

Pequea Township Board of Supervisors Special Meeting February 3, 2012

Minutes of the Pequea Township Board of Supervisors meeting held February 3, 2012 at 9:00 a.m. at the Pequea Township Municipal Building, 1028 Millwood Road, Willow Street, PA 17584.

Present at the meeting were:

Board of Supervisors
Robert L. Porterfield, Chairman
Jay Reynolds, Vice-Chairman
Harry Lehman, Supervisor

Others present:

Connie Kauffman, Twp. Secretary
Bernadette Hohenadel, Township Solicitor
Representative
Julie Miller, Attorney for Wyatt and Jean Bitts
Sign in Sheet Attached

NEW BUSINESS:

1. Supervisor Porterfield turned the Bitts Zoning Appeal discussion over to Township Solicitor Bernadette Hohenadel. Attorney Hohenadel stated this special meeting was called to enable the Board of Supervisors to address issues relating to a resolution of a Zoning Appeal filed by Wyatt and Jean Bitts and pending before the Zoning Hearing Board and also to resolve potential litigation that has been threatened arising from that matter. Attorney Hohenadel also stated that special notice of this meeting was provided by publication and also by posting as required under the Open Meetings Law and Second Class Township Code.

Attorney Julie Miller stated what had transpired over the past year with her clients Wyatt and Jean Bitts. On October 14, 2010, Mr. and Mrs. Bitts were granted a permit to construct a pole barn at 6 Pine Lane. About twenty-five days later, the permit was revoked, however her clients had begun excavating and performing work. Attorney Miller and her clients filed an appeal to the Notice of Revocation and attempted to engage in discussions with the Township about resolving the matter. After they were not able to make progress for a considerable period of time, they requested the matter be scheduled before the Zoning Hearing Board. Those hearings began in October and met in November and in January. After discussions with Counsel for the Township, they have reached an agreement to resolve the issue of the building permit as well as to reimburse her clients for sums that were spent as a result of excavation and withdraw the writ that was provided to the Township that there could be litigation sometime.

A brief recess took place at 9:15 a.m. while Attorney Hohenadel and the Board of Supervisors met in an Executive Session.

The meeting resumed at 9:39 a.m. and deliberations began. The Supervisors and the legal counsel on both sides discussed a proposal and a "draw schedule."

PUBLIC COMMENTS:

Cynthia Evans-Herr asked if the township is responsible and if any precedence is established. Attorney Hohenadel responded yes the township may be liable and no precedence is established. Each case stands on its own merit.

Ken Adams said he does not like paying legal expenses. He said the Bitts have come forward with a very, very reasonable offer and I hope the BOS puts it to sleep and does not waste any more money on attorney fees.

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The meeting recessed at 10:12 a.m. to give Attorney Miller an opportunity to speak with her clients. The meeting resumed at 10:22 a.m. and an agreement was discussed. Attorney Hohenadel spoke to the Board of Supervisors saying they could approve the basic elements of the settlement and the Counsel will work out the final words and conditions.

Supervisor Reynolds made a motion to accept the settlement agreement for resolution of the building permit issued before us here today as prepared by the attorneys with the condition of holding the \$9,000.00 in escrow until the grading and seeding is completed with the understanding that the attorneys will finalize the language in conjunction with PIRMA in order to receive their contribution to this settlement in the amount of \$26,000.00.

Attorney Bernadette Hohenadel, Township Solicitor Representative clarified the motion by stating that we are making a motion that settlement be approved at the sum of \$26,000.00, that \$9,000.00 would be held in escrow that you are authorizing Counsel to go forward with finalizing the agreement along the terms of what has been provided to you for review which would be conditioned on the Bitts withdrawing their Zoning Appeal and the Bitts agreeing to waiving any other rights they would have to litigation that has been introduced before the Township as a possibility of occurring.

Supervisor Porterfield seconded the motion. The motion was voted on and accepted with the clarification by Attorney Hohenadel and approved unanimously.

Attorney Hohenadel stated that what this means is that Attorney Miller, Attorney Hohenadel, and Attorney Crotty will work out the final details of the agreement and as soon as they are able to do that they will have it available for signature and will need payment.

2. Supervisor Lehman moved to authorize Diane Schall to take the necessary webinar with PA State Association of Boroughs and to have Pequea Township pay for said webinar. Supervisor Reynolds seconded the motion. All voted in favor, none opposed.

ADDENDUM:

1. Supervisor Porterfield moved to accept the resignation of Gregory Layton from the Pequea Township Planning Commission. Supervisor Reynolds seconded the motion. All voted in favor, none opposed.
2. Supervisor Porterfield moved to hire Jeremy Chester as a part-time Pequea Township road worker and to set his wages at \$17.00 an hour. Supervisor Lehman seconded the motion. All voted in favor, none opposed.
3. Supervisor Porterfield said the BOS should separately interview the four applicants for the Emergency Management Coordinator position and be prepared to make a selection at the next BOS meeting.
4. Canon Copier – tabled until next meeting
5. Supervisor Porterfield explained we have a need to get our CDL Records up to date and send Connie Kauffman to a CDL Record Keeping Course. – Tabled until next meeting.
6. Supervisor Lehman stated a Letter from Lancaster County Drug Force amount is higher than budgeted due

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to new census. Tabled until next meeting.

7. Supervisor Reynolds asked the BOS to agree to give the Township Treasurer the responsibility of setting up Job Cost, Purchase Orders and an Item Data Base for everything the township does such as all road maintenance task, truck and equipment cost etc.
8. Supervisor Reynolds made a motion to enter into an Inter-municipal Agreement with Providence and Martic Townships for our EMC and all those responsibilities. Supervisor Lehman requested more Information. Supervisor Reynolds clarified the motion by stating that we are agreeing to be considered in the agreement with them and that once the agreement is drawn up the BOS will vote to accept it. Supervisor Lehman seconded the motion. All voted in favor, none opposed. Acceptance of the agreement tabled until next meeting.
9. Supervisor Porterfield said we may want to consider going back on board with Lancaster Inter-municipal Council since our MS4 Permits coming up and enforcement regulations are coming down the road. Tabled until next meeting.

ADDITIONAL COMMENTS:

Township meetings are recorded. Anyone can obtain a copy by completing the Right to Know form.

MEETING ADJOURNED: The meeting adjourned at 10:46 a.m.

Respectfully submitted,



Connie Kauffman, Township Secretary

2012-02-03 Special BOS Meeting

Richard M. Ameriel

Kenneth J. Adams

Juli B. Miller

Jean Butts

Alfred P. Bost

Patti Lehman

~~John H. ...~~

Bill Schall