched here: <http://jmp.sh/G2buV8q> starting at 6:55. The Board will likely be taking action as to if KACS can join AQUA at the next meeting.

7. Public Hearing

a. Open Space Parcel 62-4-144.3 (901 Sills Mill Rd., Kennett Square, PA)

www.kennett.pa.us/DocumentCenter/View/5566

Solicitor Sander shared the following introduction prepared by the Township's Open Space Counsel:

Kennett Township has, as part of its Comprehensive Plan, adopted an Open Space Network Plan and has adopted an Open Space, Trails, & Parks Master Plan and Needs Assessment (the "Open Space Plan"). These plans, recommended by the Kennett Township Planning Commission and adopted by the Board of Supervisors of Kennett Township, identify certain real property in Kennett Township for open space uses. The properties that are the subject of the public hearing this evening are identified as open space resources in the Open Space Plan.

The Township has advertised notice of a public hearing to provide persons affected by the Township's proposed acquisition of open space property interests with the ability to provide public comment on the proposed acquisition. The proposed acquisition of open space property interests involve the following properties:

901 Sills Mill Road, Kennett Square, PA 19348.

Chester County UPI 62-4-144.3 (the “Montgomery Property”).

The open space property interest to be acquired and the proposed open space benefits which are designated by the Township for the Montgomery Property are set forth in the proposed Conservation Easement referenced in the public notice and available for public inspection at the Township Office. The open space benefits to be acquired in the Montgomery Property are generally described as the conservation of the following resources: water resources, forest and woodland resources, soil resources, scenic resources, and ecosystems resources. The open space benefits are described in detail in the proposed Conservation Easement.

251 Old Kennett Pike, Kennett Square, PA 19348.
Chester County UPI 62-7-97 (the “Miller Property”).

The open space property interest to be acquired and the proposed open space benefits which are designated by the Township for the Miller Property are set forth in the proposed Conservation Easement and Trail Easement referenced in the public notice and available for public inspection at the Township Office. The open space benefits to be acquired in the Miller Property are generally described as the conservation of the following resources: water resources, woodland resources, natural habitat resources, soil resources, scenic resources, and ecosystems resources. The open space benefits are described in detail in the proposed Conservation Easement. The open space property interest in the Miller Property also includes the open space benefit of a public recreational trail, as set forth in the proposed Trail Easement.

Following the public hearing the Board of Supervisors may take action on the acquisition of the open space property interests. In the event the Township acquires the open space property interest set forth in the respective Conservation Easements and the Trail Easement, the Township shall add said interest to its repository of records of interests in real property acquired in accordance with the Open Space Act. In addition, the Township shall provide the school district within which the real property is located a copy of the recorded Conservation Easements.

Motion to open a public hearing regarding Open Space Parcel 62-4-144.3 (901 Sills Mill Road, Kennett Square, PA) for a proposed Conservation Easement was made by Stevens and seconded by Gamble. Motion passed 3-0.

Abbie Kessler, Executive Director of the Land Conservancy of Southern Chester County (TLC), provided an overview of this proposed Conservation Easement.

Public Comment: Denise Waters asked how much money will be awarded for this Conservation Easement and how long it would take to connect this. Ratliff and Kessler responded.

Motion to close the public hearing regarding Open Space Parcel 62-4-144.3 was made by Stevens and seconded by Gamble. Motion passed 3-0.

Motion to authorize execution of the Conservation Easement for Parcel 62-4-144.3, authorize any member of the Board of Supervisors and/or Secretary to execute required documents, and provide compensation in the amount of \$77,893 made payable to Barbara Montgomery in order to acquire the open space benefits was made by Gamble and seconded by Stevens. Motion passed 3-0.

b. Open Space Parcel 62-7-97 (251 Old Kennett Pike, Kennett Square, PA)

www.kennett.pa.us/DocumentCenter/View/5567

Motion to open a public hearing regarding Open Space Parcel 62-7-97 (251 Old Kennett Pike, Kennett Square, PA) for a proposed Conservation Easement and Trail Easement Agreement was made by Stevens and seconded by Gamble. Motion passed 3-0.

Abbie Kessler, Executive Director of the Land Conservancy of Southern Chester County (TLC), provided an overview of this proposed Conservation Easement and Trail Easement Agreement. Gamble expressed his concerns over the location of the proposed trail easement and Kessler explained the rationale for its current placement. The Board discussed this lengthy process and potential screening options that could be available in the future for neighbors.

Public Comment: Neil Land, attorney on behalf of the Robert and Denise Waters whose property abuts the Miller property, presented his concerns with this proposed trail easement and asked that the Board allow more time to give his client's time to consult experts of their own and present those to the Board. Land provided photos of his client's property for the Board present in person to view.

Bob Waters expressed his frustration about this trail going in his backyard and questioned why he was not included in these discussions. He also commented about a past break in at his property in which he feels the intruder accessed their property from behind. He requested more time to allow for him to ask his experts about this. Stevens and Kessler responded.

Gordon Winey asked who makes the determination on the location of the trails. Kessler reported that the Miller family made the decision. Winey commented that the proposal as it stands now is unacceptable to the neighborhood and asked how to negotiate the location of the trail. The Board and Kessler said it is up to the property owner (the Millers). Ratliff clarified that this discussion tonight was about if the Board wanted to fund this easement; discussions about the trail design would happen in the future once the trail is developed, which is not expected for several years. Winey concluded by commenting on the total indifference shown by Leff about the neighbor's unhappiness with this and asked for a delay.

Denise Klein asked if there were extra financial benefits to have both a conservation easement and a trail easement on a property. Kessler explained the difference was minimal, but funders will not fund as much without a public benefit, which is currently synonymous with public access.

Nancy Hewes, whose property abuts the Miller property and who is in favor of conservation and trails, does not feel the burden enforcement of the trail use and buffering should be the responsibility of the neighbors. She asked if the environmental or safety committees have reviewed this and asked why TLC is tying the hands of the Millers as to where this trail can go. She questioned how much this cost and said now is the time to bring everyone together to work this trail out instead of waiting 10 years and start doing it in the open rather than continue to do it in secret.

Whitney Hoffman said that if public money is being used, there should be public access and asked how the neighbors would feel if instead of a trail, 25 houses abutted their property, adding that she has to deal with people on Route 52 seeing into her home.

Andrea Small commented about the unfortunate view into the neighbor's homes from where the trail would go. She asked when conversations began again. Leff responded December 2020 for the Township and Kessler said before that for TLC. Small asked if the Township had any input in where the trail would go and Ratliff said the Township's trails consultants reviewed the proposed trail easement for feasibility purposes only. Small commented that it was unfortunate at best, unconscionable at worst, that the Supervisors did not engage the neighbors during these discussions to benefit the quality of life of the Miller family while taking away the quality of life for the other residents on Starvegut Lane. She argued the benefits of moving the trail 150 feet away from the property line.

Denise Waters asked what Mr. Miller was being paid for this easement. Kessler said ~ \$1.7 with about 44% coming from the Township.

Kessler stated and elaborated on how the trail has shifted from the first time this was presented and said it bisects the woods by using an existing path. Hewes said it is not necessary to enter the wooded area at all and added that Hoffman bought her home on a public road, whereas she and the other neighbors did not.

Peter Doehring congratulated TLC and the Township for this negotiation and feels this will be a benefit to the Township. He then shared his experiences of other trails in relation to safety.

Lori Stewart asked for clarification on the amount the Millers would be paid. Ratliff clarified that it was ~ \$1.7 million.

Diane McGovern commented that she enjoys having Barkingfield Park in her backyard, so it is not all negative.

The Board shared their final comments with Leff and Stevens supporting it and Gamble not due to the lack of involvement from the neighborhood.

Motion to close the public hearing regarding Open Space Parcel 62-7-97 was made by Gamble and seconded by Leff. Motion passed 3-0.

Motion to authorize execution of the Conservation Easement and Trail Easement Agreement for Parcel 62-7-97, authorize any member of the Board of Supervisors and/or Secretary to execute required documents, and provide compensation in the amount of \$1,444,579 made payable to Jane Miller Heritage Limited Partnership, to include \$633,150 of the County grant which will be reimbursed by The Land Conservancy of Southern Chester County within 30 days, in order to acquire the open space benefits was made by Stevens. Motion seconded by Leff. Motion passed 2-1 with Gamble dissenting.

8. Business Items

a. Ratify the PSATS Voting Delegate

Motion to ratify the Pennsylvania State Association of Township Supervisors (PSATS) Voting Delegate from Richard Leff to Scudder Stevens was made by Gamble and seconded by Stevens. Motion passed 3-0.

b. Consider the Release and Hold Harmless Agreement

Motion to approve the Release and Hold Harmless Agreement as presented to the Board and to authorize the Township Manager, Eden Ratliff, to execute the agreement made by Stevens and seconded by Gamble. Motion passed 3-0.

c. Ratify the Advertisement for Open Space Hearing for Parcels 62-4-144.3 and 62-7-97

www.kennett.pa.us/DocumentCenter/View/5548

Motion to ratify the authorization of the advertisement for the Open Space Hearings for Parcels 62-4-144.3 and 62-7-97 was made by Gamble and seconded by Stevens. Motion passed 3-0.

d. Consider April 20, 2022 Bill Voucher

www.kennett.pa.us/DocumentCenter/View/5549

Motion to approve the April 20, 2022 Bill Voucher in the amount of \$153,392.96 and to approve total transfers in the amount of \$22,720.77 was made by Gamble and seconded by Stevens. Motion passed 3-0.

Heinrich noted that this Bill Voucher did not include the amounts from the Open Space Hearings.

e. Consider Ordinance 295 – Police Pension Amendment for Advertisement

www.kennett.pa.us/DocumentCenter/View/5550

Motion to consider for advertisement Ordinance 295, amending the Police Pension Plan was made by Gamble and seconded by Stevens. Motion amended by Gamble to approve for advertisement Ordinance 295. Stevens seconded the amended motion, which passed 3-0.

f. Consider Brandywine Battlefield Heritage Interpretive Sign Contract

www.kennett.pa.us/DocumentCenter/View/5551

Motion to approve the Agreement for Services for the Brandywine Battlefield Heritage Interpretive Sign Contract as presented and to appoint the Township Manager as the Municipal Representative to execute the agreement made by Gamble and seconded by Stevens. Motion passed 3-0.

Public Comment: Denise Klein, member of the Historical Commission reported that they have partnered with TLC who have given permission to place the sign on their property at the preserve on Chandler Mill. She said the cost of the sign is covered by a grant, but the Township will be responsible for installing the sign and that the wording of the sign was provided by historians. Karen Marshal, also of the Historical Commission, thanked the Board and noted a celebration they were invited to on June 22nd surrounding this project. She also said there was a slight risk that the Township would owe a small amount due to inflation and material costs that have risen since this grant was issued two and a half years ago.

g. Consider Resolution 2022-10 – Smith Property Sewer Planning Module

www.kennett.pa.us/DocumentCenter/View/5552

Motion to adopt Resolution 2022-10 for the Smith Property Sewage Facilities Planning Module was made by Gamble and seconded by Stevens. Motion passed 3-0.

h. Consider Resolution 2022-9 – Committee Chairs

www.kennett.pa.us/DocumentCenter/View/5553

Motion to adopt Resolution 2022-9 concerning Township Committee Chair appointments was made by Gamble and seconded by Stevens. Motion passed 3-0.

Public Comment: Richard Gaw, Chester County Press, asked when this would go into effect. Ratliff said January 3, 2023 as part of the Township's Reorganization Meeting. Gaw asked if the one Chairperson this affected would continue to serve as Chair until then, and if they could remain on the Committee as a member. Ratliff said yes.

9. Department Head Reports

Due to the time, the Board elected not to have the Department Heads present their reports, as they are and have been available online.

- a. **Eden Ratliff – Administration**
(www.kennett.pa.us/DocumentCenter/View/5554)
- b. **Amy Heinrich – Finance & HR**
(www.kennett.pa.us/DocumentCenter/View/5555)
- c. **Diane Hicks – Planning & Zoning**
(www.kennett.pa.us/DocumentCenter/View/5556)
- d. **PJ Groff – Public Works**
(www.kennett.pa.us/DocumentCenter/View/5557)
- e. **Matt Gordon – Kennett Township Police Department**
(www.kennett.pa.us/DocumentCenter/View/5545)

10. Public Comment

There were no public comments.

11. Adjournment

Motion to adjourn was made by Gamble and seconded by Leff. Motion passed 3-0.

The meeting adjourned at 9:29 p.m.

Respectfully submitted,
Eden R. Ratliff
Township Secretary