

BOARD OF SUPERVISORS MEETING MINUTES | NOVEMBER 21, 2018

Minutes of the Pequea Township Board of Supervisors Meeting held at 7:00 PM on November 21, 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
Robert P. Burger, Police Sergeant-Detective
Sign-in Sheet Attached

CALL TO ORDER: Chair Race called the meeting to order at 7:00 PM and led the recitation of the 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.
- Vice-Chair Evans-Herr thanked the Sierra Club of Lancaster for their help clearing a meadow in Silver Mine Park.
- The Board of Supervisors held an Executive Session on November 7th to discuss legal matters pertaining to the McMichael property at 242 Marticville Road, the Summerfield development, the Skolnick appeal of Right-to-Know requests, the vacation of the bridge on Radcliff Road, the condemnation of the Ngo properties at 3284 Willow Street Pike South (Staat's Motel) and 1 West Boehms Road, and the lot owned by the Suburban Lancaster Sewer Authority on Nolt Avenue. The Skolnick appeal of Right-to-Know requests will be addressed under New Business item #1.
- The Board of Supervisors held Executive Sessions on November 7th and November 12th to discuss the negotiating of a non-uniformed employee collective bargaining agreement.
- The Board of Supervisors interviewed candidates for a CDL position on the Road Crew on November 13th. The result of those meetings will be addressed under New Business item #6.
- Vice-Chair Evans-Herr announced the Township will celebrate 24 years of ownership of the 84.6 acres known as the southern portion of Silver Mine Park on December 15, 2018. The use of the Property, as defined in the Agreement dated December 15, 1994, shall be restricted to open space/parkland/recreational purposes. The Property shall be utilized perpetually for park and recreational purposes. If, when and as it is deemed inappropriate to utilize said real estate for active park and recreational purposes, it is agreed, understood and hereby declared as a declaration, restriction and covenant running with the land that the utilization shall be for passive recreation or open space. The term of this restriction shall be perpetual and it shall be a covenant running with the land.

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MINUTES OF PREVIOUS MEETING(S): Chair Race moved to approve the minutes of the October 11, 2018 Budget Workshop. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed. Chair Race moved to approve the minutes of the October 17, 2018 Board of Supervisors Meeting. Supervisor Hlavacek seconded the motion. Chair Race and Supervisor Hlavacek voted in favor; Vice-Chair Evans-Herr voted nay. Chair Race moved to approve the minutes of the October 25, 2018 Budget Workshop. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.

TREASURER'S REPORT: Chair Race moved to approve checks 11789-11841 from the General Fund, checks 1560-1568 from the Recreation Fund, checks 1095-1146 from the Donation Fund, and check 0027 from the Escrow Fund. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed. Vice-Chair Evans-Herr read the account balances: General Fund \$680,319.58; Recreation Fund \$158,506.29; Operating Reserve \$50,596.19; Capital Reserve \$123,765.80.

PRESENTATION: Robin Maguire of the Conestoga Area Historical Society presented a letter endorsing Park and Recreation Board members Cynthia Evans-Herr and Timothy Weaver in their efforts to secure recognition for the Pequea Silver Mine. The Historical Society is researching the area and will display their findings.

OLD BUSINESS:

1. **Consider Resolution to transfer funds to the Operating Reserve account** – Chair Race moved to adopt Resolution 497-2018, a Resolution of the Board of Supervisors of the Township of Pequea, Lancaster County, Pennsylvania, authorizing the transfer of unencumbered moneys from the General Fund to the Operating Reserve Fund. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.

Chair Race moved to adopt Resolution 498-2018, a Resolution of the Board of Supervisors of the Township of Pequea, Lancaster County, Pennsylvania, to close the accounts held at Citizens Bank. Vice-Chair Evans-Herr seconded the motion.

Ken Adams of 39 Cobblestone Drive verified the unencumbered moneys in the Citizens Bank accounts, approximately two hundred fifty thousand dollars (\$250,000.00), will be transferred to the Operating Reserve Fund.

All voted in favor of closing the Citizens Bank accounts; none opposed.

NEW BUSINESS:

1. **Discuss Appeal of Right-to-Know Requests** – Frances Skolnick of 2079 New Danville Pike appealed the Open Records Officer's response to her Right-to-Know request. The Solicitor withheld certain documents, listed on a Privilege Log, that were deemed responsive but exempt under the Right-to-Know Law. Vice-Chair Evans-Herr moved to authorize the Secretary to release the documents on the Privilege Log to Frances Skolnick. Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.
2. **Consider Willow Acres request for Extension of Plan Approvals** – Vice-Chair Evans-Herr moved to grant the developer's request to extend the plan approvals for Willow Acres an additional year and establish a new expiration date of February 19, 2020. Chair Race seconded the motion. Supervisor Hlavacek expressed concern about building codes changing in the meantime. Vice-

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Chair Evans-Herr assured him the developer would be required by law to comply with the current code. All voted in favor; none opposed.

3. **Consider Sanitary Sewer Capacity Request for Millwood Rd Lot 11** – Vice-Chair Evans-Herr moved to grant five (5) Equivalent Dwelling Units (EDUs) to CCS Building Group for Willow Valley Communities, Inc.'s proposed improvements to Lot 11 on Millwood Road. Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.
4. **Consider Ditzler request for escrow release** – Chair Race moved to release the escrow balance of \$2,886.20 less outstanding invoices to Jason Ditzler of 255 Shultz Road as recommended by the Township Engineer. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
5. **Consider Pequea Church request for additional entrance** – Pequea Church asked the Board of Supervisors to reconsider their previous denial of an additional entrance. The updated proposal consisted of a reinforcing grid and restricted access. The Supervisors reiterated their safety concerns, citing the Engineer's evaluation of the site. Chair Race moved to deny Pequea Church's request for an additional entrance. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.
6. **Discuss Fee Schedule** – The Supervisors discussed possible changes to the fee schedule to recover zoning and code enforcement expenses. Vice-Chair Evans-Herr moved to authorize the Secretary to prepare a Resolution incorporating the recommendations of the Zoning Officer. Supervisor Hlavacek seconded the motion.

David Stull of 195 Linestown Road asked if there is a fine for Property Maintenance Code violations. Vice-Chair Evans-Herr responded affirmatively.

All voted in favor of the preparation of a revised Fee Resolution; none opposed.

7. **Consider hiring a CDL driver on an as-needed basis** – Chair Race moved to hire Jason Kreider as a Public Works Equipment Operator/Laborer on an as-needed basis, contingent upon satisfactory background checks, at a rate of \$18.54/hr and accept his resignation from the Board of Auditors. Supervisor Hlavacek seconded the motion.

Mr. Adams inquired as to the number of hours Mr. Kreider will work. Supervisor Hlavacek responded it depends on the weather. Mr. Kreider's primary function will be snow removal.

All voted in favor; none opposed.

8. **Consider rate increase for full-time Public Works Equipment Operator/Laborer** – Chair Race moved to increase Equipment Operator/Laborer Brian Herr's hourly wage from \$19.00 to \$19.57 effective 11/15/18. Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.
9. **Consider rate increase for part-time Assistant Secretary** – Chair Race moved to increase Assistant Secretary Kimberly Ulaky's hourly wage from \$16.50 to \$17.00 effective 11/02/18. Supervisor Hlavacek seconded the motion.

Mr. Adams confirmed these increases were based on service anniversaries.

All voted in favor; none opposed.

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10. **Discuss the expense of stormwater projects in Silver Mine Park** – Supervisor Hlavacek moved to charge the expenses associated with the stormwater management projects in Silver Mine Park to the Recreation Fund. Chair Race seconded the motion.

Earl Houghton of 339 Pleasant View Drive questioned the plan for the balance in the Recreation Fund.

During discussion, the Supervisors clarified the individual projects. Chair Race stated the gravel bar removal is related to the roadway and should be charged to the General Fund. He rescinded his second. Vice-Chair Evans-Herr moved to charge the expenses for the GP-3 Permit for McAllister Run and the GP-11 Permit for the North Pond to the Recreation Fund. Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.

11. **Consider scheduling quarterly Park and Recreation Board meetings in 2019** – Chair Race moved to authorize the Park and Recreation Board to hold quarterly meetings in January, April, July, and October of 2019. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.

12. **Consider forming a Special Events Committee** – Vice-Chair Evans-Herr suggested forming a committee to oversee special events such as National Night Out and Halloween in the Park.

Don Purdum of 129 Marticville Road does not recommend holding new events in 2019. As an incoming Supervisor, he would like more time to plan appropriately.

Supervisor Hlavacek moved to take no action on this item. Chair Race seconded the motion. All voted in favor; none opposed.

13. **Consider approving 2019 events in Silver Mine Park** – The Park and Recreation Board proposed hosting a Youth Easter Egg Hunt and a summer concert by Servant Stage in Silver Mine Park. Supervisor Hlavacek moved to approve a concert at Silver Mine Park on August 15, 2019. Vice-Chair Evans-Herr seconded the motion. All voted in favor; none opposed.

REPORTS/UPDATES:

Southern Regional Police Department – Report will be filed when Chief returns from vacation.

Pequea Township Road Crew – Road Liaison's Update

Lancaster County Inter-Municipal Committee – Representative's Update

Suburban Lancaster Sewer Authority – Representative's Update

Zoning/Code Enforcement Officer – Report on File. Vice-Chair Evans-Herr announced Pequea Township received a UCC Appeal.

Pequea Township Zoning Hearing Board – The Zoning Hearing Board will consider a request by Gary and Ann Grosh for the selling of alpaca related products in their home located at 477 Long Lane, Lancaster, PA 17603, within the R-1 Zoning District, for a Special Exception of 603.2 pursuant to section 1502.21 of the 2015 Pequea Township Zoning Ordinance.

Pequea Township Planning Commission – The Planning Commission reviewed a Building Bridges Concept Plan and was briefed on the Millwood Road Lot 11 Development Plan. They voted to not amend the Pequea Township Comprehensive Plan at this time.

Pequea Township Park and Recreation Board – The Park and Recreation Board discussed upcoming events and unfinished projects in Silver Mine Park.

PUBLIC COMMENTS:

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Public comment for items not on the agenda will be taken at this time.

Scott Edwards of 98 Baumgardner Road requested an update on the 2016-2017 Southern Regional Police Commission audit. Chair Race responded the Attorney General and State Police are still conducting their investigation.

Tom Feeman of 343 Nolt Avenue asked if Pequea Township is interested in acquiring the lot owned by the Suburban Lancaster Sewer Authority on Nolt Avenue. Vice-Chair Evans-Herr replied the Board of Supervisors discussed the lot in an Executive Session and has chosen not to take action on it.

Mr. Purdum expressed concern about expenses outpacing revenue. He then asked if the Board of Supervisors is still pursuing an appeal of the Zoning Hearing Board's decision to grant a variance to Thomas Schelling of 330 Baumgardner Road.

Mr. Adams complained about the rising legal expenses. He then asked for more information about the transition of ambulance services from Susquehanna Valley EMS to Lancaster Emergency Management Services (LEMSA) which occurred earlier in the year.

Rob Reidenbach of 330 Pleasant View Drive complained about the Right-to-Know expenses. Vice-Chair Evans-Herr replied a large amount was spent on an egregious request for all of her e-mails.

Referring to a statement Vice-Chair Evans-Herr made at a previous meeting, Tom Haas of 2194 New Danville Pike asked for an explanation of Senator Scott Martin's connection to the "Blue Paper." Vice-Chair Evans-Herr did not comment. Mr. Haas then sought clarification on the Southern Regional Police Commission audit. Vice-Chair Evans-Herr informed him the 2016 financial audit was never performed. The original accounting firm withdrew because former employees were not willing to cooperate. A forensics audit was conducted by another firm as part of the ongoing investigation.

In response to a disruption, Mr. Adams suggested creating a designated area for cameras.

Chair Race moved to approve the proposed General Fund, Recreation Fund, and Highway Aid Fund budgets for public inspection. Vice-Chair Evans-Herr seconded the motion.

Mr. Adams asked if Pequea Township will receive payment from the Police Commission account for the additional workers' compensation insurance costs resulting from the inherited experience modification. Vice-Chair Evans-Herr said the funds in the Police Commission account will be held until after the look-back period expires.

All voted in favor of approving the proposed budgets for public inspection; none opposed.

ADJOURNMENT: Chair Race adjourned the meeting at 9:20 PM.

Respectfully Submitted,



Lori Ann Leitch, Secretary

