Minutes of the Pequea Township Board of Supervisors Meeting held at 7:00PM on June 19, 2019 at the New Danville Fire Company, 43 Marticville Rd., Lancaster, PA 17603

Present at the meeting were:

Donald R. Purdum, Jr., Chair Anthony Cazillo, III, Vice-Chair E. John Hlavacek, Supervisor K. Scott Edwards, Supervisor

Absent from meeting:

Cynthia Evans-Herr, Supervisor

Others present:

Kimberly S. Ulaky, Assistant Secretary
Lori J. Vital, Patrol Officer
Christopher J. Gleeson, Solicitor
Capt. Jerome "Pepper" Broad, sUAS Coordinator,
PA Wing of Civil Air Patrol
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

- An Executive Session was held on June 12, 2019, at 6:30pm to discuss a personnel matter.
- Capt. Jerome "Pepper" Broad, PA Wing sUAS Coordinator of Civil Air Patrol and member of the South Central PA Task Force for Emergency Services will give a short presentation regarding nighttime flight training of sUAS, aka drones, at Silver Mine Park.

Captain Jerome (Pepper) Broad Presentation:

Capt. Broad explained that the best use of these drones for search and rescue training occurs when it is dark; and, Silver Mine Park is a perfect place to do this training. The search and rescue program is sponsored by FEMA. These drones are very easy to get in flight and are also very quiet. As part of the South Central Task Force for Emergency Services as well, Capt. Broad and the other Task Force personnel are all Part 107 Pilots and are Nationally Certified to fly these drones. They follow all Federal rules governing flying of drones. The night time waiver for flying had just recently been received by the Task Force. For the night flying, the drones will be equipped with strobes. There will always be 2 people, for safety reasons, for each drone flown – the pilot and the pilot's observer. The area they are looking at for this flight training is beginning at the ball fields and they will fly heading towards the creek. They will not fly beyond line of sight initially and will always be aware of power lines in their flight plans. Chair Purdum asked Captain Broad if he would always coordinate with Chief Michener so that the PTPD is aware of when they would be training in Silver Mine Park. Captain Broad agreed to notify Chief Michener and he also stated that if anyone would like to see a demo and/or try their hand at flying one of these drones, to contact him and he would be happy to set something up for the requester. A question was raised about insurance, by Vice-Chair Cazillo; and Capt. Broad responded that the Civil Air Patrol does carry insurance and he almost guarantees that the Lancaster County Task Force for Emergency Services carries insurance as well. He will check into the Task Force and will produce the Civil Air Patrol Insurance Certificate for the Township. Chair Purdum responded to a question from Jackie Johns about the Park hours that are stated as "Park Closes at Dusk"; and, shouldn't a resolution or something be initiated to allow the flying of drones at nighttime? He will discuss with Chief Michener

and get his input. Since this is technically not on the agenda, it will be discussed at a later date. He doesn't anticipate a problem since this is for training purposes only.

MINUTES OF PREVIOUS MEETING(S): Vice-Chair Cazillo moved to approve the minutes of the May 15, 2019 Supervisors Meeting. Supervisor Hlavacek seconded the motion. The motion passed with Chair Purdum, Vice-Chair Cazillo, Supervisor Hlavacek and Supervisor Edwards voting in favor; none opposed. Supervisor Evans-Herr was absent from the meeting.

Supervisor Hlavacek requested an amendment to the last item on June 6, 2019, Special Meeting Minutes to incorporate Supervisor Edwards vote not documented in those draft minutes. Chair Purdum made a motion to conditionally approve based on this amendment by the Assistant Secretary. Supervisor Hlavacek seconded the motion. The motion passed with Chair Purdum, Vice-Chair Cazillo, Supervisor Hlavacek and Supervisor Edwards voting in favor; none opposed. Supervisor Evans-Herr was absent from the meeting. The draft minutes were corrected by the Assistant Secretary.

TREASURER'S REPORT: Chair Purdum moved to approved checks 12154-12190 from the General Fund and checks 1631-1640 from the Recreation Fund. Supervisor Edwards seconded the motion. The motion was passed with Chair Purdum, Vice-Chair Cazillo, Supervisor Hlavacek, and Supervisor Edwards voting in favor; none opposed. Supervisor Evans-Herr was absent from the meeting.

Public comments are encouraged and welcomed. Please come to the podium and limit your comments to three (3) minutes. If the conversation dictates more than three (3) minutes, time will be extended. By having organized public comments, we will be allowing more of our citizens to express their views. Comments for items on the agenda will be taken prior to New Business tonight. Public comments for items not on the agenda will be taken before Old Business.

PUBLIC COMMENTS: Items on the agenda

Richard Cornogg, 1 Teepee Circle, Conestoga, PA 17516 commenting on Agenda Item #14. He stated that the stormwater runoff problem still exists on Teepee Circle and it's not going to go away. The neighbor is not 100% of the problem. Part of the problem is that a few years ago, the Township reset the storm pipe across Teepee Circle. The inlet box at the corner of Teepee Circle and Mohawk Lane sits above grade and the water just doesn't flow into it. Back in October 2018 he brought the problem to the board and a resolution was approved to fix the stormwater problem on Teepee Circle. Work has now taken place (about 3 months ago). He understands it was in the approved budget; and, materials were ordered for the work. A phone call from Chair Purdum was received Tuesday, 6/16/19 to tell him it is no longer the Township's responsibility. Mr. Cornogg personally thinks that re-neging on a promise is just unfair. And since work was begun, materials were ordered and he assumes materials were paid for or will be paid for, to do this work, he thinks there is a real problem here. Because, back when he initiated this, he put reliance that based on the hearing, you were going to fix the problem as the Township. So he did not act on getting an engineer, an attorney and so forth to file plans to correct the problem myself. Now he is 8-9 months behind the frame and with additional costs that will be in front of him and again he thinks that is unfair. The bottom line is that if the Board votes to approve rescinding that work he must seek counsel and file some legal action. He thinks there is some other way of resolving this because there is a problem. And it's not as Chair Purdum said, between the neighbor and himself.

Jackie Johns, 23 Pine Lane, Willow Street, PA 17584 asked the Chairman if she misunderstood that the he would read through and explain the agenda items prior to the official votes during the Business Meeting. Chairman Purdum apologized for the oversite and went over the agenda items for the public audience, at that point. Ms. Johns also had several other questions: Regarding the Treasurer for SRPC accounts, is this the same part time treasurer or? Chair Purdum explained that, it is for the current temporary part time treasurer so that she can access the accounts, for balance information, etc. and to be a signer on the account. Why would you need to hire a part time Public Works employee when you have 3 full time employees and a "part time list" of many persons to be used when needed? You just fired a part time Public Works employee and now you want to hire another one, why, was there a problem? Chair Purdum commented that we can't talk that because it's a personnel matter. Ms. Johns commented that she asked the former worker why he was let go and he said that he was not given a reason. Supervisor Edwards explained that the "part time list" is for people to work on an "as needed" basis. They needed to hire a part time employee that would add consistency and structure to the Public Works Dept. She also asked if there had been a supervisor cutting grass at the park and couldn't one of the full time Public Works employees cut the grass? Supervisor Edwards said that he knew the 3 full time Public Works employees were already working on a road project and both the part time employees that worked for the park at that time were on vacation, so he just volunteered himself to go down to the park and mow the grass. She commented that was very nice! On Item #7 - the HVAC contract, she noticed that on the check list that there was a new vendor – it used to be Comfort Aire and now the new vendor is more expensive; who made that decision - was it a full board decision? Chair Purdum said that he will discuss that decision and answer that question when the meeting gets to that agenda item. Ms. Johns also questioned the new vendor on check listing - Tony's Truck & Trailer as she had never seen that vendor before. Chair Purdum commented that the Department Heads, if they have the monies in their budget, have the ability, at their discretion, to make decisions that they have been empowered to make. The Road Foreman had a specific need, so he brought in a specific company, for a specific purpose. Ms. Johns asked if the other company couldn't handle the job and Chair Purdum commented that he wasn't able to answer that question, without asking the Foreman. She asked about #8-agreement with the USDA regarding the Spotted Lantern Fly. Chair Purdum confirmed that yes, it is with the USDA and they will come in and do the treatment program at Silver Mine Park free of charge and she replied, GREAT! Regarding the item of the Car Show and closing down a portion of Route 741; I have a problem with that as Route 741 is a busy highway – what part of Route 741 is going to be closed? Chair Purdum said that there will be lots of questions regarding the whole process that has to be done for this item. He said that Chief Michener also has some concerns about closing a section of this very busy road. When that item comes up, Robert Heckrote is here to answer any questions regarding this agenda item. There will be a lot of permits and technical items that will have to be done with PennDOT for this item. On #14, Richard Cornogg's request, I happened to be at the meeting when that was approved. How can one board approve it and it's in the budget and then another board just rescind it? Chair Purdum commented that he would assume it's the same as one Congress can't hold another Congress liable for the decisions that it makes. It's a new board; there are several other factors in consideration and we're certainly going to talk about that when we get that Item on the agenda. But to answer your question specifically, one board is not beholding to another board's decisions, any more than one organization is beholding to another. Ms. Johns said that she understands that but this is a township and Mr. Cornogg is tax paying resident of the township. Chair Purdum's response was, the fact of the matter is that in the last six months, there has been about 20 people come to the Board of Supervisors meetings, regarding storm water run-off problems. And then there are the people that you don't hear about; there are many of those as well. The fact of the matter is we have to consider that if

we set a precedent on private property by fixing one person's issue; are we now on the hook to fix every persons problems out of the issue of fairness? We have to ask ourselves as a board, do we have the money to do this, how many people will be waiting for us to raise their taxes to take care of all the costs of basically turning our Public Works Department into a private construction company? And then if we fix the private property, what are the liabilities for the township on those repairs? There are a lot of things to consider on this subject. I personally believe – I'm not speaking for any other member of this board – I personally believe that this was an error on that Board of Supervisors for approving this action. We can't go around fixing private property as we don't have the money to do that and it's not good public policy to get involved in people's private property matters. Mr. Cornogg interjected that it's in the township right of way. Chair Purdum stated that is not the way Mr. Deimler communicated it to us and it's not how the solicitor understood it. The situation as Mr. Deimler explained it to him, is the issue with the neighbor's sump pump is 90+ % or more of the problem. Mr. Cornogg said that's part of the problem. Chair Purdum said that Mr. Deimler told him that when the sump pump was turned off, the area dried. Mr. Cornogg interjected that the area stopped draining too. The Township cannot stop ponding of rainwater from Mother Nature just as we cannot stop your neighbor from legally running a sump pump continuously, as there are no State or Federal laws against it. If the sump pump is the majority of the problem, then it is a matter for the two parties to resolve, not the township. Supervisor Edwards commented that back in June of 2018, (Resolution for R. Cornogg approved in October of 2018) Mr. Deimler strongly cautioned the board about assuming responsibility for storm water issues in subdivisions that were planned at a time when storm water regulations were not what they are today. Ms. Johns said that it seems like Mr. Cornogg needs to discuss the issue with Mr. Deimler and his response was that he is never available. Her final public comment was that finally we have a good Public Works Report and she thanks the Public Works Dept. and their liaison for submitting it!

PUBLIC COMMENTS: Items not on the agenda:

None

OLD BUSINESS:

1. Consider approving Event Contract to reserve a Bounce House for National Night Out

Chair Purdum made a motion to approve the contract and Vice Chair Cazillo seconded the motion. Chair Purdum commented that the Solicitor saw no problems with approving the contract; so he is making a recommendation that the contract be approved. Supervisor, Hlavacek had an issue with safety. He has seen multiple times on TV News about Bouncy Houses blowing away in a storm and this is a safety issue. The motion was passed with Chair Purdum, Vice Chair Cazillo, and Supervisor Edwards voting in favor; Supervisor Hlavacek was opposed. Supervisor Evans-Herr was absent from the meeting.

NEW BUSINESS:

1. Consider Escrow Release for Life Fellowship Church

Chair Purdum made a motion to approve the release escrow of \$7850.00 to Life Fellowship Church. Supervisor Edwards seconded the motion. Based on a document from the Township Engineer, who recommends that this escrow be released to Life Fellowship Church. All the improvements have been constructed in accordance with the approved plan. The motion was passed with Chair Purdum, Vice Chair Cazillo, Supervisor Hlavacek and Supervisor Edwards voting in favor; none opposed. Supervisor Evans-Herr was absent from the meeting.

2. <u>Consider agreement to allow the release of the letter of credit for the Bird-in-Hand Pet Structures</u> <u>Land Development Plan</u>

The supporting document created by Attorney Gleeson, is more of a formal document to release the letter of credit based on this agreement to void the Land Development Plan by Bird-in-Hand Pet Structures. If executed tonight, the formal document will be processed accordingly and the letter of credit will be released. Chair Purdum called for the vote. The motion was passed with Chair Purdum, Vice Chair Cazillo, Supervisor Hlavacek and Supervisor Edwards voting in favor; none opposed. Supervisor Evans-Herr was absent from the meeting.

3. Consider adding Treasurer to SRPC accounts

Vice-Chair Cazillo made a motion to add the Treasurer to SRPC accounts; seconded by Supervisor Edwards. The motion was passed with Chair Purdum, Vice Chair Cazillo, and Supervisor Edwards voting in favor; none opposed. Supervisor Evans-Hess was absent from the meeting.

4. Consider appointment to the Zoning Hearing Board

Chair Purdum announced that there were 2 Letters of Intent received for the appointment of a Zoning Hearing Board Member – Donald Homsher and Stephen Hlavacek. Chair Purdum made a motion to appoint Donald Homsher to the Zoning Hearing Board. Vice Chair Anthony Cazillo seconded the motion. He also commented that in talking with Mr. Homsher, who has been on both sides of this process, when upgrading and improving his own business in another township; plus he was an auditor for this township, in the past. He has a taste for how this process effects both parties. Chair Purdum amended his motion to say that via Resolution 2019-517, he moves to appoint Donald Homsher to the Zoning Hearing Board. The motion was seconded by Vice Chair Cazillo. The motion was approved by Chair Purdum, Vice Chair Cazillo, and Supervisor Edwards voting in favor; none opposed. Supervisor Hlavacek abstained from the vote for a conflict of interest – a member of his direct family is seeking appointment. Supervisor Evans-Herr was absent from the meeting.

5. Consider hiring part-time public works employee

supervisor Edwards made a motion to hire Carroll B. Herr as a part time Public Works employee at a starting rate of \$15.00 per hour and not to exceed 30 hours per week. This would be effective 6/24/2019. Chair Purdum seconded the motion. The motion was passed with Chair Purdum, Vice Chair Cazillo, Supervisor Hlavacek and Supervisor Edwards voting in favor; none opposed. Supervisor Evans-herr was absent from the meeting.

6. Consider closing the Blue Trail at Silver Mine Park (permanently)

Supervisor Edwards made a motion to permanently close the Blue Trail at Silver Mine Park. Chair Purdum seconded the motion. Vice Chair Cazillo questioned if there is any way that the trail could be repaired and considered safe in the future? Supervisor Edwards read a letter that strongly suggested closing the trail permanently as the SE side of the trail has about a 30 degree side slope on the incline. Supervisor Edwards also walked the trail and if a person did slide off the trail, they would slide into a pile of large rocks. Vice Chair Cazillo asked about a handrail and Supervisor Edwards commented that in his experience, a hand rail on a dirt trail is not very feasible and would be very costly.

The motion was passed with Chair Purdum, Vice Chair Cazillo, Supervisor Hlavacek, and Supervisor Edwards voting in favor; none opposed. Supervisor Evans-Herr was absent from the meeting.

7. Consider HVAC Contract

Chair Purdum made a motion to approve Trago Mechanical as the HVAC Vendor for the Township for the remainder of 2019 and 2020. The motion was seconded by Supervisor Edwards. Supervisor Hlavacek commented that Comfort Aire had been doing the HVAC Service/Maintenance at a lower price and he is concerned about their price and the budget. Supervisor Edwards stated that Comfort Aire had 13 items that they would service and Trago had 22 items that are part of their service/maintenance contract. Some of the items included in contract are: wear, cleaners, antislime treatments, construction grade trade outs, lubricants and air filters, which is a big plus. Comfort Aire did not supply air filters free of charge and their turn-around time was not always acceptable. For example, last winter, the large heaters in the garage lost their pilot light and will not operate on the generator as they are propane powered. When that pilot light goes out, Comfort Aire would need to come and re-light them. Confort Aire's response to this emergency request was maybe they could come out in a day or two. The air filters supplied free of charge and the customer service Trago offers, not to mention more items included in their maintenance/service contract is what attracted the board to consider them as the new vendor for the township. The motion was passed with Chair Purdum, Vice Chair Cazillo, Supervisor Hlavacek and Supervisor Edwards voting in favor; none opposed. Supervisor, Evans-Herr was absent from the meeting.

8. Consider USDA agreement for Spotted Lantern Fly program at Silver Mine Park

Supervisor Edwards made a motion to accept the USDA agreement for the treatment program to eradicate the Spotted Lantern Fly, free of charge. Chair Purdum reiterated that it is completely free of charge and that our area is in the quarantine zone, for this invasive species. Supervisor Edwards commented that this is a win-win for the township. The motion was passed with Chair Purdum, Vice Chair Cazillo, Supervisor Hlavacek and Supervisor Edwards voting in favor; none opposed. Supervisor, Evans-herr was absent from the meeting.

9. Consider setting temporary Treasurer hourly wage

Chair Purdum made a motion to set the temporary Treasurer hourly wage at \$20 per hour. The motion was seconded by Supervisor Edwards. The motion was passed with Chair Purdum, Vice Chair Cazillo, Supervisor Hlavacek and Supervisor Edwards voting in favor; none opposed. Supervisor Evans-Herr was absent from the meeting.

10. Consider advertising for part-time Treasurer position

Chair Purdum made a motion to advertise for a part-time Treasurer position. Vice Chair Cazillo seconded the motion. The temporary part time Treasurer has been hired and ideally will be with us until a new part-time Treasurer is hired and trained. Her commitment was until the end of August, but has agreed that she could do a little more time in order to get the new part-time Treasurer up and running so there is a seamless process so the new Treasurer will know exactly what to do. Vice Chair Cazillo commented that in the June 6, 2019 Special Meeting, Supervisor Evans-Herr said that research should be done to advertise on the best platform. In his previous employment position, he was involved in advertising for positions and the best platform he found was Indeed.com. As they say, if you're going fishing, you go where the fish are! There is an option to pay and promote the employment posting but even without paying, there are a lot of eyes that puruse Indeed.com daily. The Assistant Secretary has given the Board of Supervisors the tier of prices that Indeed.com offers.

11. Consider advertising for part-time Secretary position

Chair Purdum made a motion to advertise for a part-time "full" Secretary position on Indeed.com as well. Vice Chair Cazillo seconded the motion. Currently the Assistant Secretary is filling in for the "full" part-time Secretary position. The "full" part-time Secretary will serve the Board of Supervisors, By pulling together the agendas for the monthly meetings, attending the monthly meetings, and taking the minutes of the monthly BOS meetings. They will also conduct the business that results from approved agenda items for the Board. The motion was passed with Chair Purdum, Vice Chair Cazillo, Supervisor Hlavacek and Supervisor Edwards voting in favor; none opposed. Supervisor Evans-Herr was absent from the meeting

12. Consider request of First Responders Friends to utilize SR 741 for 2020 Car Show

Chair Purdum made a motion to consider the First Responders Friends request. The motion was Seconded by Supervisor Edwards. Robert Heckrote, 323 Marticville Rd., Conestoga was requested to come to the podium to give a short presentation for the Board and the audience on this request. He went through all the items that had to happen prior to getting the permit from PennDOT and answered any questions that were asked about what all is involved in getting approval to close a portion of SR 741 for this car show. The Board is requested to give their approval so that the First Responders Friends can then start the process with PennDOT to accomplish their desire to have the Car Show in 2020. Chair Purdum commented that after talking with Chief Michener, who feels this request of closing SR 741 from the intersection at New Danville Pike to Long Lane is feasible, so long as they get the proper approvals from PennDOT and that they can guarantee sufficient fire police to control the flow of traffic. His suggestion was to have the traffic light at the above intersection flashing to slow down the traffic approaching the intersection and then the Fire Police can direct the traffic accordingly. The same with the traffic light at Cherry Hill Orchards - flashing with sufficient Fire Police. He thinks it will work as long as there is sufficient personnel since the green light is not as long at the traffic light at Cherry Hill turn onto Long Lane. The Board will need to make a quick decision tonight that will be contingent with all approvals from PennDOT to the First Responder Friends for this event. The First Responder Friends formerly Friends of Southern Regional Police Force are the same group still wanting to provide "good will" to organizations, like First Responders, Fire Companies, Police Departments serving the residents of Pequea Township. They currently have the approval and assistance from the New Danville, West Willow and Conestoga Fire Companies. The event will be held at the New Danville Fire Co. on May 9, 2020 (Mother's Day weekend). The permit request will be to shut down SR 741 from Schultz Road to Long Lane from 9am - 4pm. Detours for this closure will be part of the permit

requests to PennDOT If the requested permit is denied by PennDOT, Plan B would be to figure out how to just have the car show at the New Danville Fire Co. Chair Purdum would not like to have to call in police officers on OT; he's not mandating that but does not want to do that if at all possible. Chair Purdum made a motion to support the First Responder Friends request for the 2020 Car Show and the closure of a portion of 741 contingent on the approval of all permits with PennDOT to close the road. The motion was seconded by Vice Chair Cazillo. Supervisor Hlavacek still had concerns about tractor trailers using the detour route. Mr. Heckrote commented that when the Car Show was held in Conestoga, the detour route was utilized by many tractor trailers with no incidents. The First Responder Friends are technically asking for the township to support the request to close SR 741 and the permits if approved by PennDOT will include all the detour information and signage to accomplish the road closure. Attorney Gleeson (twp solicitor) was in attendance and saw no problem with the request as he is familiar with the permitting process with the State and the State would not approve the permits if there were any questionable traffic situations, safety or liability issues. The motion was passed with Chair Purdum, Vice Chair Cazillo, and Supervisor Edwards voting in favor; Supervisor Hlavacek was opposed. Supervisor Evans-Herr was absent from the meeting.

13. Consider extending bid period on 2002 Chevrolet Blazer to 7/31/19

Chair Purdum made a motion to extend the bid period to 7/31/19 for the PTPD 2002 Chevrolet Blazer. Chief Michener recognized that no bids were received; he would like to advertise on their Facebook page, talk to some people and some other mechanisms to generate some bids for the Vehicle The motion was seconded by Vice Chair Cazillo. The motion was passed with Chair Purdum, Vice Chair Cazillo, Supervisor Hlavacek, and Supervisor Edwards voting in favor; none opposed. Supervisor Evans-Herr was absent from the meeting.

14. Consider rescinding former motion for Tepee Circle from October 2018

Chair Purdum made a motion to rescind the former motion made in October 2018 for repairs to Tepee Circle. Vice Chair Cazillo seconded the motion. Chair Purdum commented that based on conversations with Mr. Deimler and Attorney Pykosh, whom both strongly advised to consider rescinding the October 2018 motion, is why this item was put on the agenda. Supervisor Hlavacek commented that he's in favor of not doing any more work on Tepee Circle but wants to make sure it's all legal. He doesn't think the motion can be rescinded, but the action from the motion can be rescinded. Attorney Gleeson interjected that it is correct to rescind the motion as that is what started the action of repairs on Tepee Circle. The motion was passed with Chair Purdum, Vice Chair Cazillo, Supervisor Hlavacek and Supervisor Edwards voting in favor; none Opposed. Supervisor Evans-Herr was absent from the meeting.

REPORTS and UPDATES:

<u>Pequea Township Police Department – Office Vital delivered the Police Report for May 2019. There were 530 total incidents in May that included 10 crashes and 7 reported crimes. 5,673 miles were traveled in May. Much of May was spent learning and getting used to the software of the new reporting system.</u>

<u>Pequea Township Public Works Department</u> – June report is on the table <u>Lancaster Inter-Municipal Committee</u> – Supervisor Evans-Herr not present at meeting <u>Suburban Lancaster Sewer Authority</u> – Supervisor Evans-Herr not present at meeting <u>Zoning/Coding Enforcement Officer</u> – Report on file

<u>Pequea Township Zoning Hearing Board</u> – Meeting to be held on July 2, 2019 (801 Millwood Rd) <u>Pequea Township Planning Commission</u> – Meeting to be held on July 31, 2019 (2 Special Exceptions)

ADJOURNMENT

Chair Purdum adjourned the meeting at 8:05pm

Respectfully Submitted,

Kimberly S. Waky, Assistant Secretary

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