

BOARD OF SUPERVISORS MEETING MINUTES | SEPTEMBER 19, 2018

Minutes of the Pequea Township Board of Supervisors Meeting held at 7:00 PM on September 19, 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
John R. Michener, Chief of Police
Sign-in Sheet Attached

CALL TO ORDER: Chair Race called the meeting to order at 7:02 PM and led the recitation of the Pledge of Allegiance.

ANNOUNCEMENTS

- The Board of Supervisors held Executive Sessions from 6:35 PM to 6:57 PM and from 6:59 PM to 7:01 PM on September 19, 2018 to discuss a police personnel matter. As a result, Chair Race added New Business item #1 to the agenda.
- 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.
- Budget Workshops will be held September 27 at 10AM, October 11 at 10AM, October 25 at 6:30PM, and November 8 at 10AM.
- The Department of Environmental Protection (DEP) reviewed the proposed Official Act 537 Sewage Facilities Plan Update submitted on June 6, 2018, prepared by Rettew Associates, and entitled New Danville Special Study Area. The submission is consistent with the planning requirements in Chapter 71 of DEP's regulations. The plan provides for continuing the On Lot Sewage Management Program begun in 2016 for New Danville and the rest of the on lot systems in the Township. In addition, the plan indicates that there are no significant sewage needs or significant future growth expected since the New Danville Area is not in an Urban Growth Area as defined by the Township's Comprehensive Plan. Therefore, the plan determines that public sewers are not needed in the New Danville area at this time.
- A new branch of the Kiwanis Club is forming in the area.

HEARING: Herrville Road Vacation Ordinance

Ordinance # 212-2018

Chair Race moved to adopt Ordinance 212-2018, an Ordinance authorizing the vacating of a portion of Herrville Road and authorizing the Board of Supervisors to transfer title to the vacated portion of Herrville Road to the adjoining landowners. Vice-Chair Evans-Herr seconded the motion.

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Dale Ranck of 2983 Shiprock Road submitted a letter expressing concern about not being able to access his field if Herrville Road is vacated. Vice-Chair Evans-Herr explained he would need an easement from his neighbor.

Stephen Puffer of 2977 Shiprock Road asked if the Township would plow Herrville Road to his driveway seventy-five feet past the proposed termination point. Vice-Chair Evans-Herr informed him the Township will not plow private roads. Deborah Kutt, also of 2977 Shiprock Road, requested the snow not be piled at the proposed termination point of Herrville Road as it would block her access. Supervisor Hlavacek said he would notify the plow drivers.

All voted in favor of adopting Ordinance 212-2018; none opposed.

MINUTES OF PREVIOUS MEETING(S): Chair Race moved to approve the minutes of the August 15, 2018 Board of Supervisors Meeting. Supervisor Hlavacek seconded the motion. Chair Race and Supervisor Hlavacek voted in favor; Vice-Chair Evans-Herr voted nay.

TREASURER'S REPORT: Chair Race moved to approve checks 11677-11733 from the General Fund, checks 1536-1549 from the Recreation Fund, checks 1043-1046 from the Donation Fund, and check 0023 from the Escrow Fund. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed. Vice-Chair Evans-Herr stated the balance in the General Fund was \$768,990.19, and there are additional funds in the Capital Reserve and Operating Reserve accounts.

OLD BUSINESS:

1. **Review Noise Ordinance** – Chair Race moved to table this item. Supervisor Hlavacek 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. Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.
3. **Consider draft Pequea Pulse newsletter and mailing** – Chair Race moved to table this item. Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.
4. **Discuss Hanover Engineering analysis of Herrville Rd** – Chair Race moved to table this item. Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.
5. **Consider advertising and hiring seasonal part-time Public Works employees for Silver Mine Park** – Chair Race moved to table this item. Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.
6. **Discuss funding of Stormwater projects in Silver Mine Park** – Chair Race moved to table this item. Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.

NEW BUSINESS:

1. **Police Personnel** – Chair Race moved to terminate Dianne Carter's employment as a police officer as of this date and authorize the Secretary to notify Special Counsel. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.

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2. **Consider Willow Run Letter of Credit Reduction Request** – Vice-Chair Evans-Herr moved to reduce the Letter of Credit for Phases II and III of Willow Run by \$182,911.60 to establish a new amount equal to \$953,074.35 which includes the original 10% contingency factor as recommended by the Township Engineer. Chair Race seconded the motion. All voted in favor; none opposed.
3. **Consider revised draft of the proposed Zoning Ordinance amendment** – Chair Race moved to table this item. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
4. **Consider review of the Comprehensive Plan by the Pequea Township Planning Commission** – Chair Race moved to direct the Pequea Township Planning Commission to review the Comprehensive Plan and provide their recommendations to the Board of Supervisors by March of 2019. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
5. **Consider approving Demolition Order for 242 Marticville Road** – Supervisor Hlavacek moved to approve the Demolition Order for 242 Marticville Road. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
6. **Discuss appeal of the Zoning Hearing Board decision on the structure at 330 Baumgardner Rd** – Supervisor Hlavacek moved to discontinue the appeal of the Zoning Hearing Board's grant of a variance to the owner of 330 Baumgardner Road. Motion died due to lack of a second. Vice-Chair Evans-Herr stated the decision was made in 2016, prior to Supervisor Hlavacek's term, to authorize the Solicitor to uphold the Zoning Ordinance.

Tom Haas of 2194 New Danville Pike asked how much money has been spent on this matter. Supervisor Hlavacek responded legal fees to date total \$20,802.72.

Don Purdum of 129 Marticville Road questioned Vice-Chair Evans-Herr's assertion that the current Board of Supervisors does not have the authority to change a decision that was made by a previous Board.

Jackie Johns of 23 Pine Lane said the members of the Zoning Hearing Board are authorized to use their own discretion when considering variances and special exceptions.

Vice-Chair Evans-Herr moved to remove this item from the agenda. Chair Race seconded the motion. Chair Race and Vice-Chair Evans-Herr voted in favor; Supervisor Hlavacek voted nay.

7. **Set hearing to adopt an Ordinance accepting the City of Lancaster's amended and rewritten Sewer System Regulations** – Chair Race moved to set the hearing to consider adopting an Ordinance accepting the City of Lancaster's amended and rewritten Sewer System Regulations for October 17, 2018 during the Board of Supervisors meeting starting at 7PM. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
8. **Consider approving the purchase of a Police Reporting System** – Chief Michener explained the County will discontinue its reporting system in 2019. He studied various replacement options and recommended the Board of Supervisors accept the proposal from Computer Square, Inc.

Scott Edwards of 98 Baumgardner Road asked if there is room in the budget for this purchase. Vice-Chair Evans-Herr responded affirmatively.

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Ms. Johns inquired as to the cost. Chief Michener replied a five-year contract with a 20% discount for prepayment would be \$34,064.00 with 50% due this year and the remaining balance due in 2019.

Mr. Edwards asked if there are additional fees for updates and service. Chief Michener responded those are included.

Vice-Chair Evans-Herr moved to approve the purchase of a police reporting system from Computer Square, Inc. for \$34,064.00. Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.

9. **Consider Resolution to set the Employee Contribution Rate for the Police Pension Plan** – Chair Race moved to adopt Resolution 490-2018 to waive employee contributions to the Police Pension Plan for 2019. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
10. **Consider approving the Minimum Municipal Obligation for the Police Pension Plan** – Vice-Chair Evans-Herr moved to approve the 2019 Minimum Municipal Obligation of \$76,738.00 for the Police Pension Plan as submitted by the Treasurer. Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.
11. **Consider approving the Minimum Municipal Obligation for the Non-Uniformed Employees Pension Plan** – Vice-Chair Evans-Herr moved to approve the 2019 Minimum Municipal Obligation of \$16,436.05 for the Non-Uniformed Employees Pension Plan as submitted by the Treasurer. Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.
12. **Discuss hiring part-time CDL drivers for Winter Maintenance** – Vice-Chair Evans-Herr moved to authorize the Secretary to advertise for seasonal part-time CDL drivers. Chair Race seconded the motion. All voted in favor; none opposed.
13. **Consider approving West Willow Fire Company Boot Drive** – Chair Race moved to approve the West Willow Fire Company Boot Drive at West Penn Grant Road and Route 272 South on November 17, 2018 subject to PennDOT approval. Supervisor Hlavacek seconded the motion. Chair Race and Supervisor Hlavacek voted in favor; Vice-Chair Evans-Herr voted nay.
14. **Discuss allocation of Volunteer Firefighters' Relief Association funds** – Supervisor Hlavacek moved to equally divide the Volunteer Firefighters' Relief Association funds between the New Danville Volunteer Fire Relief Association and the West Willow Volunteer Fire Relief Association. Chair Race seconded the motion. Chair Race and Supervisor Hlavacek voted in favor; Vice-Chair Evans-Herr voted nay.
15. **Discuss opening the mine at Silver Mine Park** – Chair Race moved to not open the mine at Silver Mine Park. Supervisor Hlavacek seconded the motion. Vice-Chair Evans-Herr cited minutes from the September 20, 2017 Board of Supervisors meeting in which fundraisers were approved to restore the mine. Chair Race expressed concern about liability. Chair Race and Supervisor Hlavacek voted in favor of not opening the mine; Vice-Chair Evans-Herr voted nay.

REPORTS/UPDATES:

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Fire Company Consolidation Committee – New Danville Fire Company and West Willow Fire Company received the report from the Fire Protection Evaluation Committee.

Mr. Edwards asked if the Fire Protection Evaluation Committee's report will be available to the public. Vice-Chair Evans-Herr replied no; it was a report for the Board of Supervisors.

Ken Stauffer, President of the New Danville Fire Company, took exception to the report. It is not signed by the members of the committee. The fire companies were accused of not being forthcoming with information they were never asked to provide. A neighboring fire company was named in error.

Martin Harnish, President of the West Willow Fire Company, deemed the report inaccurate and misleading. They were not asked to provide the information they purportedly withheld.

Greg DeMascola, Deputy Chief of the New Danville Fire Company, challenged the validity of the Fire Company Consolidation Resolution due to its adoption at a special meeting without being advertised.

Vice-Chair Evans-Herr clarified the Committee was charged with determining if more than one fire company is needed to serve Pequea Township. She said the companies hate each other and will never consolidate. Vice-Chair Evans-Herr moved to recognize New Danville Fire Company as the only fire company authorized to operate in Pequea Township. Motion died due to lack of a second.

Jason Topper, Chief of the West Willow Fire Company, said the Committee told them only one organization is necessary, but it should be comprised of the two existing companies.

Mr. Harnish agrees only one service provider is required. Pequea Township just happens to be blessed with two.

Brad Shenk, Chief of the New Danville Fire Company, suggested overturning the Fire Company Consolidation Resolution 482-2018.

Mr. Haas reiterated Chief Shenk's recommendation.

Vice-Chair Evans-Herr proposed scheduling a meeting between the Fire Protection Evaluation Committee and the Board of Supervisors.

Chief Topper does not understand why the Board of Supervisors would want to continue to engage the Committee when the statements on their report are either false or opinion.

Deputy Chief DeMascola referenced the May 2, 2018 meeting minutes in which Mr. Harnish asked if the Consolidation Resolution constitutes a relationship between Pequea Township and the volunteer fire companies that could compromise their status as separate entities. Solicitor Pykosh replied the Township is not involved in the policy making or day-to-day operations of the fire

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companies. Deputy Chief DeMascola asserted a forced merger directly impacts their daily operations.

Mr. Edwards questioned if all three members of the Fire Protection Evaluation Committee contributed to the report.

Jeff Kreider of 13 Newswanger Road believes Pequea Township should be grateful to have two fire companies ready, willing, and able to serve the community.

Jim Rudy of 313 Radcliff Road suffered a huge fire on his farm years ago which strengthened his appreciation for volunteers who put their lives in peril to help others.

Vice-Chair Evans-Herr questioned the number of boxes the West Willow Fire Company is on.

Chief Topper responded West Willow Fire Company has been added to Lafayette, Quarryville, Willow Street, and New Danville. They are being added to others, but it takes time for the Chiefs to make their changes and submit them to County Dispatch.

Chief Shenk insisted the fire companies would be able to work together better without interference from the Board of Supervisors.

Chair Race solicited opinions from members of the audience who are not associated with the fire companies.

Jere Goretzke of 3 Newswanger Road does not understand why the Board of Supervisors would want to disturb a system that works.

Supervisor Hlavacek moved to add Consider Repealing the Fire Company Consolidation Resolution to the agenda. Chair Race seconded the motion. Chair Race and Supervisor Hlavacek voted in favor of adding the item to the agenda; Vice-Chair Evans-Herr voted nay.

Consider Repealing the Fire Company Consolidation Resolution – Supervisor Hlavacek moved to repeal Resolution 482-2018, a Resolution of the Board of Supervisors of Pequea Township, Lancaster County, Pennsylvania, providing for the consolidation of the fire companies of the Township. Chair Race seconded the motion. Chair Race and Supervisor Hlavacek voted to repeal Resolution 482-2018; Vice-Chair Evans-Herr voted nay.

Southern Regional Police Department – Chief Michener delivered the August report to the Board.

Zoning/Code Enforcement Officer – Report on File

Pequea Township Park and Recreation Board – The Park and Recreation Board held a lottery drawing for the Archery Hunt at their September meeting. A list of the selected participants was posted at the municipal office and on the township website.

Mr. Edwards had numerous questions regarding the logistics of the upcoming archery hunt. Vice-Chair Evans-Herr referred him to Tim Weaver, the Chair of the Park and Recreation Board.

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Mr. Edwards then asked if the Township holds a Small Games of Chance license. Vice-Chair Evans-Herr responded the Township is not required to obtain a Small Games of Chance license. Mr. Edwards said the Department of Revenue does not agree.

Ms. Johns congratulated the Park and Recreation Board for being recognized in the Chesapeake Bay magazine for planting trees.

PUBLIC COMMENTS:

Mr. Haas thanked the Supervisors for doing the right thing for the fire companies. He then asked if a personnel meeting was held to address issues mentioned at the last Board of Supervisors meeting. Vice-Chair Evans-Herr replied a personnel meeting was not held and nothing has been resolved. Mr. Haas asked for but did not receive an explanation for Vice-Chair Evans-Herr's comment at the August meeting regarding Mr. Edwards paying back the Township.

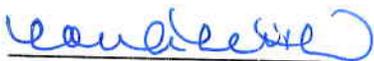
Frances and Jerry Skolnick of 2079 New Danville Pike implored the Board of Supervisors to suspend operation of the "group home" at 2084 New Danville Pike and abide by the Zoning Ordinance for an area designated as a village. Vice-Chair Evans-Herr responded lease agreements between property owners and tenants are not the business of the Township. Chair Race instructed the Skolnicks to submit their written complaint to the Secretary to be forwarded to the Zoning Officer.

On behalf of both fire companies, Chief Topper sincerely thanked Chair Race and Supervisor Hlavacek for repealing the Consolidation Resolution.

Chief Shenk echoed Chief Topper's sentiment.

ADJOURNMENT: Chair Race adjourned the meeting at 10:06 PM.

Respectfully Submitted,



Lori Ann Leitch, Secretary



2018-09-19

Board of Supervisors Meeting Sign-in Sheet

MICHAEL KUTZ

Earl Houghton

Jackie John

STEVE PUFFER

DEB KUTZ

Mark Mirabel

Gabe Mitchell

Anthony Carillo

John + Helen Miller

Will Kutz

Jeff Leckie

Barrie Edwards

Jan Ruy

Cheryl Brennan

Lynn Andrews

Frances Skolnick

Jerry Skolnick

Jere R. Goretzke

Sa H Edwards

Don Turdum

Jared Miller

Deane Thors

Jonathan Harmon

Corey Stauffer

Alex Kutz

Greg Demascolis

Ken Stauffer - NORC

JASON TOPPER

Donald Justice