

BOARD OF SUPERVISORS MEETING February 19, 2014

Minutes of the Pequea Township Board of Supervisors meeting held February 19, 2014 at 7:00 p.m. at the Pequea Township Municipal Building, 1028 Millwood Road, Willow Street, PA 17584.

Present at the meeting were:

Harry Lehman, Chairman
Rob Reidenbach, Vice-Chairman
Cynthia Evans-Herr, Supervisor

Others present:

Connie Kauffman, Twp. Secretary
Jill Kennedy, Twp. Secretary in Training
Matt Crème, Twp. Solicitor
Mark Deimler, Zoning Officer/Twp. Engineer
Nathan Pipitone, Willow Acres (Desmond) Project
Mgr. for Millwood Landco, LLC, Applicant

Sign-in sheet attached

ANNOUNCEMENTS:

- Public Meetings may be both audio and video recorded.
- The Board of Supervisors held an Executive Session on Thursday, January 30, 2014 to deliberate on the Millwood Landco, LLC Conditional Use Application Decision.
- Supervisor Reidenbach announced that Connie Kauffman is leaving the employment of Pequea Township. The Board of Supervisors held a personnel meeting on Saturday, February 15, 2014 for the purpose of interviewing for the Township Secretary position. Jill Kennedy was selected as her replacement and she was introduced at the meeting.

MINUTES OF PREVIOUS MEETING: Supervisor Lehman moved to approve the minutes of the January 13, 2014 Conditional Use Hearing. Supervisor Reidenbach seconded the motion. All voted in favor, none opposed.

Supervisor Lehman moved to approve the minutes of the January 15, 2014 regular meeting. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed.

TREASURERS REPORT: A copy of the bill list is on the table. Supervisor Lehman moved to approve checks #8849 through #8900 of the General Fund, checks #1097 through #1100 of the Recreation Fund, and check #1015 from the Street Light Fund. Supervisor Reidenbach seconded the motion. All voted in favor, none opposed.

PRESENTATION:

Cathy Cieslinski from the Pilot Cub of Lancaster presented the Project Lifesaver International which provides wrist bracelets and uses transmitters to locate people who wander away from the safety of their home. Ms. Cieslinski would like to see the program expand into the southern end of the county and associate membership was explained.

Cynthia Evans-Herr made a motion to endorse Project Lifesaver. Supervisor Lehman seconded the motion. After a brief discussion, all voted in favor, none opposed.

WILLOW ACRES:

1. Willow Acres (Desmond) Millwood Landco, LLC Conditional Use Application - Decision –Solicitor Crème said the Board closed testimony on January 13 and announced a decision would be made this evening. A proposed written Decision was prepared and before the Board for consideration.

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A question and answer period took place with Supervisor Lehman regarding the Recreation Fee. Supervisor Lehman moved that the Board of Supervisors sign the written Conditional Use Decision prepared by the Township Solicitor for Willow Acres (Desmond). Supervisor Reidenbach seconded the motion. All voted in favor, none opposed. A copy was signed and given to Mr. Pipitone who is representing the Applicant.

Mr. Crème said we received a (Waiver Request) letter from counsel for Millwood Landco, LLC after the Agenda was prepared and asked the Supervisors to move the letter onto the agenda. Supervisor Lehman moved to put the letter submitted by Summers Nagy Law Offices dated February 17, 2014 on tonight's agenda. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed.

WILLOW ACRES WAIVER REQUEST LETTER:

1. Waiver Request Letter from Applicant Attorney - Mr. Crème explained when the Conditional Use Application was submitted by Millwood Landco, LLC, it was accompanied by a plan that was prepared nearly to preliminary plan status together with stormwater management submissions and other items that were more appropriate to the land development process than the Conditional Use process. The Applicant has asked the Board to consider whether they would encourage the application to proceed with a submission to the county that would ask for a waiver of the preliminary plan stage and also submit a proposal that would allow the applicant to stage the improvements and the financial guarantees related to those improvements. Zoning Officer Mark Deimler explained the typical plan submission procedure and that this request is not following the typical procedure.

Mr. Crème suggested to the Board that the appropriate motion could be that the Board of Supervisors suggests to the applicant that it file its application as a final plan with a request for a waiver of the preliminary plan stage and that it will be considered by the Board when properly filed and referred back through the township planning commission and to include in that application a specific proposal for staging of improvements and financial security. Supervisor Reidenbach seconded the motion. All voted in favor, none opposed.

OLD BUSINESS:

1. Southern Lancaster County Inter-Municipal Agreement (EMC) – Supervisor Lehman explained that he met with Martic Township and there have been discussions in continuing simply with a Memorandum of Understanding. The Board was in agreement that Supervisor Lehman would meet with Providence and Martic Township for further discussion.
2. Award Bid for Lease of Farmland at Silver Mine Park – Supervisor Lehman moved to award the bid for the Lease Agreement for approximately twelve acres of farmland at Silver Mine Park to Jeff Frey in the amount of \$2712.00. Supervisor Evans-Herr seconded the motion. The motion was withdrawn to clarify the name on the lease. Supervisor Lehman moved to award the bid for the Lease Agreement for approximately twelve acres of farmland at Silver Mine Park to Jeff Frey of Future View Farms in the amount of \$2712.00. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed.

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3. Set Date and Authorize to Advertise Ordinance Hearing to Reestablish the Pequea Township Planning Commission - Supervisor Lehman moved to set the date for March 19, 2014 at 7:00 p.m. and authorize the Secretary with the help of the Solicitor to advertise for the Hearing for the Ordinance to Reestablish the Pequea Township Planning Commission to reduce the number of members from seven to five. Supervisor Reidenbach seconded the motion. All voted in favor, none opposed.
4. **Resolution #____-2014** to Adopt the Pequea Township Personnel Policy Effective January 1, 2014 – Supervisor Lehman moved to adopt **Resolution #396-2014** to approve and adopt the Pequea Township Personnel policy effective January 1, 2014. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed.
5. Appoint Pequea Township Planning Commission member to serve as municipal representative to the 272 Study Advisory Committee for year 2014 – Supervisor Lehman moved to appoint Fred Witmer from the Pequea Township Planning Commission to serve as municipal representative to the 272 Study Advisory Committee for 2014. Supervisor Reidenbach seconded the motion. All voted in favor, none opposed.
6. Set the Date and Authorize to Prepare the Advertisement and a Resolution to Adopt the Final Comprehensive Plan Amendment - Supervisor Lehman moved to set the hearing date for March 19, 2014 at 7:00 p.m. and authorize the Secretary with the help of the Solicitor to prepare the advertisement and a Resolution to adopt the Final Comprehensive Plan Amendment. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed.

NEW BUSINESS:

1. Settlement for Estate of Ernest E. Vernon, et al - Supervisor Lehman moved to instruct Insurance Counsel for the Township that the Board has no objection to settling the claim of the Vernon estate on the basis of the outcome of mediation and to obtaining Court approval for the settlement. Supervisor Reidenbach seconded the motion. All voted in favor, none opposed. Mr. Crème noted this settlement was negotiated by the insurance company with insurance company money and there is no contribution of township taxpayer dollars. Supervisor Lehman explained the lawsuit.
2. Willow Run Draft Conditions – as presented to Zoning Hearing Board – Mr. Crème updated the Board on the Willow Run proceedings before the ZHB and possible actions the Board of Supervisors can take if the ZHB would grant approval of the development. Supervisor Lehman stated he and Supervisor Reidenbach have taken no position on this development. Mr. Crème explained he is here because the township is a party to this hearing and if he is to communicate to the ZHB instruction must be given by the Board of Supervisors at a public meeting. Supervisor Lehman said that he is in no way here to support or voice discontent but to take action upon the advice or suggestion of our Solicitor. Supervisor Evans-Herr said she has not recused herself, she has party status, is not taking a position either, and it is not a conflict of interest for her. Mr. Crème said a pecuniary (financial) interest may be affected by outcome of a ZHB decision therefore caution is advised which Supervisor- Evans-Herr has exercised by abstaining. Supervisor Evans-Herr made a motion to table this item. After further discussion, Mr. Crème explained why it is advisable for the Board of Supervisors not to take a position. Supervisor Lehman read the suggested conditions and said the ZHB does not have to impose those conditions. The motion died for lack of a second.

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Supervisor Lehman moved the BOS (Board of Supervisors) communicates to the Zoning Hearing Board that should it approve the application of Willow Run for zoning approval that the suggested conditions presented by the applicant should be imposed on that approval. Supervisor Reidenbach seconded. Supervisor Lehman and Reidenbach voted in favor. Supervisor Evans-Herr abstained.

4. Property Maintenance Code – Supervisor Evans-Herr moved to authorize the Township Solicitor and Zoning Officer to work together to create an Ordinance to adopt the recommended Property Maintenance Code. Supervisor Lehman seconded the motion. All voted in favor, none opposed.
3. Stephen King Waiver–Mr. Saxinger presented the request in the absence of Mr. King. Mr. Deimler explained the recent history. The Board of Supervisors expressed their disappointment with Mr. King and admonished Mr. King for his violation of the stormwater management ordinance and zoning ordinance for the erection of the greenhouses without permits. They also expressed displeasure regarding Mr. King not disclosing his plans for the property when the BOS granted a waiver of the stormwater requirements for a second driveway.

Supervisor Lehman moved to grant a waiver of the Section 104.2.A of the Pequea Township Stormwater Management Ordinance for Stephen King to construct two greenhouses at 261 Byerland Church Road pursuant to the minor stormwater plan process with the following conditions:

1. The applicant obtain a stormwater management permit from the code enforcement officer prior to the installation of the stormwater facilities.
2. The applicant comply with all comments on the Solanco Engineering Associates review letters dated January 20 and January 26, 2014.
3. The applicant reimburse Pequea Township for all costs incurred in conjunction with the stormwater plan review and the notice of violation enforcement action.
4. The applicant obtain and/or provide copies of an approved agricultural E & S Plan and Nutrient Management Plan to the township in accordance with PA law.

Supervisor Reidenbach seconded the motion. Supervisors Lehman and Reidenbach voted in favor. Supervisor Evans-Herr voted in opposition.

5. Ag Security and Ag Preserve Request for the Farm Located at 2165 New Danville Pike – Supervisor Evans-Herr moved to acknowledge the receipt of the petition and authorize the secretary to advertise the public notice required to begin the Ag Security request process for the farm located at 2165(2167) New Danville Pike. Supervisor Lehman seconded the motion. All voted in favor, none opposed.
6. Annual Rec Alliance Bike Ride Sunday June 22, 2014- Supervisor Lehman moved to approve the 5th Annual Rec Alliance Bike Ride on June 22, 2014. Supervisor Reidenbach seconded the motion. All voted in favor, none opposed.
7. Federal Surplus Program Agreement – Supervisor Lehman moved to update the eligibility of Pequea Township to participate in the Federal Surplus Property Program. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed.
8. **Resolution #____-2014** Record Destruction Supervisor Lehman moved to adopt **Resolution #397-2014** for the destruction of the records as itemized on the attached three pages. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed.
9. Authorize Chairperson of the Board of Supervisors or Duly Authorized Representative for the Declaration of Snow and Ice Emergencies as described in Section 4 of Ordinance #158-2008.

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Supervisor Lehman moved to authorize Harry Lehman, Chairperson of the Board of Supervisors or the Roadmaster, Bruce Frymyer (as) Duly Authorized Representative to Declare a Snow Emergency as described in Section 4 of Ordinance #158-2008. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed. This item was added to the Reorganization agenda from now on.

10. Set Wages for Part-Time Road Crew Worker Dick Jeffries - Supervisor Lehman moved to set wages for part-time Road Crew Worker Dick Jeffries as \$17.00 per hour effective February 23, 2014. Supervisor Reidenbach seconded the motion. All voted in favor, none opposed.
11. Set Wages for Part-Time Road Crew Worker James Roop - Supervisor Lehman moved to set wages for part-time Road Crew Worker James Roop as \$16.00 per hour effective February 23, 2014. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed.
12. Set Wages for Full-Time Roadmaster Bruce Frymyer - Supervisor Lehman moved to set wages for the Pequea Township Roadmaster Bruce Frymyer as \$22.50 per hour effective February 23, 2014. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed. After discussion, Supervisor Lehman rescinded the previous motion and moved to set wages for the Pequea Township Roadmaster Bruce Frymyer as \$23.00 per hour effective February 23, 2014. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed.
13. Change Status of Secretary Connie Kauffman to Part-Time Effective March 1, 2014 – Supervisor Lehman moved to change the status of Township Secretary Connie Kauffman to part-time effective March 1, 2014. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed.
14. Mr. Frymyer said he is appreciative of the residents in this township and the kindness they have been showing the road crew and went on to explain the all of the road bid projects for 2014. Bid Project - Radcliff Road Cold in Place Recycling and Wearing – Supervisor Lehman moved to authorize the Roadmaster and Township Secretary to advertise the following required bid: Radcliff Road Cold in Place Recycling and Wearing. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed
15. Bid Project - Indian Hill Road Base Repair – Supervisor Lehman moved to authorize the Roadmaster and township Secretary to advertise the following required bid: Indian Hill Road Base Repair. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed.
16. Bid Project - Long Lane Acres East & West Microsurfacing - Supervisor Lehman moved to authorize the Roadmaster and township Secretary to advertise the following required bid: Long Lane Acres East & West Microsurfacing and Whipporwill Drive Microsurfacing. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed.
17. Bid Project - Whipporwill Drive Microsurfacing – see item #16 motion.
18. Bid Project - Short Lane and Second Lock Road Seal Coating moved to authorize the Roadmaster and township Secretary to advertise the following required bid: Short Lane and Second Lock Road Seal Coating. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed.
19. Accept the Resignation of David S. Rhoads, Jr. from Pequea Township Planning Commission Effective February 27, 2014. Supervisor Lehman said Mr. Rhoads did the Board a favor by being willing to stay on the Commission until after the February meeting. Supervisor Lehman moved to accept the resignation of David Rhoads from the Pequea Township Planning Commission effective February 27, 2014. Supervisor Reidenbach seconded the motion. All voted in favor, none opposed.

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20. Appoint to the Pequea Township Planning Commission to fill the unexpired term of Bill Schall ending January 2016 - tabled
21. Appoint Deputy Emergency Management Coordinator - Supervisor Lehman moved to appoint Bill Birchall as Deputy Emergency Management Coordinator. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed.

ADDENDUM

1. Hire and Set Wages for Full-Time Employee Effective February 19, 2014 – Supervisor Lehman moved to hire Jill Kennedy as a full-time employee at the rate of \$15.50 per hour and after a successful ninety-day evaluation increase her hourly rate to \$16.50 with an effective date of Feb 19, 2014. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed.
2. Appoint Secretary Effective March 1, 2014 – Supervisor Lehman moved to appoint Jill Kennedy as Township Secretary effective March 1, 2014. Supervisor Reidenbach seconded the motion. All voted in favor, none opposed.
3. Discuss and Consider **Resolution 398-2014** Escalator Clause – Supervisor Lehman moved to adopt **Resolution #398-2014** price adjustment of bituminous materials for small quantities. Whereas, the Board of Supervisors, Lancaster County will allow an escalator clause for bituminous material to be included as part of the proposal. The escalator clause will follow Pennsylvania Department of Transportation Publication 408 current edition Section 110.04, etc. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed.

PUBLIC COMMENT (items not on the agenda)

Mervin Kurtz, 655 Rawlinsville Road suggested the township put a street light on the corner of the Rawlinsville Road and Byerland Church Road intersection because there have been numerous accidents with farm machinery, horses, and cars. He believes a street light would draw attention to the intersection. Supervisor Lehman said he and the Roadmaster will look into it. Police Chief Fiorilli said when things slow down he can research it and help come up with a solution.

DEPARTMENTAL REPORTS:

Road Crew – Report on file.

Zoning/Code Officer – Report on file.

Southern Regional Police Department – January Monthly Report is on the table.

Southern Regional Police Commission – January Meeting Minutes are on the table.

Southern Lancaster County Inter-Municipal Council – Supervisor Reidenbach said two topics on the horizon are a Roadmaster get together to exchange ideas and have a question and answer session with PennDOT and local fire company contribution rates, etc.

Emergency Management Coordinator –

PEQUEA TOWNSHIP ZONING HEARING BOARD – Hearing held February 4, 2014. Hearing will be held March 4, 2014.

ADVISORY BOARD REPORTS:

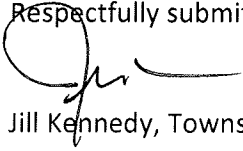
Pequea Township Planning Commission – Meeting held January 29, 2014.

Pequea Township Park & Recreation Board – Meeting held February 12, 2014.

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MEETING ADJOURNED at 9:04 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jill Kennedy', with a long horizontal flourish extending to the right.

Jill Kennedy, Township Secretary

Sign-in Sheet

2014-02-19 BOS meeting

Bob Kidenbach

Nut Off
and

Bary Acker

Debbie Brendenue

Clyde Thomas

~~John~~

Jackie John

Eric W. King

John Fossil

Randy J. Gregg

Elaine Jones

Cathy Cieslinski - Pilot Club

Sharon Schreiber - Pilot Club

Donald Lee

Mike Springer

Andrew Strauss

Hank Paul