

# BOARD OF SUPERVISORS MEETING MINUTES | MARCH 27, 2018

Minutes of the Pequea Township Board of Supervisors Meeting held at 7:00 PM on March 27, 2018 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

## Others present:

Lori Ann Leitch, Secretary-Treasurer  
Mark Deimler, Zoning Officer/Engineer  
Shawn Powell, Police Officer  
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.

**POLICE REPORT:** Officer Powell delivered the monthly report. The Southern Regional Police Department was recognized by the local branch of the United States Marine Corps for their participation in the Toys for Tots program. A meeting has been scheduled for April 19, 2018 at 7:00 PM at the New Danville Fire Company for residents and business owners to discuss their concerns with the Officers. The goal is to foster positive communication and develop a Community Watch Program.

**PRESENTATION:** Vice-Chair Evans-Herr informed the attendees of an invasive pest known as the Spotted Lanternfly. Lancaster County is under quarantine in an effort to control the population.

## CONSENT AGENDA

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

- Minutes of the February 21, 2018 Board of Supervisors Meeting
- Checks 11400-11440 from the General Fund
- Checks 1440-1453 from the Recreation Fund
- Check 1036 from the Park Donation Fund

Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.

## NEW BUSINESS:

1. Consider cul-de-sac plan for Radcliff Road – Hanover Engineering's survey determined the original site for the cul-de-sac would be in a floodplain. Township Engineer Mark Deimler explained permitting would be problematic and expensive. He suggested an alternate site which would require an easement from landowner Christ Stoltzfus of 326 Radcliff Road. Mr. Deimler agreed to meet with Mr. Stoltzfus and neighbor James Rudy of 313 Radcliff Road at the proposed location. Vice-Chair Evans-Herr moved to conceptually approve a cul-de-sac in the vicinity of the location recommended by the Township Engineer. Chair Race seconded the motion. All voted in favor; none opposed.

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2. Consider repair of washout on Radcliff Road – Vice-Chair Evans-Herr moved to take no action on this item. Chair Race seconded the motion. All voted in favor; none opposed.
3. Consider approving Herrville, LLC Land Development Plan and Stormwater Management Plan – Supervisor Hlavacek moved to grant a waiver of architectural elevations as required in Section 405.2.M of the Subdivision and Land Development Ordinance and further moved to reject the developer's requests to waive a preliminary plan (Section 305) and a planted visual barrier or vegetative screen (Section 609.1.A.3). Chair Race seconded the motion. Engineer Deimler explained Supervisors have historically waived the preliminary plan because applicants provide a plan that meets the requirements of both the preliminary plan and the final plan. Chair Race withdrew his second. Supervisor Hlavacek revised his motion to waive the preliminary plan and architectural elevations but deny the request to waive the planted visual barrier or vegetative screen. Motion died due to lack of a second. Vice-Chair Evans-Herr moved to approve the Herrville, LLC Land Development Plan and Stormwater Management Plan subject to the conditions stated in the Solanco Engineering Associates, LLC review dated February 2, 2018. Chair Race seconded the motion. Chair Race and Vice-Chair Evans-Herr voted in favor; Supervisor Hlavacek voted nay.
4. Consider approving the Stormwater Agreement for Penn Grant Commons Phases III and IV and accepting the Fulton Bank Letter of Credit as Financial Security – Chair Race moved to approve the Stormwater Management Agreements for Penn Grant Commons Phases III and IV and accept the Fulton Bank Letter of Credit pledged by Oak Hill Partners Lancaster, LLC as Financial Security in the amount of \$759,372.35. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
5. Consider approving the DEP Planning Module for the Pipitone Subdivision – Chair Race moved to adopt Resolution 480-2018 approving the DEP Sewage Facilities Planning Module for Nathan and Lynare Pipitone. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
6. Consider Summerfield street dedication – Chair Race moved to table this item until April because the representative was unable to attend the March meeting. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
7. Consider adopting Resolution approving project financing sponsored by SLSA – Vice-Chair Evans-Herr moved to adopt Resolution 481-2018 approving the financing through the Suburban Lancaster Sewer Authority of a certain project for the benefit of Presbyterian Homes, Inc., a Pennsylvania not-for-profit corporation; declaring that it is desirable for the health, safety, and welfare of the people in the area served by the facilities being financed as part of such project to have such facilities provided by or financed through such authority. Chair Race seconded the motion. All voted in favor; none opposed.
8. Consider Disability Leave of Absence Policy – Chair Race moved to approve the Disability Leave of Absence Policy. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
9. Consider authorizing vetting of a part-time Police Officer candidate – Chair Race moved to authorize the vetting of a part-time Police Officer candidate. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.

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10. Consider purchasing an electronic speed sign with a donation from the Friends of the Force – Chair Race moved to authorize the purchase of an electronic speed sign with a donation from the Friends of the Southern Regional Police Department. Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.
11. Consider authorizing Chair to execute the Southern Regional Police Officers Association Grievance Settlement – Chair Race moved to authorize the Chair to execute the Southern Regional Police Officers Association Grievance Settlement. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
12. Consider replacing two expiring bulletproof vests – Chair Race moved to authorize the Police Chief to purchase two bulletproof vests as budgeted to replace expiring vests. Vice-Chair Evans-Herr seconded the motion.

J. Martin Harnish of 56 West Willow Road was curious why this item needed to be voted on by the Board in a public meeting. Vice-Chair Evans-Herr responded she requested it be on the agenda for full transparency of the cost of protective measures. The Department of Justice allocates grant money for these purchases.

All voted in favor; none opposed.
13. Consider Cub Scouts request to remove rocks from Silver Mine Park – Chair Race moved to authorize the Cub Scouts to remove rocks from Silver Mine Park as an approved exception to the Rules and Regulations for the Use of Township Property as listed in Ordinance 172-2012 and amended in Ordinance 199-2016. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
14. Consider Bids for Road Projects – Chair Race moved to award the base repair project to Long's Asphalt, Inc. for \$88,047.60 and the paving project to Long's Asphalt, Inc. for \$163,442.25. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
15. Consider Proposal to Analyze Intersection of Rt 272 S and W Penn Grant Rd – Chair Race moved to table this item. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
16. Consider Certified Stormwater Inspector Training – Chair Race moved to not authorize training for a Certified Stormwater Inspector. Supervisor Hlavacek seconded the motion. All voted in favor of not authorizing the training; none opposed.
17. Discuss Willow Gardens Parking Restrictions – Supervisor Hlavacek moved to remove parking restrictions on Casey Drive from Nolt Avenue to the Township line, Nolt Avenue from West Penn Grant Road to the Township line, and Pleasant View Drive from West Penn Grant Road to the Township line. He further moved to direct the Solicitor to revise the Traffic Ordinance, set a hearing for the May Board of Supervisors meeting, and authorize the Secretary to advertise it. Motion died due to lack of a second.

Vice-Chair Evans-Herr asked New Danville Fire Chief Brad Shenk of 4 Thomas Avenue for his opinion on the width of the roads. Chief Shenk feels parking on one side of the roads running North-South is appropriate, but the East-West

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roads are too narrow to accommodate parking. His assessment agrees with the Township Engineer's study.

Supervisor Hlavacek revised his motion to remove parking restrictions on Nolt Avenue and Pleasant View Drive from West Penn Grant Road to the Township line. Motion died due to lack of a second.

Rob Reidenbach of 330 Pleasant View Drive presented a petition signed by residents of Willow Gardens requesting the No Parking signs be removed from Pleasant View Drive and Nolt Avenue. He feels they are being discriminated against and wants to be treated the same as residents along other roads of the same width.

Dennis Miller of 336 Pleasant View Drive said speeding has escalated since the posting of the No Parking signs. He asked the Supervisors to consider eliminating the parking restrictions as a safety measure to calm traffic.

Vice-Chair Evans-Herr claimed removing the signs would expose the Township to a liability because there are deed restrictions on the Willow Gardens properties.

Gretchen Miller of 27 Clearview Road described her observation of an illegally parked vehicle.

Supervisor Hlavacek moved to table the item since no progress is being made. Chair Race seconded the motion. Chair Race and Supervisor Hlavacek voted in favor. Vice-Chair Evans-Herr declared she is absolutely against tabling it. She implored the Board to make a decision. Supervisor Hlavacek then moved to remove the parking restrictions on Nolt Avenue from West Penn Grant Road to the Township line and Pleasant View Drive from West Penn Grant Road to the Township line. He further moved to direct the Solicitor to revise the Traffic Ordinance, set the hearing for the May Board of Supervisors meeting, and authorize the Secretary to advertise it. Chair Race seconded the motion.

Jackie Johns of 23 Pine Lane expressed her concern about the time and money that was wasted on this matter.

Chair Race and Supervisor Hlavacek voted in favor of removing the parking prohibition on Nolt Avenue and Pleasant View Drive. Vice-Chair Evans-Herr voted nay and stated she will not be held accountable for any liability arising from the Board's decision.

18. Consider revising 2017 Fire Company allocations – Supervisor Hlavacek moved to take no action on this item. Chair Race seconded the motion. Vice-Chair Evans-Herr feels the West Willow Fire Company should refund a prorated amount of the contribution they received from the Township and the Volunteer Firefighters' Relief money since they were not in service for seventy-five days of 2017.

Mr. Harnish, speaking on behalf of the West Willow Fire Company, concurred a refund of the Township's contribution – not the relief money – is warranted. They are willing to write a check to the New Danville Fire Company. Vice-Chair Evans-Herr believes the money should be returned to the Township. Chair Race would like to discuss the matter with the Solicitor.

Vice-Chair Evans-Herr and Mr. Harnish agreed on the refund amount of six thousand two hundred sixty-seven dollars and twelve cents (\$6,267.12) by dividing the

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Township's allocation of thirty thousand five hundred dollars (\$30,500.00) by three hundred sixty-five (365) days times the seventy-five (75) days fire services were not provided.

Chair Race withdrew his second, causing Supervisor Hlavacek's motion to die. Chair Race moved to table this item until the April Board of Supervisors meeting. Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.

19. Consider the request for recognition by the West Willow Fire Company – Supervisor Hlavacek moved to recognize the West Willow Fire Company, direct the Solicitor to revise the associated Ordinance, set a hearing for the May Board of Supervisors meeting, and authorize the Secretary to advertise it under two conditions: West Willow Fire Company provides proof of insurance and West Willow Fire Company considers the recommendations of the Fire Protection Evaluation Committee. Chair Race amended the motion to include a list of conditions to be developed by the Board of Supervisors. Vice-Chair Evans-Herr said the motion and amendment are premature because the Fire Protection Evaluation Committee has not presented its findings to the Board of Supervisors yet.

Al Strausner of 83 West Willow Road used an analogy to describe what he sees as a burden being put on other firefighters to cover the area formerly in West Willow Fire Company's district.

Dwight Hershey of 216 Erb Avenue asked the Supervisors to allow the West Willow Fire Company serve the public. Vice-Chair Evans-Herr responded the Board of Supervisors did not take the West Willow Fire Company out of service; West Willow went out of service of its own accord.

Mr. Harnish outlined the events that led to the closing of the West Willow Fire Company. He said the members followed the advice of their attorney at the time. They have regained insurance coverage and only need the recognition of the Township to return to service. Vice-Chair Evans-Herr asked if they have sexual harassment insurance. Mr. Harnish responded not at this date, but they will within a year. Vice-Chair Evans-Herr said that is an issue because there were crimes committed against children – junior firefighters – within the fire department. Mr. Harnish emphatically asserted nothing happened within the doors of the fire company.

Rebecca Anderson of 531 Rawlinsville Road does not see a down side to recognizing the West Willow Fire Company. She wants the closest fire company to be able to help her if needed.

Supervisor Hlavacek changed the second condition of his motion for the New Danville Fire Company to also consider the recommendations of the Fire Protection Evaluation Committee.

Jason Topper of 5 Newport Court clarified West Willow Fire Company has sexual harassment insurance. They do not have sexual molestation coverage, but they eliminated their Junior Firefighter Program, so it is a moot point. Vice-Chair Evans-Herr replied the Solicitor will make that determination.

Supervisor Hlavacek moved to recognize the West Willow Fire Company, direct the Solicitor to revise the associated Ordinance, set the hearing for the May Board of Supervisors meeting, and authorize the Secretary to advertise it under the following conditions:

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- a. West Willow Fire Company must provide proof of all required insurance policies to the Township Solicitor prior to the hearing.
- b. The Fire Companies must consider the recommendations of the Fire Protection Evaluation Committee.
- c. The Fire Companies must provide a list of all members and their certifications.
- d. Pequea Township shall be held harmless for any past, present or future incidents that may arise.
- e. The Board of Supervisors may choose to recognize only one Fire Company at any time.
- f. The Board of Supervisors may revoke recognition at any time.

Chair Race seconded the motion.

Brad Shenk of 4 Thomas Avenue, Chief of the New Danville Fire Company, sought clarification of the phrase "consider the recommendations of the Fire Protection Evaluation Committee" in the motion.

Supervisor Hlavacek struck the consideration of the recommendations of the Fire Protection Evaluation Committee from his motion. After further discussion, Chair Race withdrew his second. Vice-Chair Evans-Herr moved to authorize Supervisor Hlavacek to work with the Township Solicitor to gather information for the Board to render a decision in April. Chair Race seconded the motion. All voted in favor; none opposed.

### REPORTS/UPDATES:

Pequea Township Road Crew – Vice-Chair Evans-Herr moved to approve the Road Liaison's Update as written. Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.

Southern Regional Police Department – Officer Powell read the Chief's Report at the beginning of the meeting.

Lancaster County Inter-Municipal Committee – No Update

Suburban Lancaster Sewer Authority – Vice-Chair Evans-Herr informed the Board of a tapping fee increase from two thousand five hundred dollars (\$2,500.00) to three thousand dollars (\$3,000.00).

Pequea Township Zoning Hearing Board – On April 3, 2018, the Zoning Hearing Board will consider a request by Custom Home Group for vacant lots within the R-1 Zoning District along Kay Drive and Marticville Road, as shown on the recorded subdivision plan of "Lynn Dale Park" for Variances of Sections 604 (Area and Bulk Regulations) & 1609 (Nonconforming Lots of Record) of the 2015 Pequea Township Zoning Ordinance. Vice-Chair Evans-Herr will attend the hearing.

Pequea Township Planning Commission – On March 31, 2018, the Planning Commission will review the Stormwater Management Plans of Life Fellowship Church, Jason Ditzler, and David Hess.

Pequea Township Park and Recreation Board – On March 14, 2018, the Park and Recreation Board discussed winter projects, tree seedling planting, and a five-year maintenance plan. Vice-Chair Evans-Herr asked for volunteers to plant trees on Saturday, April 28, 2018. A parking lot was installed next to the baseball field.

### 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.

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Tom Haas of 2194 New Danville Pike questioned the Legal Expenses. Vice-Chair Evans-Herr replied the Petition to Unionize was not budgeted.

Mr. Haas then asked for an update on the audit of the Southern Regional Police Commission. Vice-Chair Evans-Herr responded a contract has been signed with RKL, a Certified Public Accountant. A retainer was paid out of the Commission's account. The auditor has the files.

Ben Vonderheide, a Conestoga Township resident, asked for confirmation that all of the records have been given to the auditor. Vice-Chair Evans-Herr replied the records that the two Townships have knowledge of have been transported to RKL.

### ADJOURNMENT

Chair Race adjourned the meeting at 9:25 PM.

Respectfully Submitted,



Lori Ann Leitch  
Lori Ann Leitch, Secretary



2018-03-27

Board of Supervisors Meeting

Sign-in Sheet

Alex Kuhl

Will Kull

Seth Anastasio

Peter Stauffer

Row Stauffer

Anthony Cazillo

Mark Mitchell

Gabe Mitchell

Riley Mitchell

Paul Thomas

Heck Sach

Larry Frankford Jr

Derek Good

Dylan Burk

Tommy

Walvin Shavers

Stephen Horvath

Tan Shannon

Pauline Minder

Rob Reinbach

Jay Jopper

Carattines

Michael J Kuntz

Greg DeMascio

Jared Miller

Christ J Stolzfus



James E Rudy  
Mitcher Miller  
Paige Miller  
Jackie Johns  
Jonathan Harvath  
Joseph King  
Cory Stautter  
Becky Burns  
BRIAN FITZGERALD  
Joan Griffith  
Ben Griffith      Oaddy J  
Leid Anderson  
Rebecca Anderson  
DAVID STILL  
Diane Thomas  
B.B. Shenk  
Jan Toff