

BOARD OF SUPERVISORS MEETING MINUTES | DECEMBER 20, 2017

Minutes of the Board of Supervisors Meeting held at 7:00 PM on December 20, 2017 at the New Danville Fire Company, 43 Marticville Road, Lancaster, PA 17603.

Present at the meeting were:

Robert Race, Jr., Chair
Cynthia T. Evans-Herr, Vice-Chair
E. John Hlavacek, Supervisor/Roadmaster

Others present:

Lori Ann Leitch, Secretary-Treasurer
Sign-in Sheet Attached

CALL TO ORDER

Pledge of Allegiance

ANNOUNCEMENTS

- The first and foremost priority of this meeting is to publicly conduct Pequea Township business. In that effort, the Supervisors sincerely ask everyone in attendance to stay focused on what is of best interest for our township and during that process be respectful towards other people's comments, concerns and/or feelings. Expression of personal feelings of disrespect or disruption of this meeting is not an option.
- The Budget Adoption hearing is scheduled for 7PM on December 28th at the New Danville Fire Company.
- Meetings of the Board of Supervisors, Zoning Hearing Board, Planning Commission, and Park and Recreation Board will be held at the New Danville Fire Company until further notice.
- Christmas trees can be dropped off at the Marticville entrance of Silver Mine Park between December 26, 2017 and January 31, 2018 from dawn to dusk.

CONSENT AGENDA

Vice-Chair Evans-Herr requested removing the Minutes of the December 13, 2017 Special Meeting from the Consent Agenda.

Chair Race moved to approve the following items by consent agenda:

- Minutes of the November 15, 2017 Board of Supervisors regular meeting
- Minutes of the December 6, 2017 Budget Workshop III special meeting
- Checks 11222-11265 from the General Fund
- Checks 1421-1424 from the Recreation Fund

Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.

Vice-Chair Evans-Herr moved to strike public comments related to the formation of a Fire Protection Evaluation Committee from the December 13, 2017 draft minutes. After a lengthy discussion, Supervisor Hlavacek seconded the motion. Vice-Chair Evans-Herr and Supervisor Hlavacek voted in favor of striking the comments; Chair Race voted nay.

OLD BUSINESS:

1. **Establish Capital Reserve and Operating Reserve Accounts** – Supervisor Hlavacek moved to adopt Resolution 464-2017 establishing an Operating Reserve Fund and authorized the Treasurer to transfer fifty thousand dollars (\$50,000.00) from the General Fund into the new account. He further moved to adopt Resolution 465-2017 establishing a Capital Reserve Fund and authorized the Treasurer to transfer

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fifty thousand dollars (\$50,000.00) from the General Fund to be saved for a salt shed. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.

NEW BUSINESS:

1. **Consider hiring Officers for the Police Department** – Vice-Chair Evans-Herr moved to hire Police Officers John Michener, Robert Burger, Jesse Blank, Dianne Carter, Shawn Powell, Megan Huyett, Charles Grimasuckas, Lori Vital, Kyle Garrity, and Tyson Woods. Chair Race seconded the motion.

Richard Cummings of 320 Pleasant View Drive referenced a Letter to the Editor in the newspaper and the Statewide Municipal Police Jurisdiction Code.

Supervisor Hlavacek expressed concern about the cost of a police department with ten officers. Chair Race stated staffing adjustments will be made if necessary. Vice-Chair Evans-Herr referred to 2018 as a transitional year with the regional police force becoming a township department. Chair Race and Vice-Chair Evans-Herr voted in favor of hiring the ten officers; Supervisor Hlavacek voted nay.

2. **Consider request from Oak Hill Partners to reduce their Letter of Credit for Penn Grant Commons Phase I** – Chair Race moved to reduce the Letter of Credit for Penn Grant Commons Phase I to establish a new amount equal to \$67,988.25 which includes the 10% contingency factor as recommended by the Township Engineer. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
3. **Consider request from Oak Hill Partners to reduce their Letter of Credit for Penn Grant Commons Phase II** – Chair Race moved to reduce the Letter of Credit for Penn Grant Commons Phase II to establish a new amount equal to \$56,017.50 which includes the 10% contingency factor as recommended by the Township Engineer. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
4. **Consider the Preliminary Final Subdivision Plan for Nathan and Lynare Pipitone** – Chair Race moved to approve the Preliminary Final Subdivision Plan for Nathan and Lynare Pipitone as recommended by the Pequea Township Planning Commission. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
5. **Consider the Final Land Development Plan for Willow Run Phases II & III** – Vice-Chair Evans-Herr submitted a letter to the Secretary recusing herself from participating as a member of the Board of Supervisors in this matter. Chair Race moved to approve the Final Land Development Plan for Willow Run Phases II & III as recommended by the Pequea Township Planning Commission. Supervisor Hlavacek seconded the motion.

As a resident and not as a Township Supervisor, Cynthia Evans-Herr of 642 Millwood Road took the lectern to ask the developer's engineer for clarification on the plan. She asserted Phases II & III were presented as fee simple during the Planning Commission meeting and Zoning Hearing. Seventy-two (72) individually-deeded units could generate more tax revenue for the Township than rentals. The developer's attorney intervened and said that is not the issue before the Board.

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Chair Race and Supervisor Hlavacek voted in favor of approving the Final Land Development Plan for Willow Run Phases II & III; Vice-Chair Evans-Herr abstained.

6. **Consider the Final Land Development Plan for Penn Grant Commons Phases III & IV** – Chair Race moved to approve the Final Land Development Plan for Penn Grant Commons Phases III & IV as recommended by the Pequea Township Planning Commission. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
7. **Consider Resolution to re-purpose Recreation Fund** – Chair Race moved to adopt Resolution 466-2017 to designate and maintain a fund for recreational purposes. Vice-Chair Evans-Herr seconded the motion.

Harry Lehman of 21 Silver Mine Road asked why fees collected in lieu of parkland are being deposited into the Recreation Fund. When he was a Township Supervisor, agreements were made with the developers to deposit them into the General Fund. Vice-Chair Evans-Herr responded the agreements violate the Municipalities Planning Code. Chair Race stated the Board is following the advice of its Solicitor.

All voted in favor of adopting Resolution 466-2017; none opposed.

8. **Consider Resolution to approve certain expenses prior to Official Review** – Chair Race moved to adopt Resolution 467-2016 authorizing the Township Treasurer to disburse certain budgeted expenditures that may become due and payable prior to the official review and approval of the Board of Supervisors. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
9. **Consider Purchase of a used New Holland Tractor with Loader and Bucket for Park** – Chair Race moved to approve the purchase of a used New Holland Tractor with Loader and Bucket for the Park. Supervisors Hlavacek seconded the motion.

Jason Kreider of 116 Marticville Road suggested contracting a vendor to plow the park.

All voted in favor of purchasing the tractor; none opposed.

10. **Consider Approval for Electric Permits for Stone House at Park** – Barry Acker, member of the Park and Recreation Board, described the plan to provide electric service at the Stone House in Silver Mine Park. Chair Race moved to approve the first phase of electrical improvements to the Stone House. Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.

REPORTS/UPDATES:

Pequea Township Road Crew – Supervisor Hlavacek delivered the Roadmaster's Report.

Southern Regional Police Department – Chief's Report on table

Southern Regional Police Commission – The Police Commission met on November 28, 2017, and they held a Special Meeting on December 19, 2017 to appoint a Solicitor. Their final regular meeting will be held December 26, 2017 at the New Danville Fire Company.

Lancaster County Inter-Municipal Committee – Next meeting January 10, 2018

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Pequea Township Zoning Hearing Board – On January 9, 2018, the Zoning Hearing Board will hear a request by David F. Good of Millwood Properties, LLC for a property located at 839 Millwood Road within the R-2 Zoning District for the consideration of a Variance of Section 705.B (Area and Bulk Regulations – Minimum Lot Area Regulations) of the 2015 Pequea Township Zoning Ordinance in order to construct 4 single family cottage style dwellings that are not connected to public water.

Pequea Township Planning Commission – No meeting scheduled for December.

Pequea Township Park and Recreation Board – The Park Board met on December 13, 2017.

Chair Race moved to add a Resolution to establish a Fire Protection Evaluation Committee to the agenda. Vice-Chair Evans-Herr seconded the motion. All voted in favor of adding the agenda item; none opposed.

Chair Race moved to adopt Resolution 468-2017, a Resolution of the Board of Supervisors of the Township of Pequea, Lancaster County, Pennsylvania, to establish a Fire Protection Evaluation Committee. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.

Chair Race moved to approve the 2018 Calendar of Events for the New Danville Fire Company. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.

PUBLIC COMMENTS:

Public comments for items not on the agenda will be taken at this time. Please come to the lectern, state your name and address, and limit your comments to three minutes so that others can speak if they wish. Additional time may be granted at the Board's discretion.

Scott Edwards of 98 Baumgardner Road read a prepared statement he titled, "Transparency of 2017, the Lack of It."

Rob Reidenbach of 330 Pleasant View Drive requested moving Public Comments to the beginning of the meeting.

Brad Shenk of 4 Thomas Ave, speaking as a resident, not representing the New Danville Fire Company, encouraged the Board to consider other options for road salt instead of building a new shed.

Mr. Kreider suggested purchasing salt from a vendor.

Jackie Johns of 23 Pine Lane complained about the Road Crew working four ten-hour days. Supervisor Hlavacek responded more work gets done during a ten-hour day.

Brian Herr, Public Works Equipment Operator/Laborer, cited a neighboring township's study concluding snow events rarely occur on Fridays.

Mr. Lehman offered a copy of the resignation letter from the certified public accountants who were engaged to conduct an audit of the Southern Regional Police Commission. Vice-Chair Evans-Herr said they resigned because they were unable to establish there were internal controls in 2016. Former employees of the Police Department and Commission did not respond to the auditors.

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Chair Race thanked the New Danville Fire Company for allowing Pequea Township use of their facility to hold meetings.

ADJOURNMENT at 8:30 PM

Respectfully Submitted,



Lori Ann Leitch
Lori Ann Leitch, Secretary



Cynthia T. Evans-Herr
642 Millwood Road, Willow Street, Pennsylvania 17584



To: Matthew J. Crème, Jr / Attorney at Law
Nikolaus & Hohenadel, LLP

Date: April 21, 2014

Re: Willow Run Subdivision
597 Millwood Road, Willow Street, Pennsylvania

I participated as a party in zoning hearings held by the Pequea Township Zoning Hearing Board in connection with an application for a special exception and variance submitted by MBI Development Company, Inc. Because of my involvement in that zoning matter, I will not participate as a member of the Board of Supervisors of Pequea Township in any discussion, deliberation or voting regarding matters brought before the Pequea Township Board of Supervisors by MBI Development Company, Inc. for the project located at 597 Millwood Road, Willow Street, Pennsylvania.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Cynthia T. Evans-Herr', with a long horizontal flourish extending to the right.

Cynthia T. Evans-Herr

Public Comments
Scott Edwards
98 Baumgardner Rd.

"TRANSPARENCY OF 2017, THE LACK OF IT"

1. Police funding negotiations with Conestoga should have never been discussed in 2016. Schall and Evans-Herr suggested that it would be in the best interest of Conestoga to bring down their percentage in order to be more fiscally responsible. (Reference June 2016 minutes) That was not an option in the best interest of Pequea Township. Both Township's were under a contract. A contract that Evans-Herr encouraged and was signed by the Pequea Township B.O.S. (Reference Jan 2015 B.O.S. minutes) a contract extending the A of A until 2020. Evans-Herr's extremely poor judgement has made it more than easy for Conestoga Township to opt out of the contract early. This decision on her part will cost Pequea Township taxpayers millions of dollars. The elected officials have taken an Oath of Office to the taxpayers of Pequea Township. They do (NOT) work for or represent Conestoga Township. I remind you these actions are not in the best interest of Pequea Township. Furthermore, the elected officials "breached" another Inter-municipal agreement contract with a June of 2017 deadline, with no contracted services from Conestoga for 2018. Resulting in the departure of Conestoga Township from the S.R.P.D. Resulting in the Evans-Herr tax increase of 2018. Conestoga officials applied their political strong arm all year and achieved crushing results. Conestoga officials have played Pequea Township for a complete and total fool. This is total incompetence on behalf of Pequea Township and has weakened a Regionalized Police Dept and community relations with neighboring Twps.

2. Schall treasurer Oct 16 to April 17 - Resigned. Auditors prefer Schall not handling SRPD/SRPC books. Auditor suggests hiring bookkeeper (lower pay rate) (Reference March minutes) Evans-Herr was assistant treasurer Jan thru April 2017. Evans-Herr appointed treasurer April 2017. Per the A of A, The treasurer shall be bonded. Evans-Herr was aware that bond is required. When bond was not provided, she was removed as treasurer in August 2017. She disregarded and ignored the commissions repeated requests for compliance. (Reference August 2017 minutes.) Her actions create the perception that she intentionally deceived the taxpayers she represents. She accepted these positions since January 2017 knowing she could not be bonded. Her personal lack of integrity and credibility are quite evident. She has manipulated and deceived the very taxpayers she represents.
3. Evans-Herr was re-hired immediately after her termination as treasurer by the commission under a bookkeeper title. (Reference March 2017 minutes.) "Bonding required." The commission re-hires the very same un-qualified person they fired under a different job title? This is another action by a commission and governing body that is not in the best interest of the Township. It appears evident that she cannot obtain the proper credentials essential to being a qualified bookkeeper handling funds. This appears to be a ploy that is not in the best interest of the Township or the taxpayer. Evans-Herr has stated she is the "behind the scenes bookkeeper" for the commission. She does not appear to have been hired as a bookkeeper in a public meeting. She is presently being paid by the commission as we speak, at a rate of \$20/hr as an un-qualified bookkeeper. The secretary/administrator, who is the qualified treasurer is paid \$12.50/hr.

Commissioner Yinger stated (Reference April 2017 minutes) "no more than 2 hrs. per week" which is 8 hrs a month. In May she submitted 12 hrs, June 21.25 hrs, July 24 hrs, Aug 24 hrs, Sept 31 hrs, Oct 11.5 hrs, Nov 11.5 hrs. and up to 9 Dec. 10 hrs. (Reference commission RTK) Every month she has consistently exceeded the number of hours permitted. On who's authority? This appears yet to be another deception to the taxpayers. An elected official must possess integrity and credibility at all times. I remind you, elected officials work for and represent us, the taxpayers of Pequea Township. Accountability by all is 1st and foremost. This sub-standard behavior pattern is not in the best interest of Pequea Township.

4. Evans-Herr's resume and actions as a Supervisor are appalling. I implore her to resign immediately!
5. I further implore Mr. Race and Mr. Hlavacek to step up, and take control of township business before Pequea Township goes bankrupt.

Board of Supervisors Meeting Sign-in sheet

2017-12-20

MICHAEL KURTZ

ROBERT JOHNSON

Walt Kuhl

RICHARD CUMMINGS

Sandy Kime

J. KERIORK

Duane Thomas

MARK HORST

John Mateyalk

Rob Reidenbach

Scott EDWARDS

Barrie Edwards

Gene A. Bortzke

J. Martin Harris

DENNIS MILLER

Ken Stauff - NOFC

Matt Tambrett

Jack Miller

Barry Akel

Jarvis Johns

Jeff Kreider

B. Shenk

Walvin Straumer

R. Shenk