

BOARD OF SUPERVISORS MEETING MINUTES | APRIL 17, 2019

Minutes of the Pequea Township Board of Supervisors Meeting held at 7:00 PM on April 17, 2019 at the New Danville Fire Company, 43 Marticville Road, Lancaster, PA 17603.

Present at the meeting were:

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

Others present:

Lori Ann Leitch, Secretary-Treasurer
Christopher J. Gleeson, Solicitor
John R. Michener, Chief of Police
Jordan R. Byrnes, Patrol Officer
Sign-in Sheet Attached

CALL TO ORDER

Chair Purdum 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 from Pequea Township residents and taxpayers will be given before the Board takes official action on agenda items. Public comment for items not on the agenda will be taken after Old Business. 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.

MINUTES OF PREVIOUS MEETING(S): Vice-Chair Cazillo moved to approve the minutes of the March 20, 2019 Board of Supervisors Meeting and the April 10, 2019 Special Meeting. Chair Purdum seconded the motion. Chair Purdum, Vice-Chair Cazillo, and Supervisor Hlavacek voted in favor; Supervisor Evans-Herr voted nay.

TREASURER'S REPORT: Vice-Chair Cazillo moved to approve checks 12065-12111 from the General Fund and checks 1609-1618 from the Recreation Fund. Supervisor Hlavacek seconded the motion. Supervisor Evans-Herr encouraged residents to review the financial statements. All voted in favor of approving the checks; none opposed.

PRESENTATION: Dan Thomas, a member of the Bluebird Society of Pennsylvania, presented information about the bluebird boxes he monitors at Silver Mine Park. The forty-four boxes fledged ninety-two bluebirds last year, which was one of the best records in the county.

OLD BUSINESS:

1. **Consider the appointment of a Supervisor to fill the vacancy on the Board** – Chair Purdum announced Kenneth J. Adams, K. Scott Edwards, Stephen Hlavacek, Keith Haun, and Lucille Gillichbauer submitted letters of interest in the position. Supervisor Hlavacek referenced the Township Supervisors Handbook which recommends public interviews of the candidates. Chair Purdum stated the Handbook is a guide of best practices, but it is not the law. Supervisor

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Hlavacek recused himself since his son is seeking appointment. Vice-Chair Cazillo nominated Scott Edwards to fill the vacancy on the Board of Supervisors. Chair Purdum seconded the motion.

Based on his experience working under the supervision of Mr. Edwards when he was employed as the Roadmaster from February 1, 2017 to March 31, 2017, Tim Weaver of 722 Baumgardner Road believes the proposed appointment will negatively impact the park.

Tom Haas of 2194 New Danville Pike thinks Mr. Edwards will complement the Board well.

Keith Haun of 16 Cobblestone Drive inquired as to why Mr. Edwards was the Roadmaster for only two months. Chair Purdum responded personnel matters are not for public discussion.

Mr. Haun then asked why the appointment process was dictated by the Chair instead of voted on by the Board. Chair Purdum and Vice-Chair Cazillo replied public interviews would have been a circus. Supervisor Evans-Herr referred to public interviews that were conducted in the recent past. She said they were not circuses; they were democracy.

Lucille Gillichbauer of 275 Shultz Road encouraged the Supervisors to get to know the individual candidates.

Chair Purdum and Vice-Chair Cazillo voted in favor of appointing Scott Edwards. Supervisor Evans-Herr voted nay, and Supervisor Hlavacek abstained. Due to the lack of a majority of the five-member Board voting affirmatively, the motion failed to carry.

PUBLIC COMMENTS:

David Stull of 195 Linstown Road accused Supervisor Evans-Herr of besmirching the reputation of the former Chief of the Southern Regional Police Department, John Fiorill. He then claimed he overheard her discussing the "Biden maneuver."

Jackie Johns of 23 Pine Lane is concerned about the safety of pedestrians along Millwood Road. Supervisor Evans-Herr responded the right-of-way will not accommodate sidewalks, but the Board of Supervisors could consider traffic calming measures.

Tina Virgil, who lived in Pequea Township for thirty-four years, supports the environmental initiatives that have taken place at Silver Mine Park.

Ken Adams of 39 Cobblestone Drive believes in transparency. Supervisors should learn their duties and carry them out to the best of their ability instead of allowing former Supervisors to run the Township.

Rob Reidenbach of 330 Pleasant View Drive cited newspaper articles regarding legal expenses and a pending lawsuit.

Mr. Haas asked Supervisor Evans-Herr to confirm she made a comment about selling the park last year. She denied saying she is selling the park. Mr. Haas then read a quote from a newspaper

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article about the residents getting their police department back. He claimed Supervisor Evans-Herr's maneuvering cost the taxpayers \$1.4 million. Lastly, he asked why Supervisor Evans-Herr voted against the minutes. She replied she will not approve the hostility from the lectern. Supervisor Hlavacek added the office should be respected.

Jeff Kreider of 13 Newswanger Road asserted he witnessed Supervisor Evans-Herr say she is selling the park. Supervisor Evans-Herr clarified she alone does not have the authority to sell the park; a majority vote of the governing body would be necessary to take any action.

Mr. Adams endorsed the public interview process the President Judge followed to fill vacancies in 2016.

NEW BUSINESS:

1. **Consider Letter of Credit reduction for David Hess** – Vice-Chair Cazillo moved to approve reducing the Letter of Credit for the David and Starla Hess Pullet Barns to establish a new amount of \$43,767.73. Supervisor Evans-Herr seconded the motion. All voted in favor; none opposed.
2. **Consider approving Chapter 3 and Chapter 7 of revised Police Policy** – Supervisor Evans-Herr moved to approve Chapter 3 and Chapter 7 of the revised Police Policy. Vice-Chair Cazillo seconded the motion. Supervisor Evans-Herr announced the state-of-the-art policy software automatically updates as legislation changes, and the officers are promptly notified.

Mr. Kreider requested a brief synopsis of the chapters. Chief Michener told him Chapter 3 covers Patrol Procedure and Chapter 7 pertains to Property.

All voted in favor; none opposed.

3. **Consider Police Week Proclamation** – Vice-Chair Cazillo moved to proclaim May 12th through May 18th, 2019 Police Week and to observe Peace Officers Memorial Day on May 15th, 2019. Chair Purdum seconded the motion. Chair Purdum recognized Chief Michener and the officers for saving lives during an incident earlier in the day. Attendees gave the department a standing ovation. All voted in favor of the Police Week Proclamation; none opposed.
4. **Consider sale of 2002 Chevrolet Blazer** – Supervisor Evans-Herr moved to authorize the Secretary to advertise the acceptance of bids for the 2002 Chevrolet Blazer through 11AM on June 12, 2019. Chair Purdum seconded the motion.

Mr. Stull suggested selling the vehicle on Municibid.

All voted in favor; none opposed.

5. **Consider Resolution designating signers on the Southern Regional Police Commission account** – Chair Purdum moved to adopt Resolution 511-2019 designating Supervisor Hlavacek as an authorized signatory on the Southern Regional Police Commission account. Vice-Chair Cazillo seconded the motion. All voted in favor; none opposed.
6. **Consider proposals for Paving Project** – Supervisor Evans-Herr moved to award the paving of Erb Avenue and Segment 30 of West Penn Grant Road to the lowest bidder, Long's Asphalt, Inc., for \$154,740.10. Chair Purdum seconded the motion. All voted in favor; none opposed.

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7. **Consider purchasing two tires for New Holland Tractor** – Vice-Chair Cazillo moved to authorize the purchase of two tires for the New Holland tractor for approximately \$1,100.00. Supervisor Hlavacek seconded the motion.

Frank Cazillo of 527 Moreland Court North asked if the Township is eligible for a discount through a state contract. Chair Purdum informed him the Township is a member of CoStars and a few other preferred pricing programs. The Road Foreman sought the best deal.

All voted in favor; none opposed.

8. **Consider Elimination of Park Liaison** – Supervisor Evans-Herr suggested eliminating the Park Liaison now that the park employees are reporting to the Road Foreman in accordance with their job descriptions. Chair Purdum would prefer to take no action until the vacancy is filled. Supervisor Hlavacek supports the formation of a park committee comprised of residents from new developments. Supervisor Hlavacek moved to eliminate the Park Liaison. Supervisor Evans-Herr seconded the motion.

Earl Houghton, a park employee, questioned the issue. Supervisor Evans-Herr replied personnel matters will not be discussed in a public meeting.

Mr. Haas inquired about the timing. Supervisor Hlavacek responded he has been requesting a change in the oversight of the park since January, but the Chair refused to add the item to the agenda.

Vice-Chair Cazillo, Supervisor Evans-Herr, and Supervisor Hlavacek voted in favor of eliminating the Park Liaison; Chair Purdum voted nay.

REPORTS/UPDATES:

Pequea Township Police Department – Chief Michener delivered his monthly report. He commended Officer Muir for his actions during a road rage incident that led to an arrest for harassment.

Pequea Township Road Crew – Chair Purdum provided an update on the Road Department's activities.

Lancaster Inter-Municipal Committee – Vice-Chair Cazillo participated in a discussion regarding Places 2040, the county's comprehensive plan initiative, at the LIMC meeting.

Suburban Lancaster Sewer Authority – Supervisor Evans-Herr announced SLSA sold the lot on Nolt Avenue to a Pequea Township resident.

Zoning/Code Enforcement Officer – Report on File

Pequea Township Zoning Hearing Board – No hearing scheduled


Pequea Township Planning Commission – The Planning Commission will review/revise the proposed Zoning Ordinance amendment at their April 24, 2019 meeting.

ADJOURNMENT

Chair Purdum adjourned the meeting at 8:43 PM.

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Respectfully Submitted,



Lori Ann Leitch, Secretary



Conflict of Interest
Abstention Memorandum

TO: Board Secretary, Lori Ann Leitch, Pequea Township, Lancaster County

FROM: E. John Hlavacek, Supervisor

DATE: April 17, 2019

Pursuant to Pennsylvania's "Public Official and Employee Ethics Law" I hereby declare that I am required to abstain regarding the following issue/motion:

The appointment of a Supervisor to fill a vacancy on the Board

My conflict/reason for abstaining is as follows:

An immediate member of my family is seeking appointment.

 4-17-19

Signature of Board Member

NOTE: Section 3(J) requires the following procedure:

"Any public official or public employee, who in the discharge of his official duties, would be required to vote on a matter that would result in a conflict of interest **shall abstain** from voting **and, prior to the vote** being taken, **publicly announce and** disclose the nature of his interest as a public record in a **written memorandum** filed with the person responsible for recording the minutes for the meeting at which the vote is taken" (emphasis added)

This memorandum does **not** have to be utilized when a conflict is defined "by any law, rule, regulation, order or ordinance;" for example the School Code (Section 1111) prohibits voting to hire certain relatives.

2019-04-17

Board of Supervisors Meeting

Sign-in Sheet

Brian Dieter

Greg DEMASCO

~~Ken Hoff~~
Ken Hoff - NDFC

~~Robert King~~
~~Robert King~~

Ken Adams

DENNIS MURPHY

Thomas Vargo

Tom Weaver

Scott Edwards

Jerome R. Borzicha

Barrie Edwards

Steve Lauch

Diane Carter

Jackie John

Bob Reinhardt

Bob King

Bonnie Greiner

Eric Lucas

Jeff & Della Kreider

Jonathan Horns

Frank & Susan Caylo

David STELL

Pauline M. Minded

Andy