

BOARD OF SUPERVISORS MEETING MINUTES | JULY 18, 2018

Minutes of the Pequea Township Board of Supervisors Meeting held at 7:00 PM on July 18, 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
Rob Burger, Sergeant/Detective
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.
- An opportunity for public comment will be given before the Board takes official action on agenda items. Public comment for items not on the agenda will be taken at the end of the meeting. When the Chair opens the floor, please come to the lectern, state your name and address, and limit your comments to three minutes. Additional time may be granted at the Board's discretion.
- The Board of Supervisors held an Executive Session with the Chief of Police at noon on Tuesday, July 17, 2018 to discuss the department's policy on the use of force. This matter will be addressed under New Business.

MINUTES OF PREVIOUS MEETING(S): Chair Race moved to approve the minutes of the June 20, 2018 Board of Supervisors Meeting. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.

TREASURER'S REPORT: Chair Race moved to approve checks 11584-11628 from the General Fund, checks 1501-1519 from the Recreation Fund, and checks 0021-0022 from the Escrow Fund. Vice-Chair Evans-Herr announced the current General Fund balance is \$832,250.04.

Jackie Johns of 23 Pine Lane inquired about the cost to repair the boom mower. Vice-Chair Evans-Herr responded the invoice has not yet been received.

All voted in favor of approving the checks; none opposed.

OLD BUSINESS:

1. **Review Noise Ordinance** – Chair Race moved to table this item. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
2. **Consider updates to the Public Works Operations Manual** – Chair Race moved to table this item. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
3. **Consider draft Pequea Pulse newsletter and mailing** – Chair Race moved to table this item. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.

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4. **Consider revisions to draft Personnel Policy** – Vice-Chair Evans-Herr moved to take no action on Old Business item #4 and take up the matter under New Business item #4. Chair Race seconded the motion. All voted in favor; none opposed.
5. **Consider improvements to Sprecher Road** – Vice-Chair Evans-Herr moved to take no action on Old Business item #5 and address the matter as a stormwater concern. Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.
6. **Consider Summerfield street dedication** – Chair Race moved to table this item. Vice-Chair Evans-Herr seconded the motion.

Tom Haas of 2194 New Danville Pike inquired about the repeated tabling of this item. Vice-Chair Evans-Herr replied the developer and homeowners association requested postponement. It will be addressed in August.

All voted in favor of tabling Old Business #6; none opposed.

7. **Consider disbursement of Fire Company Contributions** – Vice-Chair Evans-Herr moved to approve the disbursement of \$40,527.00 to the New Danville Fire Company and \$20,473.00 to the West Willow Fire Company on Wednesday, July 25, 2018. Chair Race seconded the motion. Supervisor Hlavacek questioned the calculation for the period West Willow was out of service.

Ken Stauffer, President of the New Danville Fire Company, stated the fire companies agreed on the amounts.

All voted in favor of the disbursement of the fire company contributions; none opposed.

8. **Discuss Hanover Engineering analysis of Herrville Rd** – Chair Race moved to table this item. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
9. **Consider advertising and hiring seasonal part-time Public Works employees for Silver Mine Park** – Chair Race moved to table this item. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.

Southern Regional Police Department – Sergeant/Detective Rob Burger delivered the police report for the month of June. Vice-Chair Evans-Herr commented on the increased state funding for Aggressive Driving waves.

Rob Reidenbach of 330 Pleasant View Drive asked for a list of officers who have left the employment of the Southern Regional Police Department this year. Sergeant Burger referred him to the Chief of Police.

NEW BUSINESS:

1. **Consider authorizing a Letter of Credit reduction for Summerfield** – Chair Race moved to accept the Township Engineer's recommendation to reduce the Letter of Credit of Nathan and Lynare Pipitone for the Summerfield development by \$250,680.52 and establish a new amount equal to \$215,078.67. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
2. **Discuss Cobblestone Stormwater Evaluation** – Chair Race, serving in his capacity as the Road Liaison, inspected the site of the stormwater concern on Cobblestone Drive with the Township

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Engineer prior to the meeting. Chair Race moved to waive permit fees for the property owners of Cobblestone Drive to mitigate their stormwater issues. Motion died due to lack of a second.

Dominic Bernard of 14 Cobblestone Drive would like the Township Engineer to design a plan to manage the stormwater. Vice-Chair Evans-Herr informed him the role of the Township Engineer is to review plans submitted by the property owner.

Keith Haun of 16 Cobblestone Drive asked the Supervisors to provide more assistance than only waiving permit fees. Vice-Chair Evans-Herr explained the Township does not want to set a precedent.

Ms. Johns wants the Supervisors to direct the Township Engineer to prepare the plan. Supervisor Hlavacek reiterated the Township Engineer's function is to review the plans drafted by an engineer representing the property owner.

Following a lengthy discussion, Chair Race moved to authorize Vice-Chair Evans-Herr and Supervisor Hlavacek to meet with the Township Engineer at the site of the stormwater concern on Cobblestone Drive. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.

3. **Discuss Herrville Road Vacation** – Vice-Chair Evans-Herr moved to vacate Herrville Road at the right-of-way of the Shiprock Road intersection. Chair Race seconded the motion. Supervisor Hlavacek expressed concern about snow plowing. Chair Race and Vice-Chair Evans-Herr voted in favor of vacating Herrville Road at the intersection of Shiprock Road; Supervisor Hlavacek voted nay.
4. **Consider engagement letter to write a new Employee Personnel Policy** – Chair Race moved to approve the McNees Wallace & Nurick LLC engagement letter to review a draft of the Employee Personnel Policy for a cost not to exceed nine hundred fifty dollars (\$950.00) and further moved to hold an Executive Session on August 7, 2018 at 10:00 AM for the Board of Supervisors to discuss revisions to the policy. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
5. **Consider disbursement of West Willow Fire Company refund** – Chair Race moved to disburse the six thousand two hundred sixty-seven dollars and twelve cents (\$6,267.12) refunded to the Township from the West Willow Fire Company for their period out of service in 2017 to the New Danville Fire Company on Wednesday, July 25, 2018. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
6. **Consider authorizing National Night Out event at West Willow Fire Company** – Chair Race moved to approve the National Night Out event at the West Willow Fire Company. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.

Chair Race moved to add an agenda item to consider authorizing the West Willow Fire Police to assist the Lancaster County CB Club at their event on Saturday, July 21, 2018. Vice-Chair Evans-Herr seconded the motion. All voted in favor of adding the item to the agenda; none opposed.

Consider authorizing West Willow Fire Police assistance at the Lancaster County CB Club event – Chair Race moved to authorize the West Willow Fire Police to assist the Lancaster County CB Club at

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their event on Saturday, July 21, 2018. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.

7. **Consider Joint Resolution to change authorized signatories on Southern Regional Police Commission account** – Supervisor Hlavacek moved to take no action on this item. Motion died due to lack of a second. Vice-Chair Evans-Herr asserted her name will be removed from the account. Supervisor Hlavacek moved to adopt Resolution 486-2018 designating Chair Robert Race, Jr. as an authorized signer on the Southern Regional Police Commission account replacing Vice-Chair Cynthia Evans-Herr. Chair Race seconded the motion. All voted in favor; none opposed.

8. **Consider validating or changing the current Police Department use of Taser policy** – An Executive Session was held on Tuesday, July 17, 2018 for the Supervisors to review the Use of Force Policy with the Chief of Police. A minor change was made. Vice-Chair Evans-Herr moved to approve the revised Southern Regional Police Department's Use of Force Policy. Chair Race seconded the motion. All voted in favor; none opposed.

9. **Discuss purchase of bicycle uniform attire for Certified Officer** – Supervisor Hlavacek moved to take no action on this item. Motion died due to lack of a second. Chair Race moved to authorize the purchase of bicycle uniform attire for the certified officer. Vice-Chair Evans-Herr seconded the motion.

Ms. Johns asked if the Friends of the Force could cover the cost. Supervisor Hlavacek said his reservation is not about the money. He would prefer the officers patrol from their well-equipped vehicles.

Chair Race and Vice-Chair Evans-Herr voted in favor of purchasing bicycle uniform attire; Supervisor Hlavacek voted nay.

10. **Consider Police Officers' use of golf cart to patrol Silver Mine Park** – Supervisor Hlavacek moved to take no action on this item. He restated his preference to have officers patrol from their well-equipped vehicles. Motion died due to lack of a second. Chair Race moved to authorize the officers to use the golf cart to patrol Silver Mine Park at their discretion. Vice-Chair Evans-Herr seconded the motion. Chair Race and Vice-Chair Evans-Herr voted in favor; Supervisor Hlavacek voted nay.

11. **Consider communication devices for Silver Mine Park** – Vice-Chair Evans-Herr suggested transferring the radio that is currently in the possession of the Road Crew to the Park employees. Supervisor Hlavacek moved to take no action on this item. Motion died due to lack of a second. Sergeant Burger offered to transfer the extra radio in the police department to the park.

Don Purdum of 129 Marticville Road requested clarification about the radio. Vice-Chair Evans-Herr explained it is a hand-held device programmed to communicate with other Pequea Township employees and volunteers.

Jason Topper, Chief of the West Willow Fire Company, and Brad Shenk, Chief of the New Danville Fire Company, recommended the Board require the Road Crew to carry their radio in case of an emergency.

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Scott Edwards of 98 Baumgardner Road asked where the radio would be stored at the park. Vice-Chair Evans-Herr replied it would be stored in the barn.

Chair Race moved to issue the extra radio from the Police Department to the Park employees and direct the Road Crew to carry their radio. Vice-Chair Evans-Herr seconded the motion. Chair Race and Vice-Chair Evans-Herr voted in favor; Supervisor Hlavacek voted nay.

12. Consider authorizing a Walk-a-Thon by Apostolic House of Praise Homeless Ministry in Silver Mine Park to benefit the homeless – Chair Race moved to approve Tom Haddad's request on behalf of the Apostolic House of Praise Homeless Ministry to hold a Walk-a-Thon at Silver Mine Park on September 8, 2018 from 9AM to noon. Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.

13. Consider authorizing Eagle Scout project in Silver Mine Park – Chair Race moved to authorize William Fry to perform an Eagle Scout project in Silver Mine Park. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.

14. Consider Atlantic Sunrise grant application for repairs to the Silver Mine with matching funds from the Recreation Fund – Vice-Chair Evans-Herr, who also serves as the Secretary on the Park and Recreation Board, elaborated on their plans to raise funds to repair the silver mine in the park. Supervisor Hlavacek voiced his concern about the budget. Chair Race is worried about the liability.

Mr. Haas asked when the Township decided to get into the tourism business. Chair Race replied the Board has not yet voted on opening the mine. Mr. Haas referenced an article in the Lancaster newspaper.

Tim Weaver, Chair of the Park and Recreation Board, feels it is important to preserve the historical asset and proposed charging a fee for tours by appointment.

Mr. Reidenbach encouraged the Supervisors to be good stewards of the developer fees in lieu of parkland because they will dry up.

Chief Sherk requested information about the dimensions of the mine in case a rescue would be necessary.

Darren Huegel of 74 Silver Mine Road does not want more expense, and he urged the Board to consider the undesirable ramifications such as increased traffic.

Timothy Gilbert of 356 Baumgardner Road believes opening the mine will cost well above the thirty thousand dollar estimate.

Supervisor Hlavacek moved to take no action on this item. Chair Race seconded the motion. Chair Race and Supervisor Hlavacek voted in favor of taking no action; Vice-Chair Evans-Herr voted nay.

15. Consider crowdfunding to raise contributions to restore the mine for guided tours – Supervisor Hlavacek moved to take no action on this item. Chair Race seconded the motion. Chair Race and Supervisor Hlavacek voted in favor of taking no action; Vice-Chair Evans-Herr voted nay.

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REPORTS/UPDATES:

Pequea Township Road Crew – Road Liaison’s Update on file

Lancaster County Inter-Municipal Committee – Vice-Chair Evans-Herr did not attend the LIMC meeting.

Suburban Lancaster Sewer Authority – Vice-Chair Evans-Herr attended the SLSA meeting, but there was nothing significant to report.

Zoning/Code Enforcement Officer – Report on file

The Supervisors briefly discussed the favorable outcome of a condemnation hearing and directed the Secretary to add this item to the next agenda for further consideration.

Pequea Township Zoning Hearing Board – The Zoning Hearing Board will reconvene on August 7, 2018 for further findings on remand of the Court of Common Pleas of Lancaster County to determine whether the variance requested by Thomas Schelling pursuant to Section 1403.11.A.1.b of the Pequea Township Zoning Ordinance for the construction of a structure exceeding maximum building height at the property located within the Agricultural Zoning District at 330 Baumgardner Road, Willow Street, PA 17584 is a *de minimis* variance.

Pequea Township Planning Commission – The Planning Commission meeting was cancelled.

Pequea Township Park and Recreation Board – At their meeting on July 11, 2018, the Park and Recreation Board planned the logistics of the upcoming archery hunt.

PUBLIC COMMENTS:

Mr. Edwards requested an update on the non-uniformed employees’ petition to unionize. Supervisor Hlavacek informed him the election was held, and the employees voted 6-2 in favor of AFSCME representation.

Mr. Edwards then commented on the legal fees exceeding budget.

Mr. Haas asked for an update on the police audit. Chair Race responded the records have been turned over to the state police. Vice-Chair Evans-Herr stated the matter is not about the former police department; the matter is government corruption.

ADJOURNMENT

Chair Race adjourned the meeting at 9:42 PM.

Respectfully Submitted,



Lori Ann Leitch, Secretary



2018-07-18 Board of Supervisors Meeting Sign-in sheet

Walt Hall

Frank DeMascio

John Tapp

Tim G. Velt

Jackie Johns

J. Krenobek

Duane Heene

Jeff + Della Kreider

Low Turpin

Scott Edwards

Bob Kreider

Ed Hall II

Duane Pomas

DENNIS MILLER

B. Shank

K. Stoff - NDPC

Ellie Jones

Dominic Bernard

B/W Oachy