

# BOARD OF SUPERVISORS MEETING MINUTES | JANUARY 7, 2019

Minutes of the Pequea Township Board of Supervisors Organizational Meeting held at 7:00 PM on January 7, 2019 at the New Danville Fire Company, 43 Marticville Road, Lancaster, PA 17603.

## **Present at the meeting were:**

Robert Race, Jr., Supervisor  
Cynthia T. Evans-Herr, Supervisor  
E. John Hlavacek, Supervisor  
Donald R. Purdum, Jr., Supervisor  
Anthony Cazillo, III, Supervisor

## **Others present:**

Lori Ann Leitch, Secretary-Treasurer  
John R. Michener, Chief of Police  
Lori Vital, Police Officer  
Sign-in Sheet Attached

## **CALL TO ORDER**

Supervisor 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.

## **ORGANIZATION:**

### **BOARD OF SUPERVISORS**

#### **1. Appoint Chair of the Board of Supervisors**

Supervisor Race moved to appoint Donald R. Purdum, Jr. as Chair of the Board of Supervisors. Supervisor Evans-Herr seconded the motion. All voted in favor; none opposed.

#### **2. Appoint Vice-Chair of the Board of Supervisors**

Chair Purdum moved to appoint Anthony Cazillo, III as Vice-Chair of the Board of Supervisors. Supervisor Evans-Herr seconded the motion. All voted in favor; none opposed.

#### **3. Appoint Road Crew Liaison**

Vice-Chair Cazillo moved to appoint Chair Purdum as Road Crew Liaison. Supervisor Race seconded the motion. All voted in favor; none opposed.

#### **4. Appoint Park Crew Liaison**

Vice-Chair Cazillo moved to appoint Chair Purdum as Park Crew Liaison. Supervisor Race seconded the motion. Supervisor Evans-Herr stated the purpose of a five-member Board is to divide the responsibilities amongst the members. Vice-Chair Cazillo withdrew his motion and Chair Purdum moved to appoint Supervisor Hlavacek as Park Crew Liaison. Supervisor Race seconded the motion. All voted in favor; none opposed.

## **5. Appoint Legal Liaison**

Supervisor Hlavacek moved to appoint Chair Purdum as Legal Liaison of the Board of Supervisors. Supervisor Race seconded the motion. Chair Purdum, Vice-Chair Cazillo, Supervisor Race, and Supervisor Hlavacek voted in favor; Supervisor Evans-Herr voted nay.

## **6. Appoint Representative for Union Negotiations**

Supervisor Race moved to appoint Vice-Chair Cazillo as the Representative for Union Negotiations. Supervisor Hlavacek seconded the motion. Supervisor Evans-Herr amended the motion to appoint Vice-Chair Cazillo and Supervisor Hlavacek as the Representatives for Union Negotiations. Chair Purdum seconded the amended motion. All voted in favor; none opposed.

## **7. Appoint Volunteer Fire Company Liaison**

Chair Purdum moved to appoint Vice-Chair Cazillo as Fire Company Liaison. Supervisor Race seconded the motion. All voted in favor; none opposed.

## **8. Appoint Voting Delegate for PSATS Conference**

Vice-Chair Cazillo moved to appoint Chair Purdum as Voting Delegate for the PSATS Conference. Supervisor Race seconded the motion. All voted in favor; none opposed.

## **9. Appoint Community Development Block Grant Program Representative**

Chair Purdum moved to appoint Supervisor Hlavacek as the Community Development Block Grant Program Representative. Supervisor Race seconded the motion. Supervisor Evans-Herr encouraged the Board to nominate a Supervisor who resides in the Urban Growth Area. Chair Purdum withdrew his original motion and moved to appoint Vice-Chair Cazillo as the Community Development Block Grant Program Representative. Supervisor Race seconded the new motion. All voted in favor; none opposed.

## **10. Approve Lancaster Inter-Municipal Committee membership and appoint Representative**

Chair Purdum moved to approve Pequea Township's membership in the Lancaster Inter-Municipal Committee (LIMC) and appoint Vice-Chair Cazillo to represent Pequea Township at the meetings. Supervisor Race seconded the motion. Supervisor Evans-Herr asked the Board to consider reappointing her as the LIMC Representative. Chair Purdum expressed an interest in returning to the Southern Lancaster County Intermunicipal Council (SLCIMC). Chair Purdum, Vice-Chair Cazillo, Supervisor Race, and Supervisor Hlavacek voted in favor of approving Pequea Township's membership in the Lancaster Inter-Municipal Committee and appointing Vice-Chair Cazillo as Pequea Township's LIMC Representative; Supervisor Evans-Herr voted nay.

## **TOWNSHIP ADMINISTRATION & PERSONNEL**

### **11. Appoint Roadmaster**

Chair Purdum moved to table the appointment of a Roadmaster. Vice-Chair Cazillo seconded the motion. Supervisor Evans-Herr requested a timeline for revisiting the matter; Chair Purdum responded two to four months. Chair Purdum, Vice-Chair Cazillo, Supervisor Race, and Supervisor Hlavacek voted in favor of tabling this item; Supervisor Evans-Herr voted nay.

### **12. Authorize Representative for the Declaration of Snow and Ice Emergencies**

Supervisor Race moved to appoint Chair Purdum or Road Foreman Jeff Fry to be Duly Authorized Representatives for the Declaration of Snow and Ice Emergencies as described in Section 304 of Traffic Ordinance 211-2018. Supervisor Hlavacek seconded the motion. All voted in favor; none opposed.

**13. Appoint Secretary-Treasurer**

Chair Purdum moved to appoint Lori Ann Leitch as Secretary-Treasurer. Supervisor Race seconded the motion. All voted in favor; none opposed.

**14. Set amount of Treasurer Bond**

Chair Purdum moved to set the amount of the Treasurer Bond at one million dollars (\$1,000,000.00). Supervisor Race seconded the motion. Supervisor Evans-Herr suggested reevaluating the amount. Chair Purdum withdrew his motion and moved to table this item. Supervisor Race seconded the motion. All voted in favor; none opposed.

**15. Resolution - Appoint Chief Administrative Officer of the Non-Uniformed Employees' Pension Plan**

Supervisor Evans-Herr moved to adopt Resolution 501-2019 appointing Secretary-Treasurer Lori Ann Leitch as Chief Administrative Officer of the Pequea Township Non-Uniformed Employees' Pension Plan for the purpose of carrying information to the Department of the Auditor General and to administer funds with the Principal Financial Group. Supervisor Race seconded the motion. All voted in favor; none opposed.

**16. Resolution - Appoint Chief Administrative Officer of the Uniformed Employees' Pension Plan**

Supervisor Evans-Herr moved to adopt Resolution 502-2019 appointing Secretary-Treasurer Lori Ann Leitch as Chief Administrative Officer of the Pequea Township Uniformed Employees' Pension Plan for the purpose of carrying information to the Department of the Auditor General and to administer funds with the Pennsylvania Municipal Retirement System (PMRS). Supervisor Race seconded the motion. All voted in favor; none opposed.

**17. Resolution - Appoint Depositories for 2019**

Supervisor Evans-Herr moved to adopt Resolution 503-2019 appointing PNC Bank and Pennsylvania Local Government Investment Trust (PLGIT) as depositories for the year 2019. Supervisor Race seconded the motion. All voted in favor; none opposed.

**18. Appoint Assistant Secretary**

Chair Purdum moved to appoint Kimberly Ulaky as Assistant Secretary. Supervisor Race seconded the motion. All voted in favor; none opposed.

**19. Set Township hours for 2019**

Chair Purdum moved to keep the Township office hours Monday through Friday 9:00 AM - 4:30 PM. Supervisor Race seconded the motion. All voted in favor; none opposed. Supervisor Evans-Herr moved to set the Road Crew hours Monday through Friday 7:00 AM – 3:30 PM until Daylight Savings Time begins. Supervisor Hlavacek seconded the motion.

Jeff Kreider of 13 Newswanger Road proposed the Road Crew starting at 8:00 AM and working later.

Chair Purdum, Vice-Chair Cazillo, Supervisor Evans-Herr, and Supervisor Hlavacek voted in favor of setting the Road Crew hours Monday through Friday 7:00 AM – 3:30 PM effective Monday, January 14, 2019 until Daylight Savings Time begins; Supervisor Race voted nay.

**20. Set Mileage Reimbursement Rate for 2019**

Chair Purdum moved to authorize mileage reimbursement for employees, Supervisors, and volunteers who use their personal vehicles for approved Township business at the rate of 58 cents

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per mile set by the Internal Revenue Service for 2019. Supervisor Race seconded the motion. All voted in favor; none opposed.

## PLANNING & ZONING

### **21. Appoint Zoning Officer**

Supervisor Evans-Herr moved to appoint Solanco Engineering Associates, LLC as Zoning Officer for Pequea Township and set pay according to the 2019 Rate Schedule. Supervisor Race seconded the motion. All voted in favor; none opposed.

### **22. Appoint Building Code Official and Code Enforcement Officer**

Chair Purdum moved to appoint Mark Deimler of Solanco Engineering Associates, LLC as Building Code Official and Code Enforcement Officer for Pequea Township and set pay according to the 2019 Rate Schedule. Supervisor Evans-Herr seconded the motion. All voted in favor; none opposed.

### **23. Resolution - Appoint Zoning Hearing Board member and alternate**

Chair Purdum moved to adopt Resolution 504-2019 appointing K. Scott Edwards to the Pequea Township Zoning Hearing Board for a five-year term ending January 2024 and Constantine Kontanis as an alternate to the Pequea Township Zoning Hearing Board for a three-year term ending January 2022. Supervisor Race seconded the motion. Chair Purdum, Vice-Chair Cazillo, Supervisor Race, and Supervisor Hlavacek voted in favor; Supervisor Evans-Herr voted nay.

### **24. Set Zoning Hearing Board members' rate of pay**

Chair Purdum moved to set the rate of pay for Zoning Hearing Board members at forty dollars (\$40.00) per meeting attended. Vice-Chair Cazillo seconded the motion. Supervisor Evans-Herr asked the Board to consider an increase. Chair Purdum suggested revisiting the matter at a later date. All voted in favor of setting the rate of pay for Zoning Hearing Board members at forty dollars (\$40.00) per meeting attended; none opposed.

### **25. Set Zoning Hearing Board Solicitor's rate of pay limit**

Chair Purdum moved to set the rate of pay for the Zoning Hearing Board Solicitor not to exceed one hundred fifty-five dollars (\$155.00) per hour. Vice-Chair Cazillo seconded the motion. All voted in favor; none opposed.

### **26. Appoint Planning Commission member (1 of 2)**

Chair Purdum moved to appoint Fred Witmer to the Pequea Township Planning Commission for a four-year term ending January 2023. Supervisor Race seconded the motion. All voted in favor; none opposed.

### **27. Appoint Planning Commission member (2 of 2)**

Chair Purdum moved to appoint Eric Lucas to the Pequea Township Planning Commission for a four-year term ending January 2023. Supervisor Race seconded the motion. All voted in favor; none opposed.

### **28. Appoint Municipal Representative to Route 272 Study Advisory Committee**

Supervisor Evans-Herr moved to appoint Supervisor Hlavacek to serve as a Municipal Representative to the Route 272 Study Advisory Committee for 2019. Chair Purdum seconded the motion. All voted in favor; none opposed.

### **29. Appoint UCC Inspection Agency (1 of 2)**

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Chair Purdum moved to appoint Commonwealth Code Inspection Service, Inc. as a Unified Construction Code (UCC) Inspection Agency for Pequea Township for the year 2019. Supervisor Race seconded the motion. All voted in favor; none opposed.

### **30. Appoint UCC Inspection Agency (2 of 2)**

Chair Purdum moved to appoint Code Administrators, Inc. as a Unified Construction Code (UCC) Inspection Agency for Pequea Township for the year 2019. Supervisor Race seconded the motion. All voted in favor; none opposed.

## **ENGINEERING**

### **31. Appoint Township Engineer**

Chair Purdum moved to appoint Solanco Engineering Associates, LLC as Engineer for Pequea Township for all general purposes and set pay according to the 2019 Rate Schedule. Supervisor Race seconded the motion. All voted in favor; none opposed.

### **32. Appoint Alternate Engineer**

Chair Purdum moved to appoint Hanover Engineering as Alternate Engineer for Pequea Township and set pay according to the 2019 Rate Schedule. Supervisor Race seconded the motion. All voted in favor; none opposed.

### **33. Appoint Engineer for Municipal Separate Storm Sewer System (MS4)**

Chair Purdum moved to appoint Hanover Engineering as Engineer for Pequea Township's Municipal Separate Storm Sewer System (MS4) projects. Vice-Chair Cazillo seconded the motion. Supervisor Evans-Herr recommended appointing an MS4 Liaison at the next meeting. All voted in favor of appointing Hanover Engineering as the MS4 Engineer; none opposed.

## **SEWAGE ENFORCEMENT**

### **34. Appoint Sewage Enforcement Officer**

Chair Purdum moved to appoint Mark Deimler of Solanco Engineering Associates, LLC as Sewage Enforcement Officer for Pequea Township and set pay according to the 2019 Rate Schedule. Vice-Chair Cazillo seconded the motion. All voted in favor; none opposed.

### **35. Appoint Alternate Sewage Enforcement Officer**

Chair Purdum moved to appoint Hanover Engineering as Alternate Sewage Enforcement Officer for Pequea Township and set pay according to the 2019 Rate Schedule. Supervisor Evans-Herr seconded the motion. All voted in favor; none opposed.

## **LEGAL**

### **36. Appoint Township Solicitor**

Chair Purdum moved to appoint Michael Pykosh of Dethlefs-Pykosh Law Group as Solicitor for Pequea Township for all general purposes and set pay according to the 2019 Rate Schedule. Supervisor Evans-Herr seconded the motion.

Ken Adams of 39 Cobblestone Drive asked if he could see the attorney's rate schedule. Supervisor Evans-Herr suggested he submit a Right-to-Know request.

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After verifying Dethlefs-Pykosh Law Group provided counsel on the archery hunt, Mr. Adams suggested the Board seek another Solicitor.

All voted in favor of appointing Michael Pykosh as Township Solicitor; none opposed.

### **37. Appoint Open Records Officer**

Chair Purdum moved to appoint Lori Ann Leitch as Open Records Officer for Pequea Township. Vice-Chair Cazillo seconded the motion. All voted in favor; none opposed.

### **38. Appoint Special Counsel**

Supervisor Evans-Herr moved to appoint McNees Wallace & Nurick, LLC as Special Counsel for Pequea Township for personnel matters and set pay according to the 2019 Rate Schedule. Supervisor Hlavacek seconded the motion.

After verifying McNees Wallace & Nurick, LLC provided counsel on the termination of the Articles of Agreement governing the Southern Regional Police Commission, Mr. Adams suggested the Board seek another firm.

All voted in favor of appointing McNees Wallace & Nurick, LLC as Special Counsel; none opposed.

## **AUDITING**

### **39. Resolution – Appoint Certified Public Accountant to perform 2018 Audit**

Chair Purdum moved to adopt Resolution 505-2019 appointing RKL LLP as the Certified Public Accountant to perform the audit of the Pequea Township books for 2018. Supervisor Race seconded the motion. All voted in favor; none opposed.

### **40. Appoint Board of Auditors member**

Chair Purdum moved to table this item. Supervisor Race seconded the motion. All voted in favor; none opposed.

## **EMERGENCY MANAGEMENT**

### **41. Appoint Emergency Management Coordinator**

Chair Purdum moved to appoint Anthony L. Williams, Sr. as Emergency Management Coordinator for Pequea Township. Supervisor Race seconded the motion. Supervisor Evans-Herr mentioned the Emergency Management Plan is due to be updated. All voted in favor of appointing Anthony L. Williams, Sr. as Emergency Management Coordinator; none opposed.

### **42. Appoint Deputy Emergency Management Coordinator**

Chair Purdum moved to appoint John R. Michener as Deputy Emergency Management Coordinator for Pequea Township. Supervisor Race seconded the motion. All voted in favor; none opposed.

### **43. Appoint Assistant Emergency Management Coordinator**

Chair Purdum moved to appoint William Birchall as Assistant Emergency Management Coordinator for Pequea Township. Supervisor Race seconded the motion. Supervisor Evans-Herr stressed the importance of National Incident Management System (NIMS) certification. All voted in favor of appointing William Birchall as Assistant Emergency Management Coordinator; none opposed.

## **OTHER APPOINTMENTS**

**44. Appoint Real Estate Tax Collector**

Chair Purdum moved to appoint the County of Lancaster to collect real estate taxes for Pequea Township for the year 2019. Supervisor Evans-Herr seconded the motion. All voted in favor; none opposed.

**45. Appoint Park Board Member**

Chair Purdum moved to table this item. Supervisor Evans-Herr seconded the motion. All voted in favor; none opposed.

**46. Appoint Vacancy Board Chair for 2019**

Chair Purdum moved to appoint Christine Haas as Chair of the Pequea Township Vacancy Board for 2019. Vice-Chair Cazillo seconded the motion. Chair Purdum, Vice-Chair Cazillo, and Supervisor Race voted in favor; Supervisor Evans-Herr and Supervisor Hlavacek voted nay.

Vice-Chair Cazillo moved to add "Instruct the Solicitor to Prepare the Necessary Ordinance to Dissolve the Park and Recreation Board" to the agenda. Chair Purdum and Supervisor Hlavacek seconded the motion. Supervisor Hlavacek stated he noticed the Park and Recreation Board had to cancel many meetings due to the lack of a quorum.

Tim Weaver announced his resignation from the Park and Recreation Board.

**Instruct the Solicitor to Prepare the Necessary Ordinance to Dissolve the Park and Recreation Board**

Vice-Chair Cazillo moved to instruct the Solicitor to prepare the necessary Ordinance to dissolve the Park and Recreation Board of Pequea Township. Supervisor Race seconded the motion. All voted in favor; none opposed.

Chair Purdum moved to add "Instruct the Solicitor to Withdraw from the Schelling Case" to the agenda. Vice-Chair Cazillo and Supervisor Hlavacek seconded the motion.

**Instruct the Solicitor to Withdraw from the Schelling Case**

Chair Purdum moved to instruct the Solicitor to withdraw from the Schelling case. Vice-Chair Cazillo seconded the motion. Chair Purdum said the Township's appeal of a variance granted by the Zoning Hearing Board has caused an unnecessary financial burden on the Township. Supervisor Evans-Herr asserted the Zoning Hearing Board's role is to uphold the Zoning Ordinance, not legislate. Supervisor Hlavacek relayed the neighbors do not object to the non-conforming height of the structure.

Mr. Adams claimed he was barely able to distinguish which building violates the Zoning Ordinance as he rode past it.

Eric Lucas of 320 Baumgardner Road believes the current building is a vast improvement over the previous structure.

Jackie Johns of 23 Pine Lane implored the Board to direct the Engineer to confirm the structure is sound.

Supervisor Race questioned the property owner's hardship.

Tim Weaver of 722 Baumgardner Road explained a zoning hardship is caused by the land. Self-created circumstances do not qualify as a hardship. Mr. Weaver understands the desire to put the issue behind them, but he

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cautioned the Board that the integrity of the Zoning Ordinance will be compromised if they withdraw the appeal.

Chair Purdum, Vice-Chair Cazillo, Supervisor Race, and Supervisor Hlavacek voted in favor of instructing the Solicitor to withdraw from the Schelling case; Supervisor Evans-Herr voted nay.

## ADJOURNMENT

Chair Purdum adjourned the meeting at 8:01 PM.

Respectfully Submitted,



Lori Ann Leitch, Secretary



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MARK MEYER

DIANE MEYER

Scott Edwards

DENNIS MILLER

Rob Kridenber  
Pauline M. Minder

MICHAEL KURTZ

Jackie Johns

DAVID & LAURA FIDLER

Brian Edwards

Jerome F. Borzobee

Wade Purdum

Duane Thomas

Frank Cayello

El Jones

Eric Meyer

Bonnie Funes

Jim & Della Kreider

Janet