



Board of Supervisors Meeting Minutes

Hybrid Meeting Via 801 Burrows Run Road & Zoom

July 20, 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; PJ Groff, Public Works Interim Director; Matt Gordon, Chief of Police; Solicitor Sander

1. Call to Order

Chairman Leff called the meeting to order at 7:00PM

2. Pledge of Allegiance

3. Police Promotion Ceremony

Chief Gordon thanked the Board of Supervisors and introduced Chaplain Annalie Korengel to bless everyone for the ceremony. Corporal Wenrich & Detective Juarez were sworn into their new offices. Chairman Leff declared a brief recess of 5 minutes.

Chairman Leff brought the meeting back to order at 7:16PM

4. Embezzlement Recovery Update

There was no update on the Embezzlement Recovery.

5. Executive Session Announcements

Solicitor Sander announced that there were no Executive Sessions.

6. Meeting Minutes

a. June 15, 2022

Motion to adopt the June 15, 2022, Board of Supervisor meeting minutes was made by Gamble and seconded by Stevens. Motion passed 3-0

7. Business Items

a. [Ratify July 6, 2022 Bill Voucher](#)

Motion to ratify the July 6, 2022, Bill Voucher in the amount of \$89,170.84 and to approve total transfers in the amount of \$44,790.37 was made by Gamble and seconded by Stevens. Motion passed 3-0

b. Ratify [Brandywine Battlefield Heritage Interpretation and Connectivity Plan](#)

Motion to ratify the letter explaining the Board of Supervisors approval of the presented Brandywine Battlefield Heritage Interpretation and Connectivity Plan was made by Gamble and seconded by Stevens.

Township Manager Ratliff clarified that there are updates that the BHICP are doing. The BHICP have asked all participating municipalities to continue their involvement.

Motion passed 3-0.

c. Consider [July 20, 2022, Bill Voucher](#)

Motion to approve the July 20, 2022, Bill Voucher in the amount of \$235,001.92 and to approve the total transfers in the amount of \$116,825.01 was made by Gamble and seconded by Stevens.

Motion passed 3-0.

d. Consider [Resolution 2022-11](#)- CFA MTF Grant Application for 2022 as recommended by TSC

An overview of the project/application was made from Township Manager Ratliff that the Trails and Sidewalks Committee is recommending the Township submits this Grant Application to help with Construction costs that have since increased. The grant amount is \$1.5 million dollars and would marry with the other grants for this project from back in 2016. The current budget is \$5.5 million dollars.

Motion to adopt proposed Resolution 2022-11 authorizing a \$1,500,000 grant application for the Kennett Greenway on Chandler Mill Road was made by Stevens seconded by Gamble.

Chairman Leff reiterated this is just an application process and would make since if we can acquire more finds for the project, to move forward with the application.

Public Comment (Audience): Chris Berken 818 Williams Lane

Is there a matching amount of funds that the Township would have to contribute if awarded the grant? What is the amount?

Township Manager Ratliff explained that if the grant was not awarded to the Township, the Board plans to complete this project, so we would incur this cost regardless. We will be putting the construction bid out in Fall of 2022 with the plan to begin in Spring 2023 per receiving all the permits required from the Commonwealth to begin construction.

Christina Norland (Audience): Executive Director of the Trails & Sidewalks Alliance

I am here to comment on the public's support behind this project and how it is a community project. I have letters of support here with me today. The grant will provide (4) key objectives of the project. There are numerous supporters here tonight and some would like to bring letters forth to you Dr. Leff. All letters will be submitted with the grant application. Christina read a few additional comments in support of the Greenway Project who could not be in attendance tonight.

Louis Tovar (Audience) Chair of the Advisory Commission of Latino Affairs for Kennett Square

All in support of the Grant Application and the upcoming projects that are forth coming.

Peter Doehring (Zoom) 5 Nine Gates Road

A copy of the questions will be forwarded for inclusion in the minutes verbatim.

Whitney Hoffman (Audience) 105 Beech Lane Chadds Ford- Kennett Township Resident & Former Supervisor

Concerned that Mr. Doehring has already cost the Township \$250,000 in legal investigations- it's his obstruction of nature since the beginning of the Greenway project. Chairman Leff asked if Ms. Hoffman would be in support of the grant application, to which she responded she is absolutely 100% in support of the grant application.

Supervisor Gamble made a comment about Mr. Doehring's concerns for the project are well taken but I do not see anything that he said that would prevent me from going forth with the grant application.

Chairman Leff commented that in any anticipated expenses, we do all we can to obtain this grant that that would only lower the future costs for us: Kennett Township & Kennett Township residents. I appreciate all that have come forward and written letters.

Motion passed 3-0

e. Consider [Resolution 2022-12](#) – Bird Town

Township Manager Ratliff- Kennett Township is a Bird Town. Several years ago, the Board along with the Pennsylvania Audubon Council came together and adopted a resolution that distinguished Kennett Township as a Bird Town. That council is now under new leadership and are asking all current members to adopt Resolution 2022-12 indicating their continued support and enthusiasm for birds.

Gamble had a question in these initiatives no issues protecting bird, there are no further tree hugging

Township Manager Ratliff- This resolution would require us to take no further action from what we were already doing.

Motion to adopt proposed Resolution 2022-12 adopting initiatives to be recognized as a Pennsylvania Audubon Bird Town was made by Gamble and seconded by Stevens.

Public Comment: Richard Gaw (Chester County Press)

Supervisor Gamble did I hear you refer to tree hugging environmentalists as crazy? To which many environmentalists are here in this room tonight. Would you care to elaborate? I would not care to expand upon it. It is still under consideration. I Am however in favor of a clean environment for ourselves and out children. I sometimes find philosophical things that can go into excess just like with any other cause that is out there. And it was to those which I was referring to.

Motion passed 3-0

f. [Resolution 2022-13](#) – National Night Out

Chief Gordon and his Team will be hosting National Night Out. All those participating in National Night Out have been asked to adopt a resolution. It will be at Anson B. Nixon Park- Fire Companies will be there, live music, refreshments, food and games for the kids.

Motion to adopt proposed Resolution 2022-13 proclaiming Tuesday, August 2, 2022, as “National Night Out” in Kennett Township was made by Gamble and seconded by Stevens.

Motion passed 3-0

g. Consider [Revisions to Bayard Meadows HOA Declaration](#) (Time Stamp 50:51)

Township Manager Ratliff asked Solicitor Sander to give a brief overview.

Solicitor Sander invited Mr. Toll from the HOA to describe the situation:

Mr. Toll from the HOA: Township provide written approval to every single amendment with a few exceptions to the Declaration. It’s the view of the Association and the Board that the Township has no interest in several of the amendments that the Association is looking to amend, and they are interested in proceeding without the Township’s approval when the Township has no interest in certain instances. For example, the Township has no interest in the approval of certain measures for Architectural Control or voting procedures etc. However, they do believe the Township may want to have rights of approval over specific interests, such as storm water management, woodland protection and open space protection.

Vice Chair Stevens suggested that instead of “approve the proposed revisions,” he would be happy to second the motion if it was changed to “Accept the proposed revisions.” He did not believe that the Board that the authority over the HOA.

Solicitor Sander reviewed everything, and he suggested “approve” however, we can use the word “accept”.

*Motion to **accept** the proposed revisions to the Bayard Meadows Homeowners’ Association Declaration was made by Gamble and seconded by Stevens.*

Motion passed 3-0

h. Consider [Eagle Systems Escrow Release No. 2](#) (Time Stamp 1:03)

Motion to approve the Eagle Systems Escrow Release No. 2 in the amount of \$49,685.26 as recommended by the Township Engineer was made by Stevens and seconded by Gamble.

Motion passed 3-0

I. Consider [Kennett Gateway Townhomes & Kennett Gateway Apartments Escrow Releases No.3](#) (Time Stamp 1:04)

*Motion to approve the Kennett Gateway Townhomes and Kennett Gateway Apartments Escrow **Releases** No. 3 in the amount of \$104,314.00 and \$41,276.00 **respectively** as recommended by the Township Engineer was made by Gamble and seconded by Stevens.*

Vide Chairman Stevens has some minor edits to the motion which are highlighted above.

Motion passed 3-0

j. Consider [Stonehouse Escrow Release No. 16](#) (Time Stamp 1:06)

Motion to approve Stonehouse Escrow Release No. 16 in the amount of \$30,975.00 as recommended by the Township Engineer was made by Gamble and seconded by Stevens.

Motion passed 3-0

8. Department Head Reports

a. Administration – Eden Ratliff (Time Stamp 1:11)

https://www.kennett.pa.us/DocumentCenter/View/5741/8a-Dept-Head-Admin_0722

b. Finance & HR – Amy Heinrich (Time Stamp 1:28)

https://www.kennett.pa.us/DocumentCenter/View/5742/8b-DePAT-Head-FinHR_0722

c. Planning & Zoning – Diane Hicks (Time Stamp 1:15)

https://www.kennett.pa.us/DocumentCenter/View/5743/8c-Dept-Head-Report-PZ_0722

d. Public Works – PJ Groff (Time Stamp 1:19)

https://www.kennett.pa.us/DocumentCenter/View/5744/8d-Dept-Head-Report-PW_0722

e. KTPD – Matt Gordon (Time Stamp 1:26)

https://www.kennett.pa.us/DocumentCenter/View/5745/8e-Dept-Head-Report-KTPD_0722

9. Public Comment (Time Stamp 1:32)

Chris Burkett (Audience) 818 Williams Lane-

I am interested to know within your current timeframe for the Chandler Mill Road Greenway Project where you are in the permit process. Does the term Small Projects make any sense? There are certain projects that require a combined Army Corps. & PA-DEP Permit and for smaller projects the Army Corps bows out of that process and delegates their authority to the PA-DEP which makes it a much more streamlined process and a much less expensive process, and I am wondering if some of this has to do with the disturbances you have in wetlands and flood plains as a retired Engineer.

Township Manager Ratliff commented that there is a significant amount of permits we are required to obtain due to the significance of the project and I do not have that list of permits memorized or in front of me at this time. However, yes- there are combined permits that we are required to submit with the Army Corps and the PA-DEP.

Mr. Burkett commented that the timeline is unrealistic in 2023 and maybe I can come back in a year and reference this. put this on the record.

Jim Mercante 1216 Delpa Drive Landenberg/New Garden Twp.

We are doing a digital equity project that involves digital literacy and training/ translating everything into Spanish because that is all they could understand. As you consider different things; website or agendas or other certain things is up to your discretion, but without that translation, people who might be interested in that sort of stuff can't understand. I would caution you as to not just automatic translations, when we were translating our technical terms, they were not translated very easily. You need to figure out what makes sense to translate and what doesn't because it does make a big impact on the Spanish community.

Peter Doehring (Zoom) 5 Nine Gates Road

I will forward a copy of these comments to be submitted with the minutes. It is a continuation of the comments made earlier on the Greenway Project.

Vice Chairman Stevens publicly asked Mr. Doehring what he would propose they do for the Greenway instead without completely undoing what they currently have established.

Mr. Doehring responded with insights and is prepared to show documentation of all that was discussed. See time stamp 1:46 for the response on Zoom media.

Chairman Leff commented to the effect of "Paralysis by Analysis" stating we have had many public discussions on this project in which case sometimes Mr. Doehring would say "The trail is too wide; the trail is too narrow." I am still waiting to hear something concrete on how to make this a better trail.

Diane McGovern (Zoom) 345 Hillendale Rd

Commenting on the Chandler Mill Road Project & the Cost: We are all aware of the rising cost estimates that keep going up. I was wondering if there is a trigger point where the cost hits a certain level, and we must do a referendum to get the public to approve the expenditure?

Solicitor Sander – The answer is no.

Ms. McGovern asked a follow up question: Why was there a referendum for Open Space?

Solicitor Sander- That was the case to Levy Additional Millage devoted specifically to the acquisition of Open Space. Funds for open space for the Township. It was the initial requirement in order to levy that tax in addition to your normal real estate tax. Now that the project is proceeding as planned there is no need for a referendum to spend money for the project

Ms. McGovern- To the extent that other municipalities would be using the trail since it will have connections to Kennett Square etc. Is it possible to fundraise with these other entities and not have it all fall on Kennett Township

Chairman Leff commented this is the reason why we plan to submit the \$1.5 million Grant Application- as it is statewide and would cross over other municipal boundaries, which gives it a strong enough case.

Joe Duffy (Zoom) 2 Black Rock Road

Would like to know the nature of the sewer issue with Kennett Borough that involves a lot of legal bills that keep leading the taxpayer dollars dry (my words). Are all the taxpayers paying for these bills with this sewage dispute. Because many others and I have a private septic system- which I pay to maintain etc. Is the cost being shared by all residence and why is that?

Township Manager Ratliff responded: General taxes do not pay for Sewer legal bills. Legal bills for the sewer issues are paid from the sewer fund.

Mr. Duffy asked a follow up question: Is there any cooperation going on between the Borough and the Township as far as resolving these long running sewage problems?

Township Manager Ratliff- The sewer challenges are ongoing. The relationship is cooperative, and both the Township and the Borough are committed to resolve.

Peter Doehring (Zoom) 5 Nine Gates Road

Follow up comment to Joe. There were funds that were reallocated last year as far as long-term capital planning. Did any of the funds that were reallocated into the Sewer Fund.

Township Manager Ratliff commented that there were no long-term capital funds that were reallocated.

10. Adjournment

Motion to adjourn was made by Stevens and seconded by Gamble. Motion passed 3-0. The meeting adjourned at 9:03 p.m.

Questions posed prior to vote on resolution to submit new \$1.5M application

On paper, the proposal looks compelling. But what this proposal leaves out is concerning. My first concern centers on critical information about the true costs, and the true outcomes that are left out. Here are just a couple of critical questions left unanswered

- 1) What is the total cost incurred by the township to date for the Chandler Mill section, and what would this be if the remainder of this project is to be funded? Each of these grants that we have received and that we seek includes a commitment for a local match. No information is provided about how much in local funds have already been spent, and how more more must be committed. I expect that these local costs continue to represent the single largest discretionary expense incurred by the township, expenses that continue to crowd out other possibilities. For example, we are still paying off a \$3M loan we incurred to purchase Spar Hill years ago, yet Spar Hill remains closed to the public because of a lack of money. I suspect that we could open Spar Hill with the local funds we are being asked to spend on this section. .
- 2) Which parts of the trail - if any - would be usable once the \$3M has been spent? This proposal seeks another \$1.5M before long overdue plans to spend the rest of the previous \$1.7M have been finalized. The proposal says nothing about So KTA is asking us to spend at least \$3.5M of public funds with no assurance that we will have created a single usable mile of trail.
- 3) What is the plan and proposed timeline for securing the remaining funds needed for this section of the trail, and for the remaining sections to connect into Pennock Park? This proposal also says nothing about the work still needed to finish just this section of the Greenway on Chandler Mill Road, a plan that at the current pace could not be completed before 2025, even if we managed to secure the additional \$2 to \$2.5M needed. Even if this section on Chandler Mill Rd is completed, the current plan creates a \$5.5M trail to nowhere, a trail that ends in a field short of Hillendale Rd, almost a mile and at least \$1 to \$2M short of the \$1M underpass proposed under Pennock Park.
- 4) What is the plan and proposed timeline for a viable connection into Kennett Borough? The proposal provides no timeline for the next phase, no assurance of what we realistically get by when. Our best case scenario is that, by 2027, and at a total cost of at least \$8M, we might be lucky to have a 2.5 mile trail that ends in another field north of Pennocks Park, with no connection into Kennett itself. That presumes that we can secure an additional \$3-\$5M, in addition to the \$1.5M grant proposed here, and grant funding already in hand.

What is being presented here is not an actionable, viable plan, and certainly not a fiscally responsible plan. It is at best an aspiration, or a promise. We cannot commit to this plan without more information.

Supervisor Leff refused to allow these additional comments prior to the vote, and so these were held until the public comment period.

The discussion underscores a second, important problem with the current proposal. As illustrated by my questions, discussions about the Greenway leaves out important information

about its overall cost, timeline, and viability. As a result, the greenway has been aggressively marketed in ways that I believe is very misleading. I have publicly documented this in public meetings and on OpenKennett. In all but perhaps one case, every public claim and concern I have raised about KTA's recommendations has proven to be valid. And there are still more concerns that will be raised through OpenKennett in the coming months. And these are significant concerns. In the light of the misleading claims made about the greenway, I consider claims of public support for the Greenway to be without merit. Public input and review when important information about the cost, timelines, environmental impact, and functional use is of little use

Consider the timeline I have outlined, which I have had to outline because the greenway planners have not. Will these businesses and these members of the public support spending at least \$8M for a 2.5 mile trail that at best might be completed by 2027, and that, right now, ends in a vacant lot, a trail only half of which will meet the standards of a shared use trail. Consider this in the light of concerns I began raising over 2 years ago, on the feasibility of the greenway as a whole. Concerns that this loop will never be completed for at least another 15-20 years, and at a cost no less than \$30M. Would these businesses and these members of the public support the greenway under these conditions, while recognizing that pursuit of this initiative will crowd out all other major discretionary expenses for decades, assuming that we can even fund this.

I am confident that almost every goal outlined for the greenway tonight, and that I have heard on other occasions, can be met using other kinds of paths and trails, at significantly less cost, less environmental impact, and significantly more quickly, than by pursuing the current plan centered on a single continuous, shared use path. This is based on a careful assessment of the number and type of likely users, based on analyses described in peer-reviewed research. The only user whose needs could only be met by the Kennett Greenway would be a person using a wheelchair, or a beginning cyclist, who wants to complete more than 8-10 miles in one day, and who is unwilling to drive 30 minutes to the Chester Valley Trail, the Enola Low Grade Trail, or the Jack Markell Trail. Why are we committed to a \$30M path that will not be completed for decades, when every other user can be accommodated on paths and trails that can be completed far more more quickly, at lower cost, and with a lower environmental impact than the greenway.

I know that there will be many counter-claims raised over the coming days in an attempt, once again, to discredit me. Consider that claim repeatedly previously that I am against the Greenway. This is ironic given how often I utilize shared use paths, and how often I suspect my detractors do not. I would love a shared use path encircling Kennett. I have logged at least 3500-4000 miles on my bicycle with my developmentally disabled daughter Margot over the past 5 years, mostly on shared use paths. I suspect that I have logged more miles on shared use paths in the region than everyone else on the Trails and Sidewalks Committee, combined. I search out paths and often try to ride paths yet to be completed, because I am excited about their potential. Over the past month, this includes the recently completed Safe Harbor bridge and the Fricks Lock section of the Schulkyll river trail - check these out -these trails are worth the investment. The proposed Kennett Greenway is not.

I am happy to answer any questions about the claims I have made tonight and will publicly back up every claim I make, and retract every claim that proves to be without support.